

PLANNING & ZONING COMMISSION

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Sussex County

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JANELLE CORNWELL, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 12, 2019

Application: CZ 1890 W&B Hudson Family LTD

Applicant/Owner: W&B Hudson Family LTD
24075 Milton Ellendale Hwy.
Milton, DE 19968

Site Location: 26504 Lewes Georgetown Hwy. South side of Lewes-Georgetown Hwy., approximately 340 ft. east of Harbeson Rd. and on the east side of Harbeson Rd., approximately 456 ft. south of Lewes-Georgetown Hwy,

Current Zoning: AR-1 (Agricultural Residential District) and MR (Medium Residential District)

Proposed Zoning: C-3 (Heavy Commercial District)

Comprehensive Land Use Plan Reference: Existing Developing Area and Low Density Area

Councilmatic District: Mr. Burton

School District: Indian River School District

Fire District: Milton Fire District

Sewer: Artesian

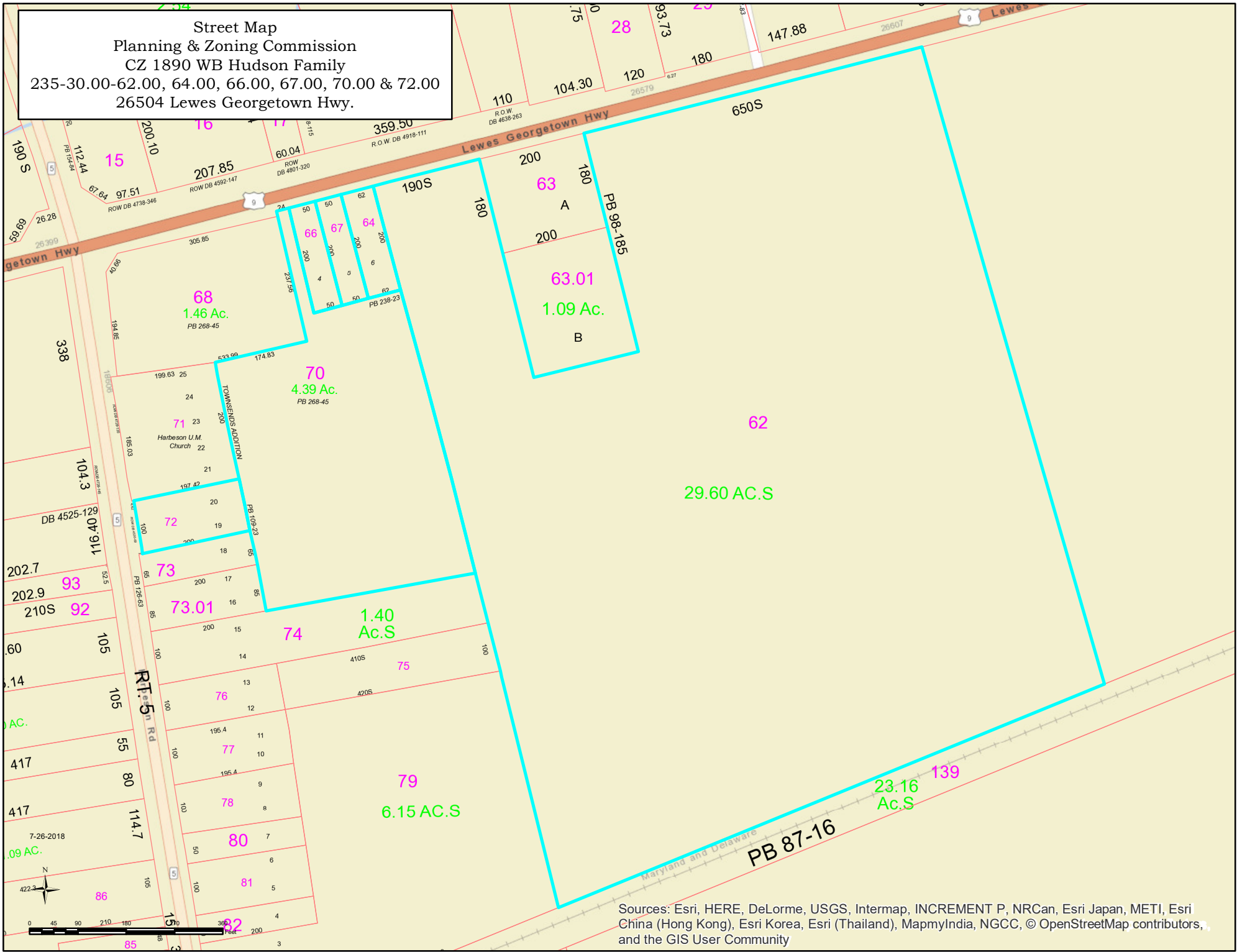
Water: Artesian

Site Area: 37.08 acres +/-

Tax Map ID.: 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00

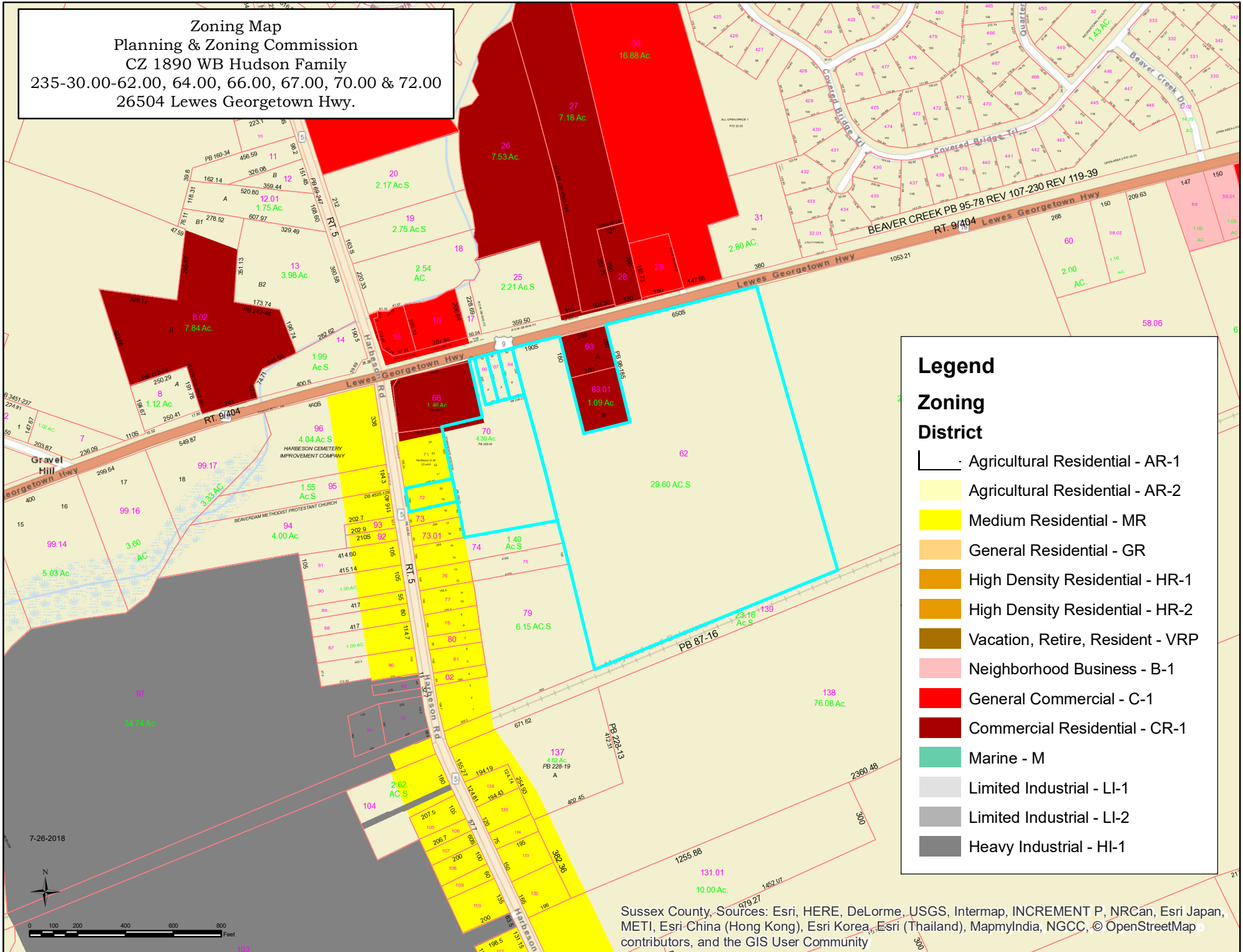


Street Map
 Planning & Zoning Commission
 CZ 1890 WB Hudson Family
 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00
 26504 Lewes Georgetown Hwy.



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

Zoning Map
 Planning & Zoning Commission
 CZ 1890 WB Hudson Family
 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00
 26504 Lewes Georgetown Hwy.

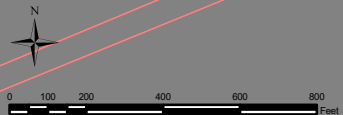


Legend

Zoning District

- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Limited Industrial - LI-2
- Heavy Industrial - HI-1

Sussex County, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



Aerial Map
Planning & Zoning Commission
CZ 1890 WB Hudson Family
235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00
26504 Lewes Georgetown Hwy.



PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, AICP, Planning & Zoning Manager
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: September 5, 2019
RE: Staff Analysis for CZ 1890 W&B Hudson Family LTD

This memo is to provide background and analysis for the Planning Commission to consider as part of application CZ 1890 W&B Hudson Family LTD to be reviewed during the September 12, 2019 Planning & Zoning 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 parcels 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 and 72.00 to allow for a change from AR-1 (Agricultural Residential District) and MR (Medium-Density Residential Zoning District) to C-3 (Heavy Commercial Zoning District) to be located at 26504 Lewes Georgetown Highway. The total size of the parcels to be rezoned is 35.65 ac. +/-.

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 indicates that the application property has the land use designation of "Low Density" and "Existing Development Area".

The adjoining parcels to the northwest and southwest are designated on the Future Land Use Map as "Existing Development Area" and "Low Density". The parcels to the east and south are designated as "Low Density". The parcels on the north side of Lewes Georgetown Highway are designated as "Commercial". The Existing Development Area recognizes that a range of housing types and uses in the neighborhood business and commercial districts are permitted. The Low Density area recognizes agricultural activities and homes with convenience goods and services provided to nearby residents. It also recognizes that commercial uses should be limited in location, size, and hours of operation and that intense uses should be avoided.

Table 4.5-2 within the Comprehensive Plan states that, within the Existing Development Area and the Low Density Area, C-2 (Medium Commercial Zoning District) may be appropriate. However, C-3 (Heavy Commercial Zoning District) is not listed as being appropriate within either of these land use designations.

The property is zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District). The adjoining parcels to the south and east are zoned AR-1 (Agricultural Residential District). To the southwest, along Harbeson Road, the adjoining parcels are zoned MR (Medium-Density Residential District). To the north and north-west, along Lewes Georgetown Highway, there are commercially zoned properties within the C-1 (General Commercial) and CR-1 (Commercial Residential) Zoning Districts.



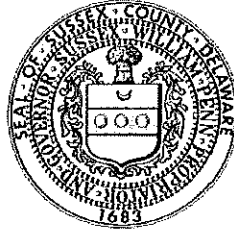
There is a Conditional Use approval in the area. A landscape Business with equipment storage on parcel 235-30.00-6.20 was approved in 2017. A Conditional Use application for Auto Repair, Detailing and Auto Resales on parcel 235-30.00-60.00 was denied in 2015.

Based on the analysis of the land use, surrounding zoning and uses, the propose Change of Zone from AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District) to C-3 (Heavy Commercial District) has a limited degree of consistency with the surrounding zoning and land use.

However, and subject to consideration of scale and intensity, a change of zone to Heavy Commercial Zoning District in this location may not be consistent with the Future Land Use Map within the adopted Comprehensive Plan 2018.

PLANNING & ZONING COMMISSION

MARTIN L. ROSS, CHAIRMAN
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JANELLE M. CORNWELL, AICP
DIRECTOR

Service Level Evaluation Request Form

This form shall be submitted to the Planning and Zoning Office and a response shall be received back from DeDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 5/15/18

Site Information:

Site Address/Location: Lewes Georgetown Hwy | Broadkill Hundred, Sussex County, Delaware

Tax Parcel Number: 235-30.00 PP 62.00, 64.00, 66.00, 67.00, and 70.00

Current Zoning: AR-1 34.90+/- ACRES

Proposed Zoning: C-3

Land Use Classification: DEVELOPING AREA

Proposed Use(s): NOT DETERMINED AT THIS TIME

Square footage of any proposed buildings or number of units: TBD

Applicant Information:

Applicant's Name: W & B Hudson Family LTD

Applicant's Address: 24075 Milton Ellendale Hwy | P.O. Box 187

City: Milton State: DE Zip Code: 19968

Applicant's Phone Number: (302) 745-0231

Applicant's e-mail address: penninsula@huges.net

Last updated 1-11-18

PLEASE COPY RESPONSE TO:
MARK H. DAVIDSON | PENNONI
18072 DAVIDSON DRIVE
MILTON, DELAWARE 19968
302-684-6207
MDAVIDSON@PENNONI.COM
Hudson Harbeson Lands
HUDSF18001



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

JENNIFER COHAN
SECRETARY

June 12, 2018

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **W & B Hudson Family LTD** rezoning application, which we received on May 15, 2018. This application is for a 35.14-acre assemblage of parcels (Tax Parcels: 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00). The subject land is located on the south side of US Route 9 and east side of Delaware Route 5. The subject land is currently split-zoned as AR-1 (Agricultural Residential, 34.68 acres) and MR (Medium-Density Residential, 0.46 acre), and the applicant is seeking to rezone the entire land to C-3 (Heavy Commercial).

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 14,696 and 18,841 vehicles per day, respectively. As the subject land also has frontage along Delaware Route 5, the annual average daily traffic volume along that road segment, which is from Hollyville Road (Sussex Road 48) to US Route 9, is 4,372 vehicles per day.

Based on our review, we estimate that the proposed land use could generate more than 50 vehicle trips in any hour or 500 vehicle trips per day, and could be considered to have a Major impact to the local area roadways. In this instance, the Department considers a Major impact to be when a proposed land use would generate more than 200 vehicle trips in any hour of the week and / or 2,000 vehicle trips per day. 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.

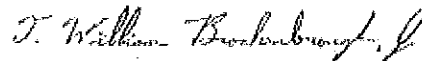


Ms. Janelle M. Cornwell
Page 2 of 2
June 12, 2018

A review of TIS and Traffic Operational Analysis (TOA) completed in the last three years found that the Royal Farms No. 296 TOA included the intersection of US Route 9 and Delaware Route 5, which is located approximately 400 feet west of the proposed development. We are providing a copy of the TOA review letter; please find it enclosed with this letter.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



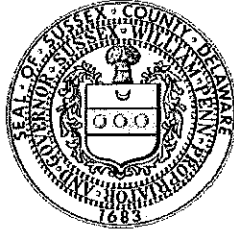
T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
Enclosure

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
W & B Hudson Family LTD, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance and Operations
Steven Sisson, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Susanne Laws, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

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JANELLE M. CORNWELL, AICP
DIRECTOR

Service Level Evaluation Request Form

This form shall be submitted to the Planning and Zoning Office and a response shall be received back from DeIDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 5/15/18

Site Information:

Site Address/Location: Harbeson Road | Broadkill Hundred, Sussex County, Delaware

Tax Parcel Number: 235-30.00-72.00

Current Zoning: MR LOT 9 & 10 = 0.46+/- ACRES

Proposed Zoning: C-3

Land Use Classification: DEVELOPING AREA - CURRENT COMP PLAN | LEVEL 3 |
DEVELOPING AREA - THE SUSSEX PLAN (DRAFT)

Proposed Use(s): NOT DETERMINED AT THIS TIME

Square footage of any proposed buildings or number of units: TBD

Applicant Information:

Applicant's Name: W & B Hudson Family LTD

Applicant's Address: 24075 Milton Ellendale Hwy | P.O. Box 187

City: Milton State: DE Zip Code: 19968

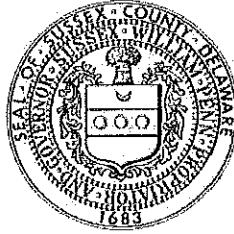
Applicant's Phone Number: (302) 745-0231

Applicant's e-mail address: penninsula@huges.net

PLEASE COPY RESPONSE TO:
MARK H. DAVIDSON | PENNONI
18072 DAVIDSON DRIVE
MILTON, DELAWARE 19968
302-684-6207
MDAVIDSON@PENNONI.COM
Hudson Harbeson Lands
HUDSF18001

PLANNING & ZONING COMMISSION

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302-854-5079 F
JANELLE M. CORNWELL, AICP
DIRECTOR

Service Level Evaluation Request Form

This form shall be submitted to the Planning and Zoning Office and a response shall be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 3/13/19

Site Information:

Site Address/Location: Lewes Georgetown Hwy | Broadkill Hundred, Sussex County, Delaware

Tax Parcel Number: 235-30.00 PP 62.00, 64.00, 66.00, 67.00, and 70.00, 72.00

Current Zoning: AR-1 (35.19+/- ACS) | MR (0.46+/- ACS)

Proposed Zoning: C-4 35.65+/- ACRES

Land Use Classification: DEVELOPING AREA | LEVEL 3

Proposed Use(s): PROPOSED USES ARE TO BE DETERMINED ONCE THE C-4 ORDINANCE IS UPDATED TO ALLOW FOR 40% RESIDENTIAL USES. THE MIX WILL BE 60% COMMERCIAL OF A MIXED COMMERCIAL VARIETY (RETAIL/WAREHOUSE/STORAGE) AND 40% TOWNHOUSE RESIDENTIAL

Square footage of any proposed buildings or number of units: A DEVELOPMENT PLAN IS BEING PLANNED AT THIS TIME AND NO SPECIFIC SIZES OR USES HAVE BEEN GENERATED.

Applicant Information:

Applicant's Name: W & B Hudson Family LTD

Applicant's Address: 24075 Milton Ellendale Hwy | P.O. Box 187

City: Milton State: DE Zip Code: 19968

Applicant's Phone Number: (302) 745-0231

Applicant's e-mail address: penninsula@huges.net

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MARK H. DAVIDSON | PENNONI
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MILTON, DELAWARE 19968
302-684-6207
MDAVIDSON@PENNONI.COM

*LEFT MESSAGE
4/19/2019 10:55*



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

JENNIFER COHAN
SECRETARY

April 5, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **W & B Hudson Family LTD** rezoning application, which we received on March 14, 2019. This application is for a 35.65-acre assemblage of parcels (Tax Parcels: 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00). The subject land is located on the south side of US Route 9 and east side of Delaware Route 5. The subject land is currently split-zoned as AR-1 (Agricultural Residential, 35.19 acres) and MR (Medium-Density Residential, 0.46 acre), and the applicant is seeking to rezone the entire land to C-4 (Planned Commercial) to build a mixed-use development consisting of 60% commercial (retail / warehouse / storage) and 40% residential (townhouses).

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 14,696 and 18,914 vehicles per day, respectively. As the subject land also has frontage along Delaware Route 5, the annual average and summer average daily traffic volumes along that road segment, which is from Hollyville Road (Sussex Road 48) to US Route 9, are 4,372 and 5,627 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.

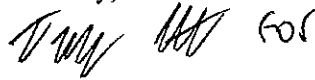


Ms. Janelle M. Cornwell
Page 2 of 2
April 5, 2019

A review of TIS and Traffic Operational Analysis (TOA) completed in the last three years found that the Royal Farms No. 296 TOA included the intersection of US Route 9 and Delaware Route 5, which is located approximately 400 feet west of the proposed development. We are providing a copy of the TOA review letter; please find it enclosed with this letter.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
Enclosure

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
W & B Hudson Family LTD, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance and
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Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination



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

JENNIFER COHAN
SECRETARY

MEMORANDUM

TO: Steve Sisson, Sussex County Review Coordinator, DelDOT Planning
FROM: Claudy Joinville, Project Engineer *C.J.*
DATE: October 24, 2017
SUBJECT: Royal Farms – No. 296 (US 9 / DE 5)
Results of Traffic Operational Analysis (TOA) Review

The Department has completed its review of the TOA for the proposed Royal Farms No. 296 (US 9 / DE 5) development. The TOA was prepared by Becker Morgan Group, Inc., and is dated June 12, 2017. The analysis evaluates the traffic impacts of the proposed development, which would be located on the southeast corner of the intersection of US Route 9 and Delaware Route 5, in Harbeson, Delaware.

The proposed development would consist of a 5,166 square-foot convenience store with gas pumps, on an approximately 6.43 assemblage of parcels (Tax Parcels 235-30.00-68.00, 69.00, and 70.00). The subject property would replace an existing 2,000 square-foot convenience store with gas pumps, a 1,300 square-foot specialty retail store, a 1,300 square-foot post office, and a 350 square-foot hair salon. Two (2) access points are proposed for this project: one full access along Delaware Route 5 and a rights-in / rights-out / lefts-in access along US Route 9. Construction is anticipated to be complete by 2019.

The subject property is currently zoned as AR-1 (Agricultural Residential) in the Sussex County, and the applicant plans to rezone the land to CR-1 (Commercial Residential).

Our Scope of Work letter, dated March 23, 2017, identified the weekday morning, weekday evening and summer Saturday mid-day peak hours in the cases to be evaluated in the TOA. However, DelDOT dropped the requirement for analysis of the summer Saturday mid-day peak hour in an email dated April 19, 2017.



Based on our review, we find that the intersection of US Route 9 and Delaware Route 5, the site entrance along US Route 9, and the site entrance along Delaware Route 5 would all operate at a level of service (LOS) C or better during the morning and evening peak hours for both present and future conditions, and would meet the LOS criteria listed in Chapter 2 of the Development Coordination Manual.

DelDOT currently has one active project in the study area. It is DelDOT's Hazard Elimination Program (HEP), formerly known as the Highway Safety Improvement Program (HSIP), which includes the intersection of US Route 9 and Delaware Route 5. This project is identified as Site T and Site N in the 2009 and 2014 HEP reports, respectively. The HEP project will provide an exclusive left-turn lane and a shared through and right-turn lane on each approach of the intersection and slightly shift the intersection to adequately accommodate the turning movements of large trucks from eastbound US Route 9 to southbound Delaware Route 5. In addition, the project will include culvert replacements, drainage improvements and sidewalk facilities.

In the 2014 HEP Task I Report, this intersection was studied more closely and recommendations for improvements were evaluated. The improvements stated above will reduce the potential for rear-end crashes by providing left-turning vehicles with storage by way of the exclusive left-turn lanes, therefore allowing through and right-turning vehicles free-flowing movements through the intersection. Per the abovementioned HEP report, through and right-turning vehicles were observed bypassing left-turning vehicles by using the right-turn lanes and shoulder. The absence of exclusive left-turn lanes was identified as a major factor for rear-end crashes at the intersection. The improvements identified will address the rear-end crashes and reduce congestion at the intersection.

The Auxiliary Lane Worksheet analysis of the site entrance along US Route 9 shows the need for a 260-foot left-turn lane and a 340-foot right-turn lane to adequately accommodate the traffic associated with the proposed 5,166 square-foot convenience store with gas pumps. In addition, the Auxiliary Lane Worksheet analysis of the site entrance along Delaware Route 5 shows the need for a 150-foot right-turn lane. In the TOA report, the developer's engineer stated that while the analysis shows the need for a 150-foot right-turn into the site entrance along Delaware Route 5, there is not sufficient right-of-way available to install a right-turn lane. In addition, the developer's engineer has requested that DelDOT forgo the right-turn lane requirement given the right-of-way beyond the site frontage is limited, the speed limit is only 25 miles per hour, and the insignificant effect of a right-turn lane on predicted crash rates per the Highway Safety Manual methodology. DelDOT is amenable to waiving the 150-foot right-turn lane due to the above-mentioned reasons.

The latest DelDOT design plans for the HEP improvements at the intersection of US Route 9 and Delaware Route 5 would provide a 150-foot northbound left-turn lane. However, our analysis of that intersection, using the 2010 Highway Capacity Software (HCS), shows a shorter 105-foot northbound left-turn lane as based on the 95th percentile queue length. It is noted that the design year for the HEP is 2035 compared the proposed development's build-out year of

2019. Further coordination between DelDOT and the developer would be needed to agree on an appropriate northbound turn-lane length.

Should Sussex County choose to approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan by note or illustration. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

- 1) The developer should enter into a traffic signal agreement with DelDOT to fund an equitable portion of any needed improvements and / or maintenance for the intersection of US Route 9 and Delaware Route 5. The agreement should include pedestrian signals, crosswalks and interconnection at DelDOT's discretion. One or more developers may enter into a traffic signal agreement for this intersection.
- 2) The developer should construct a 340-foot right-turn lane into the site entrance along US Route 9. This length is based on the DelDOT's Development Coordination Manual. Adjacent to the right-turn lane added at the site entrance along US Route 9, a five-foot bike lane should be dedicated and striped with appropriate markings for cyclists through the turn lane in order to facilitate safe and unimpeded bicycle travel.
- 3) The developer should contribute to the HEP improvements at the intersection of US Route 9 and Delaware Route 5. The improvements include exclusive left-turn lanes and through / right-turn lanes on all approaches.
- 4) The developer should dedicate a 40-foot right-of-way along both US Route 9 and Delaware Route 5, measured from the centerline of each road. Additional right-of-way may be required along both roads per Contract T201100901 to provide for the above-mentioned HEP improvements. In addition, the developer should dedicate a 15-foot wide easement from the edge of the right-of-way to DelDOT within the site frontage along both US Route 9 and Delaware Route 5.
- 5) The developer should provide a two-lane drive aisle on the south side of the site to connect with the US Route 9 site entrance driveway. The drive aisle would provide vehicles traveling along northbound Delaware Route 5 destined for eastbound US Route 9 the option to avoid stopping at the signalized US Route 9 / Delaware Route 5 intersection. Instead, they would turn right onto the drive aisle and drive around the back of the store to access the US Route 9 site entrance driveway. Those vehicles would ultimately turn right onto eastbound US Route 9. Further coordination between DelDOT's Subdivision Section and the developer would be needed to determine an appropriate design for the drive aisle.

- 6) The following bicycle, pedestrian and transit improvements should be included:
- a. The developer should construct a minimum of a 5-foot wide sidewalk (with a minimum of a 5-foot wide buffer from the roadway) that meets current AASHTO and ADA standards along Delaware Route 5 to connect with the existing sidewalk along the development occupying parcel 235-30.00-71.00 and tie into the shared-use path along US Route 9.
 - b. Where internal sidewalks are located alongside of parking spaces, a buffer, physical barrier or signage should be added to eliminate vehicular overhang onto the sidewalk. Because this improvement would be internal to the proposed development, this is a DelDOT recommendation, not a requirement.
 - c. The developer should construct a 10-foot wide shared-use path along the site frontage on US Route 9. This is consistent with other existing and proposed developments that will be required to construct a 10-foot wide shared-use path along US Route 9.
 - d. The developer should coordinate with DART to replace the existing two bus stops located west of the intersection of US Route 9 and Delaware Route 5 with a bus stop along the site frontage on US Route 9 to encompass a bench and / or shelter.
 - e. Bike parking should be provided near the front of the building. Where building architecture includes an awning or overhang, the bike parking should be covered.

Please note that this analysis generally focuses on capacity and level of service issues. Level of Service (LOS) tables for the existing and future cases are attached with this memorandum.

If you have any questions, please contact me at (302) 760-2124.

CJ:km

Enclosures

cc: Janelle Cornwell, Director, Sussex County Planning and Zoning
Christopher Duke, Becker Morgan Group, Inc.
Drew Boyce, Director, Planning
J. Marc Coté, Assistant Director, Development Coordination
T. William Brockenbrough, Jr., County Coordinator, Development Coordination
Peter Haag, Traffic Studies Manager, Traffic, DOTS
Alastair Probert, South District Engineer, M&O
Gemez Norwood, South District Public Works Supervisor, M&O
Mark Galipo, Traffic Engineer, Traffic, DOTS
Scott Johnson, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination

Table 1
 PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Operational Analysis for Royal Farms No. 296
Report dated June 12, 2017
Prepared by Becker Morgan Group, Inc.

Unsignalized Intersection ¹ Two-Way Stop Control (T-intersection)	LOS per TOA ²		LOS per DeIDOT	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
US Route 9 & Site Entrance				
2017 Existing (Case 1)				
Northbound Site Entrance (Left)	N/A	N/A	C (17.5)	C (22.7)
Northbound Site Entrance (Right)	B (12.8)	B (13.9)	B (11.3)	B (12.2)
Westbound US Route 9 (Left)	A (8.9)	A (9.2)	A (8.4)	A (8.7)
2019 without Royal Farms No. 296 and with DeIDOT Project (Case 2)				
Northbound Site Entrance (Left)	N/A	N/A	C (23.0)	D (34.2))
Northbound Site Entrance (Right)	B (13.5)	B (16.2)	B (12.0)	B (14.3)
Westbound US Route 9 (Left)	A (9.1)	A (9.9)	A (8.7)	A (9.4)
2019 with Royal Farms No. 296 and with DeIDOT Project (Case 3)				
Northbound Site Entrance (Right)	B (13.7)	C (16.6)	B (12.1)	B (14.5)
Westbound US Route 9 (Left)	A (9.2)	B (10.1)	A (8.7)	A (9.4)

¹ For both unsignalized and signalized intersection analyses, the numbers in parentheses following levels of service (LOS) are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

² The TOA did not consider seasonal adjustment factors in the study. DeIDOT applied the appropriate seasonal adjustment factors to the existing traffic volumes.

Table 2
 PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Operational Analysis for Royal Farms No. 296
Report dated June 12, 2017
Prepared by Becker Morgan Group, Inc.

Unsignalized Intersection ³ Two-Way Stop Control (T-intersection)	LOS per TOA		LOS per DelDOT	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
Delaware Route 5 & Site Entrance				
2017 Existing (Case 1)				
Southbound Delaware Route 5 (Left)	A (7.7)	A (7.8)	A (7.6)	A (7.7)
Westbound Site Entrance	A (9.9)	B (10.6)	A (9.7)	B (10.3)
2019 without Royal Farms No. 296 and with DelDOT Project (Case 2)				
Southbound Delaware Route 5 (Left)	A (7.7)	A (7.8)	A (7.6)	A (7.7)
Westbound Site Entrance	A (9.9)	B (10.7)	A (9.7)	B (10.4)
2019 with Royal Farms No. 296 and with DelDOT Project (Case 3)				
Southbound Delaware Route 5 (Left)	A (7.7)	A (7.9)	A (7.6)	A (7.8)
Westbound Site Entrance	B (10.3)	B (11.1)	A (9.9)	B (10.4)

³ For both unsignalized and signalized intersection analyses, the numbers in parentheses following levels of service (LOS) are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 3
 PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Operational Analysis for Royal Farms No. 296
Report dated June 12, 2017
Prepared by Becker Morgan Group, Inc.

Signalized Intersection ⁴	LOS per TOA		LOS per DelDOT	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
US Route 9 & Delaware Route 5				
2017 Existing (Case 1)	B (19.1)	B (27.2)	B (17.6)	B (18.6)
2019 without Royal Farms No. 296 and with DelDOT Project (Case 2)	B (19.7)	C (26.4)	C (20.3)	C (22.8)
2019 with Royal Farms No. 296 and with DelDOT Project (Case 3)	C (20.7)	C (27.7)	B (20.4)	C (23.6)

⁴ For both unsignalized and signalized intersection analyses, the numbers in parentheses following levels of service (LOS) are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.



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

JENNIFER COHAN
SECRETARY

March 4, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **WB Hudson Family Limited Partnership (Butch Warrington)**, rezoning application, which we received on February 7, 2019. This application is for a 4.42-acre assemblage of parcels (Tax Parcels: 231-5.00-24.00 & 231-6.00-6.00). The subject land is located on the north side of Delaware Route 18, approximately ¼ mile east of the intersection of Delaware Route 18 and Gravelly Branch Road / Wilson Road (Sussex Road 527). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to expand the existing 3 mini-storage units and 1,152 square-foot retail building by adding 7 mini-storage units and converting the existing residential facility into a 1,500 square-foot retail facility.

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 18 where the subject land is located, which is from Coverdale Road / Chaplins Chapel Road (Sussex Road 42) to Cokesbury Road (Sussex Road 51), are 9,839 and 12,652 vehicles per day, respectively.

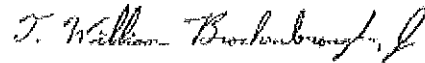
Based on our review, we estimate that the proposed land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible 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 negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Ms. Janelle M. Cornwell
Page 2 of 2
March 4, 2019

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

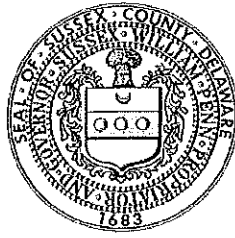
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
WB Hudson Family Limited Partnership (Butch Warrington), Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andreescavage, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

(302) 855-7878 T
(302) 854-5079 F



Sussex County

DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 2/6/19

Site Information:

Site Address/Location: 13049 Seashore Highway, Georgetown, DE 19947 and 13039 Seashore Highway, Georgetown, DE 19947

Tax Parcel Number: 231-6.00-6.00 and 231-5.00-24.00

Current Zoning: Parcel 6.00 | AR-1 and C-1 and Parcel 24.00 | AR-1

Proposed Zoning: C-2

Land Use Classification: Commercial Area | Level 4

Proposed Use(s):

Square footage of any proposed buildings or number of units: _____

PARCEL 6.00 EXISTING USES | 3
MINI-STORAGE BUILDINGS AND A 1,152 SF
RETAIL BUILDING
PROPOSED USES | ADDITION OF 7
MINI-STORAGE AT 16,800 SF.

PARCEL 24.00 EXISTING SINGLE FAMILY
DWELLING TO BE TURNED INTO RETAIL
BUILDING - 1,500 SF.

Applicant Information:

Applicant's Name: WB Hudson Family Limited Partnership (Butch Warrington)

Applicant's Address: 20873 Old Landing Road

City: Rehoboth Beach State: DE Zip Code: 19971

Applicant's Phone Number: (302) 245-7540

Applicant's e-mail address: butch191@gmail.com

PREPARED BY: MARK H
DAVIDSON - PENNONI
18072 DAVIDSON DRIVE
MILTON DE 19968
302-684-6207
MDAVIDSON@PENNONI.COM



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE I PO BOX 417
GEORGETOWN, DELAWARE 19947

Last updated 7-27-18

EMAILED ON 2/4/2019
3:56 PM

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

TO: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **8/21/2019**

APPLICATION: **CZ 1890 W&B Hudson Family LTD**

APPLICANT: **W&B Hudson Family LTD**

FILE NO: **NCPA-5.023**

TAX MAP &
PARCEL(S): **235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, & 72.00**

LOCATION: **26504 Lewes Georgetown Highway. South side of Lewes-Georgetown Highway, approximately 340 feet east of Harbeson Road, and on the east side of Harbeson Road, approximately 456 feet south of Lewes-Georgetown Highway.**

NO. OF UNITS: **Upzone from AR-1 to C-3**

GROSS
ACREAGE: **37.08**

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 **Click or tap to enter a fee** 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.

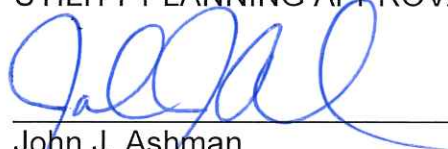
(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The Sussex County Engineering Department does not have a plan/schedule to provide sanitary sewer service.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
No Permit Tech Assigned



RECEIVED

SEP 10 2019

SUSSEX COUNTY
PLANNING & ZONING

MEMORANDUM

TO: Janelle M. Cornwell
FROM: Debbie Absher, Director of Ag Programs
SUBJECT: LUPA
DATE: September 10, 2019

Attached you will find the comments for the following proposed zoning changes:

- 2019-1 – Log Cabin Hill Farm
- CU 2189 – Grace Malone
- CZ 1890 – W & B Hudson Family LTD
- CZ 1899 – Harbeson Farm Revex, LLC

If you have any questions, I can be reached at 856-3990, ext. 3.

BJH

Enclosures



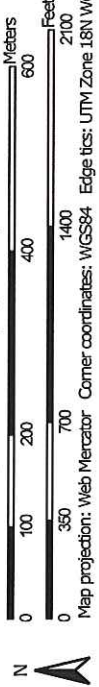
CZ 1890
TM #235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00
W&B Hudson Family LTD

Soil Map—Sussex County, Delaware
(W&B Hudson Family LTD)












































Soil Map may not be valid at this scale.

Map Scale: 1:7,920 if printed on A landscape (11" x 8.5") sheet.



MAP LEGEND

 Area of Interest (AOI)	 Spoil Area
 Soils	 Stony Spot
 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Lines	 Wet Spot
 Soil Map Unit Points	 Other
 Special Point Features	 Special Line Features
 Blowout	 Water Features
 Borrow Pit	 Streams and Canals
 Clay Spot	 Transportation
 Closed Depression	 Rails
 Gravel Pit	 Interstate Highways
 Gravelly Spot	 US Routes
 Landfill	 Major Roads
 Lava Flow	 Local Roads
 Marsh or swamp	 Background
 Mine or Quarry	 Aerial Photography
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 19, Sep 14, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
DnA	Downer loamy sand, 0 to 2 percent slopes	2.1	5.8%
HmA	Hammonton loamy sand, 0 to 2 percent slopes	0.1	0.2%
leA	Ingleside loamy sand, 0 to 2 percent slopes	0.3	0.7%
leB	Ingleside loamy sand, 2 to 5 percent slopes	5.6	15.0%
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	15.1	40.8%
PsB	Pepperbox-Rosedale complex, 2 to 5 percent slopes	13.9	37.6%
Totals for Area of Interest		37.1	100.0%

Selected Soil Interpretations

This report allows the customer to produce a report showing the results of the soil interpretation(s) of his or her choice. It is useful when a standard report that displays the results of the selected interpretation(s) is not available.

When customers select this report, they are presented with a list of interpretations with results for the selected map units. The customer may select up to three interpretations to be presented in table format.

For a description of the particular interpretations and their criteria, use the "Selected Survey Area Interpretation Descriptions" report.

Report—Selected Soil Interpretations

Selected Soil Interpretations—Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
DnA—Downer loamy sand, 0 to 2 percent slopes							
Downer	80	Not limited		Not limited		Very limited	
						Restricted permeability	0.99
HmA—Hammonton loamy sand, 0 to 2 percent slopes							
Hammonton	80	Somewhat limited		Very limited		Very limited	
		Depth to saturated zone	0.39	Depth to saturated zone	1.00	Depth to saturated zone	1.00
IeA—Ingleside loamy sand, 0 to 2 percent slopes							
Ingleside	75	Not limited		Somewhat limited		Very limited	
				Depth to saturated zone	0.73	Depth to saturated zone	1.00
						Restricted permeability	1.00
IeB—Ingleside loamy sand, 2 to 5 percent slopes							
Ingleside	75	Not limited		Somewhat limited		Very limited	
				Depth to saturated zone	0.73	Depth to saturated zone	1.00
						Restricted permeability	1.00

Selected Soil Interpretations--Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
PsA--Pepperbox-Rosedale complex, 0 to 2 percent slopes							
Pepperbox	45	Somewhat limited		Very limited		Very limited	
		Depth to saturated zone	0.39	Depth to saturated zone	1.00	Depth to saturated zone	1.00
Rosedale	45	Not limited		Somewhat limited		Very limited	
				Depth to saturated zone	0.73	Depth to saturated zone	1.00
						Restricted permeability	1.00
PsB--Pepperbox-Rosedale complex, 2 to 5 percent slopes							
Pepperbox	45	Somewhat limited		Very limited		Very limited	
		Depth to saturated zone	0.39	Depth to saturated zone	1.00	Depth to saturated zone	1.00
Rosedale	45	Not limited		Somewhat limited		Very limited	
				Depth to saturated zone	0.73	Depth to saturated zone	1.00
						Restricted permeability	1.00

Data Source Information

Soil Survey Area: Sussex County, Delaware
 Survey Area Data: Version 19, Sep 14, 2018

Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

Prime farmland is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be *farmland of statewide importance* for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be *farmland of local importance* for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Report—Prime and other Important Farmlands

Prime and other Important Farmlands—Sussex County, Delaware		
Map Symbol	Map Unit Name	Farmland Classification
DnA	Downer loamy sand, 0 to 2 percent slopes	All areas are prime farmland
HmA	Hammonton loamy sand, 0 to 2 percent slopes	All areas are prime farmland
leA	Ingleside loamy sand, 0 to 2 percent slopes	All areas are prime farmland
leB	Ingleside loamy sand, 2 to 5 percent slopes	All areas are prime farmland
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	Prime farmland if irrigated
PsB	Pepperbox-Rosedale complex, 2 to 5 percent slopes	Prime farmland if irrigated

Data Source Information

Soil Survey Area: Sussex County, Delaware
 Survey Area Data: Version 19, Sep 14, 2018

SOILS

ADD ANY ADDITIONAL INFORMATION THAT MAY BE CONSIDERED PERTINENT:

SOILS:

DnA Downer loamy sand, 0 to 2 percent slopes
HmA Hammonton loamy sand, 0 to 2 percent slopes
IeA Ingleside loamy sand, 0 to 2 percent slopes
IeB Ingleside loamy sand, 2 to 5 percent slopes
PsA Pepperbox-Rosedale complex, 0 to 2 percent slopes
PsB Pepperbox-Rosedale complex, 2 to 5 percent slopes

- A. SUITABILITY OF SOILS INTENDED USE:
See attached table for suitability.

- B. EVALUATE THE SOILS INCLUDED IN THIS PROJECT WITH RESPECT TO EROSION AND SEDIMENTATION CONTROL:
 - 1. DURING CONSTRUCTION:

Follow recommended erosion and sediment control practices.

 - 2. AFTER CONSTRUCTION:

Maintain vegetation.

- C. FARMLAND RATING (PRIME, UNIQUE, STATEWIDE IMPORTANCE, ETC.):
See attached table(s) for ratings.

- D. ADDITIONAL COMMENTS (IF APPLICABLE):

DRAINAGE AND FLOODING

Add any additional information that may be considered pertinent:

DRAINAGE:

- A. Any Storm flood hazard area affected? Yes No
- B. Would the proposed project necessitate any off-site drainage improvements?
It's possible
- C. Would the proposed project necessitate any on-site drainage improvements?
yes
- D. Any Tax Ditch affected? Yes No

Additional Comments (if applicable)

All landowners, developers, and site designers are strongly encouraged to thoroughly investigate the presence of easements or right-of-ways along tax ditches. These documents are located in the Prothonotary's Office and/or with the Recorder of Deeds. If a stormwater management facility is proposed along a stream or ditch, the Sussex Conservation District will require verification of any easements. Before you start any project design, please look into this matter by calling the Division of Soil and Water Conservation-Drainage Program at (302) 855-1930 or the Sussex Conservation District Sediment and Stormwater Program at (302) 856-7219 for more information.

NAI Emory Hill

Commercial Real Estate Services, Worldwide.

Brokerage
Construction
Property Management
Maintenance

20245 Bay Vista Road
Suite 205
Rehoboth Beach,
DE 19971
tel 302 827 4940
fax 302 827 4941
www.emoryhill.com

September 6, 2019

RECEIVED

SEP 10 2019

SUSSEX COUNTY
PLANNING & ZONING

W & B Hudson Family LTD
c/o Pennoni Engineering
18072 Davidson Drive
Milton, DE 19968

37 +/- Acres
Broadkill Hundred – Lewes Georgetown Highway
Harbeson, DE

Gentlemen:

We have reviewed the proposed site plan for the above property.

Based on the development and use of the surrounding/contiguous properties, it is our opinion that at the present time the highest and best use for this site is for a variety of commercial uses.

The highway frontage and proposed future interconnectivity gives the site both very good visual and practical exposure.

There are an increased number of residential developments within a close proximity which creates a demand for personal services and convenience goods supplied by retail/commercial establishments. Your site would be a major contributor to satisfying those needs in that geographical location. The recent highway improvements by DELDot facilitate transportation in the vicinity and provide both safe and easy access in all four directions.

Our commercial clients, frustrated by a lack of affordable opportunities on Rt 1 (Coastal Highway) are looking for viable commercial sites and are focusing their searches west. Sites such as yours provide an excellent development opportunity.

Sincerely yours,



ANN BAILEY, CCIM



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 26, 2019

September 30, 2019

Ms. Constance C. Holland, AICP
Director, Office of State Planning Coordination
122 Martin Luther King, Jr. Blvd. South – Haslet Armory
Dover, Delaware 19901

Mr. Mark H. Davidson
Pennoni
18072 Davidson Drive
Milton, DE 19968

RECEIVED
SEP 30 2019
SUSSEX COUNTY
PLANNING & ZONING

RE: PLUS review 2019-08-03; Hudson Harbeson Lands
PLUS REVIEW RESPONSE FOR HUDSON HARBESON LANDS

Dear Mr. Davidson:

Dear Ms. Holland:

Thank you for meeting with State agency planners on August 28, 2019 to discuss the proposed plans for the Hudson Harbeson Lands project. According to the information received you are seeking review of a rezoning of 37.07 acres from AR-1 and MR to C-3 in anticipation of a site plan for a retail and warehouse facility.

I am in receipt of your September 26, 2019 letter outlining the PLUS meeting that took place on August 28, 2019 with your office and several of the state agencies. We appreciate you accepting our project into the PLUS process and understood from the meeting that the majority of your comments will come once a more formal site plan and uses are submitted for the property. As explained by your colleague, your comments were to be in the form of advisory for the purpose of our application for rezoning to C-3 Heavy Commercial located in the middle of Harbeson Delaware and the properties described. As described in my presentation the Hudson Family would like to create a shopping complex constructed around a community supermarket and/or drug store as the anchors that will provide for the sale of convenience goods and personal services for the day-to-day living needs of nearby existing and future communities. Warehouse and storage in the back of the property is also essential to how the Hudson's want to develop the property.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

Understood.

Strategies for State Policies and Spending

- This project is located in Investment Levels 2 and 3 according to the *Strategies for State Policies and Spending*. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas, but may have priorities for the near future. Level 3 area may also mean there may be environmental concerns on or near the parcel and we would encourage you to design the site with respect for the environmental features which may be present.

We concur with the States assessment of the property located within Investment Levels 2 and 3. The site has been carefully reviewed for any environmental concerns related to the property and have found nothing of concern and therefore we would iterate that Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future and that Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future but that the longer term future has never been defined. It continues to stay the same in the comprehensive Plan with no updates to the State Strategies Map. Furthermore, this property is intermingled within a fast-growing area within the county and is adjacent to larger Level 2 areas. Our understanding from this is that the priorities in the Level 3 Areas are for DeIDOT to focus on regional movements between towns and other population centers which this area certainly qualifies. Developers and property owners will make local roadway improvements as development occurs. All infrastructure needs will be funded by the property owners of the development. Additional public infrastructure that will benefit the community, such as, road improvements, utility extensions and access improvements will all be paid for by the property owners of the development. Consistent with the 2019 Comprehensive Plan's Future Land Use Chapter the County has considered the development along US 9 as a business corridor with a mix of residential and commercial uses that provide local residents with access to services they need. Local services would reduce travel to SR 1 for basic needs. The rezoning request is between US RT 9 and the Existing Railroad Tracks and on the Eastern side of DE RT 5. Access to the Rail and to the Future Rails to Trails will benefit the future site planning and uses for the property.

- The rezoning of the property is at the discretion of the county; however rezoning this property to C-3 appears to be against the Future Land Use in their current comprehensive plan, which shows these parcels as remaining in Low Density. If the County intends to approve this rezoning, they will need to amend their Future Land Use map first.

As explained in the PLUS meeting, the property was once part of a larger Developing Area under the previous Comprehensive Plan. A portion of the property being rezoned is still in a Developing Area. Adjacent properties to this property are in a Developing Area. The Sussex Plan suggests that each application should be reviewed on its own merit and does not have a negative impact on the surrounding area or the county in general. The area in question is in the Developing Area; designated as Level 2; zoned Commercial and Heavy Industrial with other AR-1 properties being used for Commercial Uses. The property is between 2 Major Arterial Roads and an active Railroad Track. One of the primary goals of the Future Land Use Plan is to promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth. In addition, the other elements that make up the Sussex Plan support this property as C-3 Commercial as it pertains to Recreation & Open space; Utilities; Economic Development; Intergovernmental Coordination; Community Design and Mobility.

The agency comments below are specific to any proposed building on the property. Once a site plan has been completed, the owner will need to resubmit to PLUS for specific comments on the site.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The proposed project is located or is adjacent to US Route 9/Lewes Georgetown Highway. This transportation corridor is part of the Federal Aid Primary Road System and is nominated as part of the Delaware Bayshore Byway Program. Accordingly, parts of the subject development are subject to outdoor advertising regulations found in CFR 23 §131 and 17 Del. C. §1101-1120. Accordingly, the applicant should expect the following requirements or needs:
 - No new billboards, variable message boards, or electronic changing message sign(s) anywhere within 660 feet of the closest right-of-way edge of Route 9.
 - No off-premises advertising on the property for others within 660 feet of Route 9 e.g., displaying on-site the bank/financial institution funding the project or the contractor building the project.
 - A standard Delaware Bayshore byway sign may be needed in public right ways as part of the entrance/development coordination review. Further needs would be determined during entrance plan submission and/or other applicable TIS studies.

For more information on the Byways program, please see

<http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=03d5049bc49041658cfecad5fd6ba8b9>.

The Property owner will work with DeIDOT and the Bayshore Byway Program Committee in the development of the property.

- The site access on Lewes Georgetown Highway (US Route 9) and Harbeson Road (Delaware Route 5) must be designed in accordance with DeIDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.

Understood

- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

Understood

- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DeIDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

Understood

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. While the site's trip generation is unknown given that specific uses are unknown, DeIDOT anticipates that, when development is proposed, a TIS will be needed. Because these studies typically take several months to complete, DeIDOT recommends that the developer have their engineer contact DeIDOT to schedule a scoping meeting as soon as the proposed uses are known.

Understood

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DeIDOT will require dedication of right-of-way along the site's frontage on Lewes Georgetown Highway and Harbeson Road. By this regulation, this dedication is to provide a minimum of 50 feet of right-of-way from the physical centerline along Lewes Georgetown Highway and 40 feet of right-of-way from the physical centerline along Harbeson Road. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"

Will comply

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on both roads. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, “**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**”

Will comply

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 450 feet of the entrance on Lewes Georgetown Highway and within 450 feet of the entrance on Harbeson Road.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

Understood

- Section 3.5 of the Manual provides DelDOT’s requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public streets for subdivisions.

Understood

- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is at the discretion of DelDOT’s subdivision Engineer. DelDOT anticipates requiring the developer to build a Shared Use Path along their frontage on Lewes Georgetown Highway and maintain the existing sidewalk on Harbeson Road.

Understood

- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan. DelDOT anticipates requiring bus stops at the site entrance on Lewes Georgetown Highway in both directions.

Understood

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Lewes Georgetown Highway and Harbeson Road.

Will comply

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.

Understood

- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Understood

Department of Natural Resources and Environmental Control – Michael Tholstrup 735-3352

- A large portion of the entrance way off of Route 5 is located in the Wellhead Protection Area for Allen-Harim Foods. The applicant will have to follow the requirements for impervious cover related to wellhead protection areas for well pumping greater than 50,000 gallons//day in the Sussex County Source Water Protection Ordinance.



It should be noted that only the front half of the entrance and access off of DE RT 5 to the properties is located in the Wellhead Protection Area for Allen-Harim Foods. The applicant understands they will have to follow the requirements for impervious cover related to wellhead protection areas.

Wastewater Disposal

- Ground Water Discharges Large Systems Section will need to be notified, if the wastewater is going to a site that is currently operating under a permit with the Large Systems. Please call (302) 739-9948 to discuss potential changes to the permit.

the subject properties are within the service area of Artesian, a public utility, and will connect to the existing sewer line located along the frontage of the properties.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There are no known archaeological sites, or known National Register listed or eligible properties on the parcel. There was no historic use of the property besides agriculture. The soils are well drained and the potential for Native American archaeological data is moderate, as recorded archaeological sites along Beaverdam Creek seem to be immediately adjacent. Therefore, SHPO is recommending an archaeological survey prior to ground disturbance. If there are any questions, inquiries or concerns, feel free to contact us for assistance at 302-736-7400.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Understood.

Recommendations/Additional Information

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

Understood.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Chapter 1 of DelDOT's Development Coordination Manual provides general guidance on where to locate development access. When read as a whole, the chapter directs that where a development has frontage on two roads of different functional classes the access should be on the road with the lower classification, in this instance Harbeson Road.

However, this site has limited frontage on Harbeson Road, such that a left turn lane entering the site probably could not be built. DeIDOT recommends that the applicant plan for one full-movement access on Lewes Georgetown Highway and an access on Harbeson Road limited to right turns in and right and left turns out.

As presented, the subject properties already have a Commercial limited access and drive aisle from US RT 9 (Lewes Georgetown Highway) located on the property that was part of the Royal Farms development. This property also was granted an access easement from Royal Farms to interconnect to the access from DE RT 5 (Harbeson Road). However, we do concur with DeIDOT's highlighted assessment above when it comes to future access to the commercial properties.

- DeIDOT is in the process of converting the Georgetown to Lewes rail line to a bicycle and pedestrian trail. Construction is complete from Lewes to Log Cabin Hill Road. A future phase of construction would route the trail along the south edge of the subject development. If the developer would like to have direct access to the trail, DeIDOT is willing to include it in their construction plans and build the access at State expense as part of the trail construction. If trail access would be of interest, DeIDOT asks that the developer work with DeIDOT's Bicycle and Pedestrian Coordinator, Mr. Anthony Aglio, to determine a mutually agreeable location. Mr. Aglio can be reached at (302) 760-2509 or Anthony.Aglia@Delaware.gov.

The applicant is interested in access to the Georgetown to Lewes rail trail and will coordinate connections with DeIDOT during the planning process of the project.

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Lewes Georgetown Highway or Harbeson Road.

Understood

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.

Will comply

- Please be advised that the Standard General Notes have been updated and posted to the DeIDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

Understood

- While DART doesn't have a comment on land use decisions, it is recommended to consult with DART, especially DART Planning on bus stop placement and pedestrian pathways during design.

Understood and Will comply as this would be a benefit to the project as well as to the community.

Department of Natural Resources and Environmental Control – Michael Tholstrup 735-3352

Rare and Unique Natural Communities

- Although no rare, threatened, or endangered species or vegetation communities are in the immediate vicinity of the proposed project, there are sensitive habitats both upstream and downstream from the project site.

Just upstream from the site is a documented Atlantic white cedar forest. Atlantic white cedar (*Chamaecyparis thyoides*) communities typically grow under unique conditions which also provide refuge for rare species. This state-rare wetland type is sensitive to sedimentation and changes in water quality, especially pH. The hydrological regime is a major determinant of the resulting biota in this system and DNREC is concerned how this project could affect the hydrology of this community.

DNREC requests a more detailed site plan in regards to stormwater, and is requesting to view the stormwater assessment study so that DNREC may provide comments on the most appropriate stormwater management measures. Approximately 200 meters to the northwest is Beaverdam Creek, a tributary that drains into the Broadkill River/Broadkill River Natural Area. State Natural Areas are composed of sections of land and/or water, whether in public or private ownership, which have retained or reestablished their natural character (although it need not be undisturbed), have unusual flora or fauna, or have biotic, geological, scenic, or archaeological features of scientific or educational value. Impacts from upstream development should be considered during site design.

The Broadkill River supports many species of recreationally and commercially important fishes, including Striped Bass, American Eel, and Largemouth Bass. Additionally, the Division has also documented occurrences of swamp pink (*Helonias bulatta*) approximately two miles downstream from the project site. Swamp pink is a federally listed plant species that typically occurs in Atlantic white cedar and maple/gum swamps in the coastal plain, and is known to be hypersensitive to sedimentation and changes in hydrology. It is of utmost importance to DNREC's Division of Fish and Wildlife to protect these natural resources within the state. Appropriate stormwater BMPs such as a permeable pavement system should be installed to prevent contaminants from flowing over land into the nearby tributaries.

The primary Best Management Practice for stormwater for this property is onsite through infiltration practices. As previously described above, the soils are well drained, and the

best was to handle storm runoff from the developed property is to clean it and recharge back into the ground. Other Green Technology practices will be observed during the development of this property. the applicant will submit site plans to the state for their review and comment during the planning of the property.

Source Water Protection

- This proposed facility is on the location of the Clean Delaware Groundwater management Zone (Zone A) where biosolids were formerly deposited. Brian Churchill in the Surface Water Discharges Section would be the principal contact for any questions regarding that program.

If approved to Commercial, the biosolids discharge permit will be abandoned by Clean Delaware, Inc.

Sustainable Development Recommendations

- The applicant should consider the use of recycled, energy efficient materials, and renewable energy infrastructure.

Noted.

- The Division of Climate, Coastal, & Energy offers incentives for clean transportation (Workplace EV Charging) and energy efficiency. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (www.de.gov/greenenergy, www.de.gov/cleantransportation, www.de.gov/eeif).

Noted.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland, AICP
Director, Office of State Planning Coordination

CC: Sussex County Planning

PENNONI

Mark H. Davidson, VP
Principal Land Planner

Sussex County P&Z
Commission & Council

W&B HUDSON FAMILY LTD PARTNERSHIP WAYNE D. HUDSON & JACQUELINE MCCABE TRUSTEES

CASE NO. CZ 1890

ZONING MAP AMENDMENT FROM AR-1 & MR TO C-3

OWNER:

W&B HUDSON LTD PARTNERSHIP
 24075 MILTON ELLENDALE HIGHWAY
 MILTON DELAWARE 19968

WAYNE D HUDSON & JAQUELINE H. MCCABE TRUSTEES
 200 ESHAM AVENUE
 BERLIN, MD

PLANNER/ENGINEER/SURVEYOR:

PENNONI
 18072 DAVIDSON DRIVE
 MILTON, DE 19968

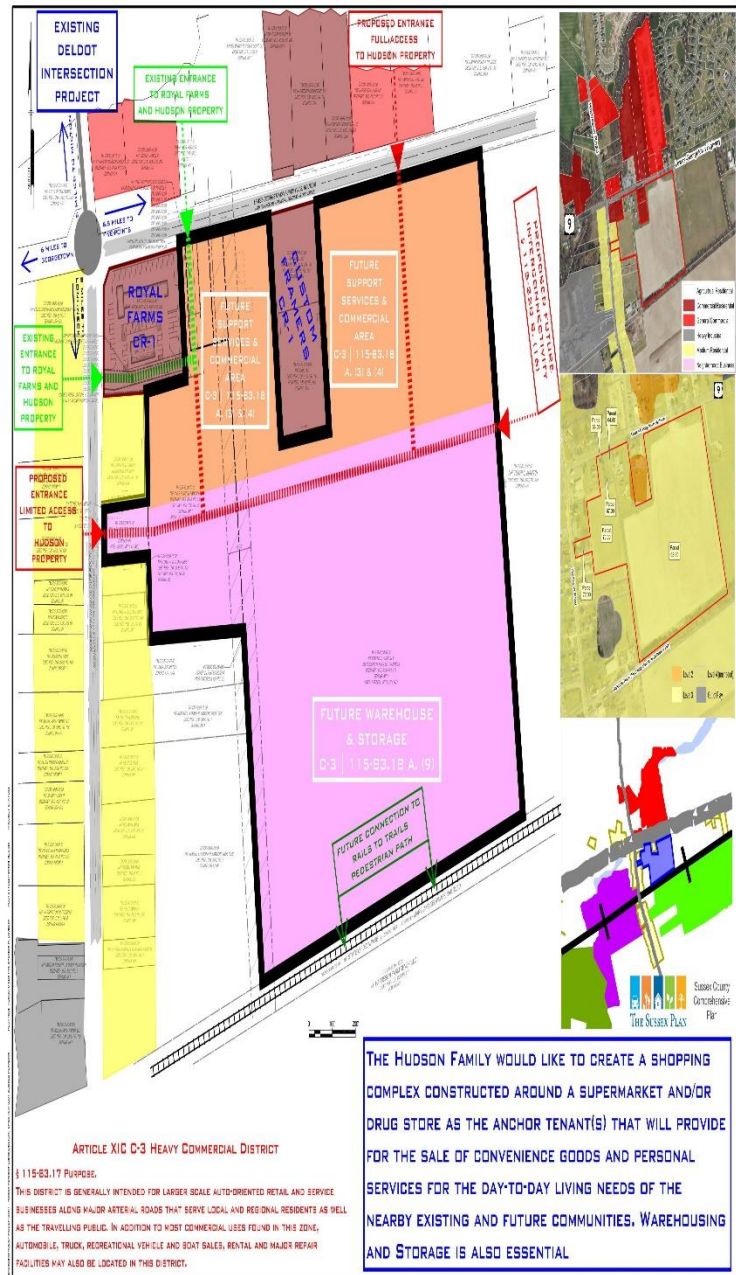
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TAB 4	FINDINGS
a.	FINDINGS OF FACT



Mark H. Davidson / Associate Vice President

Principal Land Planner/Office Director

EDUCATION

University of Delaware; Civil Engineering, (1986-1990)

Land Surveying, Delaware Technical & Community College (1984-1986) and Wastewater Microbiology Diploma (1997)

Land Planning, Institute for Public Administration (2006)

CERTIFICATIONS

DNREC Class A Percolation Tester & Class B Septic Designer, (DE #2418)

Sediment & Stormwater Management, Responsible Personnel, DE (#8760) and MD (#4914)

DNREC Certified Construction Reviewer: DE (#1270)

Delaware Notary

TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware (2002)

Land Conservation and Historic Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni (2015)

PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling Association

Delaware Onsite Wastewater Recycling Association

American Planning Association

American Institute of Certified Planners

HONORS/AWARDS

Association of Professionals Philanthropy, Brandywine Chapter Fundraising Nominee (2014)

Notable Networker Award, BNI (2013)

EXPERIENCE SUMMARY

Mark H. Davidson serves as Associate Vice President of Pennoni and Office Director for our Southern Delaware, Milton Office. Mark also serves as the Principal Land Planner for Pennoni. He has over 33-years of past experience in Surveying, Engineering, Consulting, Construction and Land Planning. For 12-years he owned a professional engineering, surveying, land planning, environmental and consulting firm that provided professional consulting and design in land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware and Maryland. Mr. Davidson's project experience includes land development planning, surveying, engineering, environmental design and permitting; construction and project consulting, management and inspection; water resource consulting, management and inspection and municipal consulting, planning and inspection for residential, industrial, institutional, municipal and commercial applications.

Mark is a past director of the Delaware Onsite Wastewater Recycling Association as well as a member of the American Planning Association, American Institute of Certified Planners and has served in the past as a committee member of Delaware Low Impact Development Roundtable Committee, Delaware Pollution Control Strategy Committee, Delaware Sediment & Stormwater Regulatory Advisory Committee, and the Delaware Technical & Community College A/E Curriculum Committee. He was also nominated for the Brandywine Chapter Association of Fundraising Professionals Philanthropy Award and has won the BNI Notable Networker Award.

Along with all the experience and education stated and with many years of combined experience in Surveying, Engineering, Consulting and Land Planning, he has been responsible for providing consulting, layout and design in surveying, engineering and land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware, Maryland, Virginia and West Virginia. He has project managed, studied, planned, surveyed, designed and engineered sustainable, master-planned communities, commercial and urban redevelopment projects, and the public infrastructure that supports them.

Mark has provided nationwide land planning consulting services to a variety of clientele to help coordinate project startups as well as final construction consulting services when it came to commercial, residential, industrial, municipal, educational and community land planning. Provided additional consulting in civil/site engineering, stormwater management, erosion and sediment control, wastewater collection and disposal, transportation, and environmental. Market areas practiced; Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, North Dakota, Puerto Rico, Canada and Panama.

Additional Project experience includes cutting edge design and technology as well as value engineering to help clients through the ever-changing market including but not limited to solar voltaic and wind generation projects.

He was currently appointed by the Secretary of DNREC to serve 3-years on the On Site Septic Advisory Board for the State of Delaware.



File #: _____

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

26504 LEWES GEORGETOWN HIGHWAY, HARBESON DE

Type of Conditional Use Requested:

Tax Map #: 235-30.00-62.00, 64.00, 66.00, 67.00 70.00, 72.00 **Size of Parcel(s):** 35.65+/- ACRES

Current Zoning: AR-1 & MR **Proposed Zoning:** C-3 **Size of Building:** TBD

Land Use Classification: LOW DENSITY (2045 FLUM) | LEVEL 3 | ADJACENT TO COMMERCIAL INDUSTRIAL USES

Water Provider: ARTESIAN

Sewer Provider: ARTESIAN

Applicant Information

Applicant Name: WAYNE HUDSON

Applicant Address: 24075 MILTON ELLENDALE HIGHWAY

City: MILTON **State:** DE **Zip Code:** 19968

Phone #: (302) 745-0231 **E-mail:** PENINSULA@HUGHES.NET

Owner Information

Owner Name: W & B HUDSON FAMILY LTD

Owner Address: 24075 MILTON ELLENDALE HIGHWAY

City: MILTON **State:** DE **Zip Code:** 19968

Phone #: (302) 745-0231 **E-mail:** PENINSULA@HUGHES.NET

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: MARK H DAVIDSON | PENNONI

Agent/Attorney/Engineer Address: 18072 DAVIDSON DRIVE

City: MILTON **State:** DE **Zip Code:** 19968

Phone #: (302) 684-6207 **E-mail:** MDAVIDSON@PENNONI.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.

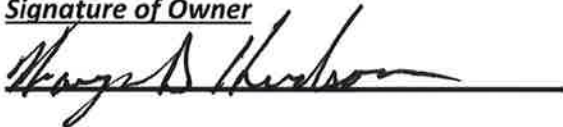
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: _____

Signature of Owner



Date: _____

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: _____

PARTICULAR DESCRIPTION

**LANDS NOW OR FORMERLY OF
W & B HUDSON FAMILY LP
AND
LANDS NOW OR FORMERLY OF WAYNE D.
AND
JACQUELINE H. MCCABE, TRUSTEES**

TAX MAP 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, AND 72.00

All that certain piece, parcel and tract lying and being situate in the Broadkill Hundred of Sussex County, Delaware and being more particularly described as follows:

BEGINNING at a point, said point lying on the southerly right-of-way of Lewes-Georgetown Highway (U.S. Route 9); thence by and with said right-of-way, **North 82 degrees, 50 minutes, 31 seconds East, 389.52 feet** to a point, said point being a corner for this Parcel and Lands now or formerly of JCBB, LLC; thence by and with this Parcel and Lands now or formerly of JCBB, LLC the following (3) courses and distances:

- 1) South 07 degrees, 09 minutes, 32 seconds East, 418.00 feet to a point,**
- 2) North 82 degrees, 50 minutes, 28 seconds East, 200 feet to a point,**
- 3) North 07 degrees, 09 minutes, 32 seconds West, 418.00 feet to a point,**

said point lying on the southerly right-of-way of Lewes-Georgetown Highway and this Parcel; thence by and with said right-of-way **North 82 degrees, 50 minutes, 28 seconds East, 705.00 feet** to a point, said point being a corner for this Parcel and Lands now or formerly of Terri L. Martin; thence by and with this Parcel and Lands now or formerly of Terri L. Martin, **South 08 degrees, 44 minutes, 38 seconds, East, 1214.19 feet** to a point, said point being a corner for this Parcel and Lands now or formerly of State of Delaware; thence by and with this Parcel and Lands now or formerly the State of Delaware, **South 74 degrees, 57 minutes, 04 seconds West, 1153.04 feet** to a point, said point being a corner for this Parcel and Lands now or formerly of Robert L. and Diana R. Lawson, Trustees; thence by and with this Parcel and Lands now or formerly of Robert L. and Diana R. Lawson, Trustees, **North 07 degrees, 09 minutes, 29 seconds West, 641.93 feet** to a point, said point being a corner for this Parcel and Lands now or formerly of Linda Sockriter; thence by and with this Parcel and Lands now or formerly of Linda Sockriter, **South 87 degrees, 48 minutes, 00 seconds West, 401.20 feet** to a point, said point being a corner for this Parcel and Lands now or formerly of Lloyd W. and Gloria Rust;

W&B Hudson Family LP | TM235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, and 72.00 Particular Description

thence by and with this Parcel and Lands now or formerly of Lloyd W. and Gloria Rust the following (2) courses and distances:

- 1) **North 02 degrees, 12 minutes, 00 seconds West, 150.00 feet to a point,**
- 2) **South 87 degrees, 48 minutes, 00 seconds West, 193.00 feet to a point,**

Said point lying on the easterly right-of-way of Harbeson Road (State Route 5); thence by and with said right-of-way, **North 02 degrees, 12 minutes, 00 seconds West, 87.84 feet** to a point, said point being a corner for this Parcel and Lands now or formerly of Harbeson United Methodist Church; thence by and with this Parcel and Lands now or formerly of Harbeson United Methodist Church the following (2) courses and distances:

- 1) **North 87 degrees, 48 minutes, 00 seconds East, 192.98 feet to a point,**
- 2) **North 02 degrees, 12 minutes, 00 seconds West, 199.53 feet to a point,**

Said point being a corner for this Parcel and Lands now or formerly of Two Farms Inc.; thence by and with this Parcel and Lands now or formerly of Two Farms, Inc. the following (2) courses and distances:

- 1) **North 82 degrees, 50 minutes, 32 seconds East, 174.83 feet to a point,**
- 2) **North 07 degrees, 09 minutes, 29 seconds West, 247.56 feet to a point,**

Said point being the **Point of Beginning** for this description.

These Parcels contain 1,615,200 square feet, or 37.08 acres of land, more or less.

The Hudson Family would like to create a shopping complex constructed around a supermarket and/or drug store as the anchor tenant(s) that will provide for the sale of convenience goods and personal services for the day-to-day living needs of the nearby existing and future communities. Warehousing and Storage is also essential

Information Regarding Site:

10. Type of Review: Rezoning, if not in compliance with certified comprehensive plan Site Plan Review
 Subdivision

11. Brief Explanation of Project being reviewed:
 If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications. **No**

12. Area of Project (Acres +/-): **37.07+/-** Number of Residential Units: **N/A** Commercial square footage: **TBD**

13. Present Zoning: AR-1 (PARCEL 62.00, 64.00, 66.00, 67.00 & 70.00) MR (PARCEL 72.00) 14. Proposed Zoning: **C-3 (HEAVY COMMERCIAL DISTRICT)**

15. Present Use: **RESIDENTIAL & AGRICULTURAL** CDI Spray Field | AG Crops 16. Proposed Use: **RESIDENTIAL & COMMERCIAL** Retail | Warehouse

17. Water: Central (Community system) Individual On-Site Public (Utility) **An addition of a well and Storage Tank may be warranted for fire protection and possibly domestic**
 Service Provider Name: **Artesian Water Company | Domestic & Fire**
 Will a new public well be located on the site? Yes No

18. Wastewater: Central (Community system) Individual On-Site Public (Utility)
 Service Provider Name: **Artesian Water Company**
 Will a new community wastewater system be located on this site? Yes No

19. If residential, describe style and market segment you plan to target (Example- Age restricted):

20. Environmental impacts:

How many forested acres are presently on-site? _____ How many forested acres will be removed? _____

To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site? Yes No

Are the wetlands: Tidal Acres: _____
 Non-tidal Acres: _____

If "Yes", have the wetlands been delineated? Yes No

Has the Army Corps of Engineers signed off on the delineation? Yes No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? Yes No If "Yes", describe the impacts:

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? _____

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? Yes No

22. List the proposed method(s) of stormwater management for the site:
Infiltration and Recharge back into the ground

23. Is open space proposed? Yes No If "Yes," how much? Acres: **TBD**

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)?

24. Are you considering dedicating any land for community use (e.g., police, fire, school)? Yes No

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: **TBD** Ex. Entrance with Royal Farms to US9 and DE5; New Full access Entrance RT9 and possible alternate Entrance DE5.
 What percentage of those trips will be trucks, excluding vans and pick-up trucks?

26. Will the project connect to state maintained roads? Yes No

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections.

28. Are there existing sidewalks? Yes No; bike paths Yes No
 Are there proposed sidewalks? Yes No; bike paths Yes No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network? Yes No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites? Yes No

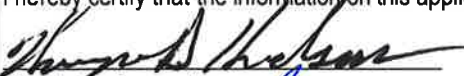
Has this site been evaluated for historic and/or cultural resources? Yes No

Would you be open to a site evaluation by the State Historic Preservation Office? Yes No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit? Yes No
 Person to contact to arrange visit: _____ phone number: _____

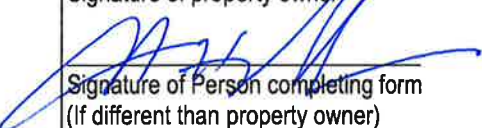
31. Are any federal permits, licensing, or funding anticipated? Yes No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.


 Signature of property owner

 Date
 7/24/2019

 Date


 Signature of Person completing form
 (If different than property owner)

Signed application must be received before application is scheduled for PLUS review.

This form should be returned to the Office of State Planning **electronically** at plus@state.de.us along with an **electronic copy of any site plans and development plans for this site**. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. **If electronic copy of the plan is not available, contact The Office of State Planning Coordination at (302) 739-3090 for further instructions.** A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. **Please be sure to note the contact person** so we may schedule your request in a timely manner.

PLANNING & ZONING COMMISSION

MARTIN L. ROSS, CHAIRMAN
KIM HOEY STEVENSON, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B. HUDSON
ROBERT C. WHEATLEY



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JANELLE M. CORNWELL, AICP
DIRECTOR

Service Level Evaluation Request Form

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 3/13/19

Site Information:

Site Address/Location: Lewes Georgetown Hwy | Broadkill Hundred, Sussex County, Delaware

Tax Parcel Number: 235-30.00 PP 62.00, 64.00, 66.00, 67.00, and 70.00, 72.00

Current Zoning: AR-1 (35.19+/- ACS) | MR (0.46+/- ACS)

Proposed Zoning: C-4 35.65+/- ACRES

Land Use Classification: DEVELOPING AREA | LEVEL 3

Proposed Use(s): PROPOSED USES ARE TO BE DETERMINED ONCE THE C-4 ORDINANCE IS UPDATED TO ALLOW FOR 40% RESIDENTIAL USES. THE MIX WILL BE 60% COMMERCIAL OF A MIXED COMMERCIAL VARIETY (RETAIL/WAREHOUSE/STORAGE) AND 40% TOWNHOUSE RESIDENTIAL

Square footage of any proposed buildings or number of units: A DEVELOPMENT PLAN IS BEING PLANNED AT THIS TIME AND NO SPECIFIC SIZES OR USES HAVE BEEN GENERATED.

Applicant Information:

Applicant's Name: W & B Hudson Family LTD

Applicant's Address: 24075 Milton Ellendale Hwy | P.O. Box 187

City: Milton State: DE Zip Code: 19968

Applicant's Phone Number: (302) 745-0231

Applicant's e-mail address: penninsula@huges.net



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

JENNIFER COHAN
SECRETARY

April 5, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **W & B Hudson Family LTD** rezoning application, which we received on March 14, 2019. This application is for a 35.65-acre assemblage of parcels (Tax Parcels: 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00). The subject land is located on the south side of US Route 9 and east side of Delaware Route 5. The subject land is currently split-zoned as AR-1 (Agricultural Residential, 35.19 acres) and MR (Medium-Density Residential, 0.46 acre), and the applicant is seeking to rezone the entire land to C-4 (Planned Commercial) to build a mixed-use development consisting of 60% commercial (retail / warehouse / storage) and 40% residential (townhouses).

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 14,696 and 18,914 vehicles per day, respectively. As the subject land also has frontage along Delaware Route 5, the annual average and summer average daily traffic volumes along that road segment, which is from Hollyville Road (Sussex Road 48) to US Route 9, are 4,372 and 5,627 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.



Ms. Janelle M. Cornwell
Page 2 of 2
April 5, 2019

A review of TIS and Traffic Operational Analysis (TOA) completed in the last three years found that the Royal Farms No. 296 TOA included the intersection of US Route 9 and Delaware Route 5, which is located approximately 400 feet west of the proposed development. We are providing a copy of the TOA review letter; please find it enclosed with this letter.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,

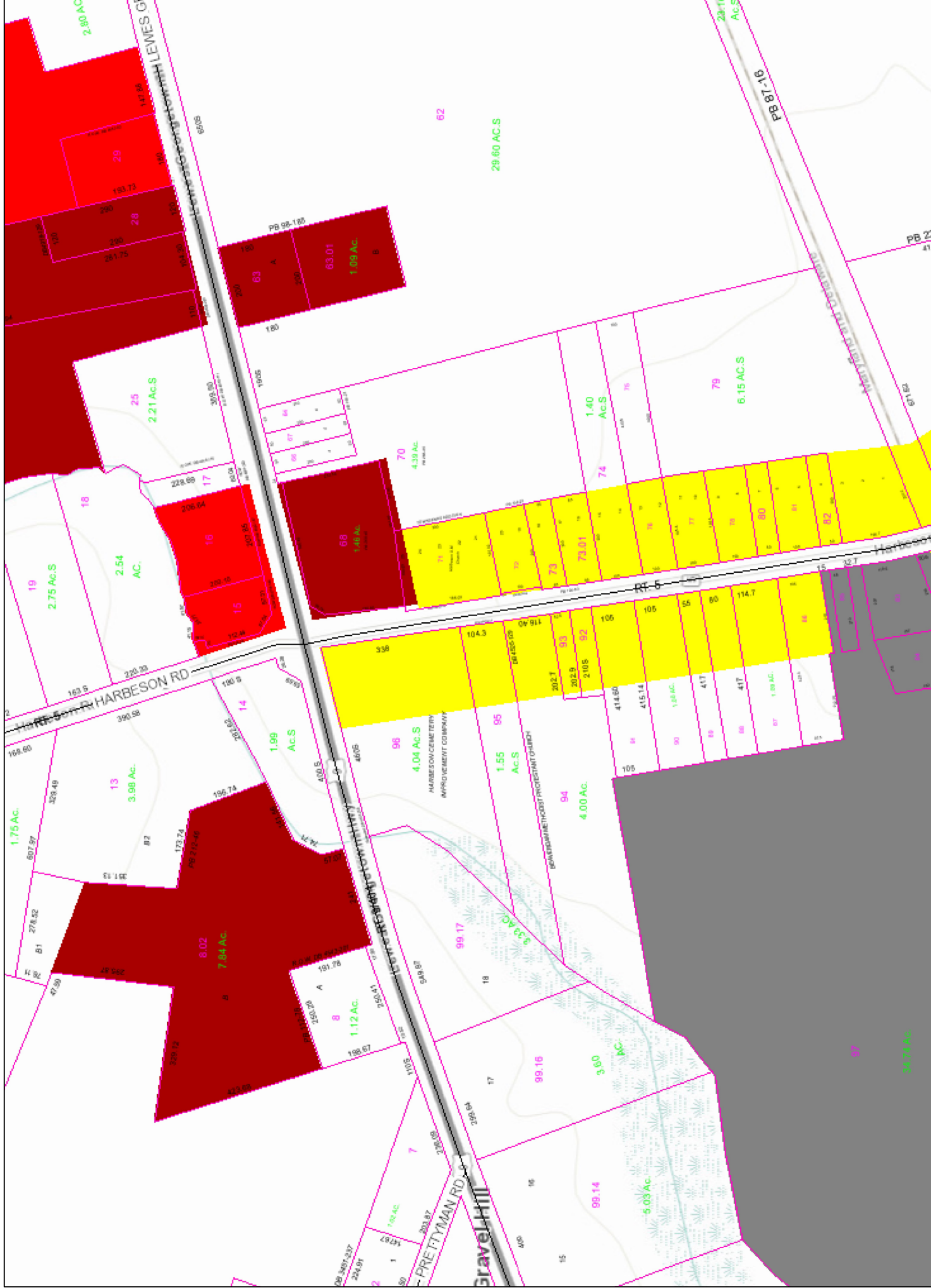


T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
Enclosure

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
W & B Hudson Family LTD, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance and
Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

Sussex County



Sussex County

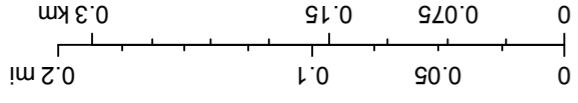


August 28, 2019

2019 Future Land Use

- Tax Parcels
- Streets
- County Boundaries
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Coastal Area
- Low Density
- Town Center

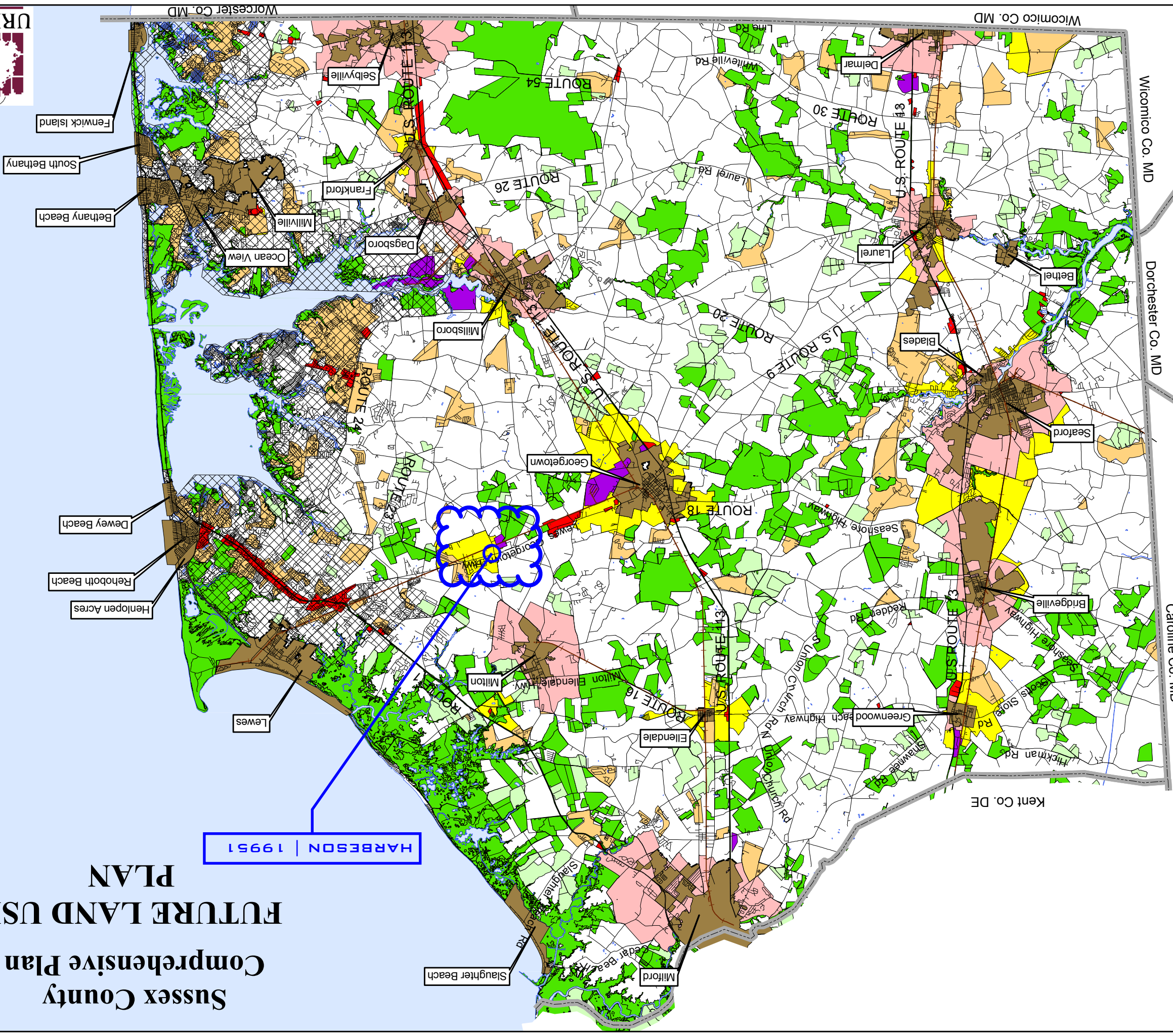
1:4,514



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
Sussex County Government

Sussex County Comprehensive Plan FUTURE LAND USE PLAN

HARBESON | 19951



Base Map Provided By: Sussex County Mapping Department
 DNREC
 DE Office of State Planning Coordination
 DE Office of Transportation
 United States Geological Survey

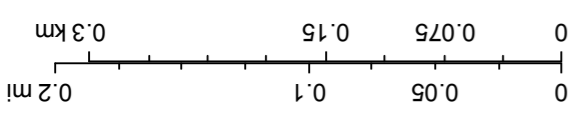
Sources:

1 inch equals 18,000 feet
 0 9,000 18,000 36,000 Feet

eligible to sell development rights to the State.)
 State regulations during the time of an
 number of homes allowed on a tract under
 (A voluntary program. Only a very limited
 Under the State Program

- Agricultural Preservation Districts
 other conservation easements)
- Protected Lands
 major wetlands and lands preserved by
 easements, private conservancy lands,
 (All Federal lands, State lands, agricultural
- Low Density Area
- Rural Areas**
- Planned Industrial Areas
- Highway Commercial Areas
- Mixed Residential Areas
- Developing Area
- Environmentally Sensitive
- Developing Area
- Town Center
- Municipality
- Growth Areas

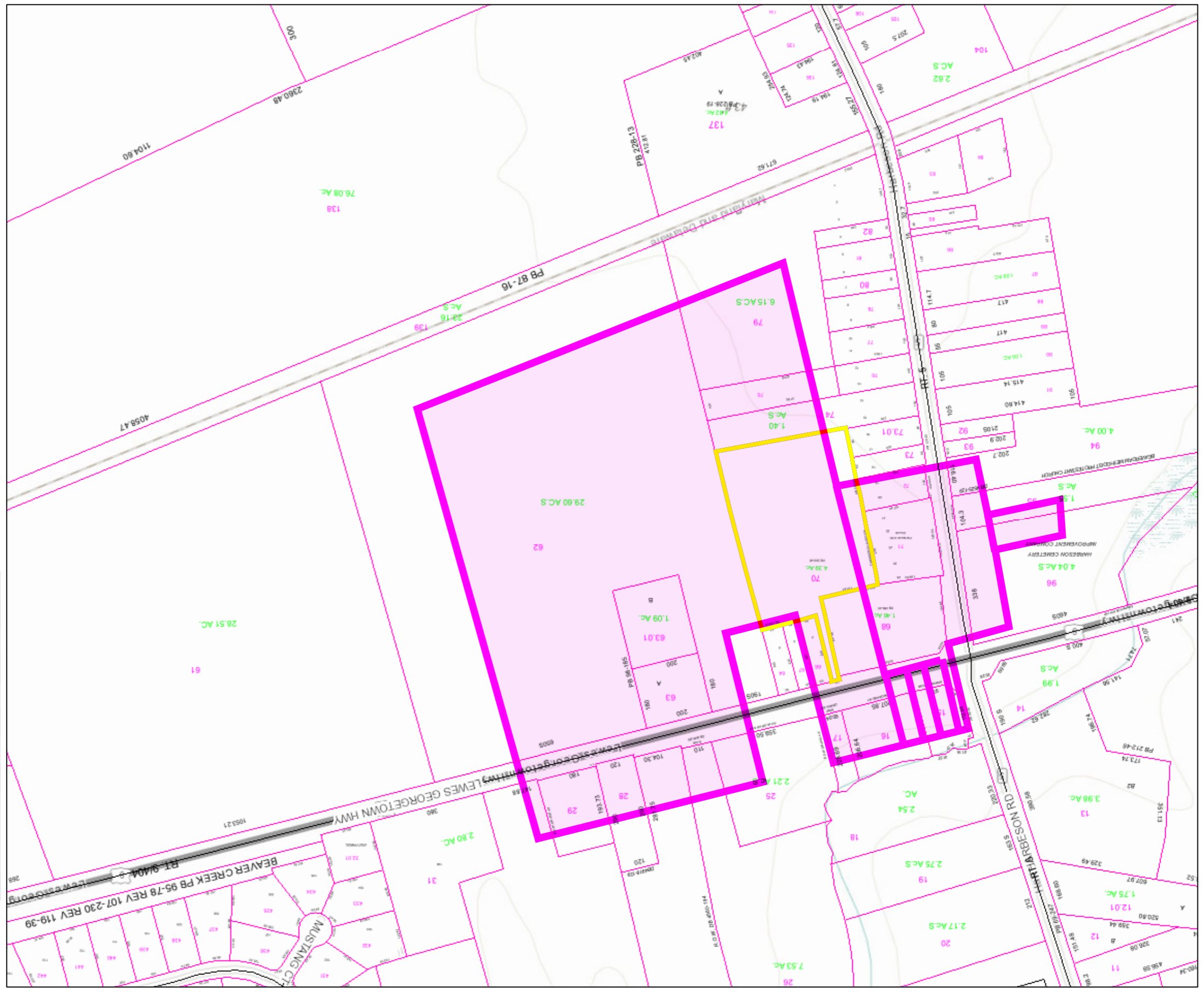
Wicomico Co. MD
 Dorchester Co. MD
 Caroline Co. MD
 Kent Co. DE



1:4,514

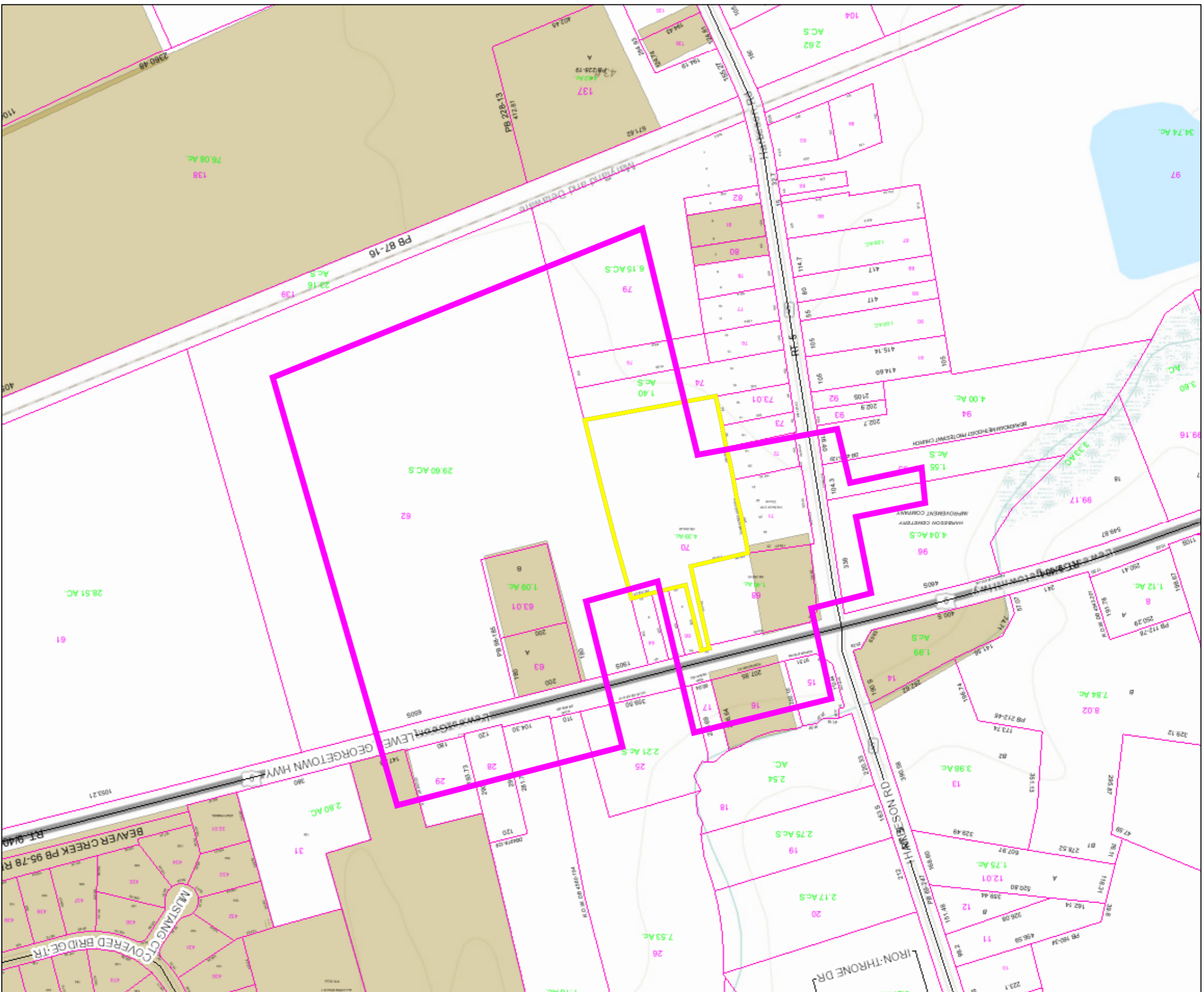
- County Boundaries
- Streets
- Tax Parcels
- Override 1
polygonLayer
- Override 1
polygonLayer

Owner Name	W & B HUDSON FAMILY LTD PTRN
Book	3848
Mailing Address	24075 MILTON ELLENDALE
City	MILTON
State	DE
Description	S/RT 9
Description 2	354E/RT 5
Description 3	
Land Code	

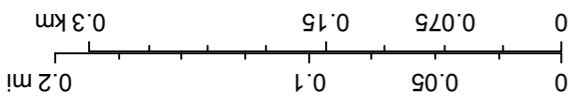


Sussex County

Sussex County



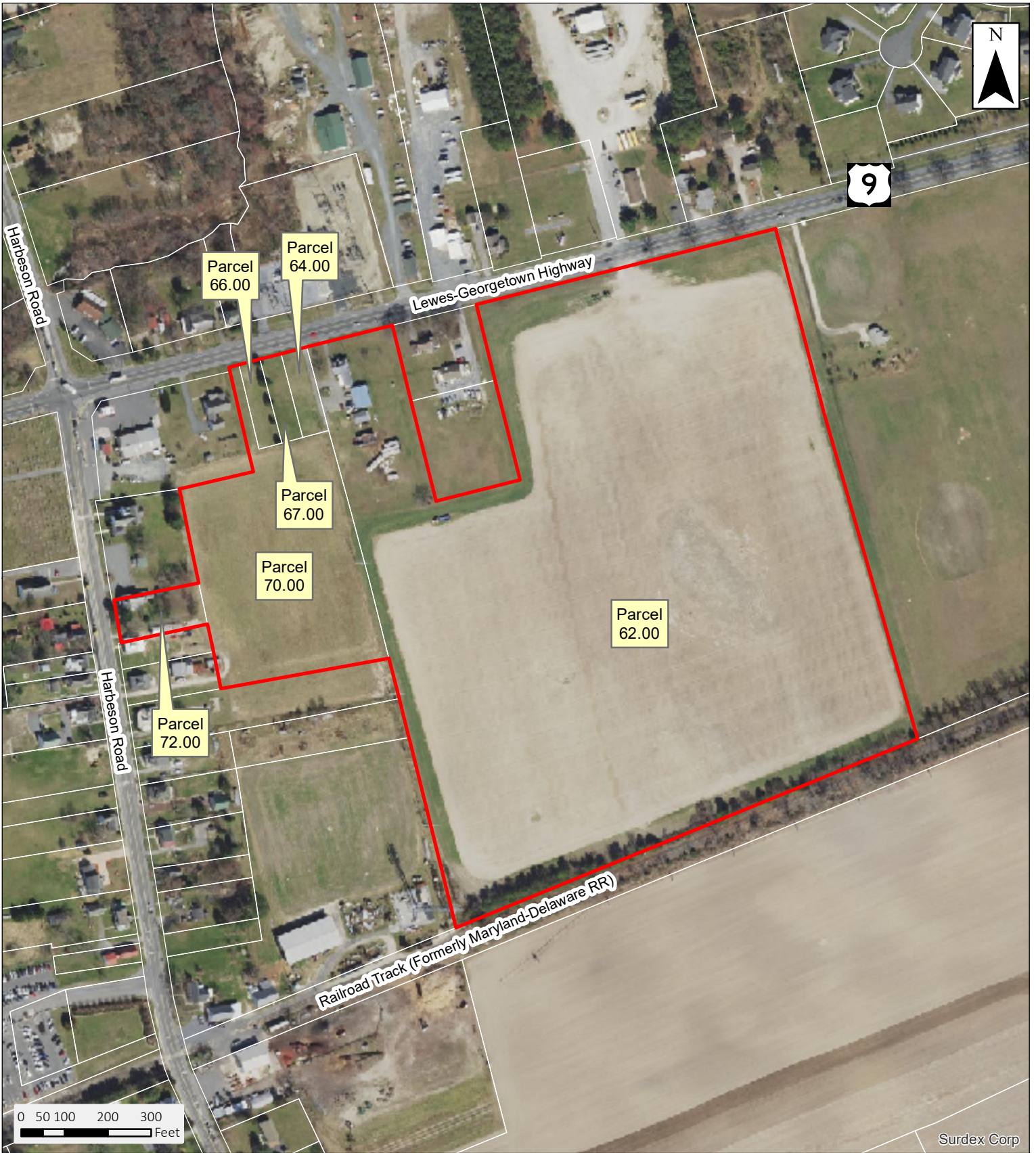
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- polygonLayer Override 1
- Tax Parcels
- Streets
- County Boundaries
- Sussex County Water Districts
- COUNTY
- PRIVATE
- TOWN



1:4,514

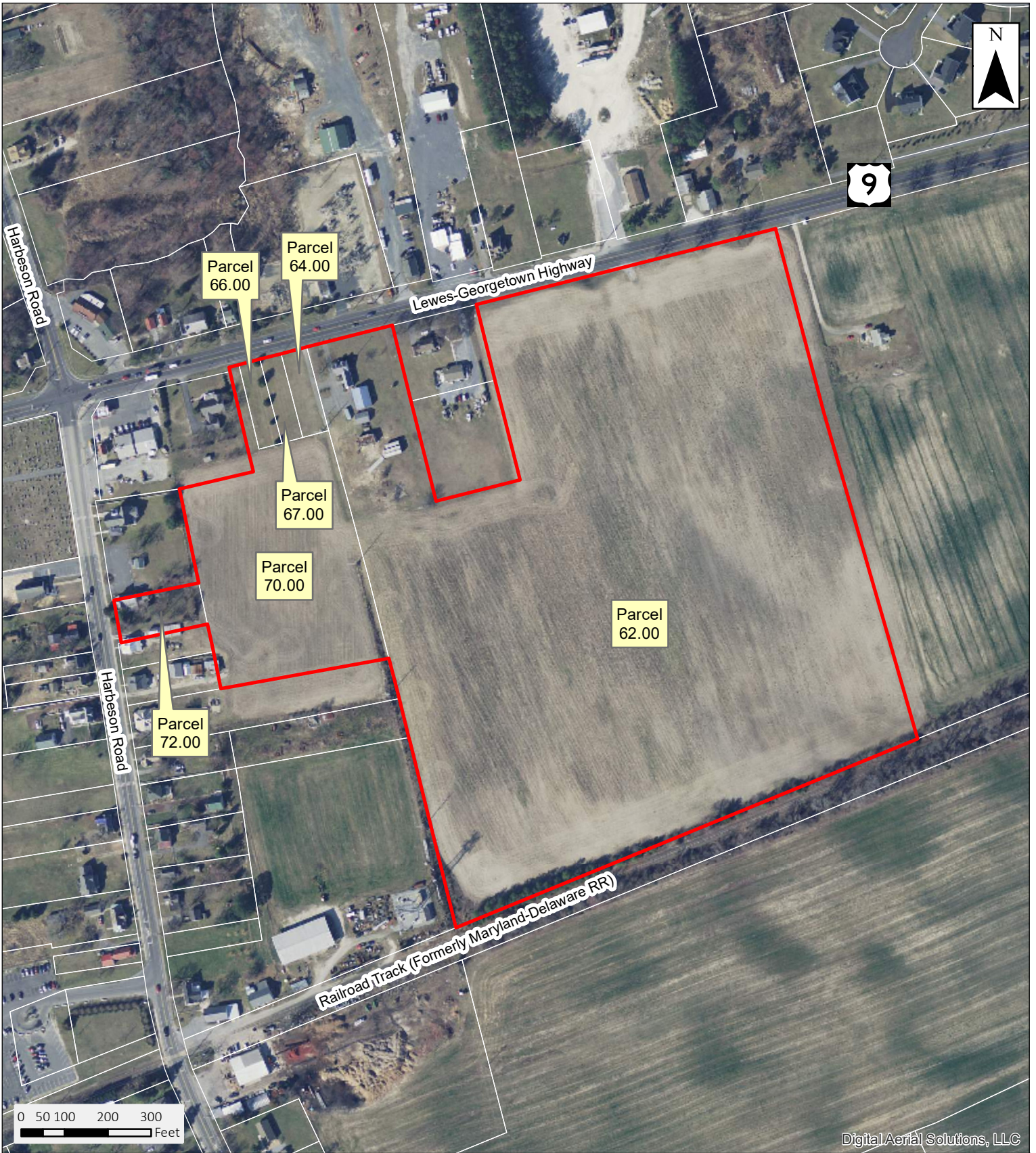
Owner Name	W & B HUDSON FAMILY LTD PTRN
Book	3848
Mailing Address	24075 MILTON ELLENDALE
City	MILTON
State	DE
Description	S/RT 9
Description 2	354'E/RT 5
Description 3	
Land Code	

PIN: 235-30.00-70.00


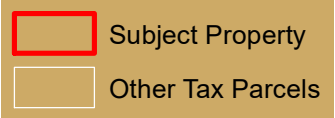


Surdex Corp

Figure 1 of 19 1	2017 Orthophoto		
	Hudson Harbeson Lands		
	HUDSF18001		



Digital Aerial Solutions, LLC

Figure 2 of 19 2	2012 Orthophoto		
	Hudson Harbeson Lands		
	HUDSF18001		



0 50 100 200 300 Feet

Sanborn Mapping Company

Figure 3 of 19 3	2007 Orthophoto		
	Hudson Harbeson Lands		
	HUDSF18001		

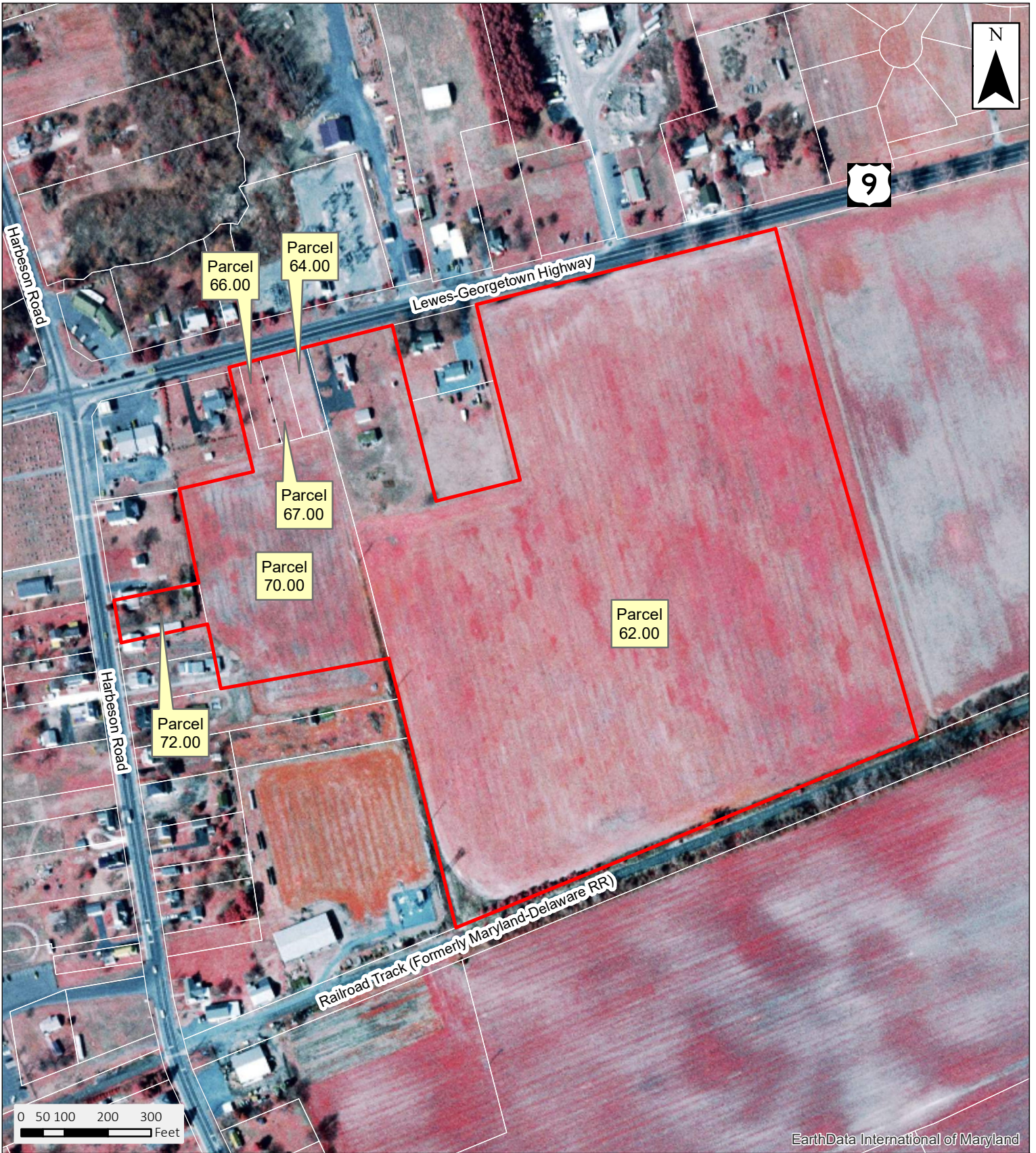


Figure 4 of 19

4

2002 Orthophoto

Hudson Harbeson Lands

HUDSF18001



- Subject Property
- Other Tax Parcels

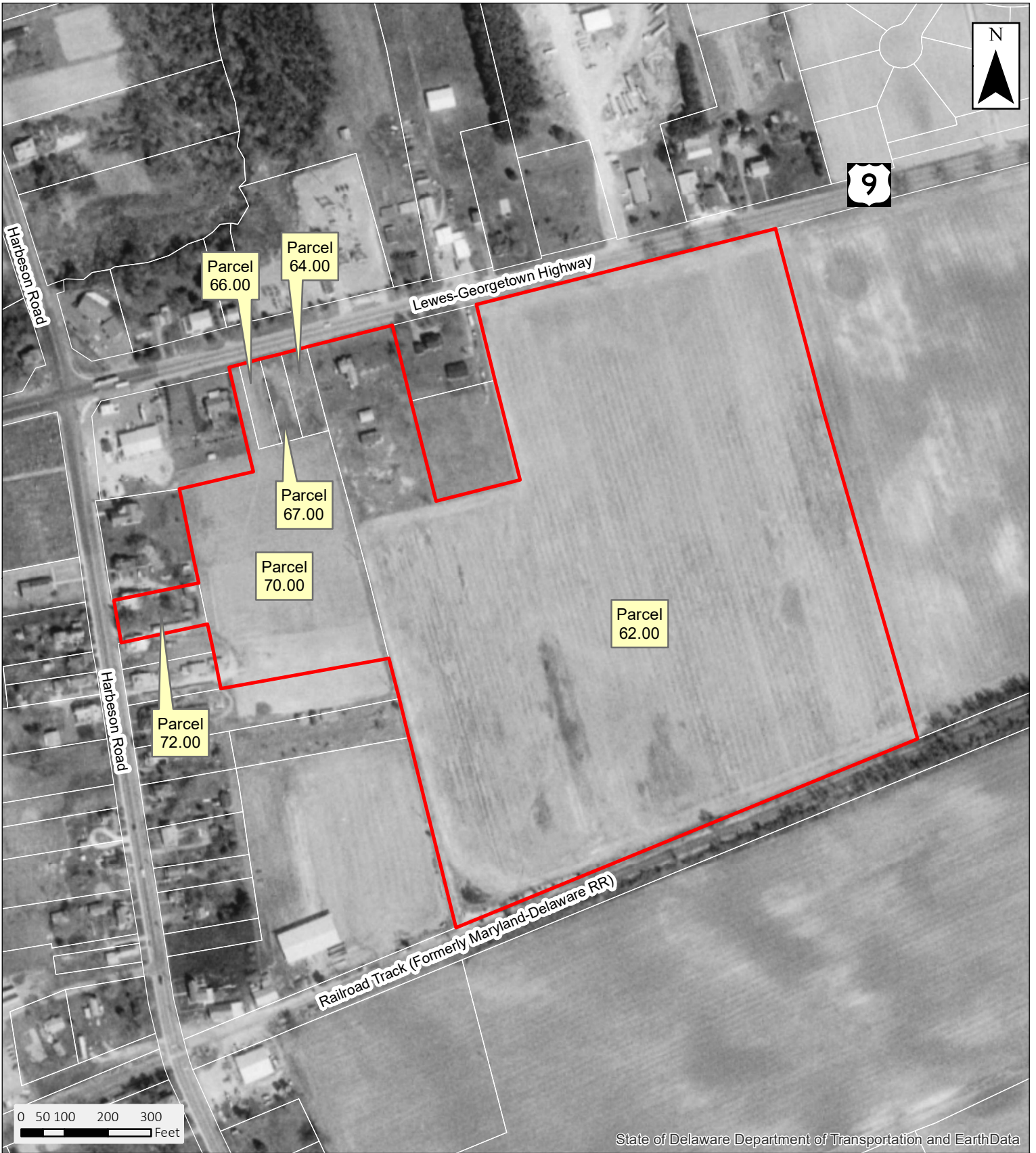


Figure 5 of 19

5

1997 Orthophoto

Hudson Harbeson Lands

HUDSF18001



- Subject Property
- Other Tax Parcels

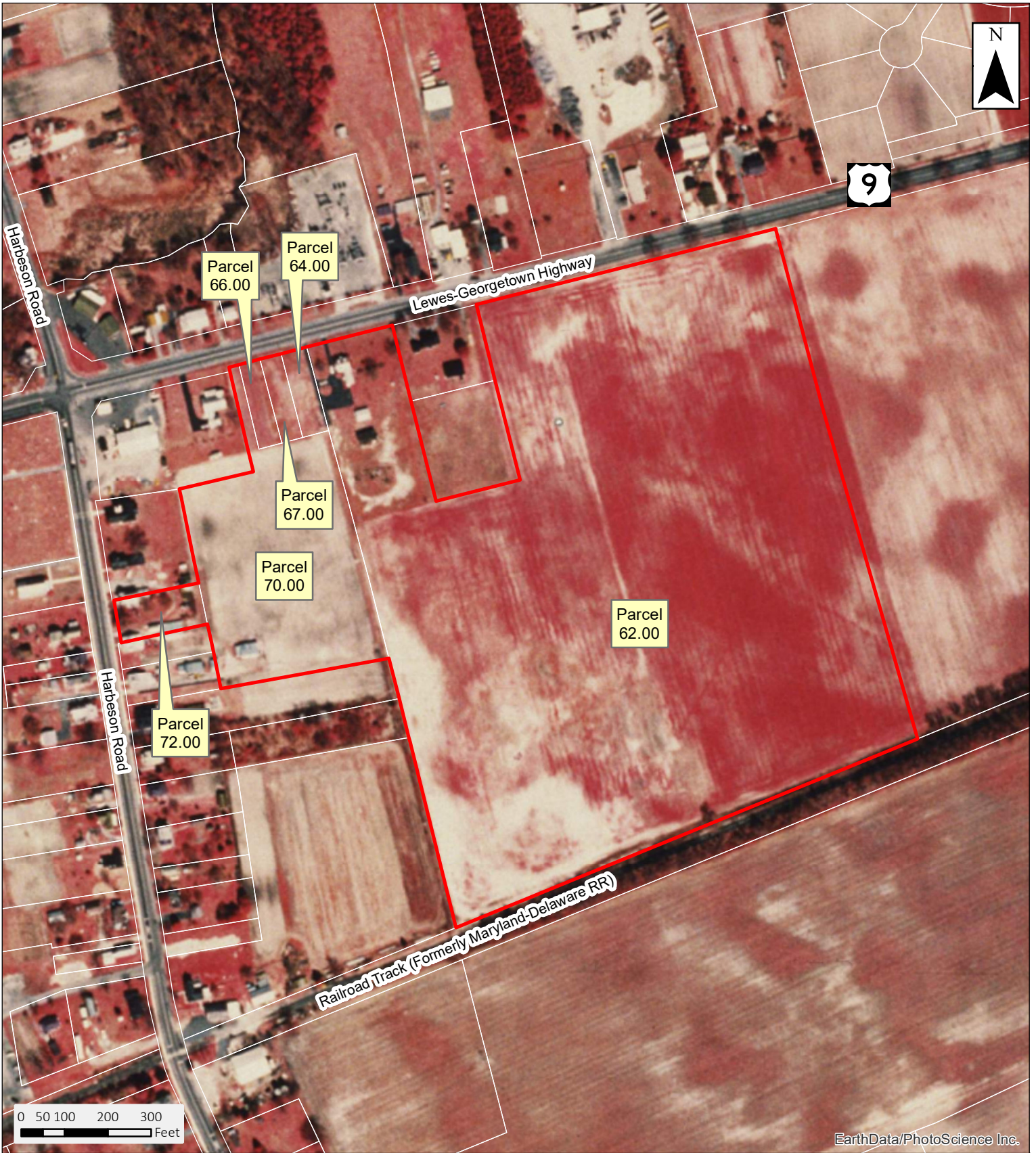


Figure 6 of 19

6

1992 Orthophoto

Hudson Harbeson Lands

HUDSF18001



- Subject Property
- Other Tax Parcels

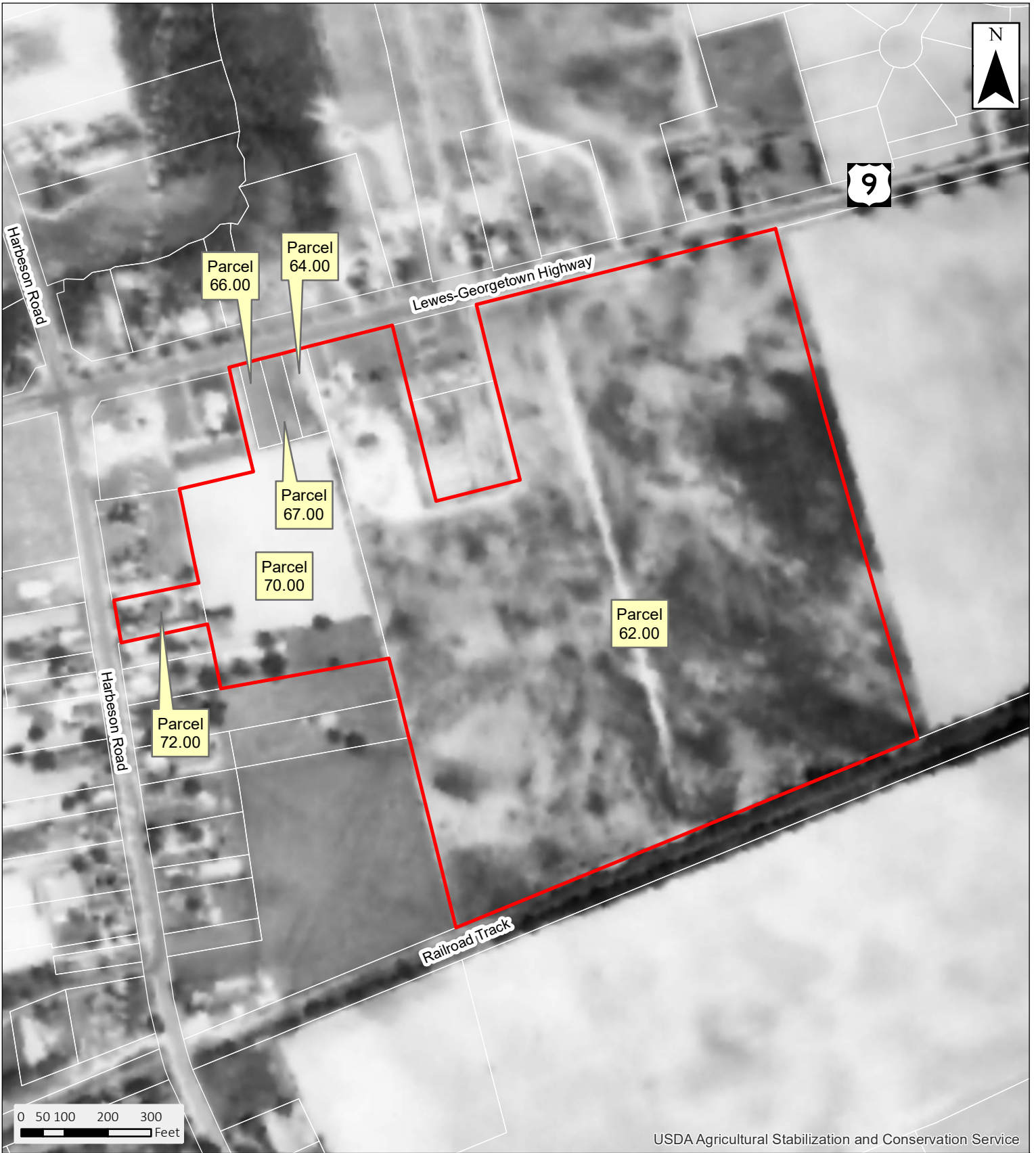


Figure 7 of 19

7

1968 Orthophoto

Hudson Harbeson Lands

HUDSF18001



- Subject Property
- Other Tax Parcels

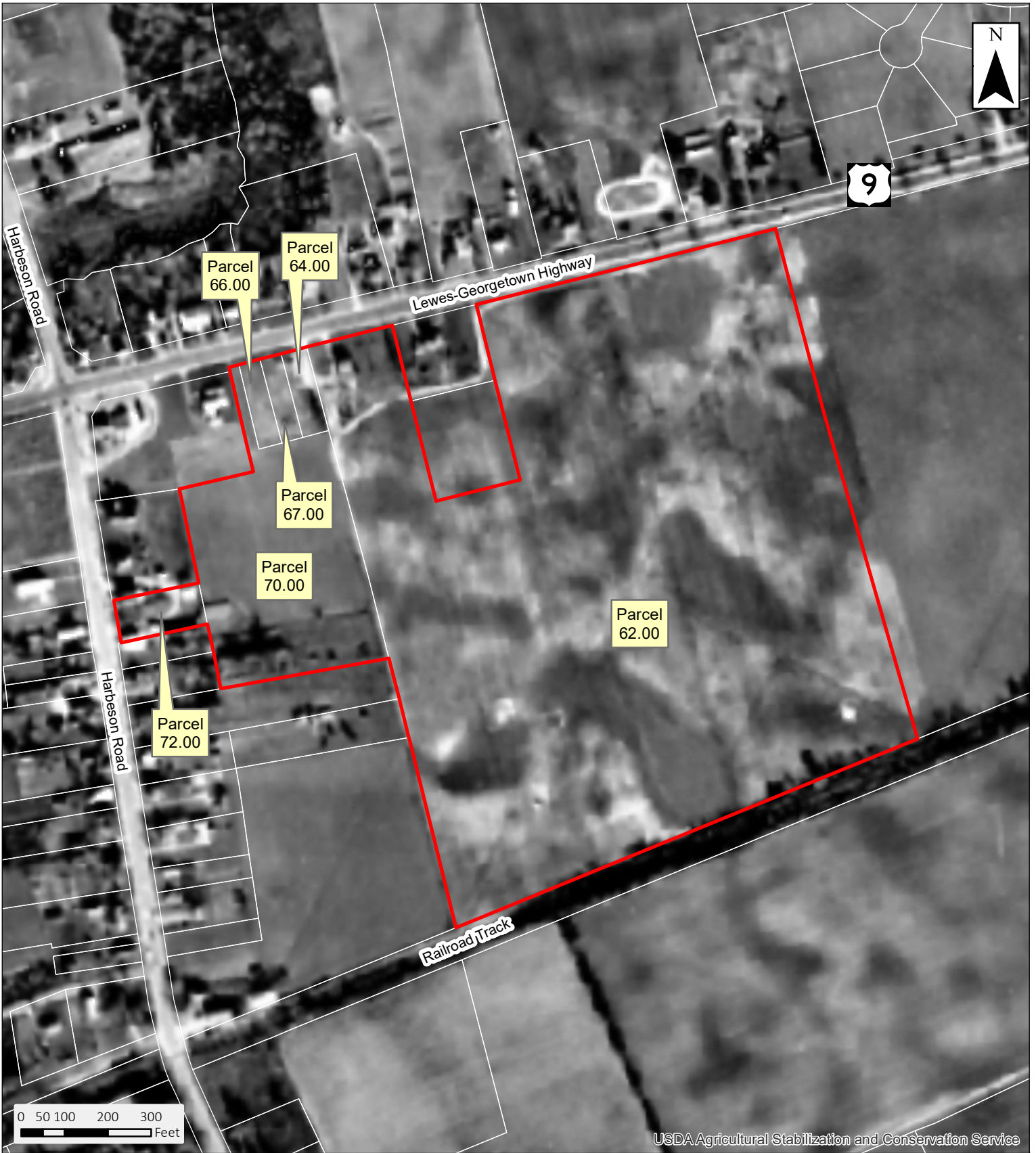


Figure 8 of 19

8

1961 Orthophoto

Hudson Harbeson Lands

HUDSF18001



- Subject Property
- Other Tax Parcels

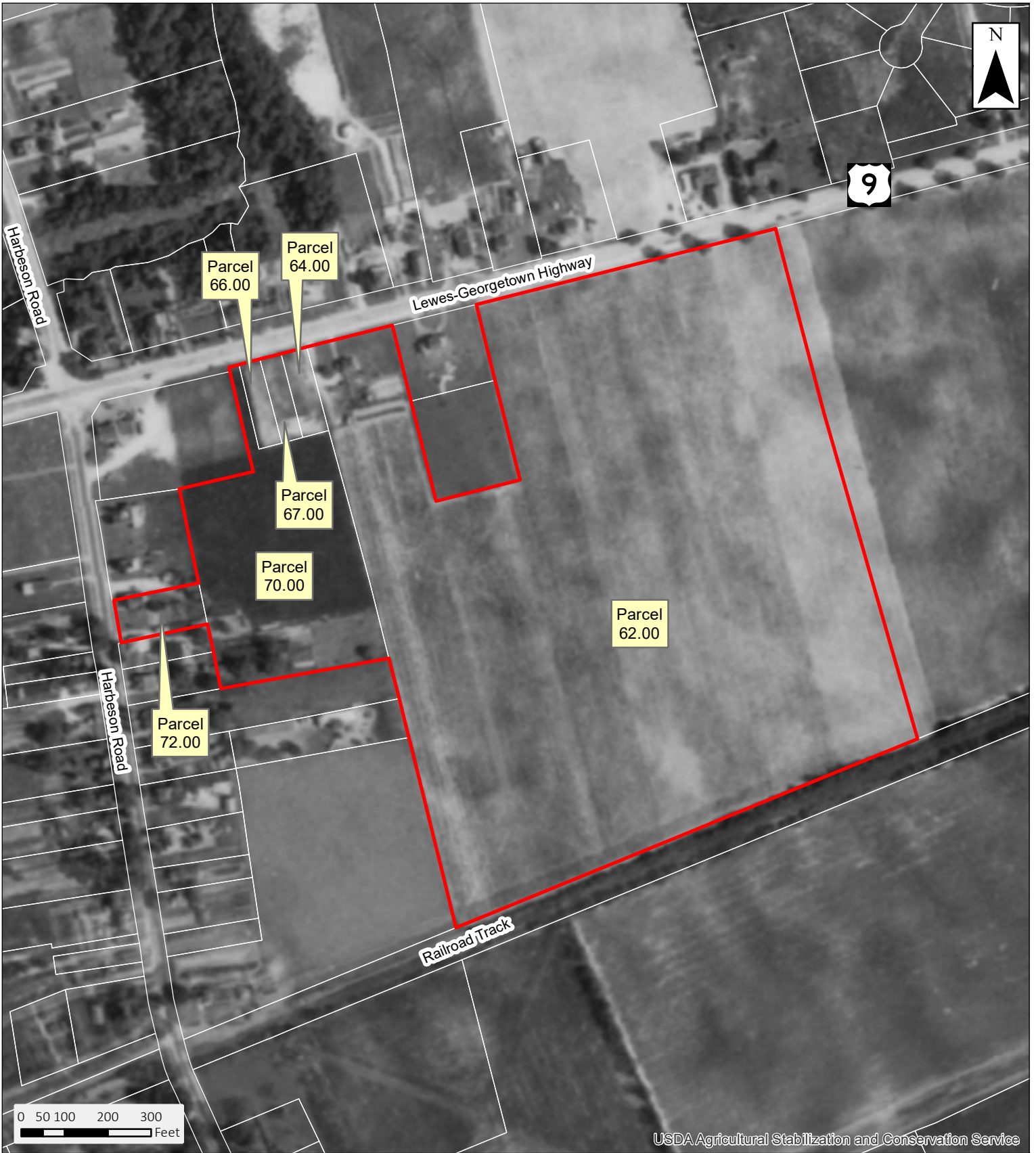


Figure 9 of 19

9

1954 Orthophoto

Hudson Harbeson Lands

HUDSF18001



- Subject Property
- Other Tax Parcels

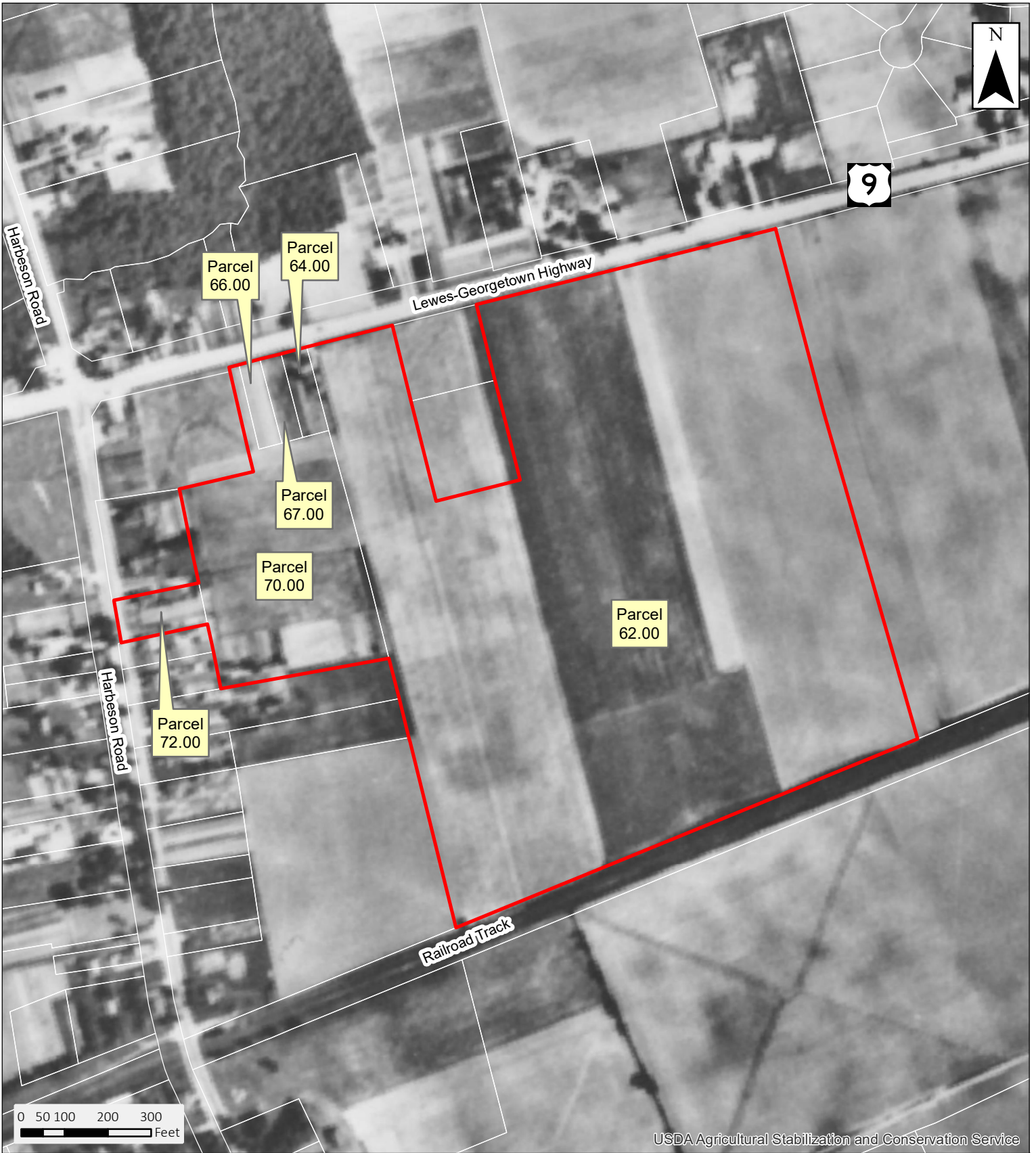


Figure 10 of 19

10

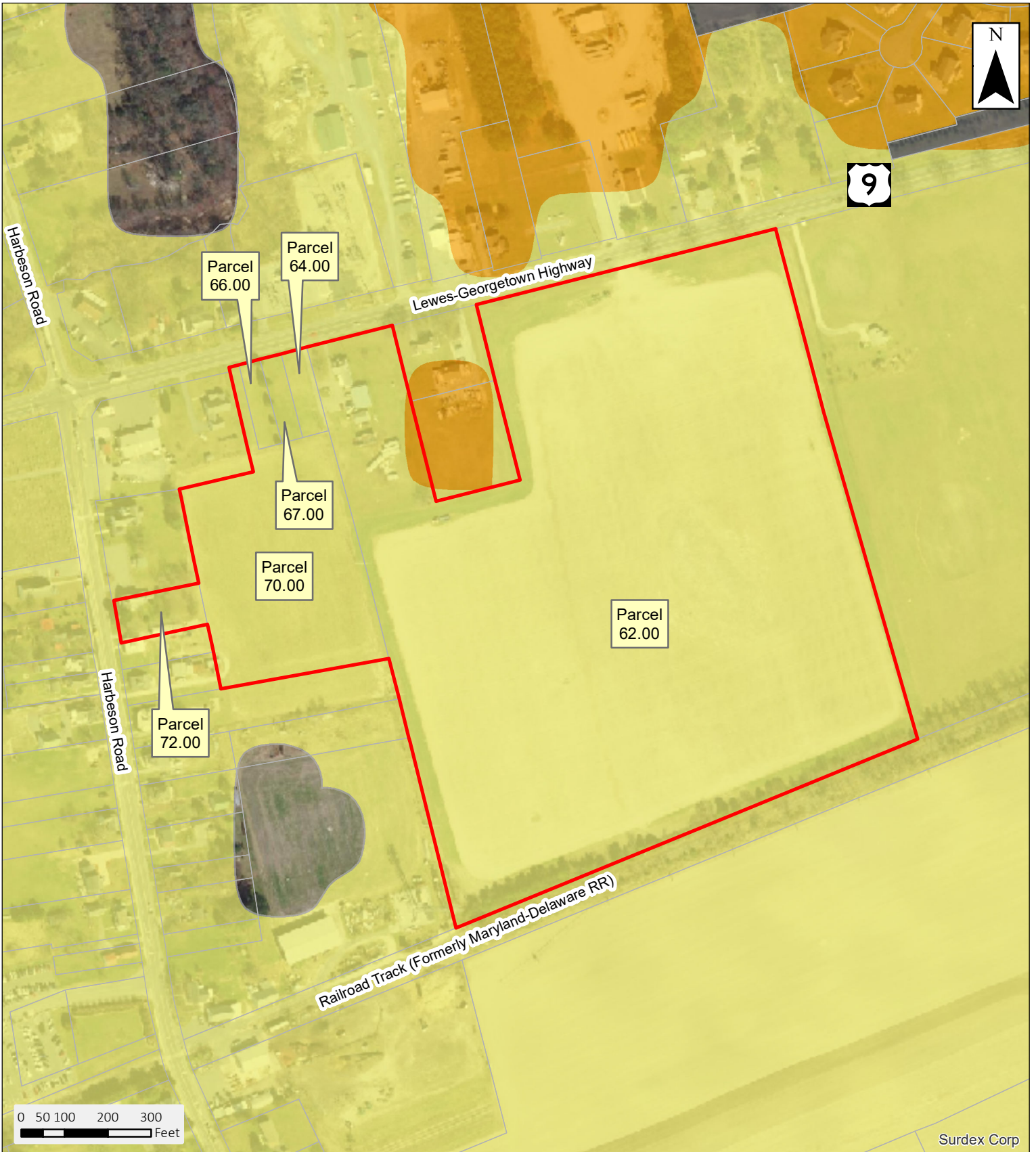
1937 Orthophoto

Hudson Harbeson Lands

HUDSF18001



- Subject Property
- Other Tax Parcels



Surdex Corp

Figure 11 of 19

11

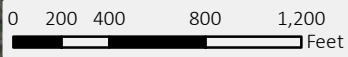
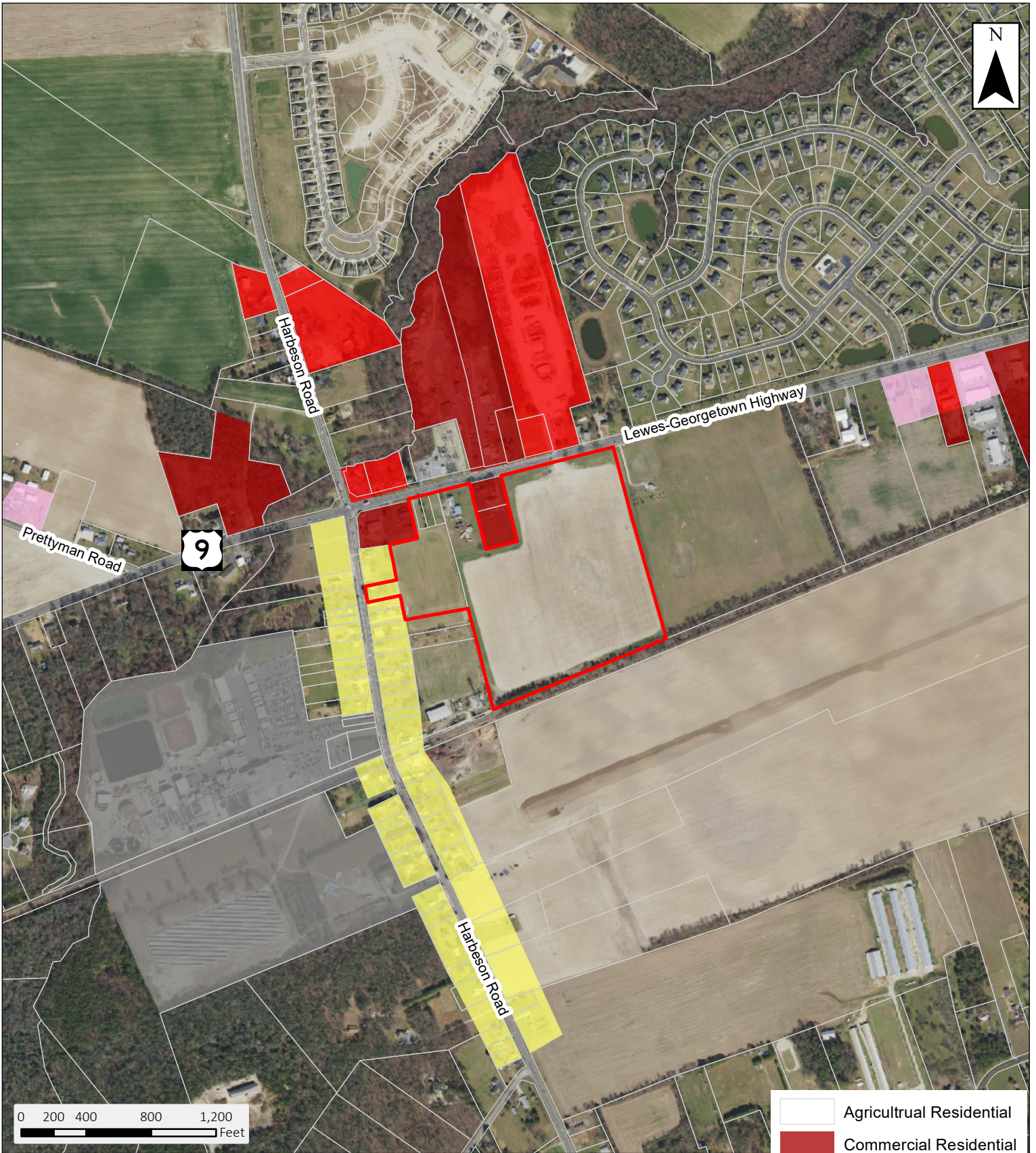
2015 State Strategies & Investment Levels

Hudson Harbeson Lands

HUDSF18001



- Level 2
- Level 3
- Level 4 (unshaded)
- Out of Play



- Agricultural Residential
- Commercial Residential
- General Commercial
- Heavy Industrial
- Medium Residential
- Neighborhood Business

Figure 12 of 19

County Zoning Map

12

Hudson Harbeson Lands

HUDSF18001



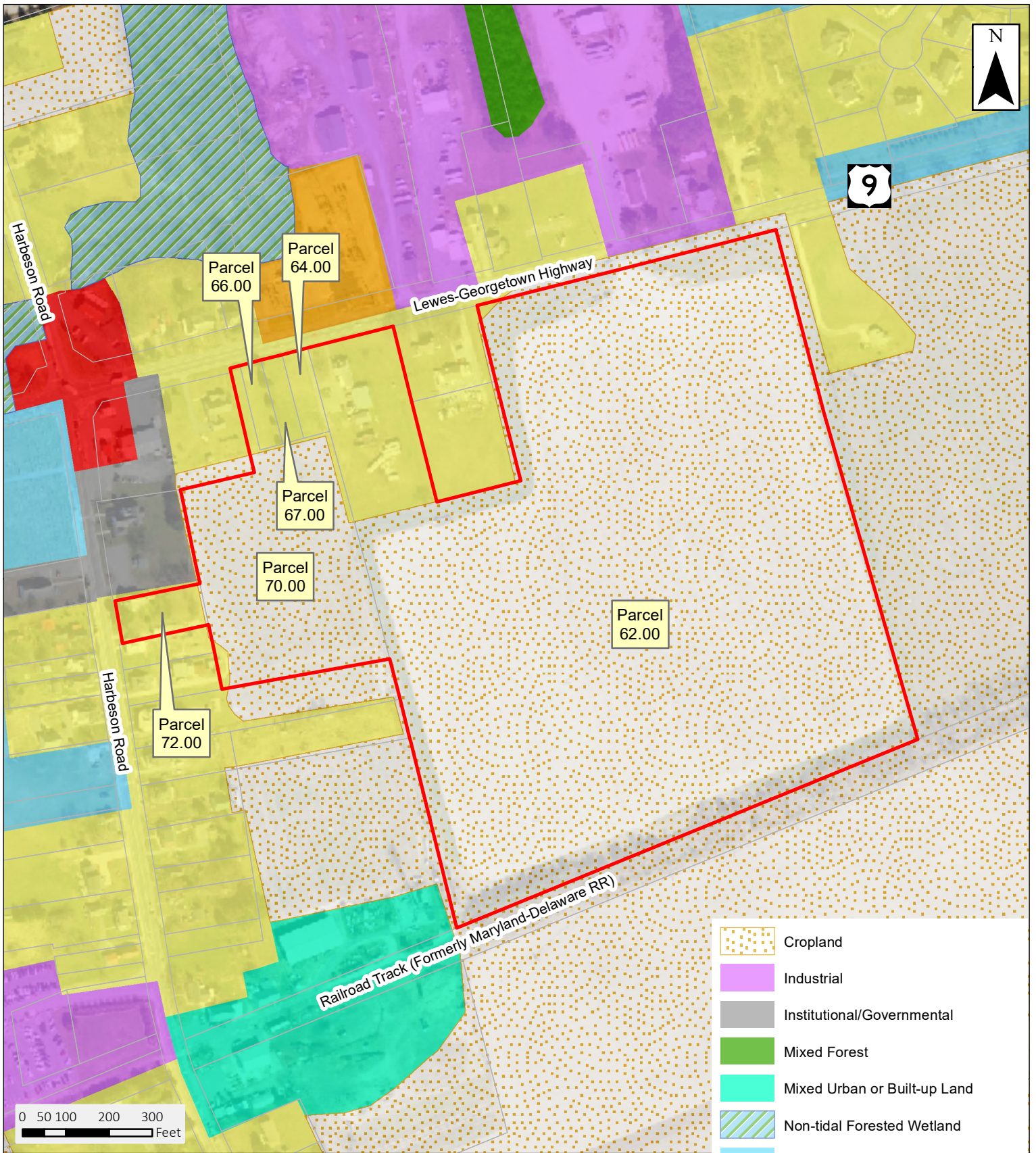


Figure 13 of 19

13

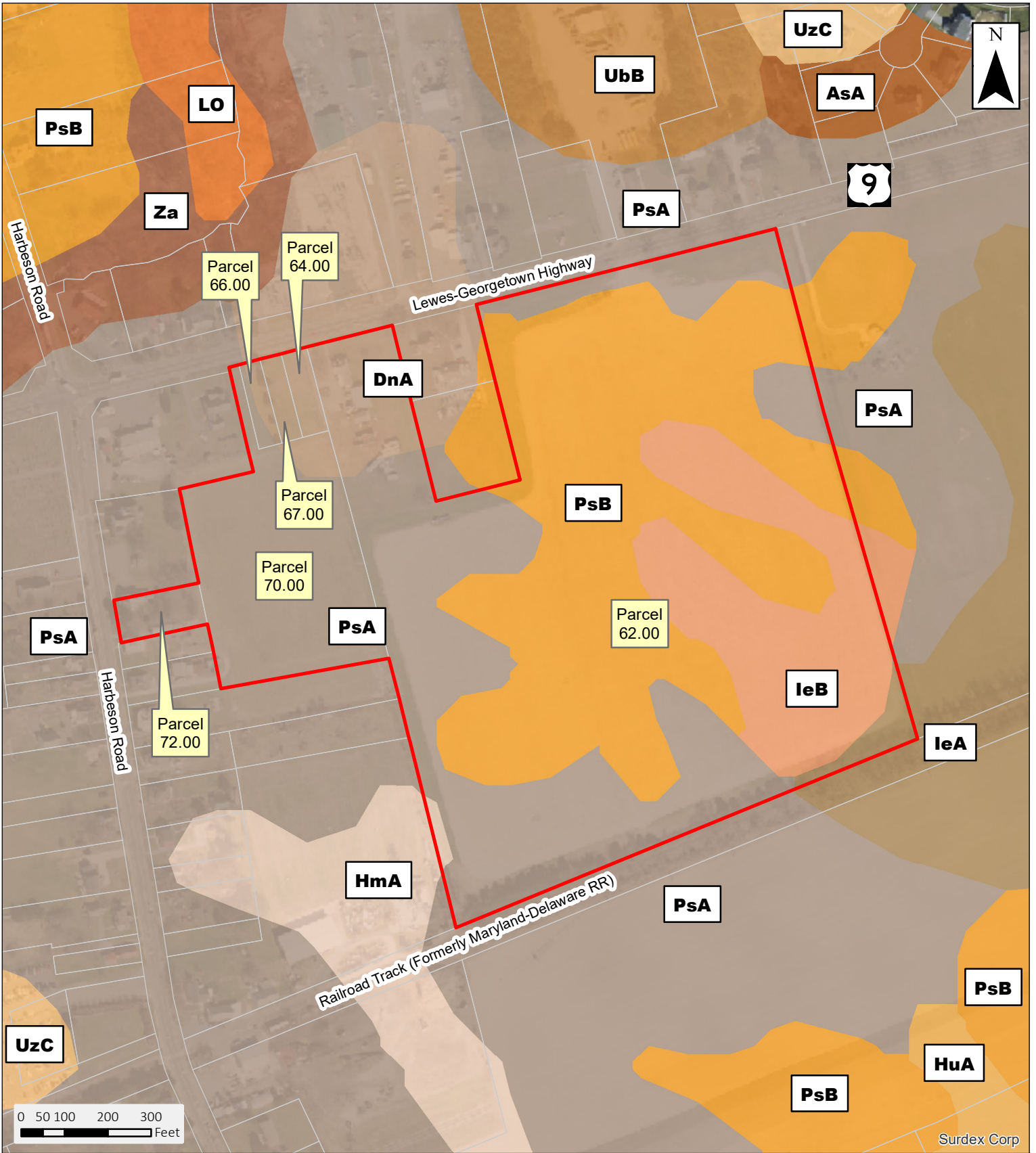
2012 Land Use/Land Cover

Hudson Harbeson Lands

HUDSF18001



-  Cropland
-  Industrial
-  Institutional/Governmental
-  Mixed Forest
-  Mixed Urban or Built-up Land
-  Non-tidal Forested Wetland
-  Other Urban or Built-up Land
-  Retail Sales/Wholesale/Professional
-  Single Family Dwellings
-  Utilities



Surdex Corp

Figure 14 of 19

NRCS Soils Map

14

Hudson Harbeson Lands

HUDSF18001



Soil Types:

- AsA - Askecksy loamy sand, 0-2% slopes, A/D
- DnA - Downer loamy sand, 0-2% slopes, A
- HmA - Hammonton loamy sand, 0-2% slopes, B
- leA - Ingleside loamy sand, 0-2% slopes, A
- leB - Ingleside loamy sand, 2-5% slopes, A
- PsA - Pepperbox-Rosedale complex, 0-2% slopes, A
- PsB - Pepperbox-Rosedale complex, 2-5% slopes, B



Figure 15 of 19

15

State Wetlands Map

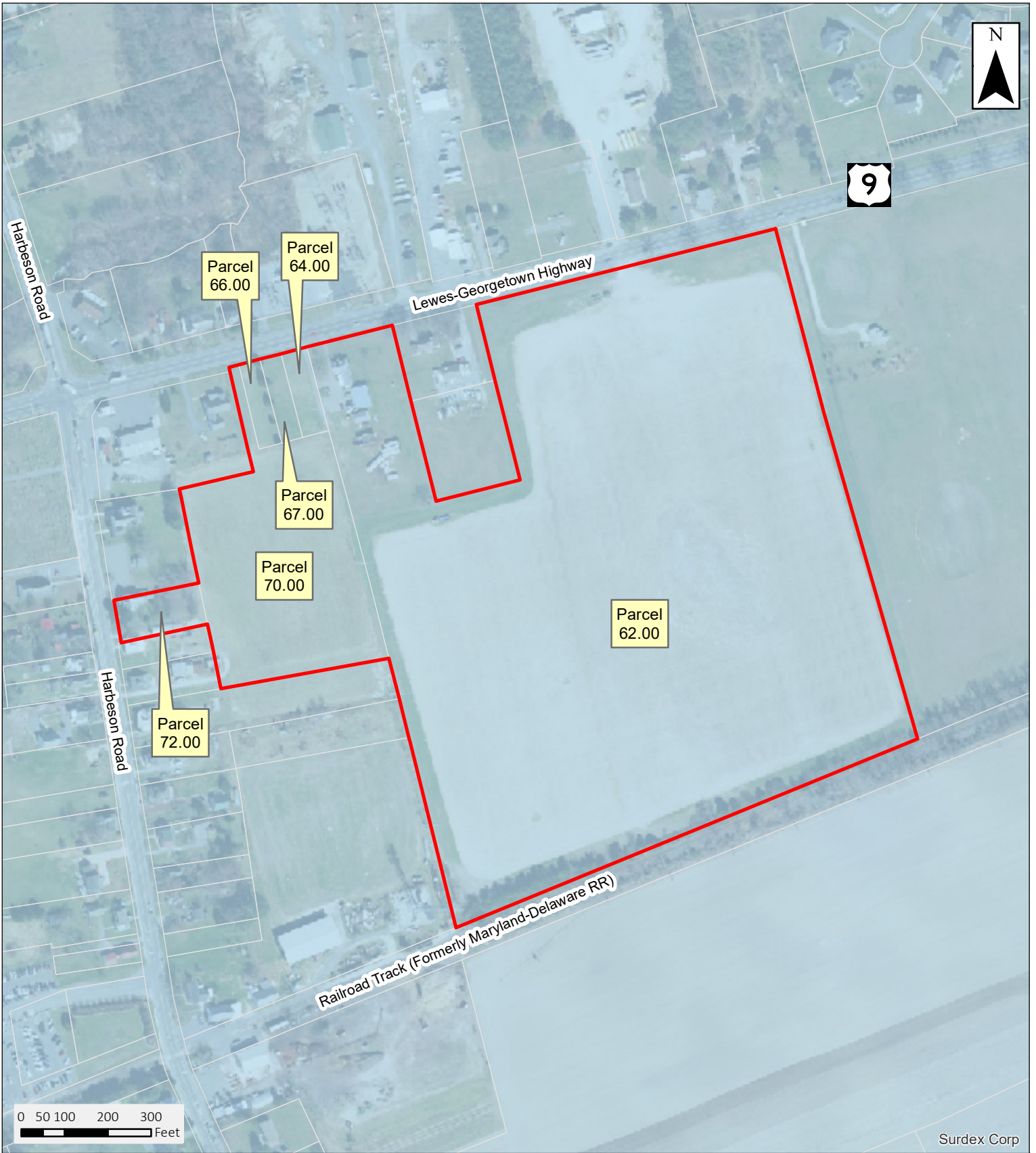
Hudson Harbeson Lands

HUDSF18001



Streams

DNREC Wetlands



Surdex Corp

Figure 16 of 19

16

FEMA Floodplain Mapping

Hudson Harbeson Lands

HUDSF18001



Flood Zone



FEMA Flood Map #1005C0310L (6/20/18)

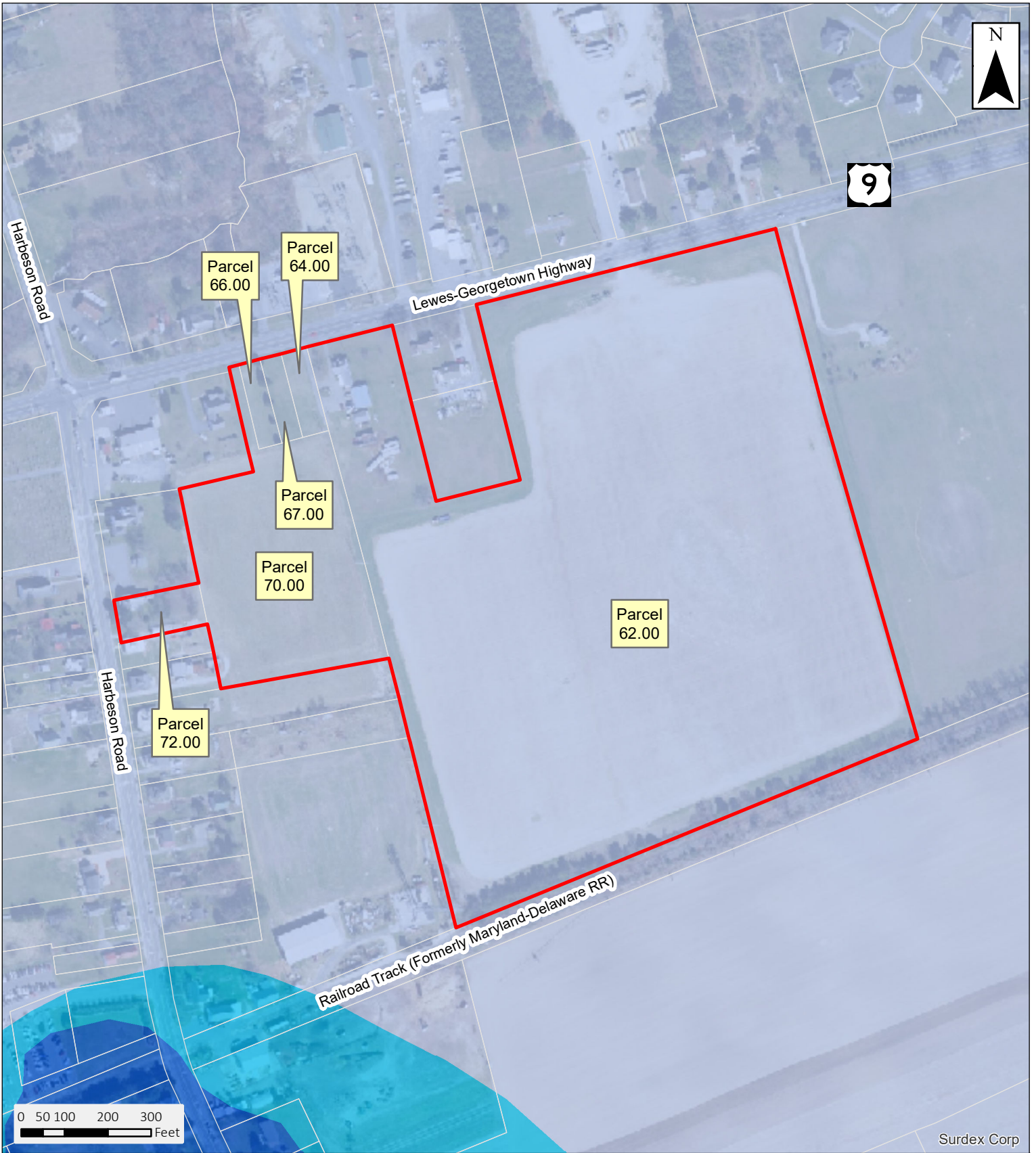


Figure 17 of 19

17

Groundwater Recharge Potential

Hudson Harbeson Lands

HUDSF18001



- Good
- Fair
- Poor

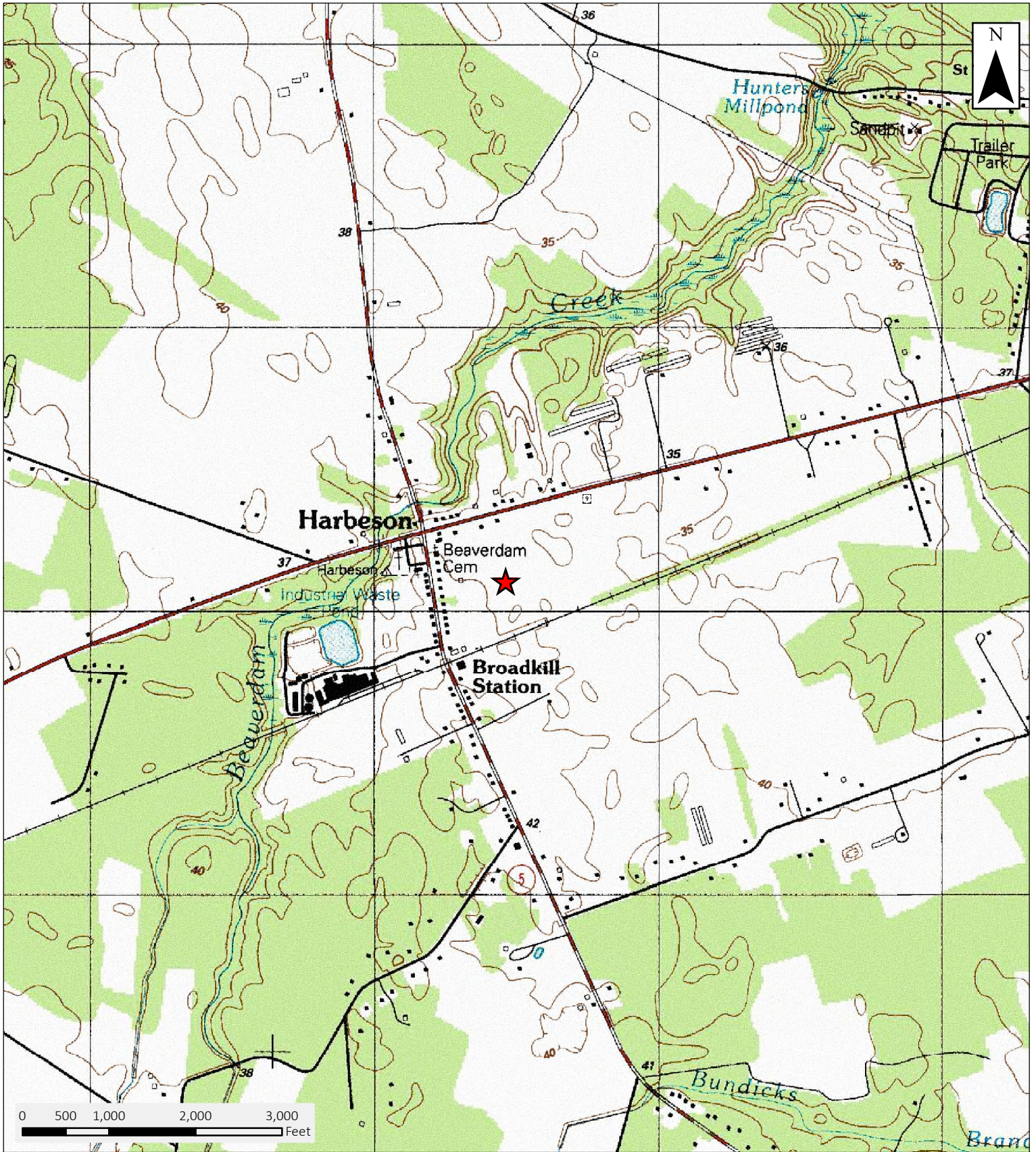


Figure 18 of 19

18

USGS Topographic Map

Hudson Harbeson Lands

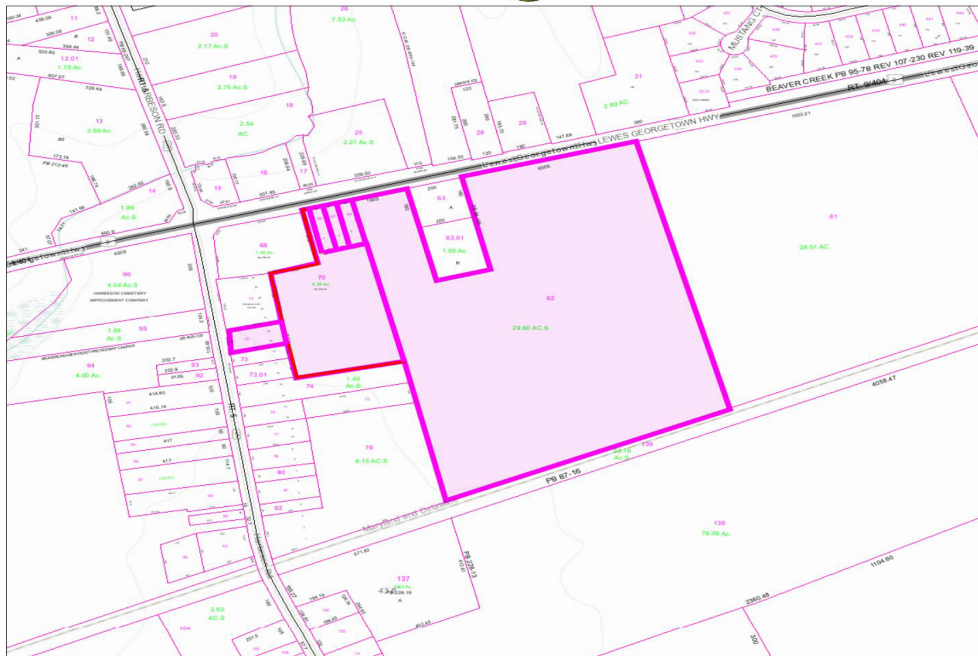
HUDSF18001



- The properties are identified on the tax maps of the Sussex County Department of Finance as Tax Map No. 235-30.00 Parcels 62.00, 64.00, 66.00, 67.00, 70.00 and 72.00. The properties will be combined into one property.

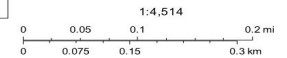


Sussex County



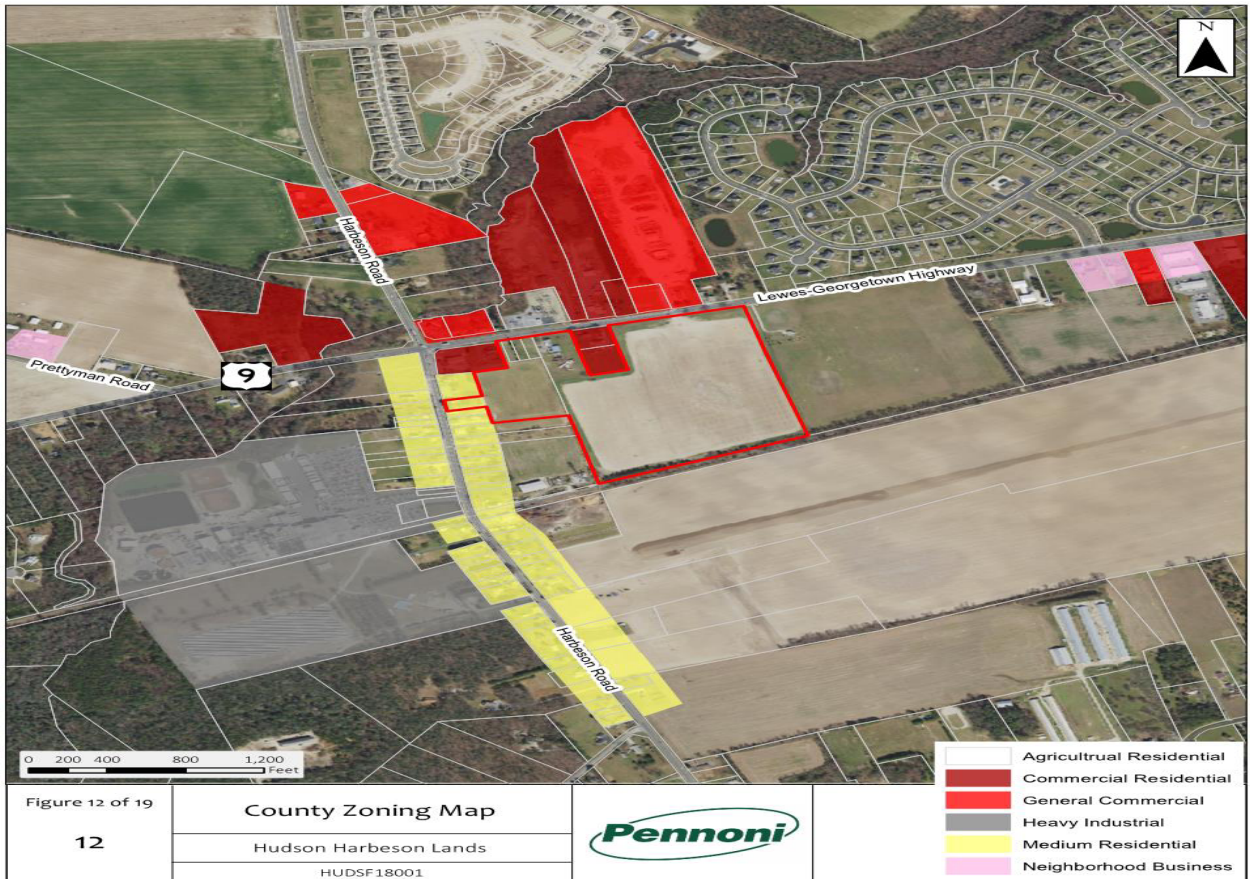
PIN:	235-30.00-70.00
Owner Name	W & B HUDSON FAMILY LTD PTNR
Book	3848
Mailing Address	24075 MILTON ELLENDALE
City	MILTON
State	DE
Description	S/RT 9
Description 2	354'E/RT 5
Description 3	
Land Code	

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



August 26, 2019

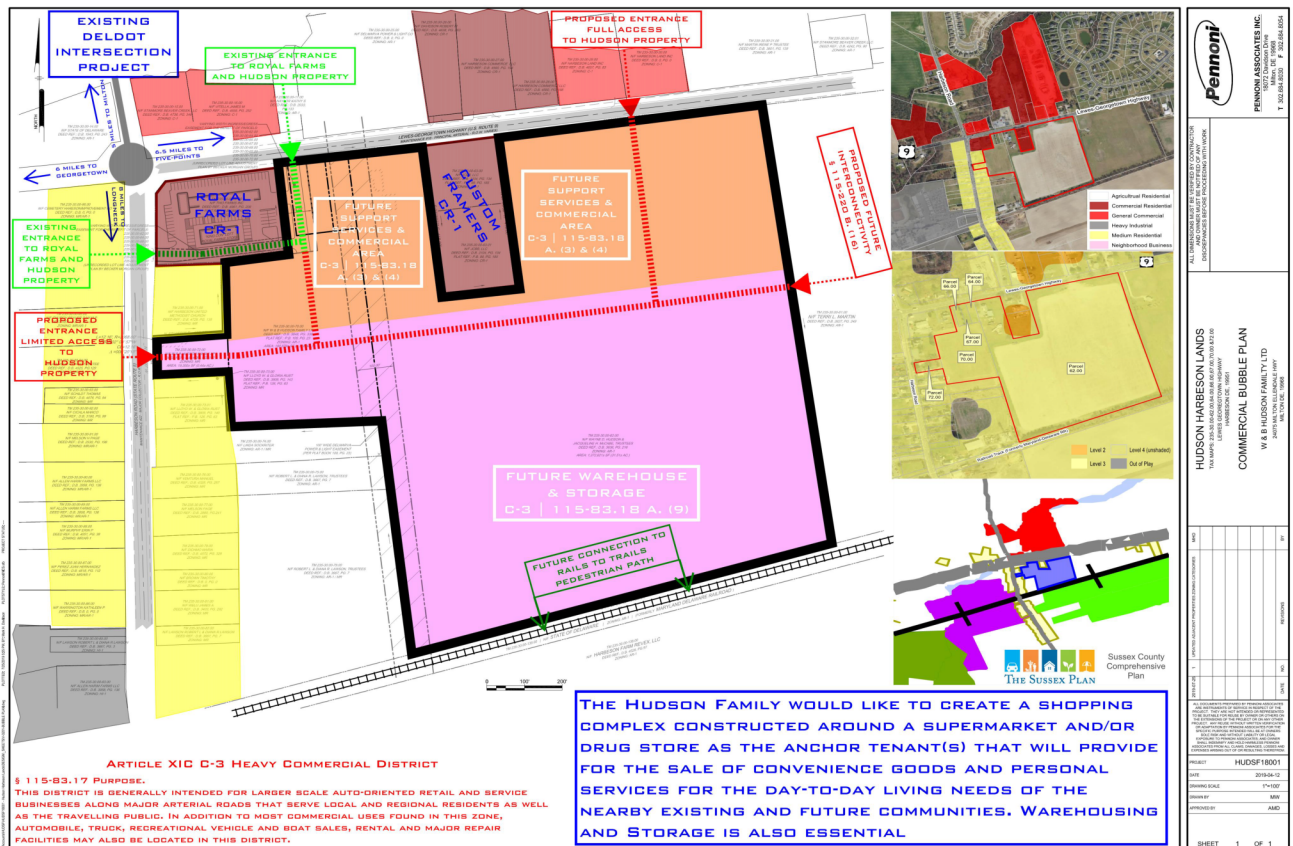
4. The properties are bordered on:
 - a. North with existing commercial property (Royal Farms and Custom Framers General contracting) and US Route 9.
 - b. South by Maryland Delaware Railroad (Future Rails to Trails Path)
 - c. West with existing commercial uses, church and MR zoned properties
 - d. East with Agricultural Residential Lands



Date: 8/9/2019 Document Path: C:\Users\VMWalls\Documents\GIS Projects\HUDSF18001\12 County Zoning.mxd

5. The purpose of the C-3 District is to support uses that include retail and service businesses along major arterial roads that serve local and regional residents as well as the travelling public. It permits a variety of retail, professional and services businesses.

6. The granting of this application for the commercial rezoning will allow the Hudson Family to create a shopping complex constructed around a community supermarket and/or drug store as the anchors that will provide for the sale of convenience goods and personal services for the day-to-day living needs of nearby existing and future communities. Warehouse and storage in the back of the property is all essential to how the Hudson's want to develop the property.



7. The proposed rezoning to C-3 for W & B Hudson Family LTD is in the vicinity of other commercial zoned property and uses and will not diminish or impair property values within the neighborhood; will not create a public nuisance; or result in an increase in public expenditures. The subject properties were once part of the Developing Area of Harbeson under the 2007 Comprehensive Plan which is a community that can support local community commercial given its character and size as well as the existing infrastructure currently in place.

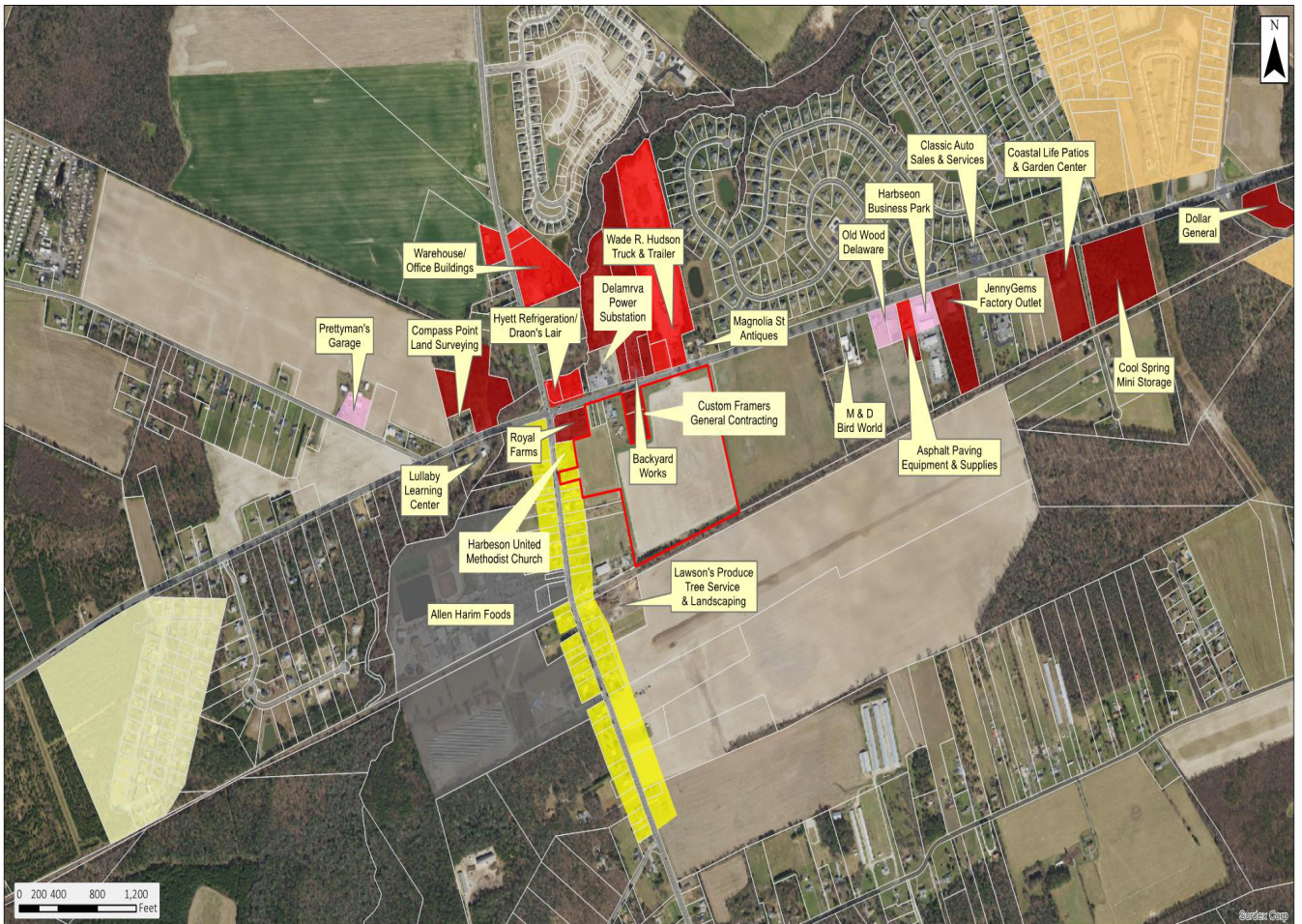
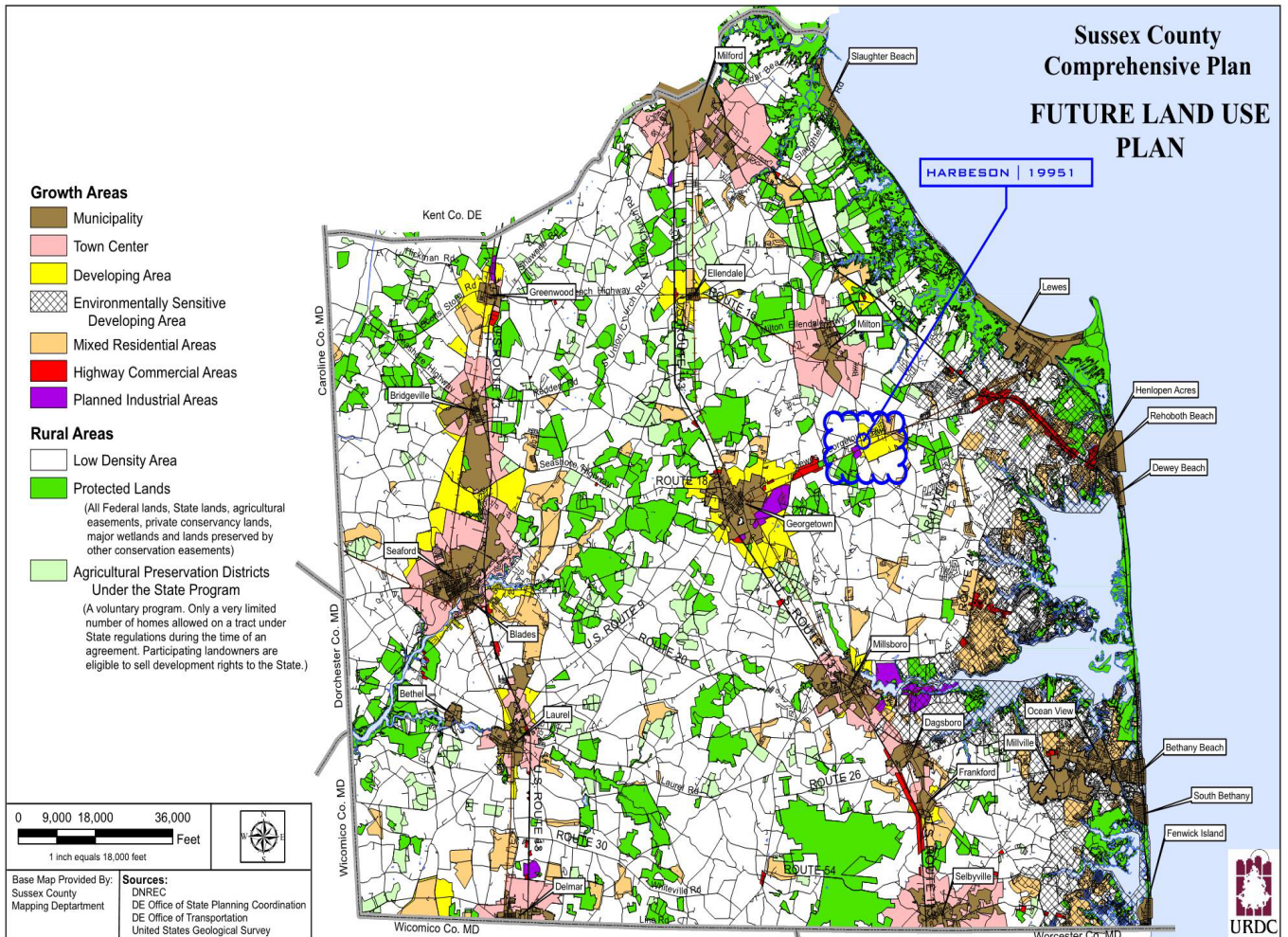


Figure 19 of 19	Area Commercial Uses	
19	Hudson Harbeson Lands	
	HU D S F 3 8 0 0 1	

Date: 8/12/2019 Document Path: C:\Users\JMH\Documents\GIS Projects\HU D S F 3 8 0 0 1\19 Area Commercial.mxd



8. In the 2019 Sussex County Comprehensive Plan – the area for the proposed rezoning for W & B Hudson Family LTD commercial property is identified to be in a Low-Density area but as previously stated was once in a Developing Area and is currently adjacent to Developing Areas. The Sussex Plan suggests that each application should be reviewed on its own merit and does not have a negative impact on the surrounding area or the county in general. Some of the started goals within the plan for new commercial zoning is to:

- a. Promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth - [Artesian has both water and sewer in front of the property that serves

adjacent commercial properties as well extends to area residential communities];

- b. Promote commercial development in designated commercial, office, and industrial areas in a scale/intensity/distance appropriate to adjacent residential neighborhoods – [Previously stated, the Hudson Family wants to provide a commercial development that is part of the community and provides for goods and services that are part of the community in scale. Additionally, the nearest residential development (Beaver Creek) which is approximately 600'+ to the east will benefit in that the subject property is not adjacent to their development but close enough to serve the residences with future services without them having to travel farther distances];
- c. Engage in planning that considers the efficient location of public services and infrastructure while establishing future public sewer service areas that will help preserve open space by promoting orderly growth rather than unplanned sprawl – [this property is located in the heart of Harbeson with access to both Artesian water and sanitary sewer as well as access to two (2) major roadway systems that's north and south to Milton and Long Neck and east and west to Lewes and Georgetown. These properties in this location with a commercial zoning, will prohibit any unplanned sprawl that the Comprehensive Plan is discouraging];
- d. Coordinate with DelDOT on road improvements and other transportation projects – [The Hudson Family worked with both DelDOT and the adjacent Royal Farms Developers to allow for a shared cross access easement within the Hudson properties. Additional coordination with DelDOT occurred during the expansion and upgrades to the intersection of US RT 9 and DE RT 5. Although a TIS was not required as a part of this application, the Hudson will have to provide future Transportation Improvements to the adjacent roadways during the future planning of the commercial development. In addition, future connection to the rails to trails pedestrian path along the existing railroad tracks along the rear of the Hudson properties will be coordinated with

DelDOT. Since US 9 is a principal arterial and an important freight corridor. Setbacks will be increased to allow for future capacity in the form of additional right-of-way dedication; permanent easements and additional stormwater management setbacks. Intersections and commercial entrances will be consolidated to reduce access points. Service roads through the properties will link local residents to commercial parking lots at the rear of the buildings. This would increase the aesthetic benefits to the community].

The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents which is what is being proposed for these properties. Commercial uses may be appropriate depending on surrounding uses. The surrounding uses are primarily commercial and industrial with some residential homes adjacent.

The retail industry has undergone a significant transformation over the past decade, and it continues to evolve quickly. The trend in community design for commercial complexes are no longer following the larger “Big Box” retail and going more towards the 10,000 square foot to 40,000 square foot building sizes. Community commercial developments are starting to become the norm in providing goods and services to the community.

Consistent with the Comprehensive Plan’s Future Land Use Chapter the County has considered the development along US 9 as a business corridor with a mix of residential and commercial uses that provide local residents with access to services they need. Local services would reduce travel to SR 1 for basic needs. Furthermore, the Sussex Plan promotes the US 9 vision to be tied to efforts to make the corridor multi-modal. Currently, the Georgetown to Lewes Rail Trail is being constructed by DelDOT in phases. Once completed, the trail will provide a pedestrian and bicycle path that is separated from car traffic. The trail will serve as both a recreational asset and a transportation option for commuters. Neighborhoods and businesses along the trail could see economic benefits from

connecting to it. The plan presented provides for multi-modal access to RT 9 and RT 5 as well as the existing railway at the rear of the property where the rail trail is being proposed.

9. The 2015 Strategies for State Policies and Spending Map identifies the area as Investment Level 3. This area is intermingled within a fast-growing area within the county and is adjacent to Level 2 areas. The priorities in the Level 3 Areas are for DelDOT to focus on regional movements between towns and other population centers. Developers and property owners will make local roadway improvements as development occurs. All infrastructure needs will be funded by the applicant. Additional public infrastructure that will benefit the community, such as, road improvements and access improvements that will be paid for by the applicant. When discussing the application with the Office of State Planning Coordination (OSPC) – The OSPC works to improve the coordination and effectiveness of land-use decisions made by state, county, and municipal governments. Though state policies can support growth in these areas, the state views these areas more in a long-term basis. It is here that the State will encourage the likes of master planning for the purpose of anticipating growth. The resources needed for applications such as this for rezoning to commercial are in place and available to the project.

10. There are no wetlands on the property; the property is located in a Flood Zone X Unshaded; there are no historical or natural features on the property ; stormwater will be onsite and use infiltration as its primary BMP for handling stormwater runoff; the properties are not in any Groundwater Protection Zones; a very small portion of the property along DE RT 5 is located within a Wellhead Protection Area and there are no existing wooded areas on site that will need to be disturbed.

Private utility companies are considered a viable option for water and wastewater treatment in areas where County or municipal services are non-existent or unplanned. Artesian Wastewater Management, Inc. mainly provide water and sewer services for developments that are along Route 9 east of Georgetown and along the Routes 5 corridor. CPCN's are being applied for both water and sewer for the property.

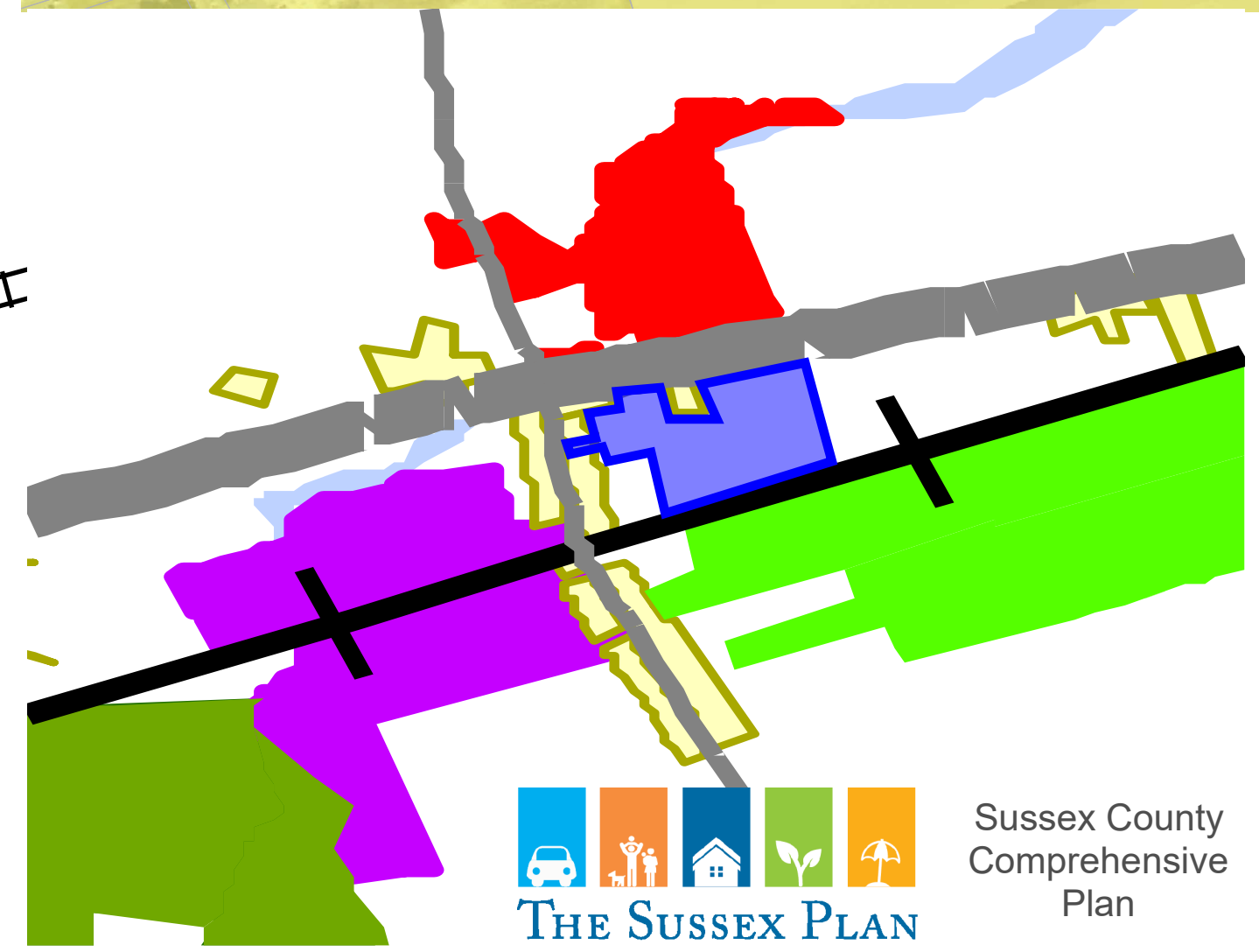
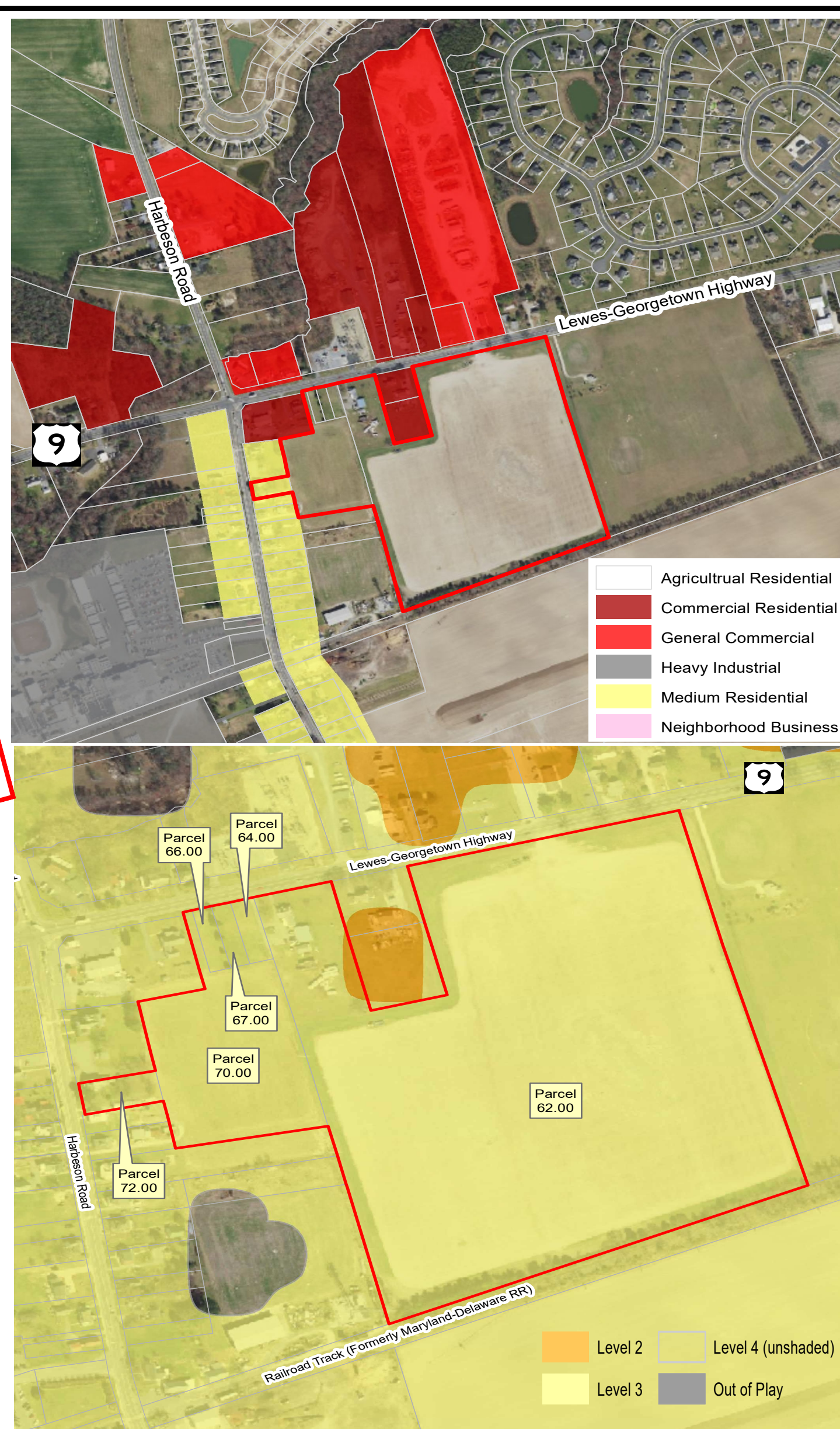
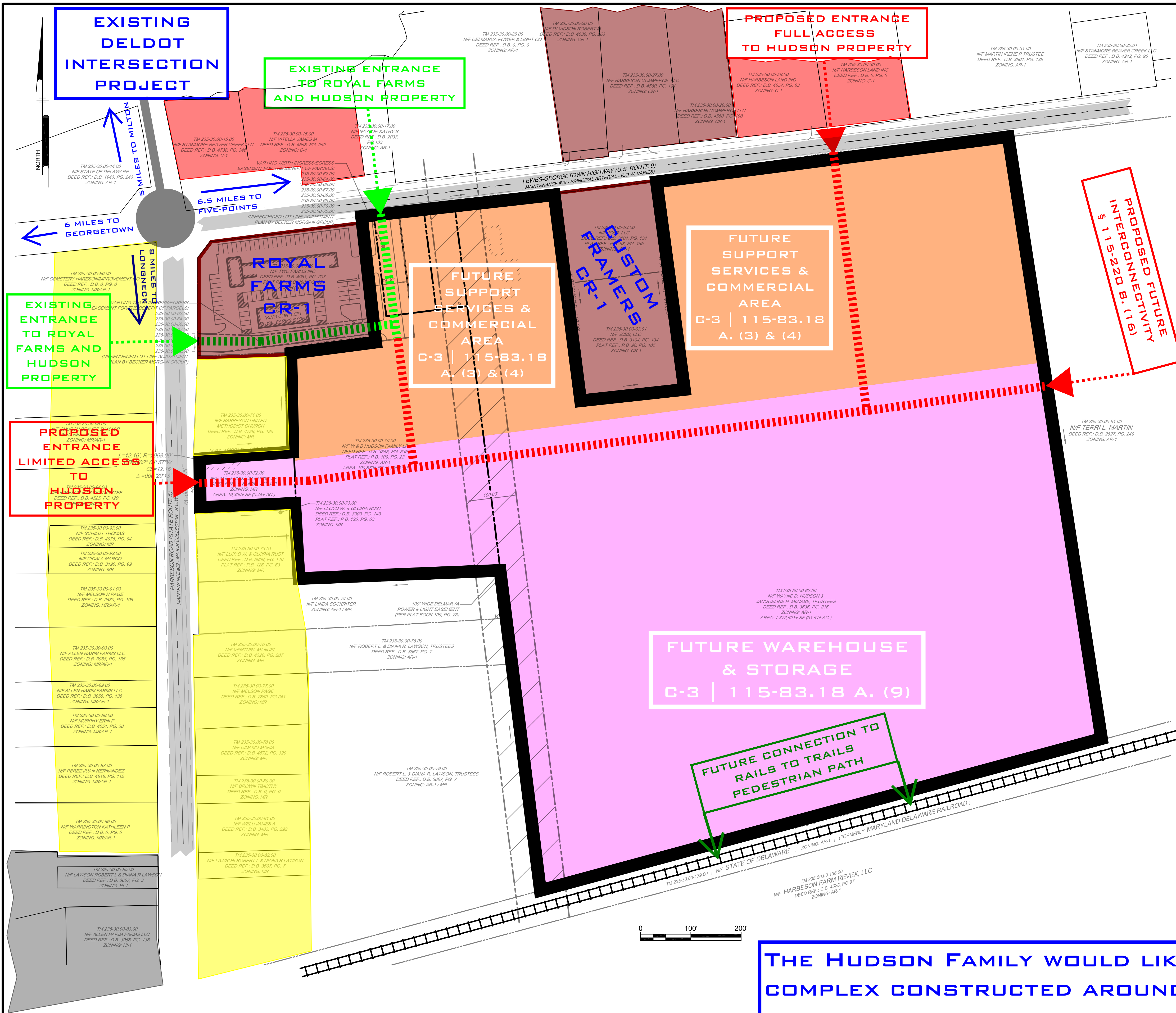
Delmarva Power & Light Company has a major sub-station directly across from these properties as well as easements through the properties for electric mains that serve the area and beyond.

These properties are fortunate to have a natural gas transmission pipeline located along the property. It is owned and operated by Eastern Shore Natural Gas Company, a subsidiary of Chesapeake Utilities (Chesapeake).

Verizon and Comcast are the main telecommunication providers operating in this service area.

All of these utilities ensure quality growth of development by the planning and developing of infrastructure and services in the County to complement State and local planning efforts with adequate water, sewer, electricity, natural gas, and fiber optic infrastructure to the property.

11. The proposed rezoning meets the general purpose of the Zoning Ordinance being located in an appropriate location meeting the purpose of this district and the future land use plans, strategies and objectives of the comprehensive plan that promotes growth and development through community design, mobility, utilities, transportation and economic development in an area where a general mixture of commercial and service activity now exists, which is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.



ARTICLE XIX C-3 HEAVY COMMERCIAL DISTRICT

§ 115-83.17 PURPOSE.

THIS DISTRICT IS GENERALLY INTENDED FOR LARGER SCALE AUTO-ORIENTED RETAIL AND SERVICE BUSINESSES ALONG MAJOR ARTERIAL ROADS THAT SERVE LOCAL AND REGIONAL RESIDENTS AS WELL AS THE TRAVELLING PUBLIC. IN ADDITION TO MOST COMMERCIAL USES FOUND IN THIS ZONE, AUTOMOBILE, TRUCK, RECREATIONAL VEHICLE AND BOAT SALES, RENTAL AND MAJOR REPAIR FACILITIES MAY ALSO BE LOCATED IN THIS DISTRICT.

THE HUDSON FAMILY WOULD LIKE TO CREATE A SHOPPING COMPLEX CONSTRUCTED AROUND A SUPERMARKET AND/OR DRUG STORE AS THE ANCHOR TENANT(S) THAT WILL PROVIDE SERVICES FOR THE DAY-TO-DAY LIVING NEEDS OF THE NEARBY EXISTING AND FUTURE COMMUNITIES. WAREHOUSING AND STORAGE IS ALSO ESSENTIAL

Pennoni

PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684-8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

HUDSON HARBESON LANDS
TAX MAPS: 235-30-00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00
LEWES-GEORGETOWN HIGHWAY
HARBESON DE, 19851

COMMERCIAL BUBBLE PLAN

W & B HUDSON FAMILY LTD
24075 MILTON ELLENDALE HWY
MILTON DE, 19968

DATE	NO.	REVISIONS	BY
2019-07-25	1		

PROJECT	HUDSF18001
DATE	2019-04-12
DRAWING SCALE	1"=100'
DRAWN BY	MW
APPROVED BY	AMD

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

SHEET 1 OF 1

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
302-854-5079 F
JANELLE CORNWELL, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: September 12, 2019

Application: CZ 1899 Harbeson Farm Revex, LLC

Applicant/Owner: Harbeson Farm Revex, LLC.
27113 Carpenter Farm Ln.
Milton, DE 19968

Site Location: 18865 Harbeson Rd. East side of Harbeson Rd., Approximately 0.44 mile south of Lewes-Georgetown Hwy.

Current Zoning: AR-1 (Agricultural Residential District) and MR (Medium Residential District)

Proposed Zoning: B-2 (Business Community District)

Comprehensive Land Use Plan Reference: Existing Developing Area and Low Density Area

Councilmatic District: Mr. Burton

School District: Indian River School District

Fire District: Milton Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 34,920 sf. of a 10 ac. parcel

Tax Map ID.: p/o 235-30.00-131.01





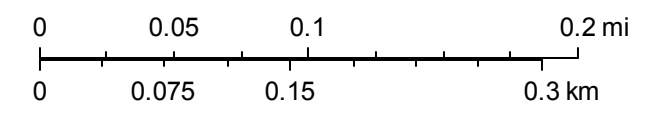
Sussex County



PIN:	235-30.00-131.01	
Owner Name	HARBESON	FARM
	REVEX LLC	
Book	4543	
Mailing Address	27113 CARPENTER FARM	
City	MILTON	
State	DE	
Description	E/RT 5	
Description 2	934'N/RD 293	
Description 3	TR 24032	
Land Code		

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
 - Tax Parcels
 - Streets
- Zoning**
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Neighborhood Business - B-1
 - General Commercial - C-1
 - Commercial Residential - CR-1
 - Marine - M
 - Limited Industrial - LI-1
 - Limited Industrial - LI-2
 - Heavy Industrial - HI-1

1:4,514



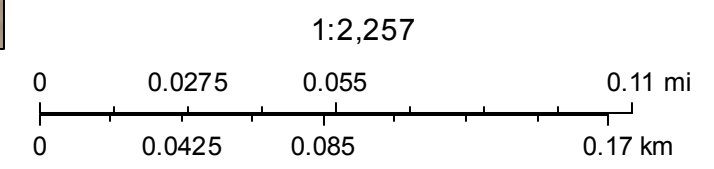


Sussex County



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



PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

(302) 855-7878 T
(302) 854-5079 F



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: September 5, 2019
RE: Staff Analysis for CZ 1899 Harbeson Farm Revex, LLC

This memo is to provide background and analysis for the Planning Commission to consider as part of application CZ 1899 Harbeson Farm Revex, LLC to be reviewed during the September 12, 2019 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 a portion of parcel 235-30.00-131.01 to allow for a change from AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District) to B-2 (Business Community District) to be located at 18865 Harbeson Rd. (Rt. 5). The size of the portion of the property to be rezoned is 0.801 ac. +/-.

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 indicates that the property has the land use designation of Existing Development and Low Density.

The surrounding land uses to the north and south are Existing Development and Low Density. The land use to the east is Low Density. The land uses to the west are Existing Development, Industrial and Low Density. Existing Development Area recognizes that a range of housing types and uses in the neighborhood business and commercial districts are permitted. The Low Density area recognizes agricultural activities and homes with convenience goods and services to nearby residents. It also recognizes that commercial uses should be limited in location, size, and hours of operation and intense uses should be avoided. The B-2 zoning district is a zoning that may be considered in the Low Density land use.

The property is zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District). The properties to the north and south are zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District). The properties to the east area zoned AR-1 (Agricultural Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District) and HI-1 (Heavy Industrial District). There are Conditional Uses in the area (manufactured home installer and landscape business).

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone from AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District) to B-2 (Business Community District) could be considered consistent with the land use, area zoning and uses.





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

JENNIFER COHAN
SECRETARY

May 29, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Harbeson Farm Revex, LLC (Dennis Schrader, Esq.)** rezoning application, which we received on May 1, 2019. This application is for a 10.00-acre parcel (Tax Parcel: 235-30.00-131.01). The subject land is located on the east side of Delaware Route 5, approximately 1,000 feet northeast of the intersection of Delaware Route 5 and Doddtown Road (Sussex Road 293), in Harbeson. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-3 (Heavy Commercial) to develop a 480 square-foot US Post Office.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Delaware Route 5 where the subject land is located, which is from Hollyville Road (Sussex Road 305) to US Route 9, is 4,394 vehicles per day.

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.

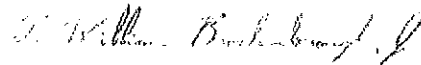
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell
Page 2 of 2
May 29, 2019

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Harbeson Farm Revex, LLC (Dennis Schrader, Esq.), Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision 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
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

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

TO: Janelle Cornwell

REVIEWER: Chris Calio

DATE: 8/21/2019

APPLICATION: CZ 1899 Harbeson Farm Revex, LLC

APPLICANT: Harbeson Farm Revex, LLC

FILE NO: NCPA-5.02

TAX MAP &
PARCEL(S): 235-30.00-131.00 p/o

LOCATION: 18865 Harbeson Road. East side of Harbeson Road,
approximately 0.44 mile south of Lewes-Georgetown Highway.

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

GROSS
ACREAGE: 34,920 sf of a 10 acre parcel

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 **Click or tap to enter a fee** 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? **No**
- (8). Comments: **The proposed Change of Zone is not in an area where the Sussex County Engineering Department has a plan/schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
No Permit Tech Assigned



RECEIVED

SEP 10 2019

SUSSEX COUNTY
PLANNING & ZONING

MEMORANDUM

TO: Janelle M. Cornwell

FROM: Debbie Absher, Director of Ag Programs

SUBJECT: LUPA

DATE: September 10, 2019

Attached you will find the comments for the following proposed zoning changes:

- 2019-1 – Log Cabin Hill Farm
- CU 2189 – Grace Malone
- CZ 1890 – W & B Hudson Family LTD
- CZ 1899 – Harbeson Farm Revex, LLC

If you have any questions, I can be reached at 856-3990, ext. 3.

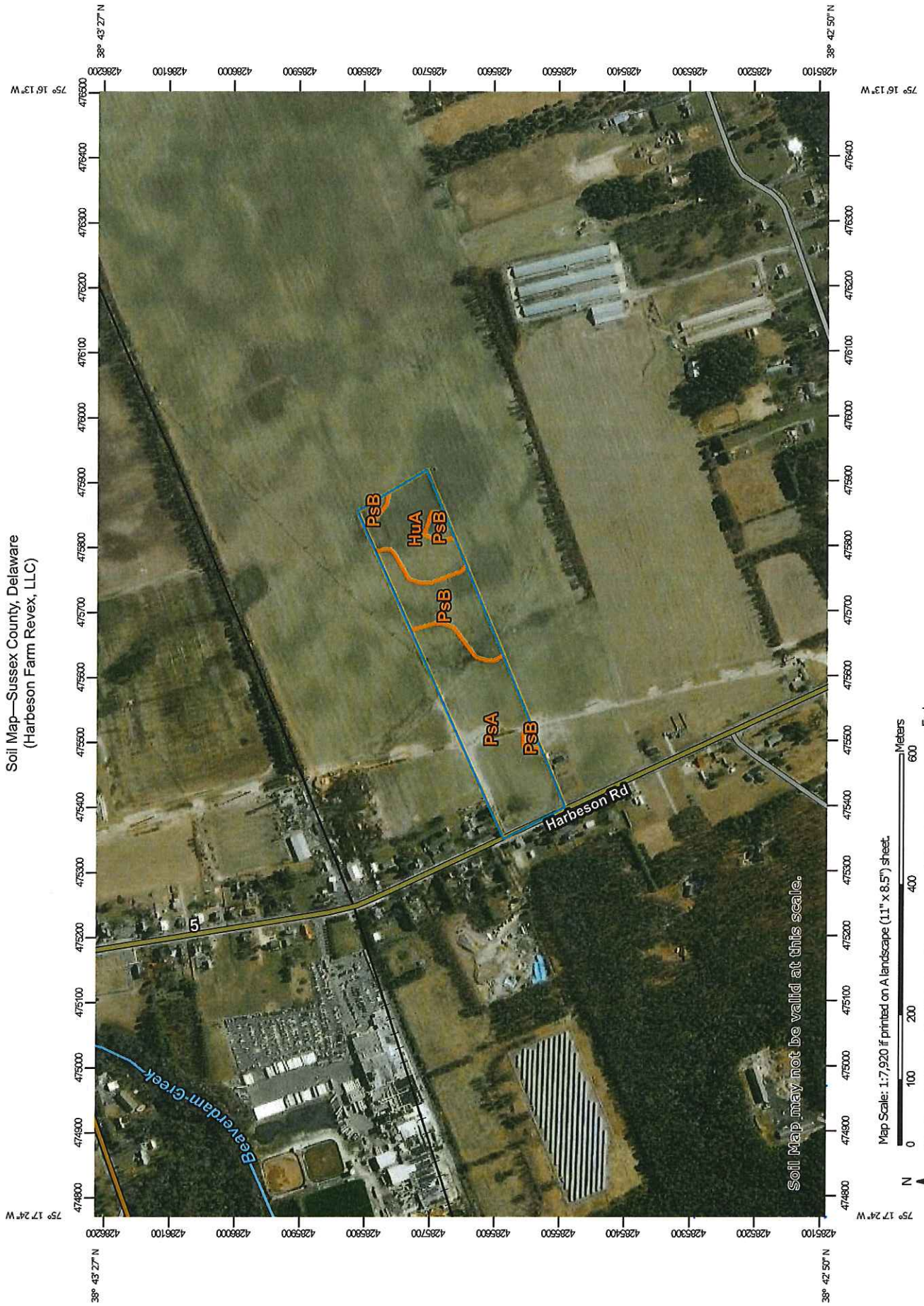
BJH

Enclosures












































CZ 1899
TM #235-30.00-131.01
Harbeson Farm Revex, LLC

Soil Map—Sussex County, Delaware
(Harbeson Farm Revex, LLC)



MAP LEGEND

 Area of Interest (AOI)	 Spoil Area
 Soils	 Stony Spot
 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Lines	 Wet Spot
 Soil Map Unit Points	 Other
 Special Point Features	 Special Line Features
 Blowout	 Water Features
 Borrow Pit	 Streams and Canals
 Clay Spot	 Transportation
 Closed Depression	 Rails
 Gravel Pit	 Interstate Highways
 Gravelly Spot	 US Routes
 Landfill	 Major Roads
 Lava Flow	 Local Roads
 Marsh or swamp	 Background
 Mine or Quarry	 Aerial Photography
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 19, Sep 14, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HuA	Hurlock loamy sand, 0 to 2 percent slopes	3.4	21.7%
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	8.3	52.3%
PsB	Pepperbox-Rosedale complex, 2 to 5 percent slopes	4.1	26.0%
Totals for Area of Interest		15.9	100.0%

Selected Soil Interpretations

This report allows the customer to produce a report showing the results of the soil interpretation(s) of his or her choice. It is useful when a standard report that displays the results of the selected interpretation(s) is not available.

When customers select this report, they are presented with a list of interpretations with results for the selected map units. The customer may select up to three interpretations to be presented in table format.

For a description of the particular interpretations and their criteria, use the "Selected Survey Area Interpretation Descriptions" report.

Report—Selected Soil Interpretations

Selected Soil Interpretations—Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
HuA—Hurlock loamy sand, 0 to 2 percent slopes							
Hurlock, undrained	40	Very limited		Very limited		Very limited	
		Ponding	1.00	Ponding	1.00	Depth to saturated zone	1.00
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Ponding	1.00
						Restricted permeability	1.00
Hurlock, drained	40	Very limited		Very limited		Very limited	
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Depth to saturated zone	1.00
						Restricted permeability	1.00
PsA—Pepperbox-Rosedale complex, 0 to 2 percent slopes							
Pepperbox	45	Somewhat limited		Very limited		Very limited	
		Depth to saturated zone	0.39	Depth to saturated zone	1.00	Depth to saturated zone	1.00
Rosedale	45	Not limited		Somewhat limited		Very limited	
				Depth to saturated zone	0.73	Depth to saturated zone	1.00
						Restricted permeability	1.00

Selected Soil Interpretations--Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
PsB—Pepperbox-Rosedale complex, 2 to 5 percent slopes							
Pepperbox	45	Somewhat limited		Very limited		Very limited	
		Depth to saturated zone	0.39	Depth to saturated zone	1.00	Depth to saturated zone	1.00
Rosedale	45	Not limited		Somewhat limited		Very limited	
				Depth to saturated zone	0.73	Depth to saturated zone	1.00
						Restricted permeability	1.00

Data Source Information

Soil Survey Area: Sussex County, Delaware
 Survey Area Data: Version 19, Sep 14, 2018

Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

Prime farmland is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be *farmland of statewide importance* for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be *farmland of local importance* for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Report—Prime and other Important Farmlands

Prime and other Important Farmlands--Sussex County, Delaware		
Map Symbol	Map Unit Name	Farmland Classification
HuA	Hurlock loamy sand, 0 to 2 percent slopes	Farmland of statewide importance
PsA	Pepperbox-Rosedale complex, 0 to 2 percent slopes	Prime farmland if irrigated
PsB	Pepperbox-Rosedale complex, 2 to 5 percent slopes	Prime farmland if irrigated

Data Source Information

Soil Survey Area: Sussex County, Delaware

Survey Area Data: Version 19, Sep 14, 2018

SOILS

ADD ANY ADDITIONAL INFORMATION THAT MAY BE CONSIDERED PERTINENT:

SOILS:

HuA Hurlock loamy sand, 0 to 2 percent slopes
PsA Pepperbox-Rosedale complex, 0 to 2 percent slopes
PsB Pepperbox-Rosedale complex, 2 to 5 percent slopes

- A. SUITABILITY OF SOILS INTENDED USE:
See attached table for suitability.

- B. EVALUATE THE SOILS INCLUDED IN THIS PROJECT WITH RESPECT TO EROSION AND SEDIMENTATION CONTROL:
 - 1. DURING CONSTRUCTION:
Follow recommended erosion and sediment control practices.

 - 2. AFTER CONSTRUCTION:
Maintain vegetation.

- C. FARMLAND RATING (PRIME, UNIQUE, STATEWIDE IMPORTANCE, ETC.):
See attached table(s) for ratings.

- D. ADDITIONAL COMMENTS (IF APPLICABLE):

DRAINAGE AND FLOODING

Add any additional information that may be considered pertinent:

DRAINAGE:

- A. Any Storm flood hazard area affected? Yes No
- B. Would the proposed project necessitate any off-site drainage improvements?
Not Likely
- C. Would the proposed project necessitate any on-site drainage improvements?
Possibly
- D. Any Tax Ditch affected? Yes No

Additional Comments (if applicable)

All landowners, developers, and site designers are strongly encouraged to thoroughly investigate the presence of easements or right-of-ways along tax ditches. These documents are located in the Prothonotary's Office and/or with the Recorder of Deeds. If a stormwater management facility is proposed along a stream or ditch, the Sussex Conservation District will require verification of any easements. Before you start any project design, please look into this matter by calling the Division of Soil and Water Conservation-Drainage Program at (302) 855-1930 or the Sussex Conservation District Sediment and Stormwater Program at (302) 856-7219 for more information.

DATA COLUMN:

- 1) OWNER: HARBESON FARM REVEX LLC
27113 CARPENTER FARM LANE
MILTON, DE 19958
- 2) OTHER THAN SHOWN HEREON, THIS SURVEY PLOT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS ON THIS PROPERTY. NO TITLE SEARCH WAS REQUESTED OR PERFORMED.
- 3) TOTAL NUMBER OF LOTS: 1
- 4) TOTAL FRONTAGE: 300.00'
- 5) GROSS ACREAGE: 10.000± ACRES
- 6) RESIDUAL AREA: 9.198± ACRES
- 7) ZONING: AR-1 *MR*
- 8) PRESENT USE: AGRICULTURAL
- 9) PROPOSED USE: COMMERCIAL
- 10) WATER: ON SITE WELL
- 11) SEPTIC: ON SITE SEPTIC
- 12) POSTED SPEED LIMIT: 35MPH

DELDOT NOTES:

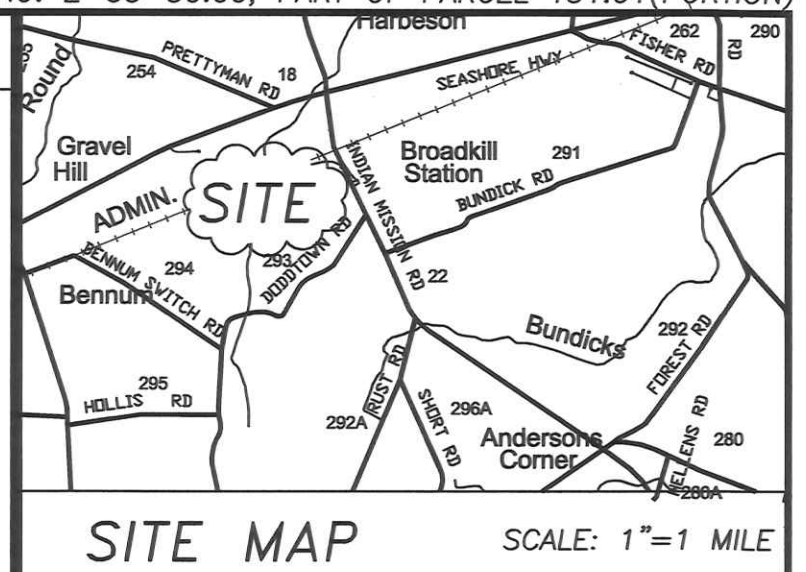
- 1) ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- 2) SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- 3) IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
- 4) LOT 1 SHALL HAVE A SINGLE ACCESS FROM SCR 22, AS SHOWN HEREON.

OWNER'S CERTIFICATION:

I, THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND THAT I DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

OWNER _____ DATE _____

OWNER _____ DATE _____

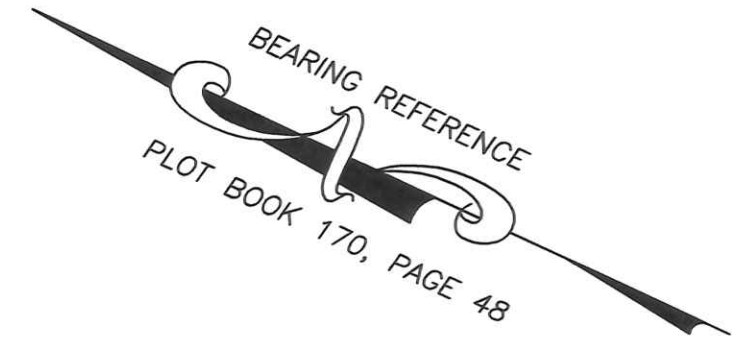
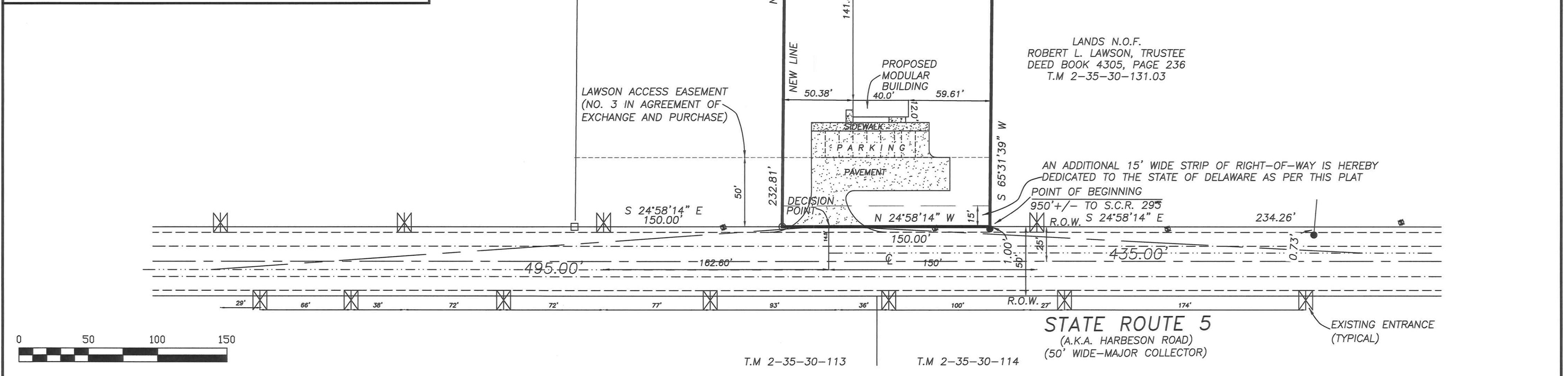


GENERAL NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 4543, PAGE 179
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH
- 4) THIS PROPERTY FALLS WITHIN THE LIMITS OF ZONE "" AS PER THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP 10005C0310L, EFFECTIVE DATE 6/20/2018
- 5) AS PER THE NATIONAL WETLANDS INVENTORY MAPS AVAILABLE ONLINE, THIS PROPERTY IS NOT IMPACTED BY WETLANDS

AGRICULTURE USE PROTECTIONS:

- 1) THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES
- 2) NO IMPROVEMENT REQUIRING OCCUPANCY APPROVAL FOR A RESIDENTIAL TYPE USE SHALL BE CONSTRUCTED WITHIN 50 FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES.



SURVEYOR'S STATEMENT:

I, CHARLES E. ADAMS, JR., 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.

[Signature]
CHARLES E. ADAMS, JR., P.L.S. 506

LEGEND:

- FOUND IRON PIPE
- FOUND IRON BAR
- △ SET IRON BAR
- FOUND CONCRETE MONUMENT
- ✱ UTILITY POLE

--- EDGE OF PAVEMENT
 - - - EDGE OF TRAVELWAY
 - · - · - CENTER OF TRAVELWAY
 - - - CENTER OF ROAD
 - · - · - EASEMENT
 - - - 15' WIDE DEDEDICATION

REVISIONS

DATE	REVISION

PREPARED BY
 ADAMS-KEMP ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 AND PLANNERS
 217 SOUTH RACE STREET
 GEORGETOWN, DELAWARE 19947
 WWW.ADAMSKEMP.COM

DIVISION SURVEY PLAN

PREPARED FOR
HARBESON FARM REVEX LLC

SITUATED IN
 BROADKILL HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE
 SCALE: 1" = 50'
 DATE: JUNE 10, 2019

Harbeson Farm Revex, LLC

Change of Zone No. 1899

Harbeson Farm Revex, LLC
18865 Harbeson Rd, Harbeson, DE
SCTP No. p/o 235-30.00-131.01

David C. Hutt, Esquire
Morris James LLP

Public Hearings:

Planning Commission	09/12/2019
County Council	10/22/2019

RECEIVED
AUG 30 2019
SUSSEX COUNTY
PLANNING & ZONING

Table of Contents

1. Planning & Zoning Commission Application, Case No. 1899
2. Title to Property: Deed: May 6, 2016, Deed Book 4543, Page 179
3. DOT Service Level Evaluation Request (May 29, 2019)
4. Sussex County Tax Maps (Tax Parcels, Zoning and Aerial Imagery)
5. 2015 Delaware State Strategies
6. Subdivision Survey Plan, Adams-Kemp Associates, Inc. (June 10, 2019)
7. Proposed Findings of Fact

File #: _____
201908664

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
JUL 26 2019
SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

18865 Harbeson Road, Harbeson, DE 19951 (E/Rt 5 934'N/RD 293)

Type of Conditional Use Requested:

not applicable

Tax Map #: p/o 235-30.00-131.01 **Size of Parcel(s):** 34,920 sq. ft/10 acres *C.S.M.*

Current Zoning: MR/AR1 **Proposed Zoning:** B-2 **Size of Building:** 480 sq. ft. +/-

Land Use Classification: Low Density

Water Provider: on-site well **Sewer Provider:** on-site septic

Applicant Information

Applicant Name: Harbeson Farm Revex, LLC
Applicant Address: 27113 Carpenter Farm Lane
City: Milton State: DE Zip Code: 19968
Phone #: (302) 542-4286 E-mail: jlcarpenterfarm@gmail.com

Owner Information

Owner Name: Harbeson Farm Revex, LLC
Owner Address: 27113 Carpenter Farm Lane
City: Milton State: DE Zip Code: 19968
Phone #: (302) 542-4286 E-mail: jlcarpenterfarm@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David Hutt, Esq. and Dennis Schrader, Esq., Morris James LLP
Agent/Attorney/Engineer Address: P.O. Box 690
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 856-0015 E-mail: dhutt@morrisjames.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: 7/26/2019

Signature of Owner

Date: _____

For office use only:

Date Submitted: 7/26/19

Fee: \$500.00 Check #: 105754

Staff accepting application: ckh

Application & Case #: 2019 082604

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



Sussex County

Scott Dailey
Recorder of Deeds
Georgetown, DE 19947

Instrument Number: 2016-16154

Parties:

Recorded As: EREC-DEED

Direct- BRYTON HOMES OF VIRGINIA LLC

Recorded On: May 18, 2016

Indirect- HARBESON FARM REVEX LLC

Recorded At: 08:40:47 am

Receipt Number: 592414

Number of Pages: 5

Processed By: Teresa C

Book-VI/Pg: Bk-D VI-4543 Pg-179

Total Rec Fee(s): \$9,067.00

** Examined and Charged as Follows **

RECEIVED ASSESSMENT DIVISION OF SUSSEX COUNTY

Erec-D	\$ 67.00				
		Tax Amount	Consid Amt	RS#/CS#	
STATE AND COUNTY OF SUSSEX		\$ 9000.00	\$ 300000.00	State of Delaware	\$ 4500.00
				Sussex County	\$ 4500.00
Tax Charge:		\$ 9000.00			

I hereby certify that the within and foregoing was recorded in the Recorder's Office in Sussex County

DO NOT REMOVE - THIS PAGE IS PART OF THE RECORDED DOCUMENT

TAX MAP AND PARCEL #:
2-35-30.00-131.01 & 131.02

PREPARED BY:
Moore & Rutt, PA
122 West Market Street
P.O. Box 554
Georgetown, DE 19947
File No. 15809-101/JEM

RETURN TO:
Harbeson Farm Revex, LLC
27113 Carpenter Farm Ln
Milton, DE 19968

THIS DEED, made this 9th day of May, 2016,

- BETWEEN -

BRYTON HOMES OF VIRGINIA, LLC, a Virginia Limited Liability Company, of 8405 Greensboro Dr., McLean, VA 22102, party of the first part,

- AND -

HARBESON FARM REVEX, LLC, a Delaware Limited Liability Company, of 27113 Carpenter Farm Ln, Milton, DE 19968, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of ONE AND 00/100 DOLLARS (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

TM# 2-35-30.00-131.01

All that certain tract or parcel of land situated near the area known as Harbeson in the Broadkill Hundred, Sussex County, State of Delaware on the eastern side of Delaware Route 5, also known as Harbeson Road, and being more particularly described as follows: July 9, 2007,

COMMENCING at the intersection of Delaware Route 5, a.k.a. Harbeson Road and the southern right-of-way of the old railroad; thence running in a southeasterly direction for approximately 800 feet to a concrete monument found on the eastern right-of-way line of Delaware Route 5 and the point of beginning.

Beginning at the concrete monument found on the division line between the land being described and the land now or formerly of Earl R. and Kathleen Loughheed (Deed Book 2911 Page 269); thence leaving the right-of-way of Delaware Route 5 and binding on the land now or formerly of Earl R. and Kathleen Loughheed for the following course and distance, with the bearings hereon being referred to the Delaware State Plan Coordinate System NAD 83/91: (1) North 65 degrees 31 minutes 39 seconds East 196.20 feet to a capped pin set at the division line between the lands being described and The Communities of Beaver Creek, LLC (Deed Book 3013 Page 164); thence binding on the lands of The Communities of Beaver Creek, LLC for the following course and distance: (2) North 65 degrees 31 minutes 39 seconds East 1255.88 feet to a capped pin found, at the intersection of the lands being described and the other lands of The Communities of Beaver Creek, LLC (Deed Book 3179 Page 9); thence binding on the other lands of The Communities of Beaver Creek, LLC for the following two courses and distances: (3) South 24 degrees 58 minutes 14 seconds East 300.00 feet to a point being North 43 degrees 00 minutes 57 seconds East 1.19 feet from an iron pipe found; thence (4) South 65 degrees 31 minutes 39 seconds West 1452.07 feet to a point on the easterly right-of-way of Delaware Route 5, said point being North 73 degrees 18 minutes 40 seconds East 0.93 feet from an iron pipe found; thence binding on the right-of-way of Delaware Route 5 for the following course and distance: (5) North 24 degrees 58 minutes 14 seconds West 300.00 feet to a concrete monument found, said monument being the point of beginning, containing 10.000 acres of land, more or less, as surveyed by McCrone, Inc., in July 2005.

THE ABOVE PROPERTY is conveyed subject to an easement for ingress and egress to lands now or formerly of Patricia E. Ingram, which adjoins the property. Said easement is shown on the above referenced survey as a "dirt drive" with no width being shown. Said easement is to run with the land.

TM# 2-35-30.00-131.02

All that certain tract or parcel of land situated near the area known as Harbeson in the Broadkill Hundred, Sussex County, State of Delaware, on the eastern side of Delaware Route 5, also known as Harbeson Road and being more particularly described as follows: April 23, 2007, COMMENCING at the intersection of Delaware Route 5, a.k.a. Harbeson Road and Sussex County Road No. 293, a.k.a. Doddstown Road; thence running in a northwesterly direction for approximately 450 feet to a concrete monument found on the eastern right-of-way line of Delaware Route 5 and the point of beginning.

Beginning at the concrete monument found on the division line between the land being described and the land now or formerly of David Steven Killian (Deed Book 2648 Page 171), the concrete monument found is the same concrete monument called for at the beginning of the first or North 16 degrees 19 minutes 31 seconds West 150.00 foot deed line described in a Deed from John Melvin Prettyman and Patricia Ann Prettyman to John Wayne Prettyman and filed for record at

the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Deed Book 2132 Page 110; thence binding on the easterly right-of-way line of Delaware Route 5 (50 foot wide) for the following course and distance with the bearings hereon being referred to the Delaware State Plan Coordinate System NAD 83/91: (6) North 24 degrees 58 minutes 14 seconds West 300.00 feet to a point at the division line between the lands being described and The Communities of Beaver Creek, LLC (Deed Bok 2132 Page 9), said point being North 67 degrees 56 minutes 45 seconds East 0.72 feet from an iron pipe found, the aforesaid point is further described as being South 24 degrees 58 minutes 14 seconds East 534.26 feet from a concrete monument found; thence leaving the right-of-way of Delaware Route 5 and binding on the lands of The Communities of Beaver Creek, LLC for the following two courses and distances: (7) North 69 degrees 47 minutes 28 seconds East 1457.13 feet to a point being North 85 degrees 20 minutes 52 seconds East 0.84 feet from an iron pipe found; (8) South 24 degrees 58 minutes 14 seconds East 300.00 feet to a capped pin found on the northwestern outline of the aforementioned land now or formerly of David Steven Killian, the said capped pin found is identified by a cap stamped McCrone, Inc.; thence binding on the lands now or formerly of David Steven Killian the for the following course and distance: (9) South 69 degrees 47 minutes 28 seconds West 1457.13 feet to the point of beginning, containing 10.001 acres of land, more or less, as surveyed by McCrone, Inc., in July 2005.

BEING the same property conveyed to Bryton Homes of Virginia, LLC from Georgelas Management, Inc., by Deed dated December 19, 2013, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 4212, Page 244.

This property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the said Bryton Homes of Virginia, LLC, a Virginia limited liability company, has caused its name to be hereunto set under seal by Anthony J. Georgelas, Manager of Bryton Homes of Virginia, LLC, the day and year first above written.

BRYTON HOMES OF VIRGINIA, LLC

Chris Miller
Witness

By: *Anthony J. Georgelas* (SEAL)
Anthony J. Georgelas, Manager

STATE OF VIRGINIA, COUNTY OF *Prince George's*; to-wit

BE IT REMEMBERED, that on this 6th day of May, A.D. 2016, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Anthony J. Georgelas, Manager of Bryton Homes of Virginia, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company; that the signature of the Manager is in his/her own proper handwriting and by his/her authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

WILLIAM M. GALAYDA
NOTARY PUBLIC
REG. #363482
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES NOVEMBER 30, 2017

William M. Galayda
Notary Public

My Commission Expires: *11/30/17*



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

JENNIFER COHAN
SECRETARY

May 29, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Harbeson Farm Revex, LLC (Dennis Schrader, Esq.)** rezoning application, which we received on May 1, 2019. This application is for a 10.00-acre parcel (Tax Parcel: 235-30.00-131.01). The subject land is located on the east side of Delaware Route 5, approximately 1,000 feet northeast of the intersection of Delaware Route 5 and Doddtown Road (Sussex Road 293), in Harbeson. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-3 (Heavy Commercial) to develop a 480 square-foot US Post Office.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Delaware Route 5 where the subject land is located, which is from Hollyville Road (Sussex Road 305) to US Route 9, is 4,394 vehicles per day.

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.



Ms. Janelle M. Cornwell
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May 29, 2019

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Harbeson Farm Revex, LLC (Dennis Schrader, Esq.), Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision 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
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

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Hunters Millpond

MEADOWS OF BEAVER CREEK

TRAILS OF BEAVER CREEK

Lewes-Georgetown Hwy

Harbeson

9

ALLEN HARIM

SITE

5

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Google Earth

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Imagery Date: 6/13/2018 38°43'22.48" N 75°16'46.74" W elev 37 ft eye alt 2007