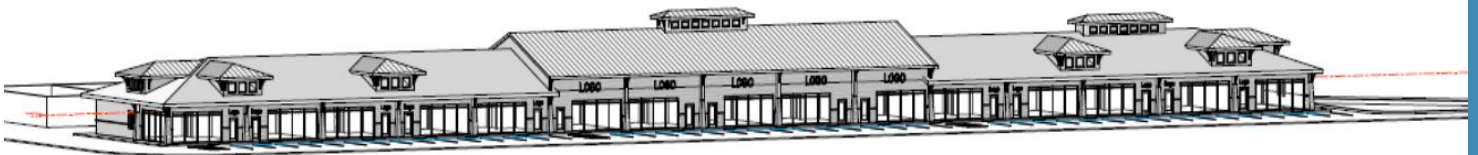


Toback Development, LLC

Conditional Use No. 2290



David C. Hutt, Esquire
Morris James LLP

Public Hearings:
Planning & Zoning Commission
March 24, 2022
County Council
May 10, 2022

TOBACK DEVELOPMENT, LLC

CONDITIONAL USE NO. 2290

Table of Contents

1. Application
2. Deed for the Property (Deed Book 5401, Page 293)
3. Subdivision Plot (Plot Book 341, Page 90)
4. Preliminary Site Plan
5. Maps
 - a. Tax Parcels with Aerial Imagery
 - b. Zoning Map
 - c. 2045 Future Land Use Map
 - d. State Strategies Map
 - e. DNREC Map (wetlands and CPCNs)
 - f. FEMA FIRM Map Number 10005C0310L, dated June 20, 2018
6. DelDOT Response to Service Level Evaluation Request (December 1, 2020)
7. Artesian Resources, Ability to Serve Letter (April 16, 2021)
8. Ordinance No. 2830 (Executive Lawn Property Management LLC CZ 1944)
9. Harbeson Business Park (Google Earth Image)
10. Exterior Elevations of Proposed Buildings
11. Proposed Findings of Fact and Conditions

TAB “1”

**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

Intersection of DE Route 9 & SCR 254 (Prettyman Road)

Type of Conditional Use Requested:

Applicant desires a conditional use to allow the construction of a flex space building on the property.

Tax Map #: p/o 235-30.00-6.21 **Size of Parcel(s):** 7.12 +/- acres

Current Zoning: AR-1 **Proposed Zoning:** AR1-CU **Size of Building:** 2 Bldges total 46,800sq ft.

Land Use Classification: Low Density

Water Provider: Artesian **Sewer Provider:** Artesian

Applicant Information

Applicant Name: Toback Development, LLC
Applicant Address: 35 Rodney Avenue
City: Dewey Beach State: DE ZipCode: 19971
Phone #: (302) 228-6182 E-mail: matt@leweshg.com

Owner Information

Owner Name: See above.
Owner Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esq. (Morris James LLP)
Agent/Attorney/Engineer Address: 107 West Market Street, 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

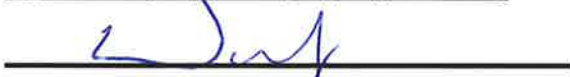
The following shall be submitted with the application

- 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.**
- DelDOT Service Level Evaluation Request Response**
- PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

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

Signature of Applicant/Agent/Attorney



Date: 6-4-2021

Signature of Owner



Date: 6-2-21

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

Mailing List Application Form

For Applications Requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application, a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: Intersection of DE Route 9 (Lewes-Georgetown Highway and
SCR 254 (Prettyman Road)

Parcel #: p/o 235-30.00-6.21

Site Address: n/a

n/a

Parcel #: n/a

Applicant Name: Toback Development, LLC

Owner Name: Toback Development, LLC

Type of Application:

Conditional Use:

Change of Zone:

Subdivision:

Board of Adjustment:

Date Submitted: 06-07-2021

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

List created by: _____

Date letters mailed: _____

Letters sent by: _____



20246 Coastal Highway
Rehoboth Beach, DE 19971
Tel: 302 - 236 - 3600

PARTICULAR DESCRIPTION

TAX MAP PARCEL 235-30.00-6.21 (PART OF)

ALL THAT CERTAIN PIECE, parcel and tract of land lying and being situated in Broadkill Hundred, Sussex County, Delaware, lying on the southerly side of Prettyman Road - Sussex County Road 254 (60 foot right-of-way) and bounded as follows: On the south by Delaware Route 9 – Lewes-Georgetown Highway, lands now or formerly of Glen E. and Mildred D. Albert; the west by lands now or formerly of Sandra M. Prettyman, lands now or formerly of Rudolph T. Jr. and Michelle L. Daisey; the north by lands now or formerly of Emma J. and Christopher Payne, lots 1-4 of the Toback Minor Subdivision and being more particularly described from a Minor Subdivision Plan of lands of Toback Development, LLC by Scaled Engineering dated April 16, 2021 as follows, to wit

BEGINNING at a capped iron pipe set on the aforementioned southerly right of way of Prettyman Road at a corner for lands herein described and lot 1 of the aforementioned Toback Minor Subdivision; thence with said right-of-way of Prettyman Road **South 70 degrees 10 minutes 31 seconds East, 391.84 feet** to a point at the point of intersection with the northerly right of way of aforementioned Delaware Route 9 – Lewes-Georgetown Highway; thence with same **South 69 degrees 25 minutes 46 seconds West, 1,082.55 feet** to a point online of aforementioned lands of Albert; thence with same the following two (2) courses:

1. **North 20 degrees 34 minutes 14 seconds West, 198.71 feet** to an iron pipe found.
2. **South 69 degrees 25 minutes 46 seconds West, 161.43 feet** to a point at corner for aforementioned lands of Prettyman;

thence with same **North 20 degrees 34 minutes 14 seconds West, 104.68 feet** to a concrete monument found at a corner for aforementioned lands of Daisey; thence with same **North 19 degrees 59 minutes 40 seconds East, 290.41 feet** to a point near a concrete monument found and an iron pipe found at a corner for aforementioned lands of Payne; thence with same the following two (2) courses:

1. **South 69 degrees 54 minutes 38 seconds East, 150.00 feet** to a concrete monument found.
2. **North 20 degrees 05 minutes 22 seconds East, 65.40 feet** to a capped iron pipe set at a corner for lot 4 of aforementioned Toback Minor Subdivision;

thence with same and in part with lots 3,2 and 1 **South 70 degrees 10 minutes 31 seconds East, 601.02 feet** to a capped iron pipe set at a corner for lot 1; thence with same

North 19 degrees 49 minutes 29 seconds East, 220.00 feet to the point and place of beginning, containing 7.12 acres of land, be the same more or less.

TAB “2”

TAX MAP AND PARCEL #: 2-35 30.00 6.21

PREPARED BY & RETURN TO:

Morris James LLP
107 West Market Street
P.O. Box 690
Georgetown, DE 19947
File No. 202080/DCH

THIS DEED, made this 27th day of January, 2021,

- BETWEEN -

SANDRA M. PRETTYMAN, of 10725 S. Ocean Drive, Jensen Beach, FL 34957,
party of the first part,

- AND -

TOBACK DEVELOPMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, of 35 Rodney Ave., Dewey Beach, DE 19971, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **Five Hundred Five Thousand and 00/100 Dollars (\$505,000.00)**, 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 successors and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL THAT CERTAIN, tract, piece and parcel of land, situate, lying and being in Broadkilm Hundred, County of Sussex and State of Delaware, designated as Lot 2 on a survey entitled Subdivision Survey Plan prepared by R.B. Kemp, P.L.S. No. 541, Adams-Kemp Associates, Inc., Professional Land Surveyors, dated May 22, 2017, last revised June 29, 2017 recorded in the Office of the Recorder of Deeds in and for Sussex County in Plot Book 249, Page 91, said to contain 10.519 acres, more or less.

BEING the same lands conveyed to Francis H. Prettyman and Sandra M. Prettyman by Deed from Francis H. Prettyman, Jr. and Francis H. Prettyman and Sandra M. Prettyman, dated February 11, 2014 and recorded February 11, 2014 in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 4226 page 280. The said Francis H. Prettyman departed this life on or about February 22, 2015, whereupon said lands passed by operation of law unto Sandra M. Prettyman Sr., his wife, as surviving tenant by the entirety

SUBJECT to all easements, agreements, covenants, and plans of record, this reference to which shall not be construed to reimpose any such easements, agreement, covenants and plans that have otherwise lapsed, expired, or have otherwise been terminated in accordance with their terms or otherwise, as applicable, but not subject to any mortgages, judgments or other liens of record or otherwise.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal
the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

Valerie A. Cooby

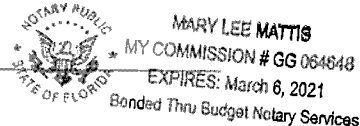
Sandra M. Prettymann (SEAL)
Sandra M. Prettymann

STATE OF Florida, COUNTY OF Martin: to-wit

BE IT REMEMBERED, that on January 27, 2021, personally came before me, the
subscriber, Sandra M. Prettymann, party of the first part to this Indenture, known to me
personally to be such, and acknowledged this Indenture to be her act and deed.

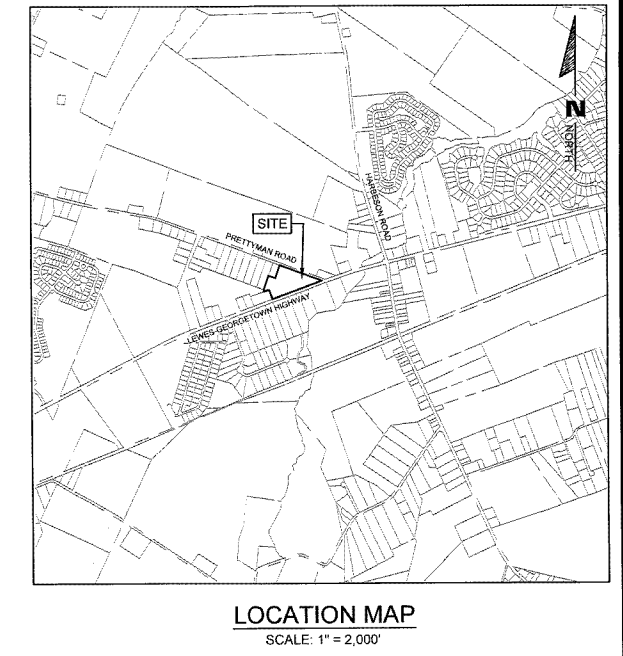
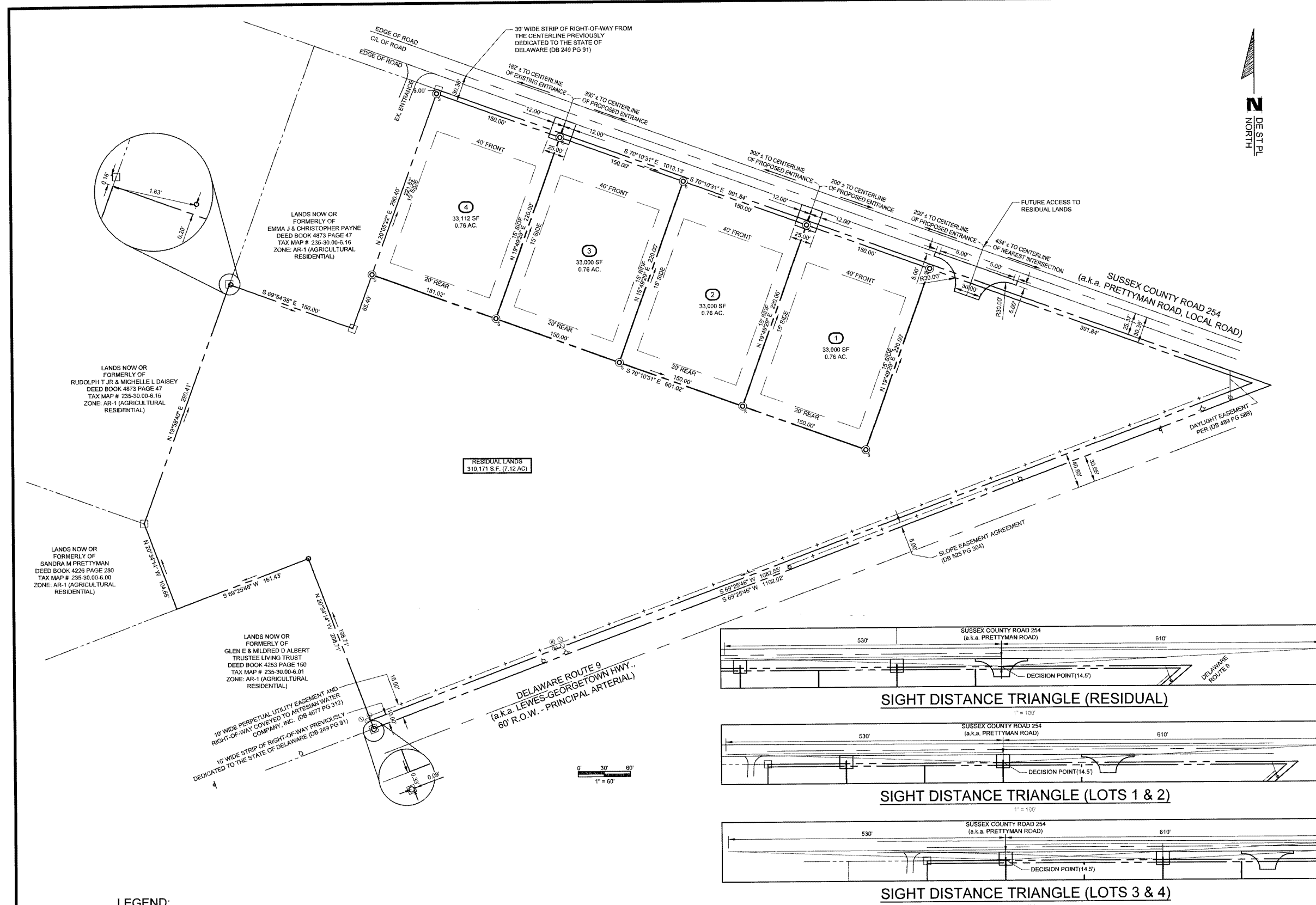
GIVEN under my Hand and Seal of Office the day and year aforesaid.

Mary Lee Mattis
Notary Public



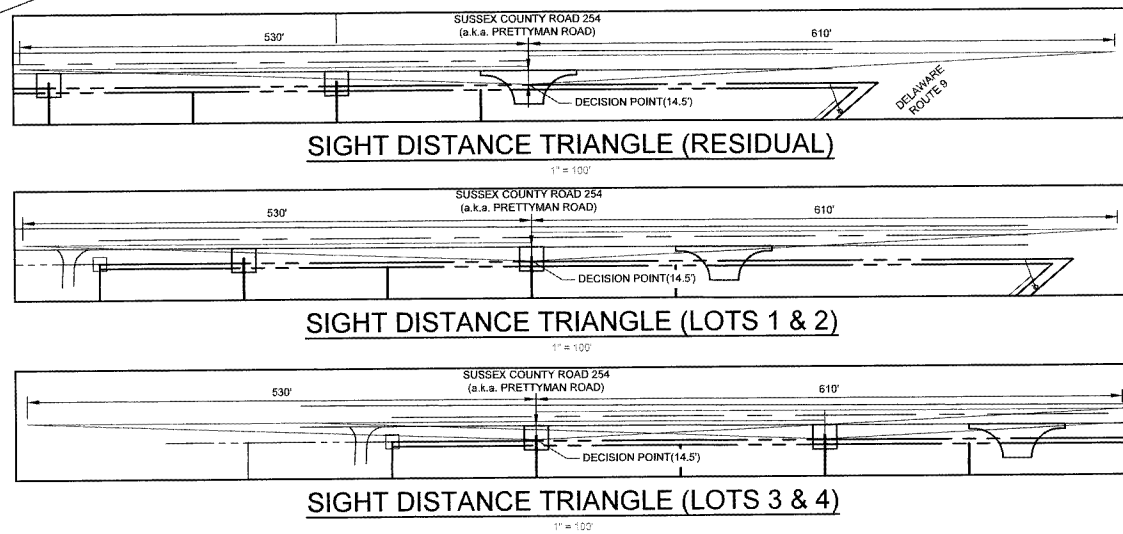
My Commission Expires: March 6, 2021

TAB “3”



SITE DATA:

- TAX MAP NUMBER: 235-30.00-6.21
- ADDRESS: LEWES-GEORGETOWN HIGHWAY, GEORGETOWN, DE 19947
- OWNER: TOBACK DEVELOPMENT, LLC (MATT TOBACK)
35 RODNEY AVENUE
DEWEY BEACH, DE 19971
- ZONING: EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)
PROPOSED: AR-1 (AGRICULTURAL RESIDENTIAL)
- USE: EXISTING: AGRICULTURAL
PROPOSED: 4 LOT SUBDIVISION
- BUILDING SETBACKS (FOR PROPOSED LOTS):
AR-1 (AGRICULTURAL RESIDENTIAL):
FRONT 40' (PRETTYMAN RD.)
SIDE 15'
REAR 20'
- LOT REQUIREMENTS: AREA 32,670 S.F. (0.75 ACRE)
WIDTH 100'
DEPTH 100'
- TOTAL NUMBER OF LOTS: EXISTING: 1
PROPOSED: 5 (INCLUDING THE RESIDUAL)
- AREA: 235-30.00-6.21 - EXISTING: 442,284 S.F. (10.15 AC)
PROPOSED LOT 1: 33,000 S.F. (0.76 AC)
PROPOSED LOT 2: 33,000 S.F. (0.76 AC)
PROPOSED LOT 3: 33,000 S.F. (0.76 AC)
PROPOSED LOT 4: 33,112 S.F. (0.77 AC)
PROPOSED (RESIDUAL): 310,171 S.F. (7.12 AC)
- AREA AFFECTED BY ADJUSTMENT: 10.15 AC
- POSTED SPEED LIMIT: 50 MPH
- SEWER PROVIDER: ARTESIAN
- WATER PROVIDER: ARTESIAN PER UTILITY EASEMENT
- THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0310K REVISED MARCH 16, 2015 (ZONE X).
- NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.
- PROXIMITY TO DELDOT TID AREA: ±4.5 MILES
- SITE IS NOT WITHIN WELLHEAD PROTECTION AREA
- RECHARGE AREA: GOOD



LEGEND:

- CONCRETE MONUMENT FOUND
- ⊗ IRON PIPE IN CONCRETE FOUND
- IRON PIPE FOUND
- ⊙ IRON PIPE TO BE SET
- PROPERTY BOUNDARY
- - - ADJOINER LINE
- · - · - EASEMENT
- - - BUILDING SETBACK
- ⊕ WATER METER / HYDRANT
- ⊙ MANHOLE
- ⊙ UTILITY POLE
- ⊕ SIGN

NOTES:

- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM PLAT BOOK 249 PAGE 91, DEED BOOK 5401 PAGE 293 (THE CURRENT DEED OF RECORD) AND OTHER DOCUMENTS OF PUBLIC RECORD. IT IS ALSO THE RESULT OF AN ACTUAL FIELD SURVEY BY SCALED ENGINEERING PERFORMED 2-17-21.
- THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
- BEARING SYSTEM SHOWN IS BASED ON DELAWARE STATE PLANE COORDINATE SYSTEM, HORIZONTAL DATUM NAD 83.
- CLASS OF SURVEY: SUBURBAN
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

DELDOT NOTES:

- IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOTS DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION ACTIVITY SHALL OCCUR IN THE RIGHT-OF-WAY (ROW) WITHOUT A DELDOT PERMIT.
- 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 OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- 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.
- REFER TO DELDOT STANDARD DETAIL M-2 (2011) FOR RIGHT-OF-WAY MONUMENTS.
- ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.

OWNER CERTIFICATION:

I, MATT TOBACK, 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 LAW.

 President
 TITLE

 DATE 5-26-21

TOBACK DEVELOPMENT, LLC (MATT TOBACK)
 35 RODNEY AVENUE
 DEWEY BEACH, DE 19971

SUSSEX COUNTY

 PRESIDENT OF COUNTY COUNCIL
 CASE NO. 2021-17

 DATE 6/8/21

ENGINEERS CERTIFICATION

I, CARLTON R. SAVAGE, JR., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

 CARLTON R. SAVAGE, JR., P.E. (LICENSE #16457)

 DATE 5/26/21

SCALED ENGINEERING
 20246 Coastal Highway
 Rehoboth Beach, DE 19971
 Phone: (302) 236-9500

MINOR SUBDIVISION PLAN

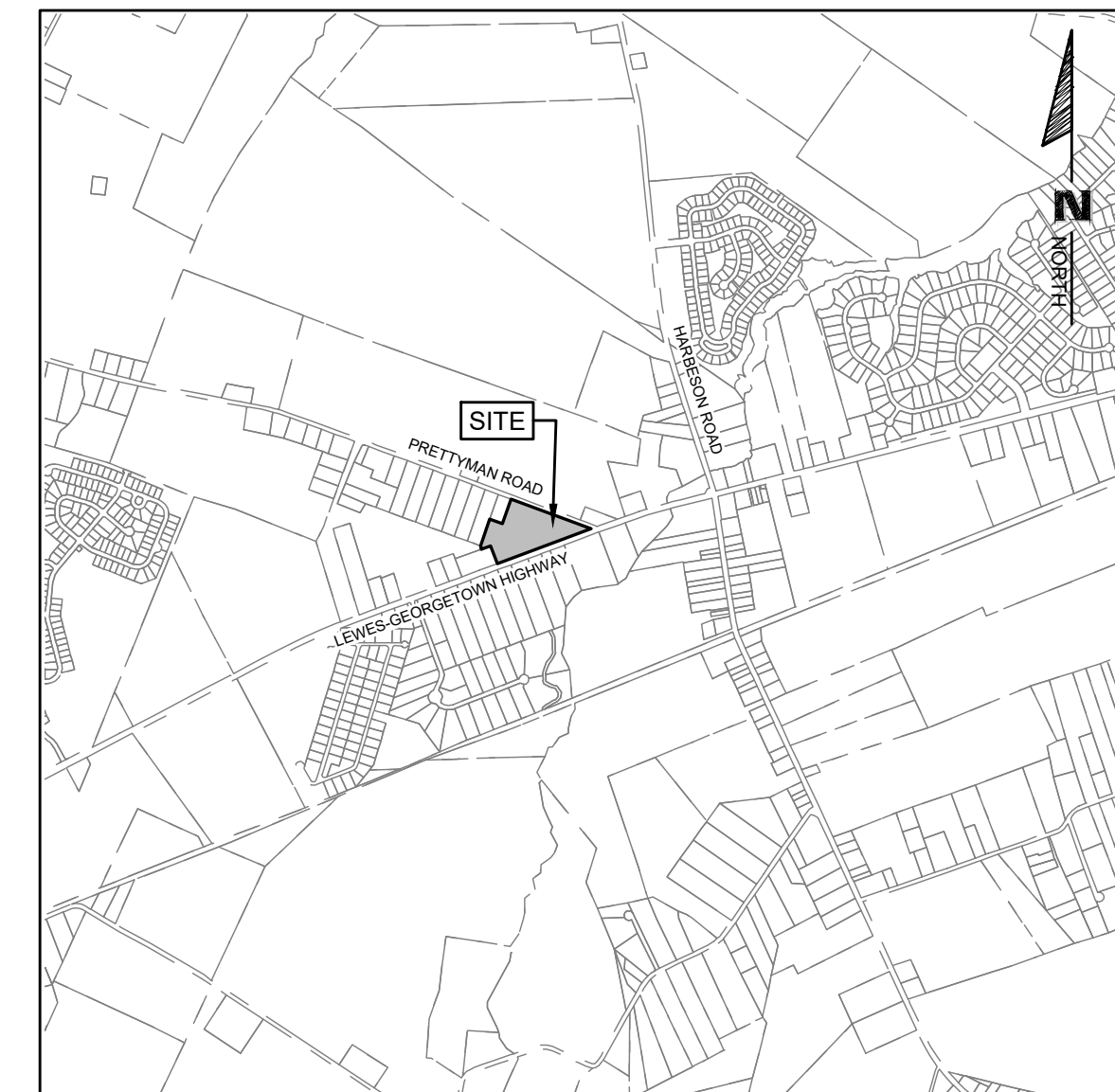
TOBACK MINOR SUBDIVISION
 TM# 235-30.00-6.21
 BROADKILL HUNDRED, GEORGETOWN, DELAWARE

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2021

DATE: 5-18-21
 SCALE: 1" = 60'
 DRAWN BY: JRE
 PROJECT NO.: TOBA001

1

TAB “4”



LOCATION MAP
SCALE: 1" = 2,000'

SITE DATA:

- TAX MAP NUMBER: 235-30.00-6.21
 - ADDRESS: LEWES-GEORGETOWN HIGHWAY, GEORGETOWN, DE 19947
 - OWNERS: MATT TOBACK
35 RODNEY AVENUE
DEWEY BEACH, DE 19971
 - ZONING: EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)
PROPOSED: AR-1 (AGRICULTURAL RESIDENTIAL) WITH CONDITIONAL USE
 - USE: EXISTING: AGRICULTURAL
PROPOSED: 4 LOT SUBDIVISION / 46,800 SQ FT BUSINESS PARK
 - BUILDING SETBACKS: AR-1 (AGRICULTURAL RESIDENTIAL):
FRONT 40' (PRETTYMAN RD.)
SIDE 15'
SIDE 20"
REAR 40' (LEWES-GEORGETOWN HWY.)
- * THERE SHALL BE A SIDE YARD NOT LESS THAN 20 FEET IN WIDTH ON THE SIDE OF THE LOT ADJOINING A RESIDENTIAL DISTRICT AND THERE SHALL BE A REAR YARD OF NOT LESS THAN 30 FEET IN DEPTH ON THE REAR SIDE OF A LOT ADJOINING A RESIDENTIAL DISTRICT.
- AREAS: EXISTING/PROPOSED: 10.15 AC
DELDOT DEDICATION 0.37 AC
TOTAL 10.52 AC
 - NET DEVELOPMENT AREA: 10.52 AC
 - SEWER PROVIDER: SUSSEX COUNTY ?
 - WATER PROVIDER: ARTESIAN PER UTILITY EASEMENT
 - THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0310K REVISED MARCH 16, 2015 (ZONE X).
 - NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.
 - PROXIMITY TO DELDOT TID AREA: ±4.5 MILES
 - SITE IS NOT WITHIN WELLHEAD PROTECTION AREA
 - RECHARGE AREA: GOOD

OFF-STREET PARKING - (PER SUSSEX COUNTY CODE SECTIONS 115-162A & 45-5)

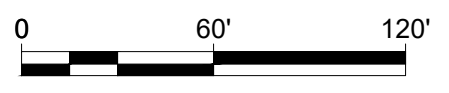
REQUIRED PARKING:

WHOLESALE - 1 PER 2 EMPLOYEES (52 EMPLOYEES)	26 SPACES REQUIRED
HANDICAP PARKING (51-75 PARKING SPACES)	3 SPACES (1 VAN) REQUIRED
65 SPACES + 6 VAN HC SPACES = 75 SPACES PROVIDED	

OFF-STREET LOADING - (PER SUSSEX COUNTY CODE SECTIONS 115-167)

LOADING	
COMMERCIAL BUSINESSES	
LOADING SPACES REQUIRED	4 SPACES REQUIRED
LOADING SPACES PROVIDED	21 SPACES (12' x 40')

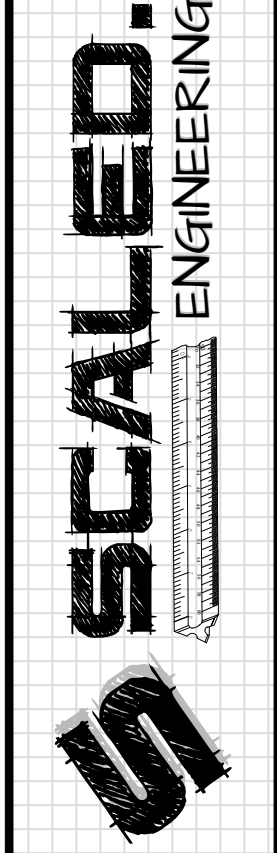
SUSSEX COUNTY PLANNING AND ZONING
CONDITIONS OF APPROVAL:



LEGEND:

- — — — — PROPERTY BOUNDARY
- — — — — ADJOINER LINE
- + - + - EASEMENT
- — — — — BUILDING SETBACK
- — — — — SCREENING FENCE
- 32 --- CONTOUR
- VEGETATED BUFFER
- ⊙ ⊙ WATER METER / HYDRANT
- ⊙ MANHOLE
- ⊙ UTILITY POLE
- ⊙ SIGN
- PROPOSED BUILDING
- PROPOSED BOLLARD
- □ □ □ AREA LIGHTS (FULL SCREEN)
- ⊙ ⊙ PROPOSED TREE / SHRUB

© 2024 SCALED ENGINEERING, INC. ALL RIGHTS RESERVED. PROJECT: 235-30.00-6.21 FLEX PARK CONCEPT PLAN.



CONCEPT PLAN

FLEX PARK

TM# 235-30.00-6.21

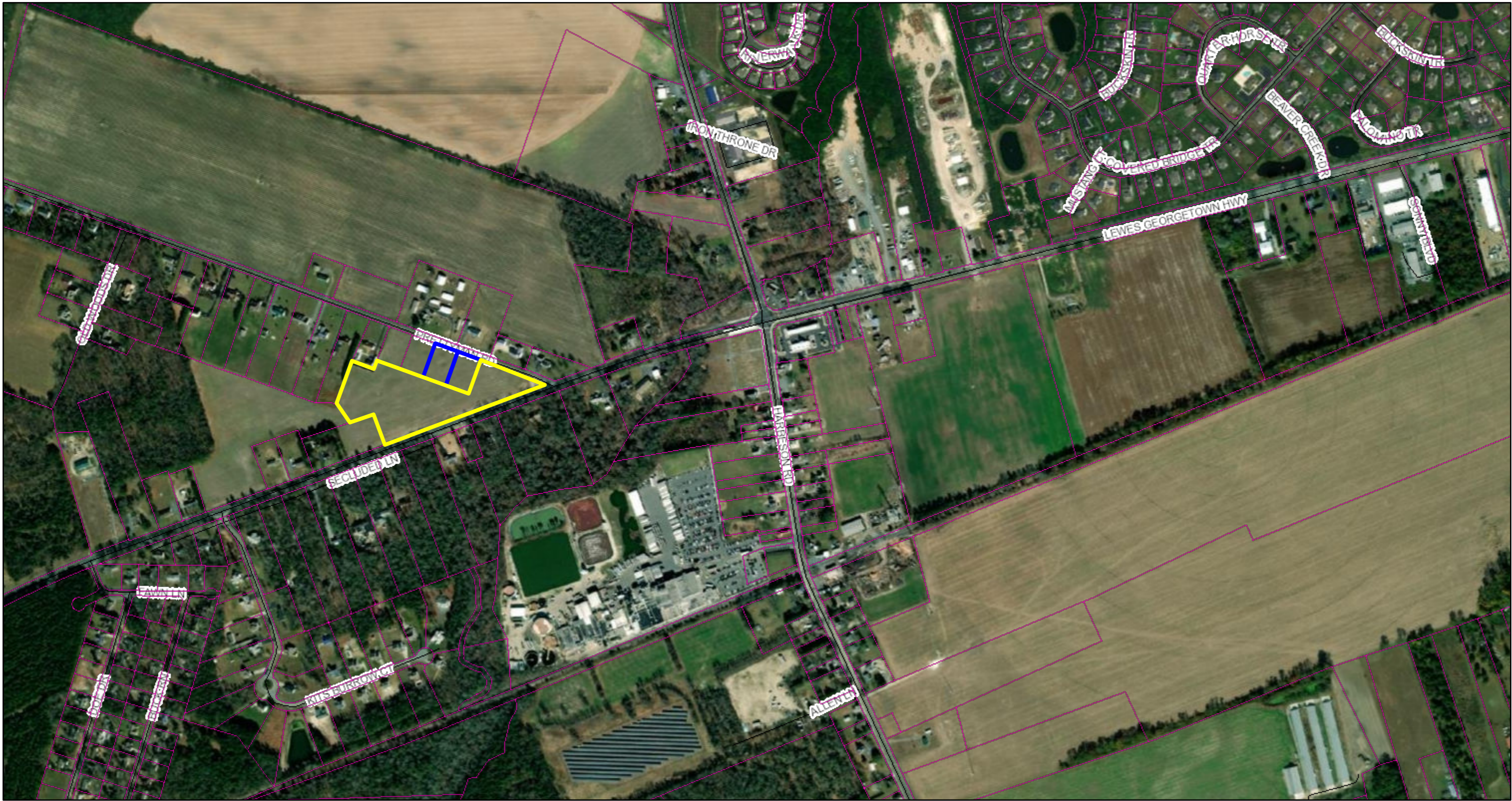
BROADKILL HUNDRED, GEORGETOWN, DELAWARE

DATE:	1-27-21
SCALE:	1" = 60'
DRAWN BY:	JRE
PROJECT NO.	TOBA001

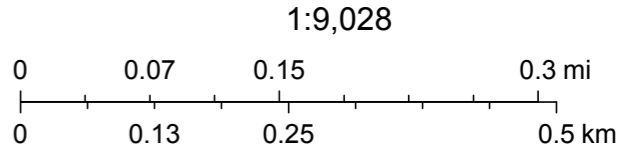
THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING, INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2021

TAB “5”

Sussex County








- March 12, 2022
- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries



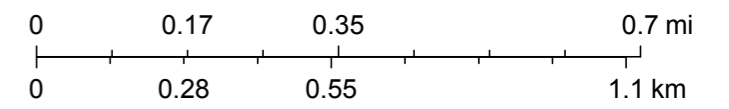
Sussex County



March 12, 2022

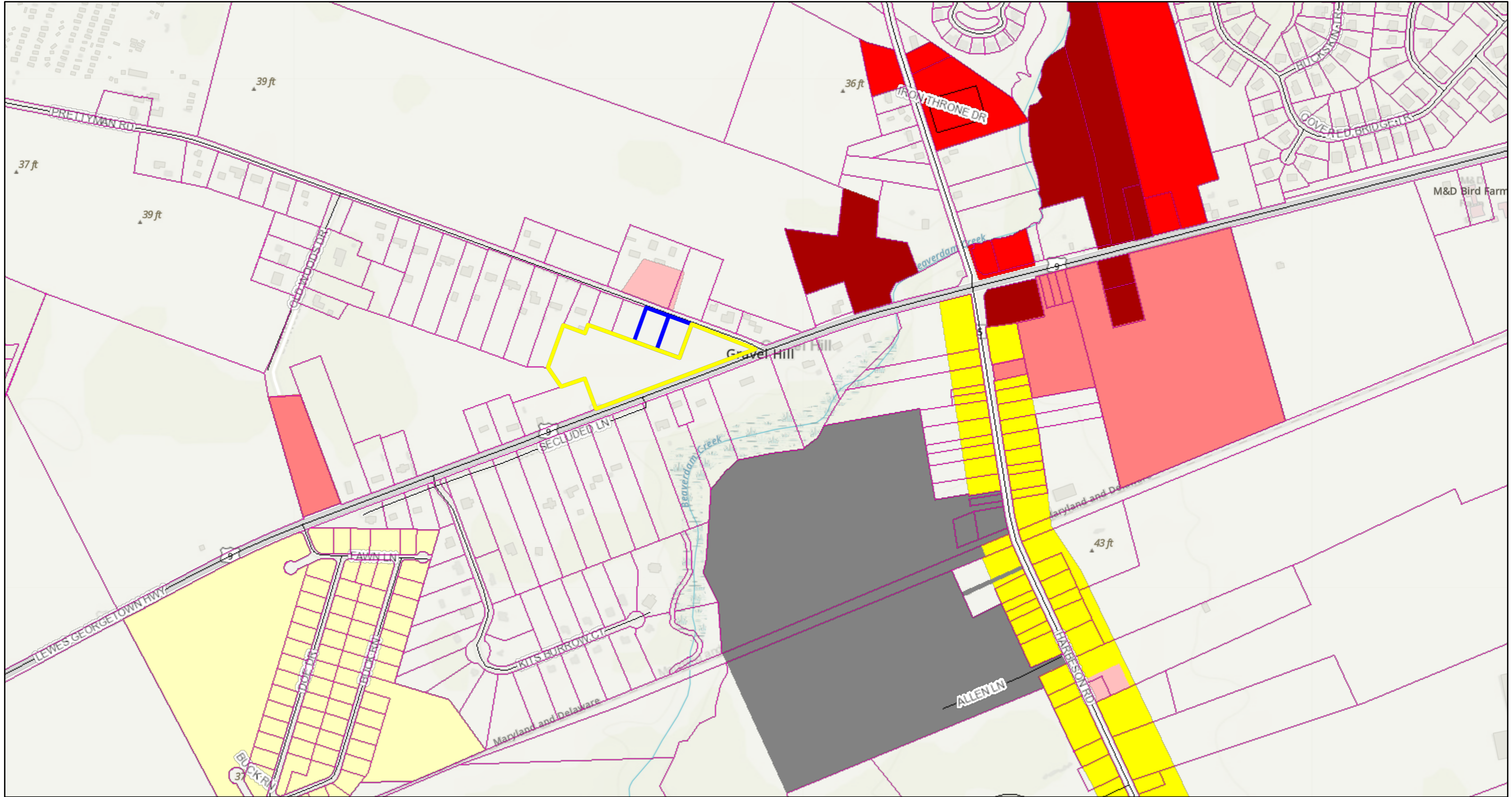
-  Override 1
-  Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

1:18,056



Sussex County Government, Maxar

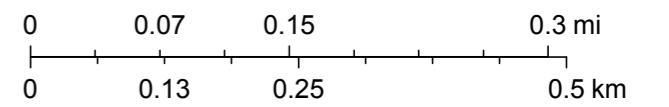
Sussex County



March 12, 2022

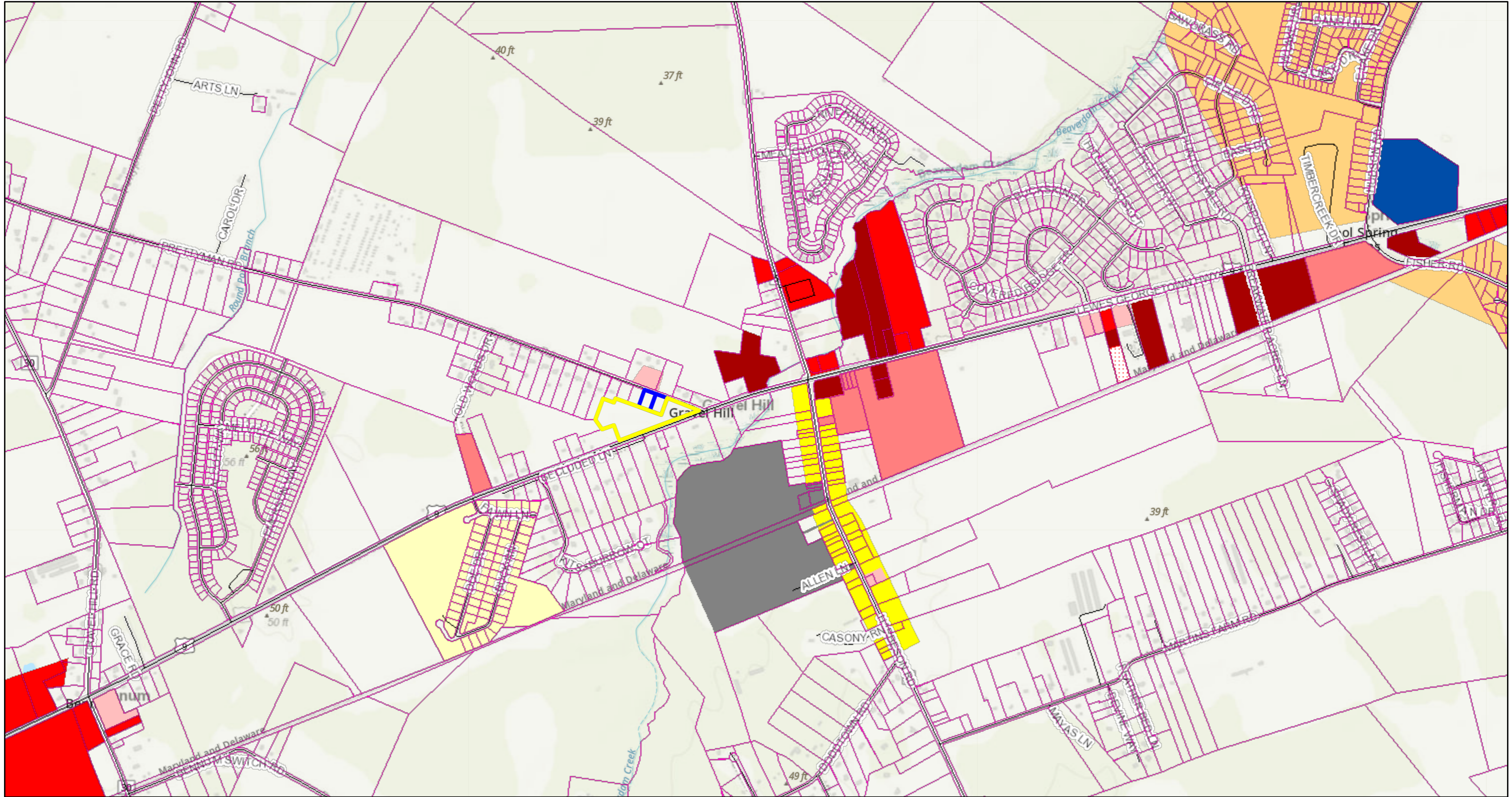
1:9,028

- | | | | | |
|---------------------------------|----------------------------------|-----------------------------|-------------------------------|-------------------------|
| Override 1 | Agricultural Residential - AR-2 | Neighborhood Business - B-1 | General Commercial - C-4 | Light Industrial - LI-2 |
| Override 1 | Medium Residential - MR | Neighborhood Business - B-2 | General Commercial - C-5 | Heavy Industrial - HI-1 |
| Tax Parcels | General Residential - GR | Business Research - B-3 | Commercial Residential - CR-1 | County Boundaries |
| Streets | High Density Residential - HR-1 | General Commercial - C-1 | Institutional - I-1 | |
| Zoning | High Density Residential - HR-2 | General Commercial - C-2 | Marine - M | |
| Agricultural Residential - AR-1 | Vacation, Retire, Resident - VRP | General Commercial - C-3 | Limited Industrial - LI-1 | |



Sussex County, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware FirstMap, VITA,

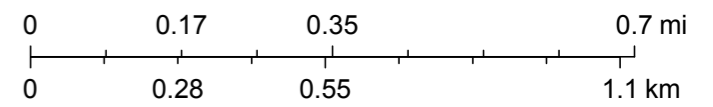
Sussex County



March 12, 2022

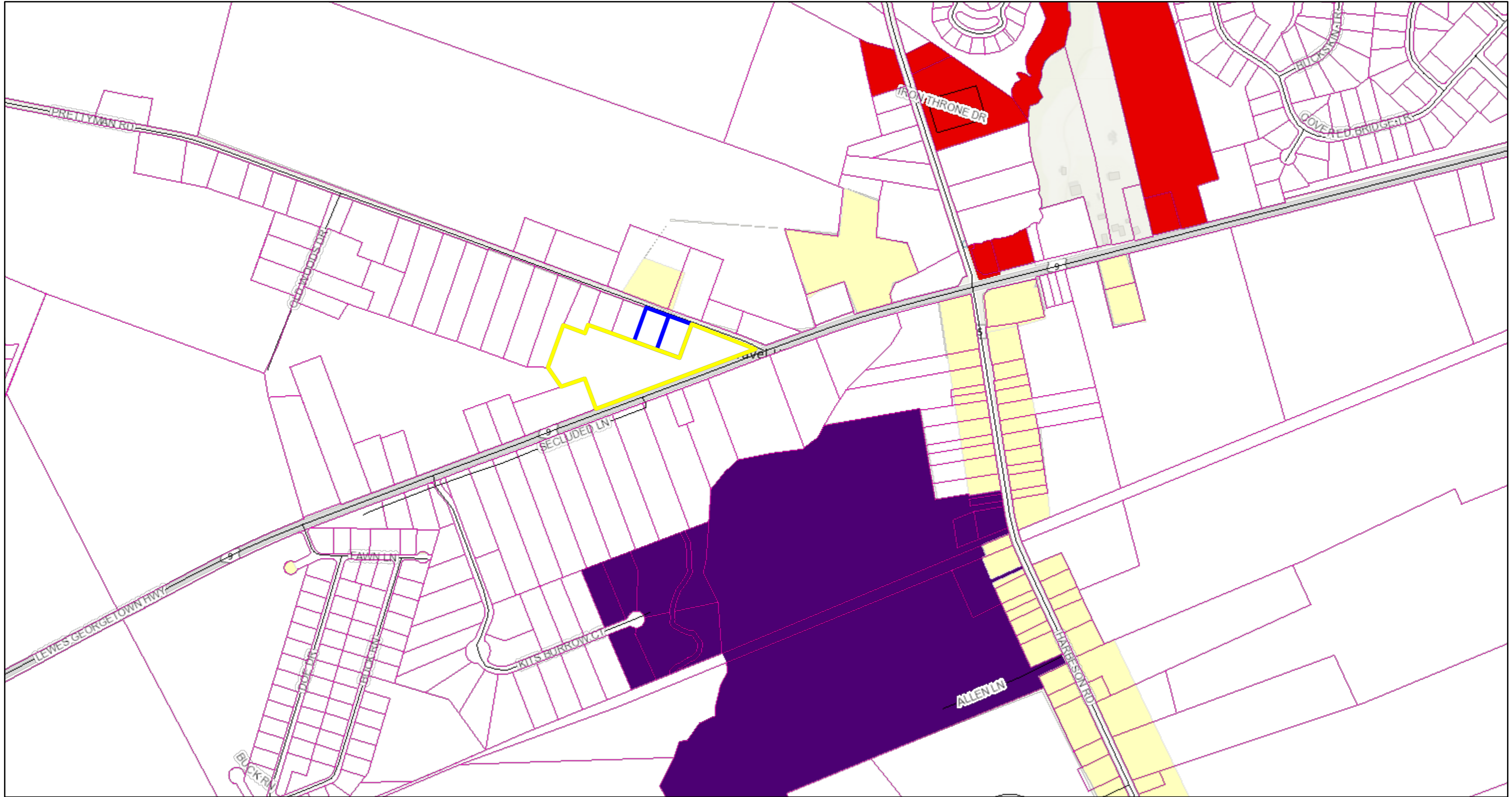
1:18,056

- | | | | | |
|---------------------------------|----------------------------------|-----------------------------|-------------------------------|-------------------------|
| Override 1 | Agricultural Residential - AR-2 | Neighborhood Business - B-1 | General Commercial - C-4 | Light Industrial - LI-2 |
| Override 1 | Medium Residential - MR | Neighborhood Business - B-2 | General Commercial - C-5 | Heavy Industrial - HI-1 |
| Tax Parcels | General Residential - GR | Business Research - B-3 | Commercial Residential - CR-1 | County Boundaries |
| Streets | High Density Residential - HR-1 | General Commercial - C-1 | Institutional - I-1 | |
| Zoning | High Density Residential - HR-2 | General Commercial - C-2 | Marine - M | |
| Agricultural Residential - AR-1 | Vacation, Retire, Resident - VRP | General Commercial - C-3 | Limited Industrial - LI-1 | |



Sussex County, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin,

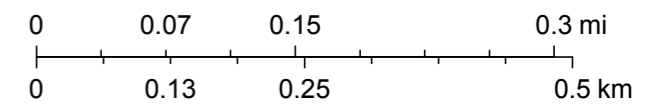
Sussex County



March 12, 2022

- | | | | |
|-------------|----------------------|---------------------------|----------------|
| Override 1 | County Boundaries | Commercial | Municipalities |
| Override 1 | 2019 Future Land Use | Developing Area | Town Center |
| Tax Parcels | Low Density | Existing Development Area | |
| Streets | Coastal Area | Industrial | |

1:9,028



Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin,








0.2mi

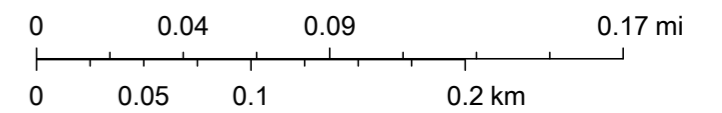
Delaware - DNREC NavMap



3/11/2022, 10:27:58 PM

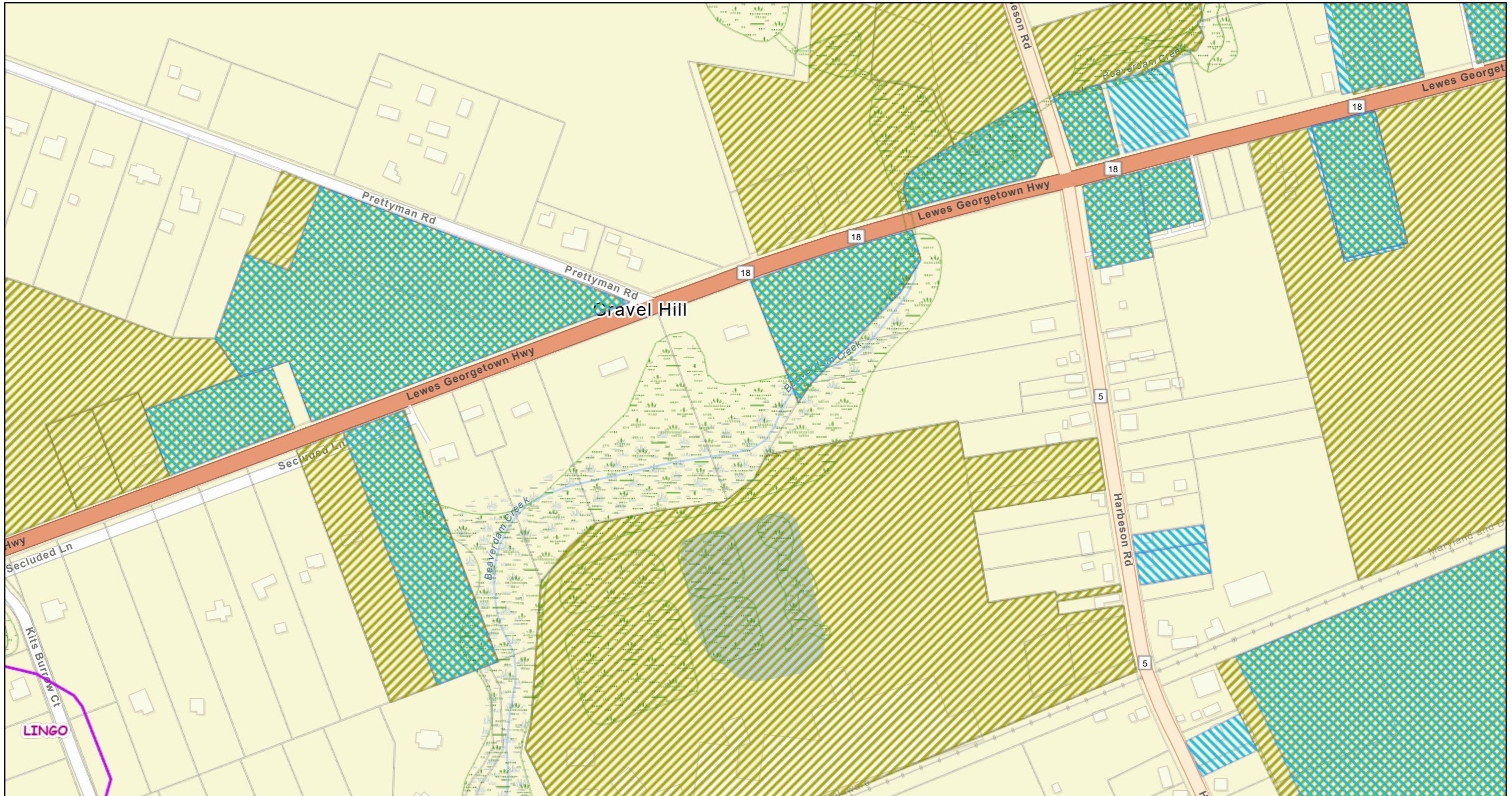
-  2017 Wetlands (not regulatory)
-  Approx. Watershed Boundary
-  Wastewater CPCN
-  Water CPCN
-  State Parcels

1:4,514








Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Public Service Commission, FEMA, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Esri Community Maps

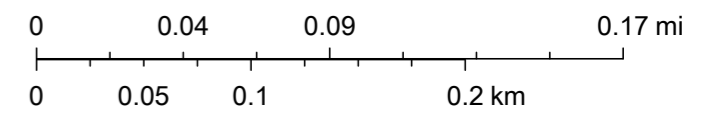
Delaware - DNREC NavMap



3/11/2022, 10:34:33 PM

-  2017 Wetlands (not regulatory)
-  Approx. Watershed Boundary
-  Wastewater CPCN
-  Water CPCN
-  State Parcels

1:4,514



Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Public Service Commission, FEMA, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Esri Community Maps

National Flood Hazard Layer FIRMMette



75°17'53"W 38°43'39"N



Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|------------------------------------|--|--|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i> |
| | | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> |
| | | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> |
| | | Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> |
| | | Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard <i>Zone D</i> |
| | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance |
| | | 17.5 Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| MAP PANELS | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **3/11/2022 at 9:29 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

TAB “6”



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 77B
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

December 1, 2020

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Matthew Toback / Toback Builders, LLC** conditional use application, which we received on October 22, 2020. This application is for an approximately 10.52-acre parcel (Tax Parcel: 235-30.00-6.21). The subject land is located on the northwest corner of the intersection of US Route 9 and Prettyman Road (Sussex Road 254). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to develop 46-unit, 82,800 square-foot, contractor flex park with office in front and storage area in the rear.

Per the 2019 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 Steiner Road (Sussex Road 320) to Delaware Route 5, are 16,128 and 20,757 vehicles per day, respectively. As the subject land also has frontage along Prettyman Road, the annual average and summer average daily traffic volumes along that road segment are 2,212 and 2,847 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per weekly peak hour and 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per weekly peak hour and fewer than 2,000 vehicle trips per day, DeIDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.



Mr. Jamie Whitehouse
Page 2 of 2
December 1, 2020

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a 46-unit, 82,800 square-foot, contractor flex park would generate 1,595 vehicle trips per day, 33 vehicle trips during the morning peak hour, and 35 vehicle trips during the afternoon peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, the applicant has the option to pay the Area-Wide Study Fee in lieu of doing a TIS. The Area-Wide Study Fee for the proposed development would be 15,950.00. Payment of the Area-Wide Study Fee does not preclude a developer from having to make or participate in off-site improvements, including a traffic operational analysis (TOA) if one is found to be necessary during the plan review process.

A review of TIS completed in the last three years found that a TIS was completed for the Azalea Woods (a.k.a. Wilson Moore) residential development. That TIS included the intersection of US Route 9 and Prettyman Road. We are providing a copy of that TIS review letter; please find it enclosed with this letter.

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
Enclosure

cc: Matthew Toback / Toback Builders, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination



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

JENNIFER COHAN
SECRETARY

November 21, 2019

Ms. Betty Tustin
The Traffic Group, Inc.
104 Kenwood Court
Berlin, MD 21811

Dear Ms. Tustin:

The enclosed Traffic Impact Study (TIS) review letter for the proposed **Azalea Woods (f.k.a. Wilson Moore)** (Tax Parcels 135-11.00-32.01, 48.00, 49.00 and 56.00) development has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TIS to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this review letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2167.

Sincerely,

Troy Brestel
Project Engineer

TEB:km

Enclosures

cc with enclosures: Mr. Thomas Natelli, Jr., Natelli Communities
Mr. Jason Palkewicz, Solutions IPPEM, Inc.
Ms. Constance C. Holland, Office of State Planning Coordination
Ms. Janelle Cornwell, Sussex County Planning and Zoning
Mr. Andrew Parker, McCormick Taylor, Inc.
DelDOT Distribution

DeIDOT Distribution

Brad Eaby, Deputy Attorney General
Shanté Hastings, Director, Transportation Solutions (DOTS)
Drew Boyce, Director, Planning
Mark Luszcz, Deputy Director, DOTS
Michael Simmons, Assistant Director, Project Development South, DOTS
J. Marc Coté, Assistant Director, Development Coordination
T. William Brockenbrough, Jr., County Coordinator, Development Coordination
Peter Haag, Chief Traffic Engineer, Traffic, DOTS
Alastair Probert, South District Engineer, South District
Gemez Norwood, South District Public Works Manager, South District
Susanne Laws, Sussex Subdivision Review Coordinator, Development Coordination
David Dooley, Service Development Planner, Delaware Transit Corporation
Mark Galipo, Traffic Engineer, Traffic, DOTS
Anthony Aglio, Planning Supervisor, Statewide & Regional Planning
Derek Sapp, Sussex County Subdivision Reviewer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination



November 21, 2019

Mr. Troy E. Brestel
Project Engineer
DelDOT Division of Planning
P.O. Box 778
Dover, DE 19903

RE: Agreement No. 1773
Traffic Impact Study Services
Task No. 1A Subtask 2A – Azalea Woods

Dear Mr. Brestel:

McCormick Taylor has completed its review of the Traffic Impact Study (TIS) for the Azalea Woods residential development prepared by The Traffic Group, Inc. dated July 17, 2019. The Traffic Group prepared the report in a manner generally consistent with DelDOT's Development Coordination Manual.

The TIS evaluates the impacts of the proposed Azalea Woods residential development, proposed to be located north of US Route 9, west of Delaware Route 30 (Gravel Hill Road / Sussex Road 248) and east of Shingle Point Road (Sussex Road 249) in unincorporated Sussex County, Delaware. The proposed development would consist of 610 single-family detached homes. Two full-access driveways are proposed. One full movement access is proposed on Shingle Point Road opposite Briarwood Lane. The second full access movement is proposed along Delaware Route 30 opposite Pettyjohn Road (Sussex Road 255). Construction is expected to be complete by 2032.

The subject land is located on an approximately 316-acre assemblage of parcels. The land is currently zoned AR-1 (Agricultural Residential) in Sussex County. No rezoning is needed or sought to permit the proposed development.

DelDOT has three projects within the study area. The first is the Georgetown East Gateway Improvements project (aka Sand Hill Road Realignment Project), which will improve the existing intersection geometry of US Route 9 and Sand Hill Road/Airport Road (State Road 319). Sand Hill Road and Airport Road presently intersect US Route 9 at skewed angles at offset locations. The improvements will realign Sand Hill Road and Airport Road to intersect US Route 9 at one location at an improved angle, add turn lanes, add pedestrian and bicycle facilities, and improve drainage. Final design and right of way acquisition are underway. Utility relocations will begin in the spring of 2020. Construction is anticipated to begin in the summer of 2020.

The second project is Park Avenue Relocation – Phase 2, which involves improvements along Park Avenue (Sussex Road 321) from the Park Avenue Relocation – Phase 1 project up to the signalized intersection with US Route 9, which will be reconstructed to provide a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9, along with signal upgrades. The Phase 2 project is within the Azalea Woods study area, while the Phase



1 project is located southwest of the Azalea Woods study area. Phase 1 will relocate part of Park Avenue, a designated truck bypass through Georgetown, and upgrade another part of Park Avenue with appropriate turn lanes, shoulders, and intersection improvements. Phase 2 will consist of the improvements along the existing Park Avenue from where the Phase 1 relocation ties in west of Cedar Lane all the way up to US Route 9. Both phases of the project will combine to provide a continuous US Route 9 Truck Bypass from US Route 113 to US 9 east of the Town of Georgetown. This project is currently in the design and planning stage. Construction of Phase 1 is anticipated to begin in the fall of 2022. Construction of Phase 2 is anticipated to begin in 2023.

The third project is DeIDOT’s HSIP SC, US 9 and SR 5 Intersection project. This project, initiated by the 2009 Hazard Elimination Program, is located at the intersection of US Route 9 and Delaware Route 5 and involves widening the intersection to provide turn lanes on each leg to address safety and operational issues and to accommodate large vehicles. Construction was underway in early 2019 and was substantially complete by September 2019.

Based on our review, we have the following comments and recommendations:

The following intersections exhibit level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements:

<i>Intersection</i>	<i>Existing Traffic Control</i>	<i>Situations for which deficiencies occur</i>
US 9 and Sand Hill Road/Airport Road	Signalized	2018 Existing PM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) * 2032 with Azalea Woods AM & PM (Case 3) * * Deficient only without East Gateway Improvements
US 9 and Park Avenue	Signalized	2018 Existing AM & PM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) * 2032 with Azalea Woods AM & PM (Case 3) * * Deficient only without Park Avenue Relocation – Phase 2
US 9 and Shingle Point Road/French Road	Unsignalized	2018 Existing AM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and Stiener Road	Unsignalized	2018 Existing AM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and DE 30	Signalized	2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and Prettyman Road	Unsignalized	2018 Existing AM & PM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and DE 5	Signalized	2018 Existing AM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
Park Avenue and Springfield Road	Unsignalized	2032 without Azalea Woods AM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)



For three of the intersections listed in the table above, it is anticipated that future LOS deficiencies will be completely mitigated via implementation of improvements as described in the numbered recommendation items starting on page 4. The intersections and corresponding recommendation items are as follows: US Route 9 and Sand Hill Road / Airport Road (Item No. 4), US Route 9 and Park Avenue (Item No. 5), and Park Avenue and Springfield Road (also Item No. 5).

For one other intersection, US Route 9 and Shingle Point Road / French Road, it is anticipated that the recommended improvement will partially mitigate future LOS deficiencies. While it was determined that the improvement needed to achieve a complete mitigation of future LOS deficiencies at this location would not be required of this developer, the addition of a separate right-turn lane on the southbound approach of Shingle Point Road, as recommended below in Item No. 6, will reduce delays and queue lengths on that approach.

As for the other four intersections listed in the table above, we do not recommend any improvements be implemented by the developer. Additional information for each of these four intersections is provided immediately below.

US Route 9 and Stiner Road

This unsignalized intersection experiences LOS deficiencies in the 2018 existing AM peak hour and in the 2032 AM and PM peak hours, both without and with Azalea Woods.

The northbound Stiner Road and southbound business driveway approaches are expected to operate at LOS F in both 2032 peak hours, without and with Azalea Woods. During these times, both approaches have ten vehicles per hour or less, and the anticipated 95th percentile queue lengths are less than 25 feet. Thus, mitigation is not required as per the DelDOT Development Coordination Manual.

US Route 9 and Delaware Route 30

This signalized intersection exhibits LOS deficiencies in the 2032 AM and PM peak hours, both without and with Azalea Woods. Given that the intersection is already signalized and has separate left and right-turn lanes on every approach, we do not recommend any improvements be implemented by the developer at this intersection. The major improvements required to fully correct the LOS deficiencies at this intersection (i.e., widening US Route 9 to provide two through lanes in each direction) cannot be considered a reasonable developer improvement project.

US Route 9 and Prettyman Road

This unsignalized intersection experiences LOS deficiencies in all existing and future peak hours, with the southbound approach of Prettyman Road operating at LOS F. However, a new traffic signal at this location on US Route 9 would not be desirable, and because drivers who would use the southbound approach of Prettyman Road can choose alternative routes to access US Route 9, it was determined that improvements are not required to be implemented by the developer at this intersection.



US Route 9 and Delaware Route 5

This signalized intersection exhibits LOS deficiencies in the 2032 AM and PM peak hours, both without and with Azalea Woods. Given that the intersection is already signalized and was recently improved in 2019 to include a separate left-turn lane on every approach, we do not recommend any improvements be implemented by the developer at this intersection. The major improvements required to fully correct the LOS deficiencies at this intersection (i.e., widening US Route 9 to provide two through lanes in each direction) cannot be considered a reasonable developer improvement project.

Should the 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 improve Shingle Point Road from Briarwood Road to US Route 9 as needed in order to meet DeIDOT’s local road standards. These standards include, but are not limited to, eleven-foot travel lanes and five-foot shoulders. The developer should provide a bituminous concrete overlay to the existing travel lanes, at DeIDOT’s discretion. DeIDOT should analyze the existing lanes’ pavement section and recommend an overlay thickness to the developer’s engineer if necessary. Construction of this improvement should begin prior to issuance of the 226th building permit.
2. The developer should construct the full-movement Site Access A on Shingle Point Road. This proposed site driveway should be constructed directly across from Briarwood Lane. The proposed configuration is shown in the table below.

Approach	Existing Configuration	Proposed Configuration
Eastbound Briarwood Lane	One shared left-turn/right-turn lane	One shared left/through/right-turn lane
Westbound Site Access A	Approach does not exist	One shared left/through/right-turn lane
Northbound Shingle Point Road	One shared left-turn/through lane	One left-turn lane, one through lane and one right-turn lane
Southbound Shingle Point Road	One shared through/right-turn lane	One left-turn lane and one shared through/right-turn lane



Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review.

Approach	Left-Turn Lane	Right-Turn Lane
Eastbound Briarwood Lane	N/A	N/A
Westbound Site Access A	N/A	N/A
Northbound Shingle Point Road	50 feet *	240 feet **
Southbound Shingle Point Road	210 feet **	N/A

* Initial turn-lane length based on coordination with DelDOT's Development Coordination Section.

** Initial turn-lane length based on DelDOT's *Auxiliary Lane Worksheet*.

- The developer should construct the full-movement Site Access B on Delaware Route 30. This proposed site driveway should be constructed directly across from Pettyjohn Road. The proposed configuration is shown in the table below.

Approach	Existing Configuration	Proposed Configuration
Eastbound Site Access B	Approach does not exist	One shared left/through/right-turn lane
Westbound Pettyjohn Road	One shared left-turn/right-turn lane	One shared left/through/right-turn lane
Northbound DE 30	One shared through/right-turn lane	One left-turn lane and one shared through/right-turn lane
Southbound DE 30	One shared left-turn/through lane	One left-turn lane, one through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review.

Approach	Left-Turn Lane	Right-Turn Lane
Eastbound Site Access B	N/A	N/A
Westbound Pettyjohn Road	N/A	N/A
Northbound DE 30	210 feet *	N/A
Southbound DE 30	50 feet **	240 feet *

* Initial turn-lane length based on DelDOT's *Auxiliary Lane Worksheet*.

** Initial turn-lane length based on coordination with DelDOT's Development Coordination Section.



4. The developer should coordinate with DeIDOT regarding an equitable share contribution toward DeIDOT's Georgetown East Gateway Improvements Project, which will improve the intersection of US Route 9 and Sand Hill Road / Airport Road. The amount of the contribution should be determined through coordination with DeIDOT's Development Coordination Section.
5. The developer should coordinate with DeIDOT regarding an equitable share contribution toward DeIDOT's Park Avenue Relocation – Phase 2 Project, which will improve the intersections of US Route 9 & Park Avenue and Park Avenue & Springfield Road. While the design of improvements under the DeIDOT project has not yet been finalized, at US Route 9 & Park Avenue it should include a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9, and at Park Avenue & Springfield Road it should include a westbound right-turn lane. The amount of the contribution should be determined through coordination with DeIDOT's Development Coordination Section.
6. The developer should improve the intersection of US Route 9 and Shingle Point Road / French Road. The proposed configuration is shown in the table below.

Approach	Existing Configuration	Proposed Configuration
Eastbound US Route 9	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Westbound US Route 9	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Northbound French Road	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Southbound Shingle Point Road	One shared left/through/right-turn lane	One shared left-turn/through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below.

Approach	Left-Turn Lane	Right-Turn Lane
Eastbound US Route 9	N/A	N/A
Westbound US Route 9	N/A	N/A
Northbound French Road	N/A	N/A
Southbound Shingle Point Road	N/A	200 feet *

* Initial turn-lane length based on storage length per queuing analysis



The developer should coordinate with DelDOT's Development Coordination Section to determine all final design details including the above turn-lane lengths during the site plan review. Construction of this improvement should begin prior to issuance of the 101st building permit.

7. The following bicycle and pedestrian improvements should be included:
 - a. Adjacent to the proposed right-turn lanes on southbound Delaware Route 30 and northbound Shingle Point Road at the proposed site entrances, a minimum of a five-foot bicycle lane should be dedicated and striped with appropriate markings for bicyclists through the turn lane in order to facilitate safe and unimpeded bicycle travel.
 - b. Appropriate bicycle symbols, directional arrows, pavement markings, and signing should be included along bicycle facilities and turn lanes within the project limits.
 - c. Utility covers should be made flush with the pavement.
 - d. If clubhouses or other community facilities are constructed as shown on the site plan, bicycle parking should be provided near building entrances. Where building architecture provides for an awning, other overhang, or indoor parking, the bicycle parking should be covered.
 - e. A minimum 15-foot wide permanent easement from the edge of the right-of-way should be dedicated to DelDOT within the site frontages along Delaware Route 30 and Shingle Point Road.
 - f. Within the easements along the Delaware Route 30 site frontage and the Shingle Point Road southern site frontage, a minimum of a ten-foot wide shared-use path that meets current AASHTO and ADA standards should be constructed. The shared-use paths should meet AASHTO and ADA standards. Each shared-use path should have a minimum of a five-foot buffer from the roadway. At the property boundaries, the shared-use paths should connect to the adjacent property or to the shoulder in accordance with DelDOT's *Shared-Use Path and/or Sidewalk Termination Reference Guide* dated August 1, 2018. The developer should coordinate with DelDOT's Development Coordination Section to determine the details of the shared-use path connections at the property boundaries. No shared-use path is required along the northern site frontage of Shingle Point Road.
 - g. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings, including all site entrances. Type 3 curb ramps are discouraged.
 - h. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be constructed within the development. These sidewalks should each be a minimum of five-feet wide (with a minimum of a five-foot



buffer from the roadway) and should meet current AASHTO and ADA standards. Internal sidewalks in the development should connect to the proposed shared-use paths along Delaware Route 30 and Shingle Point Road.

- i. Access-ways should be used to connect shared-use paths or sidewalks along a road to an interior trail or subdivision street when the spacing between streets is inadequate to accommodate convenient pedestrian and bicycle travel. Based on the Office of State Planning Coordination PLUS review (August 20, 2018), two access-ways are recommended, both on Shingle Point Road. One would be near the northern limit of the site frontage and the other near the southern limit of the site frontage. The developer should coordinate with DelDOT's Development Coordination Section during the site plan review to determine exact locations and design details for these access-ways.
- j. Where internal sidewalks are located alongside of parking spaces, a buffer should be added to prevent vehicular overhang onto the sidewalk.

Improvements in this TIS may be considered "significant" under DelDOT's *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT's website at http://deldot.gov/Publications/manuals/de_mutcd/index.shtml.

Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DelDOT's site plan review process.

Additional details on our review of this TIS are attached. Please contact me at (610) 640-3500 or through e-mail at ajparker@mccormicktaylor.com if you have any questions concerning this review.

Sincerely,

McCormick Taylor, Inc.

A handwritten signature in black ink, appearing to read "Andrew J. Parker".

Andrew J. Parker, PE, PTOE
Project Manager

Enclosure

General Information

Report date: July 17, 2019

Prepared by: The Traffic Group, Inc.

Prepared for: Natelli Communities

Tax parcel: 135-11.00-32.01, part of 48.00, 49.00, and 56.00

Generally consistent with DelDOT's Development Coordination Manual: Yes

Project Description and Background

Description: The proposed Azalea Woods development consists of 610 single-family detached homes.

Location: The site is located north of US Route 9, west of Delaware Route 30 (Gravel Hill Road / Sussex Road 248) and east of Shingle Point Road (Sussex Road 249) in unincorporated Sussex County. A site location map is included on page 10.

Amount of land to be developed: approximately 316 acres

Land use approval(s) needed: Subdivision approval. The land is currently zoned AR-1 (Agricultural Residential). No rezoning is needed or sought to permit the proposed development.

Proposed completion year: 2032

Proposed access locations: Two full-access driveways are proposed. One full movement access is proposed on Shingle Point Road opposite Briarwood Lane. The second full access movement is proposed along Delaware Route 30 opposite Pettyjohn Road (Sussex Road 255).

Daily Traffic Volumes (per DelDOT Traffic Summary 2018):

- 2018 Average Annual Daily Traffic on Delaware Route 30: 5,449 vehicles/day
- 2018 Average Annual Daily Traffic on Shingle Point Road: 1,220 vehicles/day



2015 Delaware Strategies for State Policies and Spending

Location with respect to the Strategies for State Policies and Spending Map of Delaware:

The proposed Azalea Woods residential development is located within Investment Level 4.

Investment Level 4

Investment Level 4 areas are predominantly rural or agricultural and contain much of Delaware's open space and natural areas. These areas are home to agribusiness activities, farm complexes, and small settlements/unincorporated communities that are often found at historic crossroads. Investment Level 4 areas may also have scattered single-family detached residential homes. Existing transportation facilities and services will be maintained by the state while they continue to manage the transportation system in a manner that will support the preservation of the natural environment and agricultural business. Construction of new homes is discouraged; housing policies will focus on maintenance and rehabilitation of existing homes and communities. In addition, the Department of Education does not support the construction of new educational facilities in Investment Level 4 areas. The educational needs of Investment Level 4 areas would likely need to be met through facilities located in Investment Level 1-3 areas.

In general, the state will limit its investments in public infrastructure systems; investments should address existing public health, safety, or environmental risks, preserve rural character and natural resources, and discourage further development that is unrelated to the area's needs.

Proposed Development's Compatibility with Strategies for State Policies and Spending:

The proposed Azalea Woods residential development includes 610 single-family detached homes and is located within an Investment Level 4 area. New housing developments are discouraged in such areas. The state would be responsible for providing many public services to the residents of the development, such as school construction and transportation, police and fire/EMS services, and additional maintenance of the transportation system. Given the location of the development in an Investment Level 4 area, the state generally does not intend to make these significant investments. Rather, the state intends to support agricultural activities and protect the rural and natural character of these areas. Based on the *2015 Delaware Strategies for State Policies and Spending* document, the proposed development does not appear to be compatible with an Investment Level 4 area and additional discussion is required.

Comprehensive Plan

Sussex County Comprehensive Plan:

(Source: Sussex County Comprehensive Plan, March 2019)

The Sussex County Comprehensive Plan 2045 Future Land Use Map indicates that the proposed development parcels are within the Low Density Area (categorized as a Rural Area).

All lands designated as Low-Density Areas are currently zoned AR-1. Under that zoning designation, single family detached homes are permitted at 2 homes per acre on lots containing a minimum of ½ acre if that tract connects to central sewers. Where on-site septic systems are used, single-family detached homes are permitted on minimum ¾ acre lots. AR-1 zoning regulations

also permit an average of 2 homes per acre where a cluster-style site plan is used, and a portion of the tract is preserved in permanent open space. Using these zoning regulations and additional incentives, Sussex County hopes to retain the rural environment of Low Density Areas and set aside significant open space.

In Sussex County, many farmland owners located in the Low-Density Areas have built up significant equity in their land – in numerous cases through multiple generations. This is equity that is a liquid asset that can serve as collateral to secure operating loans. It is also equity that can be realized through land sales if and when these landowners no longer desire to continue farming. For this reason, the Sussex County Council supports State and local land use policies that will preserve the value of farmland. The Sussex County approach emphasizes the following policies and actions to help sustain agriculture, maintain the rural landscape and sustain reasonable development rights:

- The County strongly supports voluntary farmland preservation and has worked jointly with the State to facilitate the acquisition of development rights to agricultural land.
- The County uses zoning to mandate that a certain portion of a residential subdivision must be permanently preserved in common open space.
- The County provides density bonuses, under certain conditions, to developers who agree to pay into a fund that Sussex County uses to acquire open space.
- The County requires developers to plant landscaped buffers to physically separate new development from the surrounding countryside.
- The County is also considering establishing Agribusiness Areas which will enable certain limited, yet important agriculture industries to develop in support of Sussex County's large agricultural economy without unnecessary delay.
- The County supports continued agricultural operations and affords them specific protections as are listed in Sussex County Code Section 99 -6 (G)(1) and(2) and 99 -16 (D).

The following guidelines should apply to future growth in Low Density Areas:

Permitted uses – The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses.

Densities – Base densities in Low Density Areas should be unchanged from the current zoning provisions. The minimum lot size should be $\frac{3}{4}$ acre for lots served by on-lot septic systems and $\frac{1}{2}$ acre for lots with central sewers. The cluster option permitted in Low Density Areas should

continue to permit overall site densities of up to 2 units per acre, provided significant open space is set aside and the tract connects to public sewers.

Infrastructure – Development where lots are no smaller than $\frac{3}{4}$ acre can be accommodated in this planning area without central sewers. Other development should require central sewer service.

Proposed Development's Compatibility with Comprehensive Plan: The proposed Azalea Woods residential development is planned to be developed as 610 single-family detached homes on a 316-acre assemblage of parcels. The site is currently zoned AR-1 (Agricultural Residential), and the developer plans to develop under that zoning as a Residential Cluster Community. The purpose of this zoning district is to protect agricultural lands and activities and other valuable natural resources. Low-density housing is permitted along with churches, recreational facilities, and accessory uses as may be necessary or is normally compatible with residential surroundings. The Sussex County Comprehensive Plan 2045 Future Land Use Map indicates that the proposed development parcels are within the Low Density Area (categorized as a Rural Area). The proposed development appears to comply with the characteristics and *Permitted Uses* for Low Density Areas. However, due to the possibility of some lots being smaller than $\frac{1}{2}$ acre, this development raises questions regarding consistency with Sussex County regulations; therefore additional discussion may be required.

Relevant Projects in the DeIDOT Capital Transportation Program

DeIDOT has three projects within the study area. The first is the Georgetown East Gateway Improvements project (aka Sand Hill Road Realignment Project), which will improve the existing intersection geometry of US Route 9 and Sand Hill Road/Airport Road (State Road 319). Sand Hill Road and Airport Road presently intersect US Route 9 at skewed angles at offset locations. The improvements will realign Sand Hill Road and Airport Road to intersect US Route 9 at one location at an improved angle, add turn lanes, add pedestrian and bicycle facilities, and improve drainage. Final design and right of way acquisition are underway. Utility relocations will begin in the spring of 2020. Construction is anticipated to begin in the summer of 2020.

The second project is Park Avenue Relocation – Phase 2, which involves improvements along Park Avenue (Sussex Road 321) from the Park Avenue Relocation – Phase 1 project up to the signalized intersection with US Route 9, which will be reconstructed to provide a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9, along with signal upgrades. The Phase 2 project is within the Azalea Woods study area, while the Phase 1 project is located southwest of the Azalea Woods study area. Phase 1 will relocate part of Park Avenue, a designated truck bypass through Georgetown, and upgrade another part of Park Avenue with appropriate turn lanes, shoulders, and intersection improvements. Phase 2 will consist of the improvements along the existing Park Avenue from where the Phase 1 relocation ties in west of Cedar Lane all the way up to US Route 9. Both phases of the project will combine to provide a continuous US Route 9 Truck Bypass from US Route 113 to US 9 east of the Town of Georgetown. This project is currently in the design and planning stage. Construction of Phase 1 is anticipated to begin in the fall of 2022. Construction of Phase 2 is anticipated to begin in 2023.

The third project is DeIDOT's HSIP SC, US 9 and SR 5 Intersection project. This project, initiated by the 2009 Hazard Elimination Program, is located at the intersection of US Route 9 and Delaware Route 5 and it involves widening the intersection to provide turn lanes on each leg to address safety and operational issues and to accommodate large vehicles. Construction was underway in early 2019 and was substantially complete by September 2019.

Trip Generation

Trip generation for the proposed development was computed using comparable land uses and equations contained in Trip Generation, Tenth Edition, published by the Institute of Transportation Engineers (ITE). The following land use was utilized to estimate the amount of new traffic generated for this development:

- 610 single-family detached homes (ITE Land Use Code 210)

Table 1
AZALEA WOODS PEAK HOUR TRIP GENERATION

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour		
	In	Out	Total	In	Out	Total
610 Single-Family Homes	109	329	438	363	213	576

Table 2
AZALEA WOODS DAILY TRIP GENERATION

Land Use	Weekday Daily		
	In	Out	Total
610 Single-Family Homes	2744	2744	5488

Overview of TIS

Intersections examined:

- 1) US Route 9 & Sand Hill Road / Airport Road
- 2) US Route 9 & Park Avenue
- 3) US Route 9 & Shingle Point Road / French Road
- 4) US Route 9 & Stienner Road (Sussex Road 320)
- 5) US Route 9 & Delaware Route 30
- 6) US Route 9 & Prettyman Road (Sussex Road 254)
- 7) US Route 9 & Delaware Route 5
- 8) Shingle Point Road & Briarwood Road (Sussex Road 253)
- 9) Shingle Point Road & Briarwood Lane / Site Access A
- 10) Park Avenue & Springfield Road (Sussex Road 47)
- 11) Delaware Route 30 & Huff Road (Sussex Road 252)

- 12) Delaware Route 30 & Shingle Point Road
- 13) Delaware Route 30 & Pettyjohn Road / Site Access B
- 14) Pettyjohn Road & Prettyman Road
- 15) Delaware Route 30 & Prettyman Road

Conditions examined:

- 1) 2018 existing (Case 1)
- 2) 2032 without Azalea Woods (Case 2)
- 3) 2032 with Azalea Woods (Case 3)

Peak hours evaluated: Weekday morning and evening peak hours

Committed developments considered:

- 1) Sand Hill Valley – 393 Single-family detached homes
- 2) Sports at the Beach – Nothing further to be built out at this time
- 3) Sussex County Sports Complex – 10 soccer fields
- 4) Cheer Life Care Village – 365 unit continuing care retirement community
- 5) Food Lion Shopping Center – Project not moving forward
- 6) Royal Farms #256 – 5,166 sf super convenience market with gas
- 7) Besche Property – 287 unit multifamily housing, low-rise
- 8) Two Farms, Inc. Retail Site – 14,950 sf retail

Intersection Descriptions

1) US Route 9 & Sand Hill Road / Airport Road

Type of Control: signalized

Eastbound Approach: (US Route 9) one left-turn lane and one shared through/right-turn lane

Westbound Approach: (US Route 9) one left-turn lane and one shared through/right-turn lane

Northbound Approach: (Airport Road) one shared left-turn/through/right-turn lane

Southbound Approach: (Sand Hill Road) one shared left-turn/through/right-turn lane

2) US Route 9 & Park Avenue

Type of Control: signalized

Eastbound Approach: (US Route 9) one shared through/right-turn lane

Westbound Approach: (US Route 9) one shared left-turn/through lane

Northbound Approach: (Park Avenue) one shared left-turn/right-turn lane

- 3) **US Route 9 & Shingle Point Road / French Road**
Type of Control: two-way stop
Eastbound Approach: (US Route 9) one shared left-turn/through/right-turn lane
Westbound Approach: (US Route 9) one shared left-turn/through/right-turn lane
Northbound Approach: (French Road) one shared left-turn/through/right-turn lane, stop control
Southbound Approach: (Shingle Point Road) one shared left-turn/through/right-turn lane, stop control

- 4) **US Route 9 & Stiener Road**
Type of Control: one-way stop (T-intersection)
Eastbound Approach: (US Route 9) one shared through/right-turn lane
Westbound Approach: (US Route 9) one shared left-turn/through lane
Northbound Approach: (Stiener Road) one shared left-turn/right-turn lane, stop control
Southbound Approach: (private business driveway) one shared left-turn/right-turn lane, stop control

- 5) **US Route 9 & Delaware Route 30**
Type of Control: signalized
Eastbound Approach: (US Route 9) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane
Westbound Approach: (US Route 9) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane
Northbound Approach: (Delaware Route 30) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane
Southbound Approach: (Delaware Route 30) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane

- 6) **US Route 9 & Prettyman Road**
Type of Control: one-way stop
Eastbound Approach: (US Route 9) one shared left-turn/through lane
Westbound Approach: (US Route 9) one through lane and one right-turn lane
Southbound Approach: (Prettyman Road) one shared left-turn/right-turn lane, stop controlled

- 7) **US Route 9 & Delaware Route 5**
Type of Control: signalized (recently improved)
Eastbound Approach: (US Route 9) one left-turn lane, one shared through/right-turn lane, and one bicycle lane
Westbound Approach: (US Route 9) one left-turn lane, one shared through/right-turn lane, and one bicycle lane
Northbound Approach: (Delaware Route 5) one left-turn lane and one shared through/right-turn lane
Southbound Approach: (Delaware Route 5) one left-turn lane, one shared through/right-turn lane, and one bicycle lane

8) Shingle Point Road & Briarwood Road

Type of Control: one-way stop (T-intersection)

Eastbound Approach: (Briarwood Road) one shared left-turn/right-turn lane, stop controlled

Northbound Approach: (Shingle Point Road) one shared left-turn/through lane

Southbound Approach: (Shingle Point Road) one shared through/right-turn lane

9) Shingle Point Road & Briarwood Lane / Site Access A

Type of Control: existing one-way stop (T-intersection); proposed two-way stop (four-leg intersection)

Eastbound Approach: (Briarwood Lane) existing one shared left-turn/right-turn lane; proposed shared left-turn/through/right-turn lane, stop control

Westbound Approach: (Site Access A) proposed one shared left-turn/through/right-turn lane, stop control

Northbound Approach: (Shingle Point Road) existing one shared left-turn/through lane; proposed one shared left-turn/through and one right-turn lane

Southbound Approach: (Shingle Point Road) existing one shared through/right-turn lane; proposed one left-turn and one shared through/right-turn lane

10) Park Avenue & Springfield Road

Type of Control: existing one-way stop (T-intersection)

Westbound Approach: (Springfield Road) one shared left-turn/right-turn lane, stop control

Northbound Approach: (Park Avenue) one shared through/right-turn lane

Southbound Approach: (Park Avenue) one shared left-turn/through lane

11) Delaware Route 30 & Huff Road

Type of Control: one-way stop (T-intersection)

Eastbound Approach: (Huff Road) One shared left-turn/right-turn lane, stop control

Northbound Approach: (Delaware Route 30) one shared left-turn/through lane

Southbound Approach: (Delaware Route 30) one shared through/right-turn lane

12) Delaware Route 30 & Shingle Point Road

Type of Control: two-way stop controlled

Eastbound Approach: (Shingle Point Road) one shared left-turn/right-turn lane, stop control

Westbound Approach: (Shingle Point Road) one shared left-turn/right-turn lane, stop control

Northbound Approach: (Delaware Route 30) one shared left-turn/through lane (southern section) and one shared through/right-turn lane (northern section)

Southbound Approach: (Delaware Route 30) one shared through/left-turn lane (northern section) and one shared through/right-turn lane (southern section)

13) Delaware Route 30 & Pettyjohn Road / Site Access B

Type of Control: existing one-way stop; proposed two-way stop

Eastbound Approach: (Site Access B) proposed one shared left-turn/through/right-turn lane, stop control

Westbound Approach: (Pettyjohn Road) existing one shared left-turn/right-turn lane, stop control; proposed one shared left-turn/through/right-turn lane, stop control

Northbound Approach: (Delaware Route 30) existing one shared through/right-turn lane; proposed one left-turn lane and one shared through/right-turn lane

Southbound Approach: (Delaware Route 30) existing one shared left-turn/through lane; proposed one shared left-turn/through lane and one right-turn lane

14) Pettyjohn Road & Prettyman Road

Type of Control: two-way stop (four-leg intersection)

Eastbound Approach: (Prettyman Road) one shared left-turn/through/right-turn lane

Westbound Approach: (Prettyman Road) one shared left-turn/through/right-turn lane

Northbound Approach: (Pettyjohn Road) one shared left-turn/through/right-turn lane, stop control

Southbound Approach: (Pettyjohn Road) one shared left-turn/through/right-turn lane, stop control

15) Delaware Route 30 & Prettyman Road

Type of Control: one-way stop

Westbound Approach: (Prettyman Road) one shared left-turn/right-turn lane, stop control

Northbound Approach: (Delaware Route 30) one shared through/right-turn lane

Southbound Approach: (Delaware Route 30) one shared left-turn/through lane

Safety Evaluation

Crash Data: Per current DelDOT policy, review of crash data was not conducted at this time.

Sight Distance: Sight distance issues were noted at three intersections during a September 10, 2019 field investigation of the study area. Delaware Route 30 & Huff Road is located on a horizontal curve. Sight distance is limited looking left from northbound Huff Road. Sight distance at Pettyjohn Road & Prettyman Road is limited by trees and a utility pole, looking right from southbound Pettyjohn Road. Sight distance at Delaware Route 30 & Prettyman Road is limited by trees, looking left from westbound Prettyman Road.

Transit, Pedestrian, and Bicycle Facilities

Existing transit service: Based on the DART Bus Stop Map (accessed September 10, 2019), the Delaware Transit Corporation (DTC) operates Route 206 from Georgetown to Lewes, which has stops along US Route 9.

Planned transit service: TTG contacted a DTC representative, who indicated that no future service is planned at this time. The DTC representative stated the site is too far north of DART's current Route 206 to deviate for direct transit service.

Existing bicycle and pedestrian facilities: Several study area roadways are identified as “Bicycling Routes” on the *Sussex County Bicycle Map* published by DelDOT:

- US Route 9:
 - Regional Bicycle Route with bikeway
 - Over 5,000 vehicles daily
- Delaware Route 5: Regional bicycle route with bikeway
- Delaware Route 30: Regional bicycle route with bikeway
- Prettyman Road: Connector bicycle route without bikeway
- Sand Hill Road: Bicycle route with bikeway

There are no existing sidewalks or exclusive pedestrian facilities in the immediate areas of the proposed site entrances on Delaware Route 30 or Shingle Point Road. There are new sidewalks, pedestrian facilities and bike lanes at the US Route 9 & Delaware Route 5 intersection. There are also bike lanes on all four approaches at the US Route 9 & Delaware Route 30 intersection.

Planned bicycle and pedestrian facilities: The TIS states that a representative from DelDOT’s Local Systems Planning Section was contacted to determine requested accommodations for bicycles and pedestrians. It is requested that sidewalks be included at the entrances of the development to encourage walking and biking to Delaware Route 9. This would also allow for the possibility of future sidewalks along Pettyjohn Road, Delaware Route 30, and Shingle Point Road. It is also requested to have a pedestrian or bicycle connection to Shingle Point Road at the northern end of the property.

Previous Comments

In a review letter dated July 3, 2019, DelDOT indicated that the revised Preliminary TIS was acceptable.

It appears that all substantive comments from DelDOT’s TIS Scoping Memorandum, Traffic Count Review, Preliminary TIS Review, Revised Preliminary TIS Review, and other correspondence were addressed in the Final TIS submission.

General HCS Analysis Comments

(see table footnotes on the following pages for specific comments)

- 1) For signalized intersections, the TIS and McCormick Taylor applied heavy vehicle factors (HV) by lane group using existing data. The TIS and McCormick Taylor generally assumed future HV to be the same as existing HV at all intersections. There are some discrepancies between the TIS and McCormick Taylor’s heavy vehicle factor calculations. Both the TIS and McCormick Taylor assumed 3% HV for future movements to and from the proposed site access points (as per DelDOT’s Development Coordination Manual).
- 2) For existing conditions, the TIS and McCormick Taylor determined overall intersection peak hour factors (PHF) for each intersection. As per the DelDOT Development Coordination Manual, existing PHFs are generally applied to future conditions as well.

- 3) For analyses of signalized intersections, McCormick Taylor used a base saturation flow rate of 1,750 pc/hr/ln per DelDOT's Development Coordination Manual.
- 4) The TIS and McCormick Taylor used different Right Turn on Red and pedestrian volumes when analyzing some intersections. All volumes for McCormick Taylor's analyses were taken directly from traffic counts in Appendix A of the TIS.
- 5) The TIS and McCormick Taylor used different signal timings when analyzing the signalized intersections in some cases.
- 6) For analyses of all intersections, the TIS assumed 0% grade for all movements. McCormick Taylor utilized field data for existing grades and assumed future grades to be the same.
- 7) McCormick Taylor utilized new signal phasing and roadway improvements when analyzing US Route 9 & Delaware Route 5. The Traffic Group utilized both old and updated signal timings and roadway layouts for existing, background, and total scenarios.

Table 3
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Signalized Intersection ¹	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
US 9 & Sand Hill Road / Airport Road				
2018 Existing (Case 1)	E (66.3)	E (77.6)	D (49.8)	F (79.8)
2032 without Azalea Woods (Case 2)	F (173.4)	F (252.0)	F (103.0)	F (173.1)
2032 with Azalea Woods (Case 3)	F (199.0)	F (276.2)	F (122.7)	F (193.4)
2032 with Azalea Woods (Case 3) <i>with East Gateway Improvements Project</i> ²	D (39.7)	D (50.7)	D (41.9)	D (54.9)

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

² Proposed improvements as part of the DelDOT project include realigning Sand Hill Road and Airport Road to intersect US Route 9 at one location at an improved angle, adding turn lanes, adding pedestrian and bicycle facilities, and improving drainage. The northbound and southbound approaches would each have one shared left/through lane and one right-turn lane, the westbound US Route 9 would have one left-turn lane, one through lane and one channelized right-turn lane, and the eastbound US Route 9 approach would have two left-turn lanes, one through lane and one channelized right-turn lane.

Table 4
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Signalized Intersection ³	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
US 9 & Park Avenue				
2018 Existing (Case 1)	F (129.4)	F (114.5)	F (157.5)	F (137.0)
2032 without Azalea Woods (Case 2)	F (545.1)	F (673.9)	F (759.4)	F (905.5)
2032 with Azalea Woods (Case 3)	F (754.6)	F (1554)	F (1135.1)	F (3456.9)
2032 with Azalea Woods (Case 3) <i>with Park Avenue Relocation – Phase 2</i> ⁴	D (44.4)	D (46.1)	D (42.4)	D (52.3)

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

⁴ Proposed improvements as part of the DelDOT project include adding a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9.

Table 5
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Unsignalized Intersection ⁵ Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
US 9 & Shingle Point Road / French Road				
2018 Existing (Case 1)				
Eastbound Left	A (10.0)	B (11.0)	B (10.1)	B (10.9)
Westbound Left	B (10.3)	A (8.9)	A (9.3)	A (8.9)
Northbound Left/Through/Right	E (38.8)	D (28.1)	E (36.1)	D (26.4)
Southbound Left/Through/Right	C (21.8)	D (27.1)	C (23.7)	D (30.8)
2032 without Azalea Woods (Case 2)				
Eastbound Left	B (11.7)	B (14.1)	B (11.8)	B (13.9)
Westbound Left	B (11.5)	A (9.8)	B (10.2)	A (9.8)
Northbound Left/Through/Right	F (94.4)	F (94.7)	F (85.2)	F (85.2)
Southbound Left/Through/Right	E (47.2)	F (113.0)	F (59.4)	F (172.6)
2032 with Azalea Woods (Case 3)				
Eastbound Left	B (12.4)	C (18.0)	B (12.6)	C (17.8)
Westbound Left	B (11.5)	A (9.9)	B (10.3)	A (9.9)
Northbound Left/Through/Right	F (133.1)	F (***)	F (120.5)	F (***)
Southbound Left/Through/Right	F (1589)	F (***)	F (2122.1)	F (***)
2032 with Azalea Woods (Case 3) With Improvement Option 1 ⁶				
Eastbound Left	N/A	N/A	B (12.6)	C (17.8)
Westbound Left	N/A	N/A	B (10.3)	A (9.9)
Northbound Left/Through/Right	N/A	N/A	F (120.5)	F (***)
Southbound Left/Through/Right	N/A	N/A	F (501.4)	F (***)
2032 with Azalea Woods (Case 3) With Improvement Option 2 ⁷				
Eastbound Left	N/A	N/A	B (12.6)	C (17.8)
Westbound Left	N/A	N/A	N/A	N/A
Northbound Right	N/A	N/A	C (16.3)	C (16.2)
Southbound Left/Right	N/A	N/A	F (68.7)	F (73.2)

*** Delay is too great to be calculated by HCS

⁵ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

⁶ Improvement Option 1 adds a separate right-turn lane on the southbound approach of Shingle Point Road.

⁷ Improvement Option 2 includes Improvement Option 1 and reconfigures US Route 9 with eastbound left-turn lane and an eastbound median acceleration lane for use by southbound left-turn drivers, thereby reducing conflicts and delays. For analysis purposes, this median lane is assumed to have storage for 2 southbound-left turn vehicles. The downstream acceleration lane would be separated from the upstream eastbound left-turn lane by a concrete channelization island. The northbound French Road approach to US Route 9 would be converted to right-in/right-out.

Table 6
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Unsignalized Intersection ⁸ One-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
US 9 & Stiener Road				
2018 Existing (Case 1)				
Eastbound Left	A (9.4)	A (9.9)	A (9.4)	A (9.9)
Westbound Left	A (9.1)	A (8.9)	A (9.1)	A (8.9)
Northbound Left/Through/Right	D (30.9)	D (26.1)	D (32.9)	D (27.8)
Southbound Left/Through/Right	E (44.6)	C (24.9)	E (44.7)	C (24.9)
2032 without Azalea Woods (Case 2)				
Eastbound Left	B (10.5)	B (11.5)	B (10.5)	B (11.5)
Westbound Left	A (9.8)	A (9.8)	A (9.8)	A (9.8)
Northbound Left/Through/Right	F (56.8)	F (50.5)	F (62.4)	F (56.0)
Southbound Left/Through/Right	F (91.8)	E (49.9)	F (91.9)	F (50.0)
2032 with Azalea Woods (Case 3)				
Eastbound Left	B (10.7)	B (11.9)	B (10.7)	B (11.9)
Westbound Left	B (10.1)	B (10.1)	B (10.1)	B (10.1)
Northbound Left/Through/Right	F (65.5)	F (59.9)	F (72.5) ⁹	F (67.0) ⁹
Southbound Left/Through/Right	F (108)	F (60.3)	F (107.8) ⁹	F (60.4) ⁹

⁸ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

⁹ 95th percentile queue length is anticipated to be less than 1 vehicle (25 feet).

Table 7
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Signalized Intersection ¹⁰	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
US 9 & DE 30 2018 Existing (Case 1)	C (25.8)	C (28.9)	C (27.5)	C (34.3)
2032 without Azalea Woods (Case 2)	D (53.4)	F (84.9)	E (60.8)	F (90.6)
2032 with Azalea Woods (Case 3)	E (65.7)	F (103.2)	E (72.0)	F (108.3)
2032 with Azalea Woods (Case 3) <i>with Modified Signal Timings</i>	D (44.6)	E (78.9)	D (49.0)	E (72.8)

¹⁰ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 8
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Unsignalized Intersection ¹¹ One-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
US 9 & Prettyman Road				
2018 Existing (Case 1)				
Eastbound Left	A (9.4)	B (10.1)	A (9.4)	B (10.1)
Southbound Left/Right	F (111.8)	F (71.4)	F (91.2)	F (61.3)
2032 without Azalea Woods (Case 2)				
Eastbound Left	B (10.5)	B (12.2)	B (10.5)	B (12.2)
Southbound Left/Right	F (603.0)	F (502.1)	F (498.9)	F (406.2)
2032 with Azalea Woods (Case 3)				
Eastbound Left	B (10.6)	B (12.9)	B (10.6)	B (12.9)
Southbound Left/Right	F (986.9)	F (884.3)	F (833.6) ¹²	F (731.8) ¹³
2032 with Azalea Woods (Case 3) <i>With Improvement Option 1</i> ¹⁴				
Eastbound Left	N/A	N/A	N/A	N/A
Southbound Left/Right	N/A	N/A	E (44.4) ¹⁵	E (35.6) ¹⁶

¹¹ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

¹² 95th percentile queue length is anticipated to be approximately 16 vehicles (400 feet).

¹³ 95th percentile queue length is anticipated to be approximately 10 vehicles (250 feet).

¹⁴ Improvement Option 1 consists of widening US Route 9 and/or shifting lanes to create a median acceleration lane on eastbound US Route 9 for use by southbound left-turn drivers, thereby reducing conflicts and delays. For analysis purposes, this median lane is assumed to have storage for 2 southbound-left turn vehicles. The eastbound US Route 9 left-turn movement onto Prettyman Road would be restricted.

¹⁵ 95th percentile queue length is anticipated to be approximately 4 vehicles (100 feet).

¹⁶ 95th percentile queue length is anticipated to be approximately 2 vehicles (50 feet).

Table 9
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Signalized Intersection ¹⁷	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
US 9 & DE 5 ¹⁸				
2018 Existing (Case 1)	E (60.1)	E (65.1)	E (65.7)	D (50.0)
2032 without Azalea Woods (Case 2)	F (198.9)	F (240.7)	N/A	N/A
<i>With DelDOT Project & New Signal Timing</i>	F (155.4)	F (155.7)	F (180.2)	F (175.1)
2032 with Azalea Woods (Case 3)	F (223.7)	F (279.4)	N/A	N/A
<i>With DelDOT Project & New Signal Timing</i>	F (183.9)	F (189.6)	F (211.9)	F (210.5)
<i>With DelDOT Project & Modified Signal Timings</i>	F (116.9)	F (120.1)	N/A	N/A
<i>With Additional Through Lane on US Route 9 in Each Direction</i>	N/A	N/A	D (38.7)	D (37.7)

¹⁷ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

¹⁸ As DelDOT's HSIP SC, US 9 and SR 5 Intersection project was substantially complete when McCormick Taylor conducted a review of this TIS, McCormick Taylor's analyses are based on the completed/improved intersection configuration and signal phasing for all scenarios. The TIS ran analyses of both the previously existing unimproved condition and the improved condition at this intersection for all scenarios.

Table 10
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Unsignalized Intersection ¹⁹ One-Way Stop (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
Shingle Point Road & Briarwood Road				
2018 Existing (Case 1)				
Eastbound Left/Right	A (9.7)	A (9.9)	A (9.8)	B (10.1)
Northbound Left	A (7.5)	A (7.5)	A (7.5)	A (7.5)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Right	A (9.8)	B (10.1)	A (9.9)	B (10.2)
Northbound Left	A (7.5)	A (7.5)	A (7.5)	A (7.5)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Right	B (10.4)	B (10.4)	B (10.5)	B (10.5)
Northbound Left	A (7.7)	A (7.7)	A (7.7)	A (7.7)

¹⁹ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 11
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Unsignalized Intersection ²⁰ Existing One-Way Stop Proposed Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
Shingle Point Road & Briarwood Lane / Site Access A				
2018 Existing (Case 1)				
Eastbound Left/Through/Right	A (9.5)	A (9.3)	A (9.5)	A (9.3)
Northbound Left	A (7.7)	A (7.5)	A (7.7)	A (7.5)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Through/Right	A (9.6)	A (9.3)	A (9.6)	A (9.3)
Northbound Left	A (7.8)	A (7.5)	A (7.8)	A (7.5)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Through/Right	B (10.4)	B (10.1)	B (10.4)	B (10.1)
Westbound Left/Through/Right	B (12.9)	B (11.5)	B (12.9)	B (11.5)
Northbound Left	A (7.8)	A (7.5)	A (7.8)	A (7.5)
Southbound Left	A (7.5)	A (7.9)	A (7.5)	A (7.9)

²⁰ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 12
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Unsignalized Intersection ²¹ One-Way Stop (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
Park Avenue & Springfield Road				
2018 Existing (Case 1)				
Westbound Left/Right	D (25.5)	C (23.7)	D (27.2)	D (25.2)
Southbound Left	A (8.0)	A (8.5)	A (8.0)	A (8.5)
2032 without Azalea Woods (Case 2)				
Westbound Left/Right	D (34.9)	D (31.3)	E (38.4)	D (34.2)
Southbound Left	A (8.1)	A (8.6)	A (8.1)	A (8.6)
2032 with Azalea Woods (Case 3)				
Westbound Left/Right	E (41.1)	E (38.0)	E (43.7)	E (42.4)
Southbound Left	A (8.1)	A (8.6)	A (8.1)	A (8.8)
2032 with Azalea Woods (Case 3) <i>With Improvement Option 1</i> ²²				
Westbound Left/Right	N/A	N/A	D (31.4)	D (31.9)
Southbound Left	N/A	N/A	A (8.1)	A (8.8)

²¹ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

²² Improvement Option 1 adds a separate right-turn lane to the westbound Springfield Road approach.

Table 13
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Unsignalized Intersection ²³ One-Way Stop (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
DE 30 & Huff Road				
2018 Existing (Case 1)				
Eastbound Left/Right	B (11.3)	B (10.7)	B (11.3)	B (11.0)
Northbound Left	A (8.0)	A (7.9)	A (8.2)	A (8.0)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Right	C (16.8)	C (17.0)	B (12.2)	C (18.6)
Northbound Left	A (8.2)	A (8.4)	A (8.5)	A (8.6)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Right	C (18.8)	C (19.9)	B (12.9)	C (22.5)
Northbound Left	A (8.2)	A (8.7)	A (8.5)	A (8.8)

²³ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 14
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Unsignalized Intersection ²⁴	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
DE 30 & Shingle Point Road North				
2018 Existing (Case 1)				
Westbound Left/Right	B (14.0)	B (13.7)	B (14.0)	B (13.7)
Southbound Left	A (7.6)	A (7.8)	A (7.6)	A (7.8)
2032 without Azalea Woods (Case 2)				
Westbound Left/Right	C (17.1)	C (17.3)	C (17.1)	C (17.3)
Southbound Left	A (7.7)	A (8.1)	A (7.7)	A (8.1)
2032 with Azalea Woods (Case 3)				
Westbound Left/Right	C (19.7)	C (22.3)	C (19.7)	C (22.3)
Southbound Left	A (7.9)	A (8.2)	A (7.9)	A (8.2)

²⁴ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 15
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Unsignalized Intersection ²⁵	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
DE 30 & Shingle Point Road South				
2018 Existing (Case 1)				
Eastbound Left/Right	B (13.2)	C (15.7)	B (12.7)	B (14.6)
Northbound Left	A (8.3)	A (7.8)	A (8.3)	A (7.8)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Right	C (15.8)	C (21.7)	C (15.8)	C (19.2)
Northbound Left	A (8.6)	A (8.0)	A (8.6)	A (8.0)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Right	C (19.9)	D (29.3)	C (18.1)	C (24.5)
Northbound Left	A (8.6)	A (8.2)	A (8.6)	A (8.2)

²⁵ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 16
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Unsignalized Intersection ²⁶ Existing One-Way Stop Proposed Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
DE 30 & Pettyjohn Road / Site Access B				
2018 Existing (Case 1)				
Eastbound Left/Through/Right	-	-	-	-
Westbound Left/Through/Right	B (11.2)	B (11.4)	B (10.9)	B (12.0)
Northbound Left	-	-	-	-
Southbound Left	A (7.6)	A (7.7)	A (7.6)	A (7.8)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Through/Right	-	-	-	-
Westbound Left/Through/Right	B (13.0)	B (13.6)	B (12.6)	B (14.9)
Northbound Left	-	-	-	-
Southbound Left	A (7.8)	A (8.0)	A (7.8)	A (8.1)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Through/Right	C (18.4)	C (18.1)	C (16.4)	C (20.7)
Westbound Left/Through/Right	C (17.7)	C (22.8)	C (16.8)	D (28.6)
Northbound Left	A (8.1)	A (8.2)	A (8.0)	A (8.3)
Southbound Left	A (7.8)	A (8.0)	A (7.8)	A (8.1)

²⁶ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 17
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Unsignalized Intersection ²⁷ Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
Prettyman Road & Pettyjohn Road				
2018 Existing (Case 1)				
Eastbound Left	A (7.7)	A (7.5)	A (7.9)	A (7.5)
Westbound Left	A (8.5)	A (7.3)	A (7.5)	A (7.3)
Northbound Left/Through/Right	B (10.7)	B (10.5)	A (10.0)	B (10.5)
Southbound Left/Through/Right	A (9.7)	A (10.0)	B (10.2)	B (10.0)
2032 without Azalea Woods (Case 2)				
Eastbound Left	A (7.4)	A (7.5)	A (7.9)	A (7.5)
Westbound Left	A (8.5)	A (7.3)	A (7.4)	A (7.3)
Northbound Left/Through/Right	B (11.0)	B (10.7)	B (11.0)	B (10.7)
Southbound Left/Through/Right	A (9.9)	B (10.2)	A (9.9)	B (10.2)
2032 with Azalea Woods (Case 3)				
Eastbound Left	A (7.4)	A (7.5)	A (7.9)	A (7.5)
Westbound Left	A (8.5)	A (7.4)	A (7.5)	A (7.4)
Northbound Left/Through/Right	A (10.0)	B (10.8)	A (10.0)	B (10.8)
Southbound Left/Through/Right	B (10.2)	B (11.1)	B (10.2)	B (11.1)

²⁷ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 18
Peak Hour Levels of Service (LOS)
Based on Azalea Woods Traffic Impact Study – July 2019
Prepared by The Traffic Group, Inc.

Unsignalized Intersection ²⁸ One-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
DE 30 & Prettyman Road				
2018 Existing (Case 1)				
Westbound Left/Right	A (9.5)	B (10.2)	A (9.5)	B (10.2)
Southbound Left	A (7.8)	A (7.9)	A (7.8)	A (7.8)
2032 without Azalea Woods (Case 2)				
Westbound Left/Right	A (9.9)	B (11.3)	B (10.1)	B (11.3)
Southbound Left	A (7.9)	A (8.1)	A (8.0)	A (8.1)
2032 with Azalea Woods (Case 3)				
Westbound Left/Right	B (10.2)	B (11.6)	B (10.4)	B (11.6)
Southbound Left	A (8.0)	A (8.2)	A (8.1)	A (8.2)

²⁸ For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

TAB “7”



OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Wastewater Management Artesian Utility Development Artesian Water Pennsylvania
Artesian Water Maryland Artesian Wastewater Maryland

April 16, 2021

Mr. Matt Toback
35 Rodney Avenue
Dewey Beach, DE 19971

RE: Flex Park Tax Parcel Number 235-30.00-6.21 Ability to Serve Letter

With reference to your request concerning Water and Wastewater Service (collectively, "Service") for the proposed Flex Park Project on Route 9 and Prettyman Road in Broadkill Hundred, Sussex County, Delaware known as Tax Parcel Number 235-30.00-6.21 (the "Property"), please be advised as follows:

Subject to the following conditions, Artesian Water Company, Inc. and Artesian Wastewater Management, Inc. (collectively, "Artesian") are willing and able to provide Service to the Property that meets all applicable State of Delaware, Delaware Department of Natural Resources and Environmental Control, and Sussex County standards. Artesian currently has the signed petitions for Services for Certificate of Public Convenience and Necessity ("CPCN") from the Delaware Public Service Commission (the "Commission"). Artesian is currently seeking CPCN approval from the Commission and Sussex County. CPCNs are necessary before Artesian can provide Service at the Property. If granted the Service CPCNs, Artesian will provide Service in accordance with Artesian's Commission approved tariffs, as amended from time to time.

Based on current conditions and subject to the development entity and Artesian entering Water and Wastewater Service Agreements (collectively, "Agreements") that addresses the financial terms of the provision of Service for the Property, in accordance with Artesian's tariff as approved by the Delaware Public Service Commission, Artesian is willing and able to provide the required Service for this Property.

This letter shall expire if Agreements are not executed within one year of the date of this letter.

Yours very truly,

ARTESIAN WATER COMPANY, INC.

A handwritten signature in black ink, appearing to read "Adam Gould".

Adam Gould
Manager of Systems Planning and Design

TAB “8”

ORDINANCE NO. 2830

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.68 ACRES, MORE OR LESS

WHEREAS, on the 19th day of May 2021, a zoning application, denominated Change of Zone No. 1944 was filed on behalf of Executive Lawn Property Management, LLC; and

WHEREAS, on the 13th day of January 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1944 be approved; and

WHEREAS, on the 1st day of February 2022, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of AR-1 Agricultural Residential District and adding in lieu thereof the designation C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the north side of Lewes Georgetown Highway (Route 9) approximately 0.55 mile west of Prettyman Rd. (S.C.R. 254) and being more particularly described in the attached legal description prepared by Baird Mandalas Brockstedt LLC, said parcel containing 3.68 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2830 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 1ST DAY OF FEBRUARY 2022.

**TRACY N. TORBERT
CLERK OF THE COUNCIL**

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Executive Lawn Management Property, LLC c/o John Huss to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 3.68 acres, more or less. (property lying on the north side of Lewes Georgetown Highway [Rt. 9] approximately 0.55 mile west of Prettyman Road [S.C.R. 254]) (911 Address: 25141 Lewes Georgetown Highway, Georgetown) (Tax Parcel: 235-30.00-6.20).
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Mackenzie M. Peet, Esquire, of Baird Mandalas Brockstedt LLC, together with Mr. Jay Huss, were present on behalf of the Applicant, Executive Lawn Management Property, LLC; that the Applicant requests a change of zone from AR-1 Agricultural Residential to C-2 Medium Commercial District; that Applicant is a family-run business that has seen steady growth since its formation in 2006; that Applicant purchased the property in 2017 after recognizing its need for more space than it had at its former site; that shortly after the purchase of the property, the Applicant pursued a Conditional Use; that Ordinance 2521 granted a Conditional Use of land for Applicant to operate its landscaping business with equipment storage; that currently the only request is for rezoning of the property; that the property presently operates as a landscape business with equipment storage permitted by a Conditional Use, Ordinance 2521; and that the Conditional Use was granted on September 26, 2017.
- C. Council found that, on October 1, 2021, the Applicant requested clarification of Condition A of the Conditions of Approval for the Conditional Use; that Condition A required the use to be limited to a landscaping business with equipment storage and prohibited retail sales to be conducted onsite; that the Applicant stated that, in addition to a landscape business, the Applicant would like to acquire stock of plants, off premises, to be kept, maintained, nurtured, treated and possibly repotted on premises with mature plants; that these plants will eventually be used in connection with the lawncare and landscaping business and sold to the public from the premises; that in addressing the request, the Commission had to address if the additional business specific activity fell under the definition of a nursery; that counsel suggested Conditions of Approval for a Conditional Use cannot be prohibited for an otherwise permitted use in AR-1; that ultimately the Commission confirmed the Applicant could have a nursery as it is a permitted use on the site, as long as there was an agricultural step in the process of growing some of the plants to be sold; that this could include the growing of plants from seed or making the plants brought onsite larger; that the Commission concluded acquiring stocks of plants, off premise, to be kept and maintained, nurtured, treated, and possibly repotted on the premise and eventually using the mature plants in connection with the Applicant's lawn and landscape business, or sold to the public, did fall within the definition of a nursery; that this therefore was a permitted activity; that certain types of retail sales are not permitted in an AR-1 District; and that such activity includes the sale of material and resemble a use more like a garden center.
- D. Council also found that the Applicant understands the Conditional Use limited its ability to engage in wholesale retail activity; that the Applicant is interested in developing the site to operate an onsite garden center, which would include wholesale retail activity; that, rather than expanding on a use which is otherwise not permitted and without the authority to do so, the Applicant has requested that the property be rezoned to a C-2 Medium Commercial District in hopes of expanding the business; that the business has experienced steady growth since 2006; that the Applicant considers the growth to be rapid within the past two years in response to Sussex County's residential development and growing population; that the rezoning of the property from AR-1 to C-2 is consistent with the Comprehensive Plan and Future Land Use Map; that it is located in an ideal location to be further developed which will support types of business which include C-2 related permitted uses; that the property is designated as a low density area where C-2 Medium Commercial District is an applicable zoning district; that Section 4.4.3 of the CDP Comprehensive

Development Plan details the permitted uses envisioned in a low density area; that these uses include agricultural, residential and development which is largely confined to businesses addressing the needs of agricultural and residential uses; and that the Future Land Use Map suggests that Route 9 will continue to develop commercially, with some parcels developing industrially.

- E. Council also found that the Applicant's business supports and serves residential uses by providing services to Sussex County homeowners and developers consistent with the Comprehensive Plan; that with increased development in the vicinity of Route 9 there will be an increased demand for residential services, such as those provided by the Applicant; that the purpose of the C-2 District includes supporting uses such as retail sales, performance of consumer services and permits a variety of retail and professional business; that C-2 Districts are primarily located near arterial and collector streets; and that wholesale retail nurseries for the sale of products is permitted for retail establishments which are less than 75,000 square feet.
- F. Council also found that the Comprehensive Plan confirms that commercial uses may be appropriate in low density areas depending on surrounding uses; that the property is located between commercially zoned properties, a couple miles west of the intersection of Route 5 and Route 9; that there are commercially zoned properties located to the east at the intersection of Route 30 and Route 9; that properties located at the intersections are zoned C-1, CR-1, MR and HI-1; that properties located in all directions are zoned AR-1 with residential and agricultural uses which the Applicant's business could serve; that such uses include Royal Farms and Besche Furniture; that there have been six Change of Zone Applications within a .5-mile radius of the property; that the proposed rezoning is compatible with the surrounding community; that the rezoning will not have a negative impact on land adjacent to the property and properties located in the vicinity of the site; and that for all the reasons stated, the proposed rezoning of the property from AR-1 to C-2 is consistent with the Comprehensive Plan and Future Land Use Map and it is appropriately located along Route 9 within the vicinity of commercial businesses, residential and other business uses.
- G. Based on the Planning & Zoning Commission's the Findings (1 through 8), Council found that:
1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
 2. The Applicant's property is currently zoned AR-1 along Route 9. It was previously approved for use as a landscape business in 2017 as Conditional Use No. 2093 and Ordinance No. 2521. The Applicant seeks to convert the existing conditional use to the C-2 Medium Commercial District to allow greater flexibility in his landscaping business and to allow more retail sales associated with that use to occur from the site. This is an appropriate location for C-2 zoning.
 3. C-2 Zoning at this location along Route 9 will benefit nearby residents of Sussex County by providing a commercial location for the Applicant's business. Nearby residents will not have to travel to Lewes, Milton, Long Neck, or Georgetown for the retail and service uses that can be provided at this site.
 4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
 5. The site is mostly in the "Low-Density Area" according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
 6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
 7. No parties appeared in opposition to the rezoning application.

8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

H. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this Application.

TAB “9”



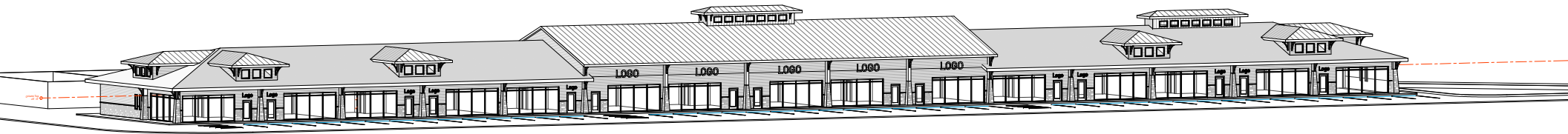
© 2023 Google

© 2023 Google

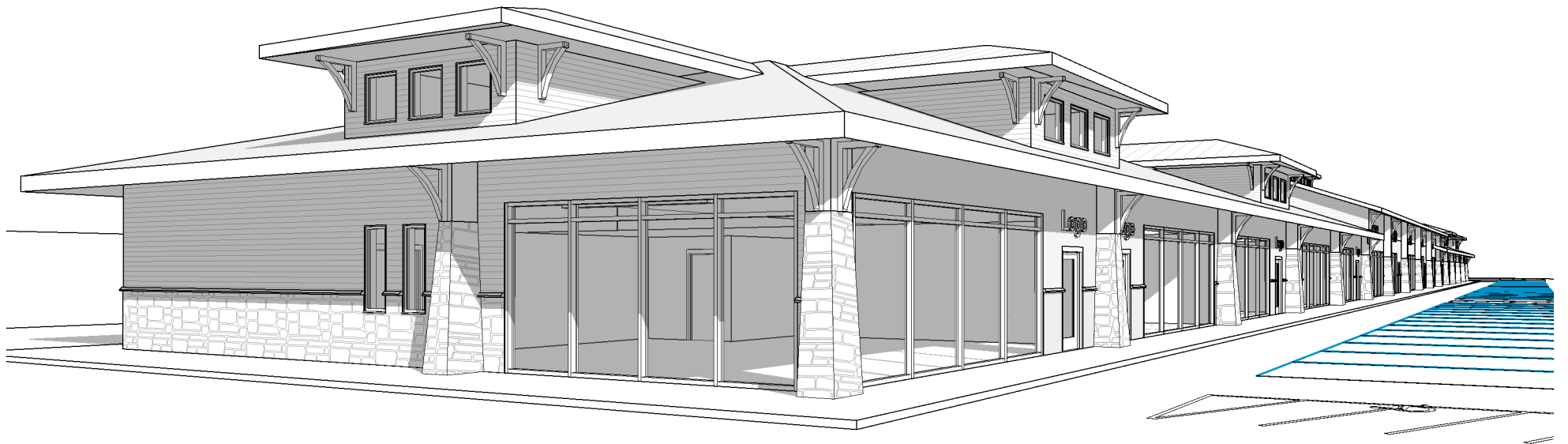
© 2022 Google

Google Earth

TAB “10”







TAB “11”

TOBACK DEVELOPMENT, LLC
Contractor Flex Space
Conditional Use No. 2290

Conditional Use Application

This application is made pursuant to Sussex County Code Article IV, § 115-22 and Article XXIV, § 115-171 *et seq.*, for a permit for a conditional use for 46,800 square feet of contractor flex space with office areas in the front and storage areas in the rear of each proposed unit.

The site proposed for the conditional use is identified, as follows:

All that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred located on the west side of the intersection of Lewes Georgetown Highway (Delaware Route 9) and Prettyman Road (S.C.R. 254) and being further identified as Sussex County Tax Parcel 235-30.00-6.21.

TOBACK DEVELOPMENT, LLC
Contractor Flex Space
Conditional Use No. 2290

PROPOSED FINDINGS OF FACT & CONDITIONS OF APPROVAL

1. This is an application to grant a conditional use of land in an AR-1 (Agricultural Residential District) for 46,800 square feet of contractor flex space with office areas in the front and storage areas in the rear of each unit on 7.12± acres, in Broadkill Hundred located on the west side of the intersection of Lewes Georgetown Highway (Delaware Route 9) and Prettyman Road (S.C.R. 254) and being further identified as Sussex County Tax Parcel 235-30.00-6.21 (the “Property”).

2. The applicant is Toback Development, LLC, the owner of the Property.

3. The purpose of this application is to create a location for two buildings containing 46,800 square feet of contractor flex spaces with an “office” or “store” area at the front of each unit with a storage area in the rear of each unit for contractor businesses serving the surrounding areas.

4. In the 2019 Sussex County Comprehensive Plan update, the Property is identified for purposes of future land use as being within a Low Density Area, a “rural area.” The properties that immediately surround this Property are also in the Low Density Area. The proposed project is consistent with the guidelines for projects within the Low Density Area as its purpose is to provide convenient areas for business addressing the needs of homes and property owners in this rapidly growing area of Sussex County.

5. The 2020 Delaware Strategies for State Policies and Spending identify the Property as being in an Investment Level 4 area, where the State does not intend to spend funds for infrastructure or other public services. The Property is within half a mile of the signalized intersection of the Lewes Georgetown Highway (Delaware Route 9) and Harbeson Road (Delaware Route 5) which was recently expanded to include additional turn lanes. The proposed conditional use does not require public funds for the use of the Property.

6. The Property lies within a half mile of the intersection of Lewes Georgetown Highway (Delaware Route 9) and Harbeson Road (Delaware Route 5) where there exists a mixture of commercially and residentially zoned properties. More specifically, the zoning classifications around the Property include the following: (1) Residential Zoning Districts: MR (Medium Residential District) and AR-1 (Agricultural Residential District); and (2) Commercial Zoning Districts: C-1 (General Commercial District), CR-1 (Commercial Residential District) and C-2 (Medium Commercial District) along with property zoned HI (Heavy Industrial).

7. The Property is not within a floodplain based upon FEMA Map Number 10005C0310L, dated June 20, 2018, as it is in an area designated as Zone “X” (unshaded), which is an area determined to be outside the 500-year floodplain.

8. There are no wetlands located on the Property.

9. Artesian Water Company, Inc. has a CPCN to provide potable water to the Property.

10. Artesian Wastewater Management, Inc. has a CPCN to provide sanitary sewer service to the Property.

11. Artesian Water Company, Inc. and Artesian Wastewater Management, Inc. have indicated that they are willing and able to provide public water, including fire protection, to the project along with public sewer.

12. DelDOT responded to the Service Level Evaluation Request and, pursuant to its Memorandum of Understanding for Land Development Coordination with Sussex County, found that the proposed conditional use would have a “Minor” impact on the local area roadways and that the Developer may pay an Area-Wide Study Fee in lieu of doing a Traffic Impact Study.

13. As the site plan is finalized, DelDOT’s approval, will be required to provide for safe vehicular and pedestrian movement within the site and onto Prettyman Road.

14. As a part of final site plan approval, stormwater management design and permitting will be required; thus assuring neighboring lands will be protected from the development and use of the Property.

15. The 2019 Comprehensive Plan describes the “Permitted Uses” in the Low Density Area on its 2045 Future Land Use Map as follows:

The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation.

16. The proposed project creates a location close to the areas to be served by businesses addressing the needs of homes in the area, *i.e.*, providing goods and services to nearby residents. The intersection of Lewes Georgetown Highway (Delaware Route 9) and Harbeson Road (Delaware Route 5) is centrally located in rapidly growing areas of Sussex County and allows this Property and the proposed use to provide convenient access to goods and services for residents in Harbeson, Milton, Georgetown, Lewes and the surrounding areas.

17. The Property is located on one of the primary east-west corridors in Sussex County, a road designated as a Principal Arterial by DelDOT and a Major Arterial pursuant to Sussex County Code § 115-4.

18. The Delaware Route 9 corridor has numerous business and commercial activities reflected in the various commercial and business zoning classifications and uses along this Major Arterial.

19. With the conditions and limitations proposed by the applicant, the conditional use will not adversely affect the neighboring and adjacent properties.

20. The proposed use provides a convenient and central location to services that will benefit the residents and businesses of Sussex County. The intended use meets the general purpose of the Zoning Ordinance as a public or semi-public use, essential and desirable for the general convenience and welfare, orderly growth, convenience, order, prosperity and welfare of the County.

This recommendation of approval is subject to the following proposed conditions:

- A. The conditional use shall be limited to contractor flex space with office areas in the front and storage areas in the rear of each unit.
- B. There shall be no more than 46,800 square feet of contractor flex space.
- C. All work shall be performed indoors.
- D. There shall be no outside storage of materials.
- E. The hours of operation shall be limited to 6:00 a.m. through 7:00 p.m., Monday through Friday and 7:00 a.m. through 3 p.m. on Saturday. There shall be no Sunday hours.
- F. A twenty-foot (20') landscaped buffer shall be installed along the perimeter of the property.
- G. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- H. Signage for the Property shall be limited to and comply with the following requirements:
 - a. One indirectly illuminated on-premises ground sign per street or road frontage per parcel, not to exceed 64 square feet of sign area per side; and
 - b. On-premises wall, illuminated awning, marquee, and projecting signs, not to exceed a total sign area of 150 square feet or 15% of the total square footage of the wall area on which the signs are located, whichever is greater. In the case of a

shopping center, a group of stores or other business uses, or a multitenant building on a lot held in single or separate ownership, on-premises wall, illuminated awning, marquee, and projecting signs, not to exceed a total sign area of 150 square feet or 15% of the total square footage of the wall area on which the signs are located, whichever is greater, shall be permitted with respect to each building, separate store, separate storefront, or separate use.

- I. Any entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements and time periods.
- J. The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas. The landscape plan shall also identify all "Limits of Disturbance" within the Property. These "Limits of Disturbance" shall be clearly marked on the Property itself.
- K. The Final Site Plan shall clearly show all areas for parking and these areas shall be clearly marked on the Property itself. There shall no parking within the Property's setbacks.
- L. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
- M. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- N. The applicant shall comply with all other statutes, laws ordinances, rules or regulations of any federal, state, county, or other governmental entity having subject matter jurisdiction over the proposed use of the Property.
- O. The Final Site Plan shall depict or note these conditions and shall be subject to the review and approval of the Planning and Zoning Commission.

Letter of Support to Toback Development, LLC – Conditional Use No. 2290

Sussex County Planning & Zoning,

3/20/2022

I am the owner of 26116 Prettyman Rd., Georgetown, DE 19947 [Tax Map #235-30.00-6.16] as of 5/18/2021, Devin Cornett.

I fully support Toback Development, LLC.'s plans for the development of the property adjacent to my residence and property.

Please feel free to reach out with any questions or needs at your convenience.

Devin Cornett

A handwritten signature in black ink that reads "Devin J. Cornett". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

26116 Prettyman Rd.

302-222-2666

DevinJCornett@gmail.com