

JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
(302) 854-5079 F  
jamie.whitehouse@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES  
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GEORGETOWN, DELAWARE

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MARTIN L. ROSS, VICE CHAIRMAN  
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DOUGLAS B HUDSON  
KIM HOEY STEVENSON



2 THE CIRCLE | PO BOX 417  
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# Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET  
Planning Commission Public Hearing Date April 14, 2022

Application: CU 2299 Warren Munroe & David Rohrbaugh JR

Owners: Warren Munroe & David Rohrbaugh  
1119 Fairmount Street NW  
Washington, DC 20009

Applicant: Warren Munroe & David Rohrbaugh  
1119 Fairmount Street NW  
Washington, DC 20009

Site Location: 18672 Harbeson Road, Harbeson  
The property is lying on the west side of Harbeson Road (Route 5)  
approximately 475 feet south of Lewes Georgetown Highway (Route 9)

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

Current Use: Residential

Proposed Use: Multi-Family Residential

Comprehensive Land  
Use Plan Reference: Low Density Areas & Existing Development Areas

Councilmatic  
District: Mr. Rieley

School District: Indian River School District

Fire District: Milton Fire District

Sewer: Artesian

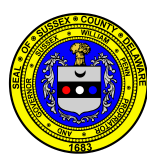
Water: Artesian

Site Area: 4.54 ac. +/-

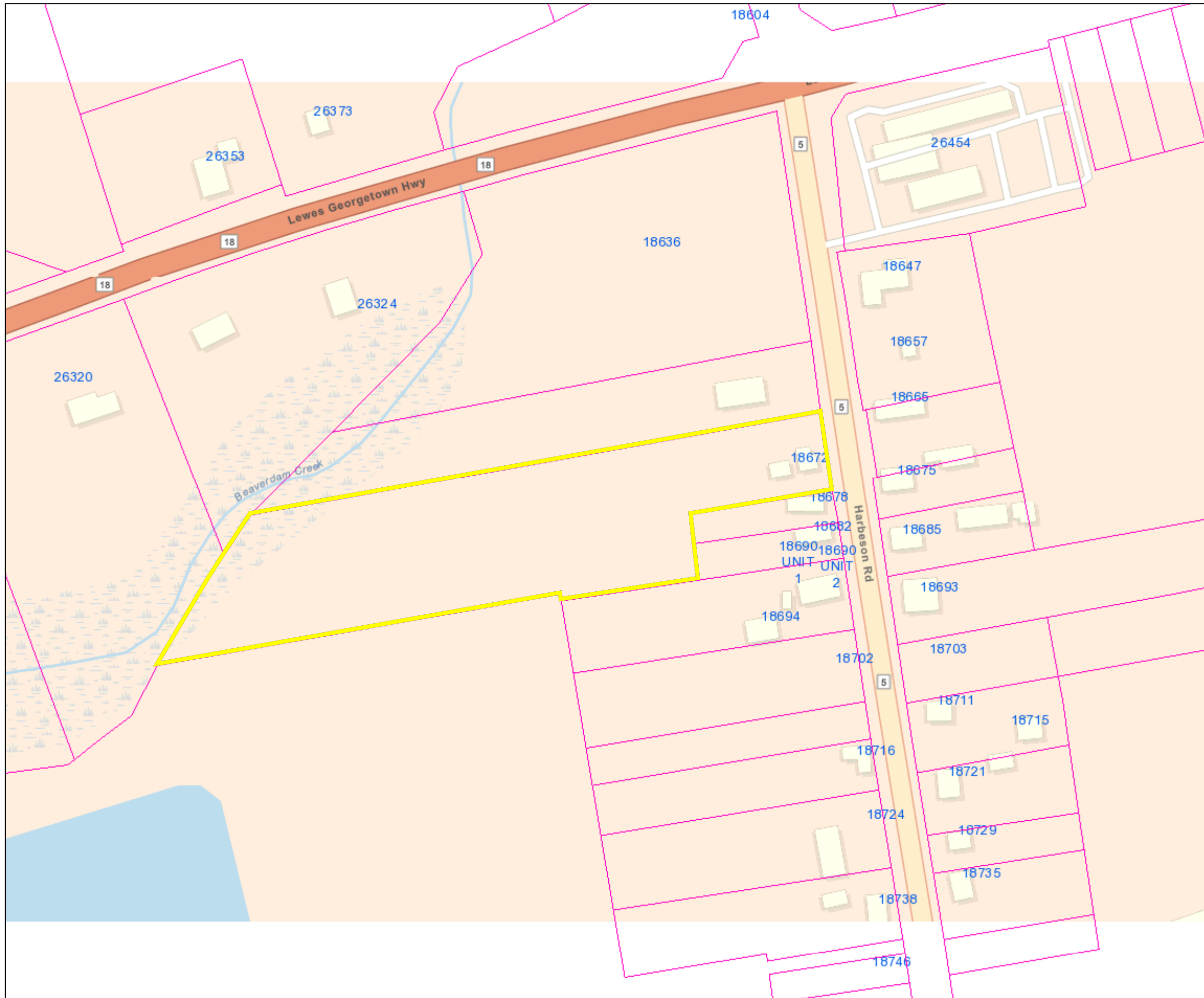
Tax Map ID.: 235-30.00-94.00



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



# Sussex County



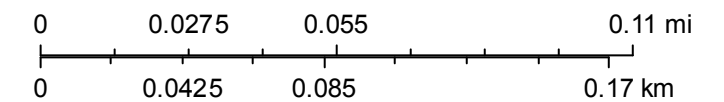
<b>PIN:</b>	235-30.00-94.00
<b>Owner Name</b>	ROHRBAUGH DAVID A
<b>Book</b>	5500
<b>Mailing Address</b>	1119 FAIRMONT ST NW
<b>City</b>	WASHINGTON
<b>State</b>	DC
<b>Description</b>	W/RT 5
<b>Description 2</b>	342'S/RT 18
<b>Description 3</b>	SPEC COMM LIEN
<b>Land Code</b>	

- polygonLayer**

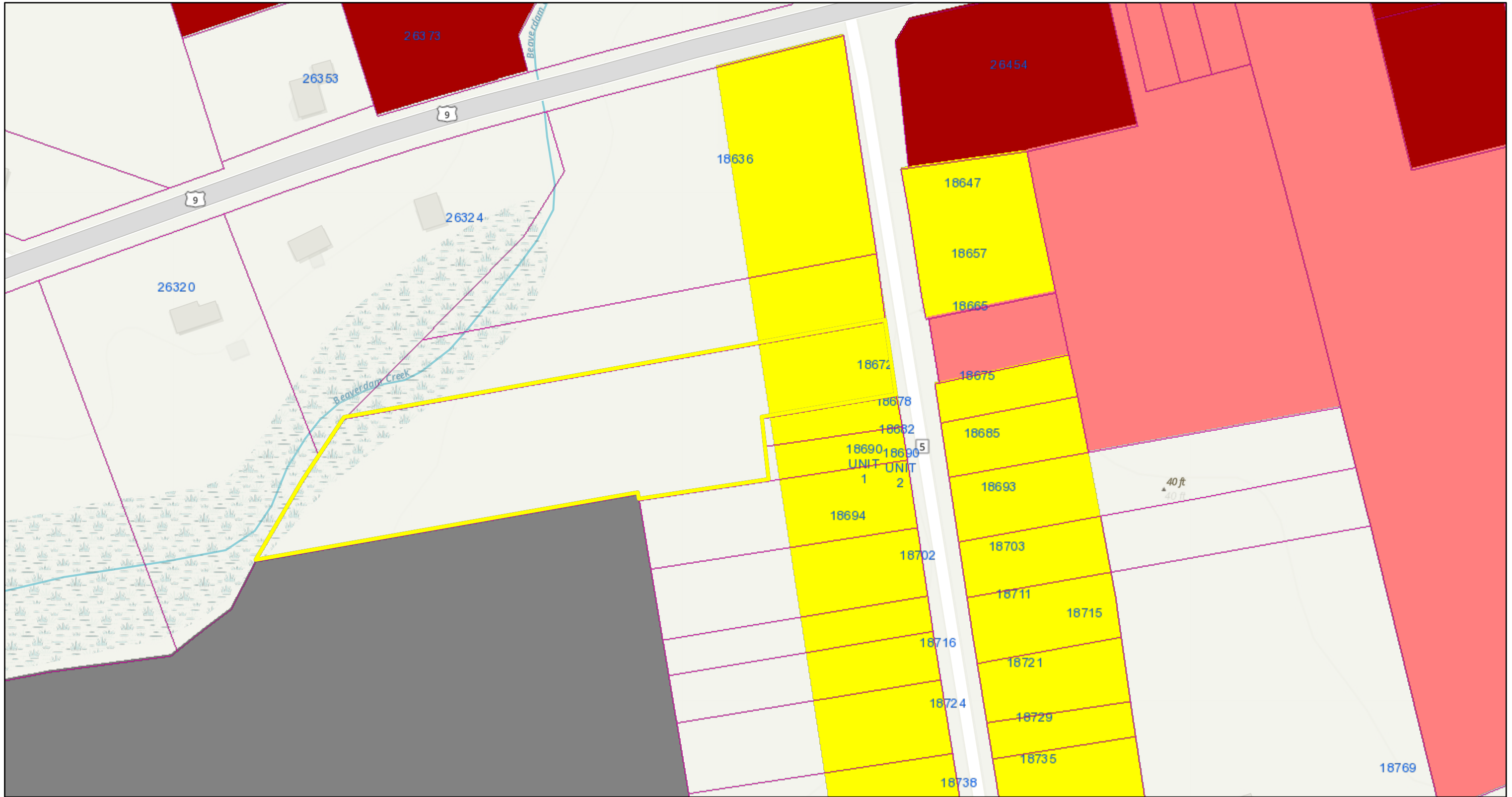
  - Override 1
- polygonLayer**

  - Override 1
- ⋯ Tax Parcels
- 911 Address

1:2,257



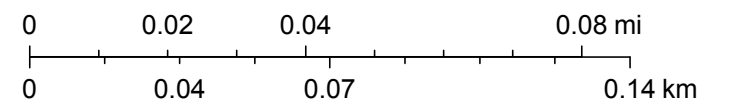
# Sussex County



March 16, 2022

1:2,257

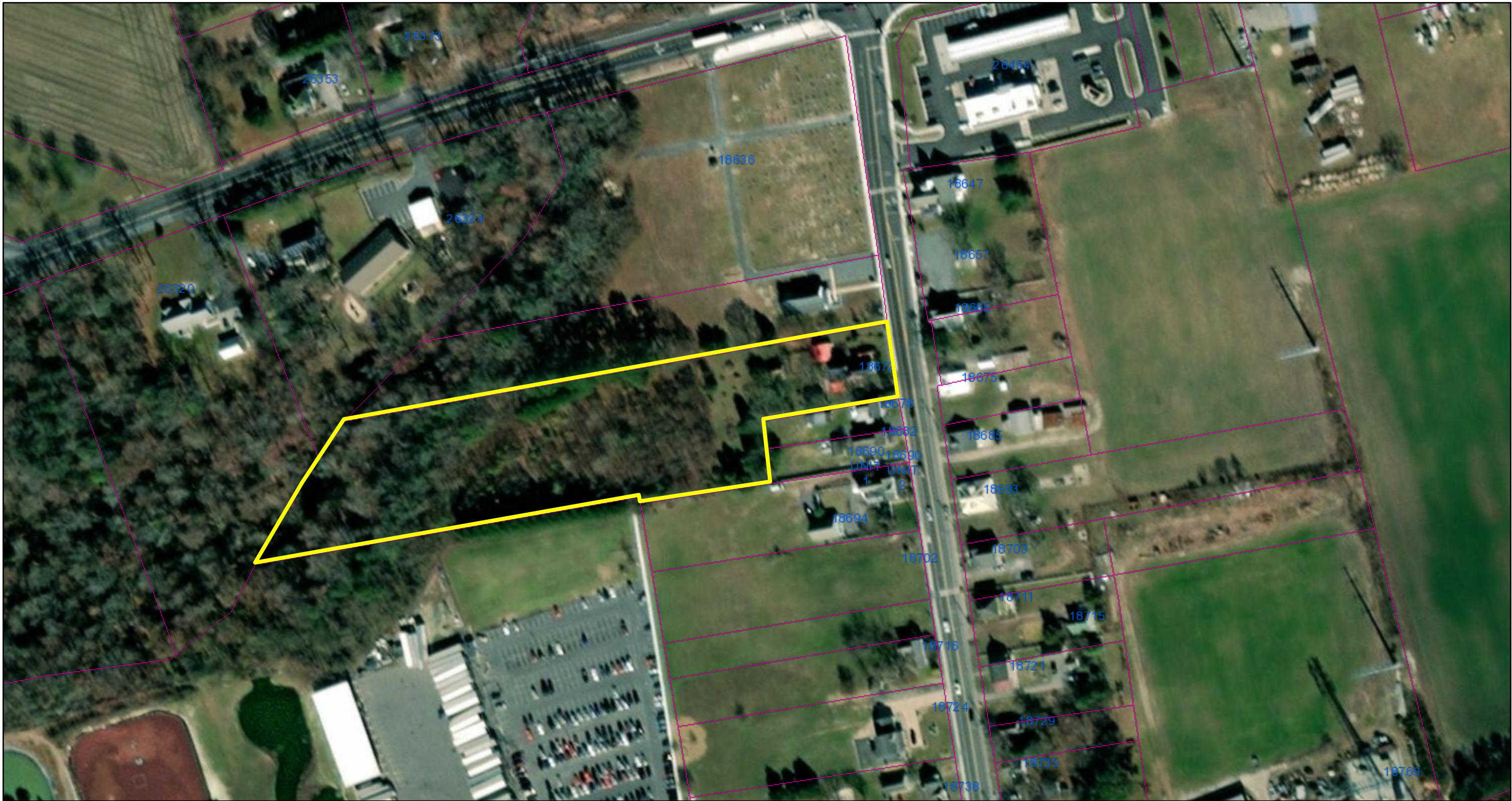
- |                                 |                                 |                                  |                               |                           |
|---------------------------------|---------------------------------|----------------------------------|-------------------------------|---------------------------|
| Override 1                      | Agricultural Residential - AR-2 | Vacation, Retire, Resident - VRP | General Commercial - C-2      | Institutional - I-1       |
| Override 1                      | Medium Residential - MR         | Neighborhood Business - B-1      | General Commercial - C-3      | Marine - M                |
| Tax Parcels                     | General Residential - GR        | Neighborhood Business - B-2      | General Commercial - C-4      | Limited Industrial - LI-1 |
| 911 Address                     | High Density Residential - HR-1 | Business Research - B-3          | General Commercial - C-5      | Light Industrial - LI-2   |
| <b>Zoning</b>                   | High Density Residential - HR-2 | General Commercial - C-1         | Commercial Residential - CR-1 | Heavy Industrial - HI-1   |
| Agricultural Residential - AR-1 |                                 |                                  |                               |                           |



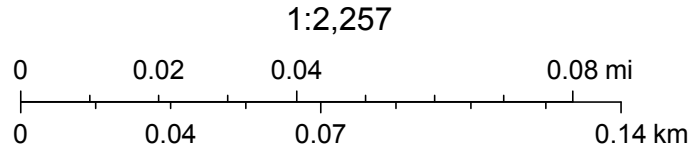
Sussex County, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Sussex County Mapping and Addressing, County of



# Sussex County



March 16, 2022  
Override 1  
Override 1  
Tax Parcels  
911 Address



Maxar, Microsoft, Sussex County Government, Sussex County Mapping and Addressing



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**Sussex County**

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## Memorandum

To: Sussex County Planning Commission Members  
From: Mr. Michael Lowrey, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: April 1<sup>st</sup>, 2022  
RE: Staff Analysis for C/U 2299 Warren Munroe & David Rohrbaugh

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2299 Warren Munroe & David Rohrbaugh to be reviewed during the April 14, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 235-30.00-94.00 to allow for the construction of 24 multifamily dwelling units. The parcel is located on the west side of Harbeson Road (Route 5), approximately 450 feet south of Lewes Georgetown Highway (Route 9). The parcel contains a total 4.54 acres +/-.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a split categorization with a land use designation of “Existing Development Area” along the frontage on Harbeson Road (Route 5) and the balance extending to the rear designated as “Low Density Area”. The properties adjacent to the Parcel fronting both sides of the Harbeson Road corridor to the north and south also have the split land use designation of “Existing Development Area” along the frontage on Harbeson Road and “Low Density” comprising their balances to the rear. Additionally, multiple parcels bordering the subject parcel to the southwest have an “Industrial” land use designation.

As outlined in the 2018 Sussex County Comprehensive Plan, the Existing Development Areas are areas of consisting of primarily residential development as well as some commercial uses. The Plan also denotes that these areas consist primarily of “General Residential and Medium Density Residential zoning districts.” (Sussex County Comprehensive Plan, 4-16). Additionally, the Plan notes that “a full range of housing types”, including multi-family units, are allowed in these areas. The Plan also provides a guideline for density in Existing Development Areas as “whatever is permitted in the existing underlying zoning district”. (Sussex County Comprehensive Plan, 4-17).



### Zoning Information

The parcel is currently split-zoned with front portion of the parcel adjacent to Harbeson Road located in the Medium Density Residential District (MR) and the rear of the parcel located in the Agricultural Residential District (AR-1). The properties adjacent to the Parcel fronting the west side of the Harbeson Road corridor to the north and south are also split-zoned with Medium Density Residential District (MR) abutting Harbeson Road and Agricultural Residential District (AR-1). The parcels adjacent on the east side of Harbeson Road are variously; split-zoned in the same manner, Neighborhood Business District (B-1), Medium-Density Residential District (MR), and Commercial Residential (C-1). Additionally, the parcels bordering the rear of the subject parcel are in the Agricultural Residential District (AR-1) to the west and in the Light Industrial (LI-2) Zoning district adjacent the rear portion of the parcel to the south.

### Existing Conditional Uses within the Vicinity of the Subject Site

Since 2011, there have been six (6) Conditional Use applications within less than a 0.8-mile radius of the application site. The first application is Conditional Use No. 2210 Dewey Beer Company, LLC to allow for a commercial microbrewery in the General Commercial (C-1) Zoning district. This application was approved by the Sussex County Council on Tuesday, August 11, 2020, and this change was adopted through Ordinance No. 2729. The second application is Conditional Use No. 2026 for Crisian Omar Hernandez Perez and Terri L. Martin to allow for Home Based Business (Auto Repair, Detailing, And Auto Resales) in the Agricultural Residential (AR-1) Zoning District. This application was denied. The third application is Conditional Use No. 2093 John Huss to permit a Landscape Business in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, September 26, 2017, and was adopted through Ordinance No. 2521. The fourth application is Conditional Use No. 2105 Thomas R. Engel for purposes of allowing a Landscape Business with Equipment Storage in an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, November 28, 2017, and adopted through Ordinance No. 2538. The fifth application is Conditional Use No. 1915 Michael Van Drunen to allow for a Manufactured Home Installation Business and Related Equipment Storage to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, January 3, 2012, and adopted through Ordinance No. 2246. The final application is Conditional Use No. 1943 Charles L. Williams to allow for an Automotive Repair Shop/Garage to be located within an Agricultural Residential (AR-1) Zoning District. This application was denied.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for the construction of 24 multifamily dwelling units and other ancillary improvements in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

CV 2299  
File #: ~~CV 2288~~  
202110076

## 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**

18672 Harbeson Road, Harbeson, DE 19951

**Type of Conditional Use Requested:**

Multi-family buildings in MR

**Tax Map #:** 235-30.00-94.00 **Size of Parcel(s):** 4.54 acres

**Current Zoning:** ARI/MR **Proposed Zoning:** MR **Size of Building:**

**Land Use Classification:** Residential

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

**Applicant Information**

**Applicant Name:** Warren Munroe & David Rohrbaugh

**Applicant Address:** 1119 Fairmount Street NW

**City:** Washington **State:** DC **Zip Code:** 20009

**Phone #:** (202) 345-0781 **E-mail:** wmunroe64@gmail.com

**Owner Information**

**Owner Name:** Warren Munroe & David Rohrbaugh

**Owner Address:** 1119 Fairmount Street NW

**City:** Washington **State:** DC **Zip Code:** 20009

**Phone #:** (202) 345-0781 **E-mail:** wmunroe64@gmail.com

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Pennoni Associates

**Agent/Attorney/Engineer Address:** 18072 Davidson Drive

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

**Phone #:** (302) 684-8030 **E-mail:** ewahl@pennoni.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00**
- Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- 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**

Eva W. Wall (PENNA)

Date: July 1, 2021

**Signature of Owner**

[Handwritten Signature]

Date: July 1, 2021

**For office use only:**

Date Submitted: 07/01/21

Fee: \$500.00 Check #: 2031

Staff accepting application: \_\_\_\_\_

Application & Case #: 2021/0076 CV 2299

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

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Decision of CC: \_\_\_\_\_





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

NICOLE MAJESKI  
SECRETARY

March 18, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Warren Munroe and David Rohrbaugh** proposed land use application, which we received on March 17, 2021. This application is for an approximately 4.15- acre parcel (Tax Parcel: 235-30.00-94.00). The subject land is located on the west side of Harbeson Road (Sussex Road 22). The subject land is currently zoned AR- 1 (Agricultural Residential) and MR (Medium Density Residential) the applicant seeks a conditional use for approval to build 24 multi-family dwelling units.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Harbeson Road (Sussex Road 22), from Hollyville Road to Lewes-Georgetown Highway (US 9), is 4,549 vehicles per day.

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

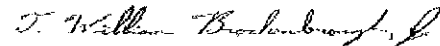
If the County approves this application, the applicant should be reminded that DeIDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
March 18, 2021

Please contact Ms. Annamaria Furrato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:aff

cc: Warren Munroe and David Rohrbaugh, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Furrato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **3/23/2022**

APPLICATION: **CU 2299 Warren Munroe & David Rohrbaugh**

APPLICANT: **Warren Munroe & David Rohrbaugh**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **235-30.00-94.00**

LOCATION: **18672 Harbeson Road. Property is lying on the west side of Harbeson Road (Rt. 5), approximately 475 feet south of Lewes-Georgetown Highway.**

NO. OF UNITS: **24**

GROSS  
ACREAGE: **4.54**

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

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 3**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The proposed Conditional Use is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer/water service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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



**OFFICE OF THE STATE FIRE MARSHAL  
Technical Services**

22705 Park Avenue  
Georgetown, DE 19947



**SFMO PERMIT – SHALL BE POSTED ON JOBSITE UNTIL FINAL INSPECTION**

**Plan Review Number:** 2022-04-209486-MJS-01

**Tax Parcel Number:** 235-23.00-51.00

**Status:** Approved as Submitted

**Date:** 02/01/2022

**Project**

American Storage of Delaware

16262 Coastal Highway

American Storage of Delaware - Lewes

Lewes DE 19956

**Scope of Project**

**Number of Stories:**

**Square Footage:**

**Construction Class:**

**Fire District:** 82 - Lewes Fire Dept Inc

**Occupant Load Inside:**

**Occupancy Code:** 9790

**Applicant**

Carlton Savage  
20246 Coastal Hwy  
Rehoboth, DE 19971

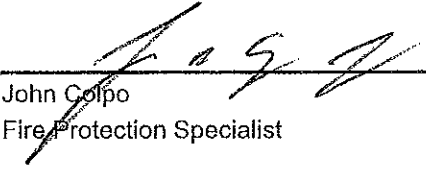
This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

A final inspection is required.

This Plan Review Project was prepared by:

  
\_\_\_\_\_  
John Colpo  
Fire Protection Specialist



## FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2022-04-209486-MJS-01

Tax Parcel Number: 235-23.00-51.00

Status: Approved as Submitted

Date: 02/01/2022

### PROJECT COMMENTS

- |               |  |
|---------------|--|
| <b>1002 A</b> | This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) ADOPTED September 1, 2021. The Delaware State Fire Prevention Regulations are available on our website at <a href="http://www.statefiremarshal.delaware.gov">www.statefiremarshal.delaware.gov</a> . These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes. |
| <b>1050 A</b> | This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 1,500 gpm @ 20 psi residual for 2 hours duration. Hydrant Spacing: 800' on center.   |
| <b>1180 A</b> | This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.   |
| <b>1190 A</b> | Separate plan submittal is required for the building(s) proposed for this project.   |
| <b>2500 A</b> | A final inspection is required for this project prior to occupancy (DSFPR Part I, Section 4-7). Contact this Agency to schedule this inspection. Please have the plan review number available. A MINIMUM OF FIVE (5) WORKING DAYS NOTICE IS REQUIRED.  |
| <b>2710 A</b> | The following items will be field verified by this Agency at the time of final inspection:   |
| <b>1130 A</b> | Provide a water flow test on the subdivision hydrant(s) once they have been installed, and before they are placed into service (DSFPR Part I, Section 4.4.2 and Part III, Chapter 3). Results are to be forwarded to this Agency for review.   |
| <b>1132 A</b> | Fire hydrants shall be color coded in accordance with the DSFPR, Part III, Section 3.4. This includes both color coding the bonnet and 2" reflective tape  |

around the barrel under the top flange.

**1232 A** All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located. DSFPR Part III, Section 1.1.5.1.

**1233 A** The fire department that responds to this location is using 5" storz fittings on the steamer.

**1332 A** The distance between a fire hydrant and the fire lane shall not be greater than seven feet (DSFPR Part V, Chapter 5, Section 5 10.4).

**1432 A** The steamer connection of all fire hydrants shall be so positioned so as to be facing the street or fire lane. (DSFPR Regulation 705, Chapter 5, Section 10). The center of all hose outlet(s) on fire hydrants shall be not less than 18 inches above finalgrade (NFPA 24, Section 7.3.3).

**1100 A** Hydrants shall be provided in such a manner that all fire department connections and/or standpipe connections shall be within 300' of a hydrant and shall meet the provisions of the applicable NFPA Regulations as adopted and/or modified by these Regulations.

**1098 A** All standpipe and sprinkler connections shall be marked and identified in accordance with (DSFPR Regulation 705, Chapter 6, Section 3.0). Provide detail and layout on plans. NOTE: No objects, stands, displays, or other impediments (such as parking) shall be located within the demarcation area.

**1151 A** A lock box containing keys for fire department access shall be provided for any occupancy that contains an automatic sprinkler system. (DSFPR Regulation 705, Chapter 1, Section 2)

PLANS SUGGEST LOCK BOX TO BE OBTAINED FROM MILTON FIRE DEPT (STA 85). PROJECT IS LOCATED IN LEWES FIRE DISTRICT (STA 82) AND MAY BE OBTAINED THROUGH LEWES. TELEPHONE # 302-645-6556

**1299 A** The required Fire Lane Access and Perimeter Access and all fire lane markings shall be in accordance with the site plan as approved by this Agency. This will be field verified at the final inspection. Noncompliance may cause a delay in approval for Certificate of Occupancy.

**1501 A** If there are any questions about the above referenced comments please feel

free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.



**PARTICULAR DESCRIPTION**

LANDS NOW OR FORMERLY OF DAVID H. JOHNSON JR., TRUSTEE  
TAX MAP 235-30.00-94.00

ALL THAT CERTAIN PIECE, PARCEL AND TRACT OF LAND LYING ON THE WESTERLY SIDE OF DELAWARE STATE ROUTE 5 (A.K.A. HARBESON ROAD) AND BEING SITUATED IN HARBESON, BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE PURPOSE OF THIS DESCRIPTION AT AN IRON PIPE FOUND, SAID IRON PIPE SITUATED ON THE WESTERLY RIGHT-OF-WAY OF HARBESON ROAD AT A COMMON BOUNDARY CORNER BETWEEN THIS PARCEL AND LANDS NOW OR FORMERLY OF THOMAS AND BONNY SHILDT; THENCE BY AND WITH THE COMMON BOUNDARY LINE SOUTH 80 DEGREES, 10 MINUTES, 49 SECONDS WEST, 202.64 FEET TO AN IRON PIPE FOUND; THENCE BY AND WITH COMMON BOUNDARY LINE OF THIS PARCEL AND LANDS NOW OR FORMERLY OF THOMAS AND BONNY SHILDT AND LANDS NOW OR FORMERLY OF MARCO CICALA AND ROBERTA C. ANDERSON, SOUTH 09 DEGREES, 07 MINUTES, 27 SECONDS EAST, 104.97 FEET TO AN IRON PIPE FOUND, SAID IRON PIPE SITUATED ON A COMMON BOUNDARY CORNER BETWEEN THIS PARCEL AND OTHER LANDS NOW OR FORMERLY OF MARCO CICALA AND ROBERTA C. ANDERSON AND LANDS NOW OR FORMERLY OF MELSON H. PAGE, JR., THENCE BY AND WITH COMMON BOUNDARY LINE OF THIS PARCEL AND LANDS NOW OR FORMERLY OF MELSON H. PAGE, JR., SOUTH 80 DEGREES, 10 MINUTES, 26 SECONDS WEST, 211.32 FEET TO AN IRON PIPE FOUND, SAID IRON PIPE SITUATED ON A COMMON BOUNDARY LINE BETWEEN THIS PARCEL AND LANDS NOW OR FORMERLY OF MELSON H. PAGE, JR. AND LANDS NOW OR FORMERLY OF ALLEN HARIM FOODS, LLC; THENCE BY AND WITH COMMON BOUNDARY LINE BETWEEN THIS PARCEL, AND LANDS NOW OR FORMERLY OF ALLEN HARIM FOODS, LLC, SOUTH 79 DEGREES 27 MINUTES 52 SECONDS WEST, 655.47 FEET TO A POINT; SAID POINT SITUATED IN THE APPROXIMATE CENTER OF BEAVERDAM CREEK MARKING THE COMMON CORNER FOR THIS PARCEL AND LANDS NOW OR FORMERLY OF SUSAN E. CIPOLLA AND LANDS NOW OR FORMERLY OF LULLABY PROPERTY MANAGEMENT, LLC; THENCE BY AND WITH THE COMMON BOUNDARY LINE BETWEEN THIS PARCEL AND LANDS NOW OR FORMERLY OF LULLABY PROPERTY MANAGEMENT, LLC, NORTH 57 DEGREES, 46 MINUTES, 35 SECONDS EAST, 81.88 FEET TO A POINT; SAID POINT SITUATED IN THE APPROXIMATE CENTER BEAVERDAM CREEK MARKING THE COMMON CORNER FOR THIS PARCEL AND LANDS NOW OR FORMERLY OF LULLABY PROPERTY MANAGEMENT, LLC AND LANDS NOW OR FORMERLY OF BEAVER DAM METHODIST PROTESTANT CHURCH; THENCE BY AND WITH A COMMON BOUNDARY LINE BETWEEN THIS PARCEL AND LANDS NOW OR FORMERLY OF BEAVER DAM METHODIST PROTESTANT CHURCH, NORTH 80 DEGREES, 24 MINUTES, 21 SECONDS EAST, 841.06 FEET (PASSING THROUGH AN IRON PIPE FOUND ALONG THE COMMON BOUNDARY LINE AT 291.06 FEET AND THENCE PASSING THROUGH A CONCRETE MONUMENT FOUND 546.28 FEET) TO A POINT; SAID POINT SITUATED ON A COMMON BOUNDARY CORNER OF THIS PARCEL AND LANDS NOW OR FORMERLY OF BEAVER DAM METHODIST PROTESTANT CHURCH AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD; THENCE ALONG THE COMMON BOUNDARY LINE OF THIS PARCEL AND THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD; THENCE ALONG THE COMMON BOUNDARY LINE OF THIS PARCEL AND THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD, SOUTH 09 DEGREES, 15 MINUTES, 39 SECONDS EAST, 115.33 FEET TO AN IRON PIPE FOUND; SAID IRON PIPE BEING THE POINT OF BEGINNING FOR THIS DESCRIPTION.

THIS PARCEL CONTAINS 4.54 ACRES OF LAND, MORE OR LESS.

**GENERAL NOTES**

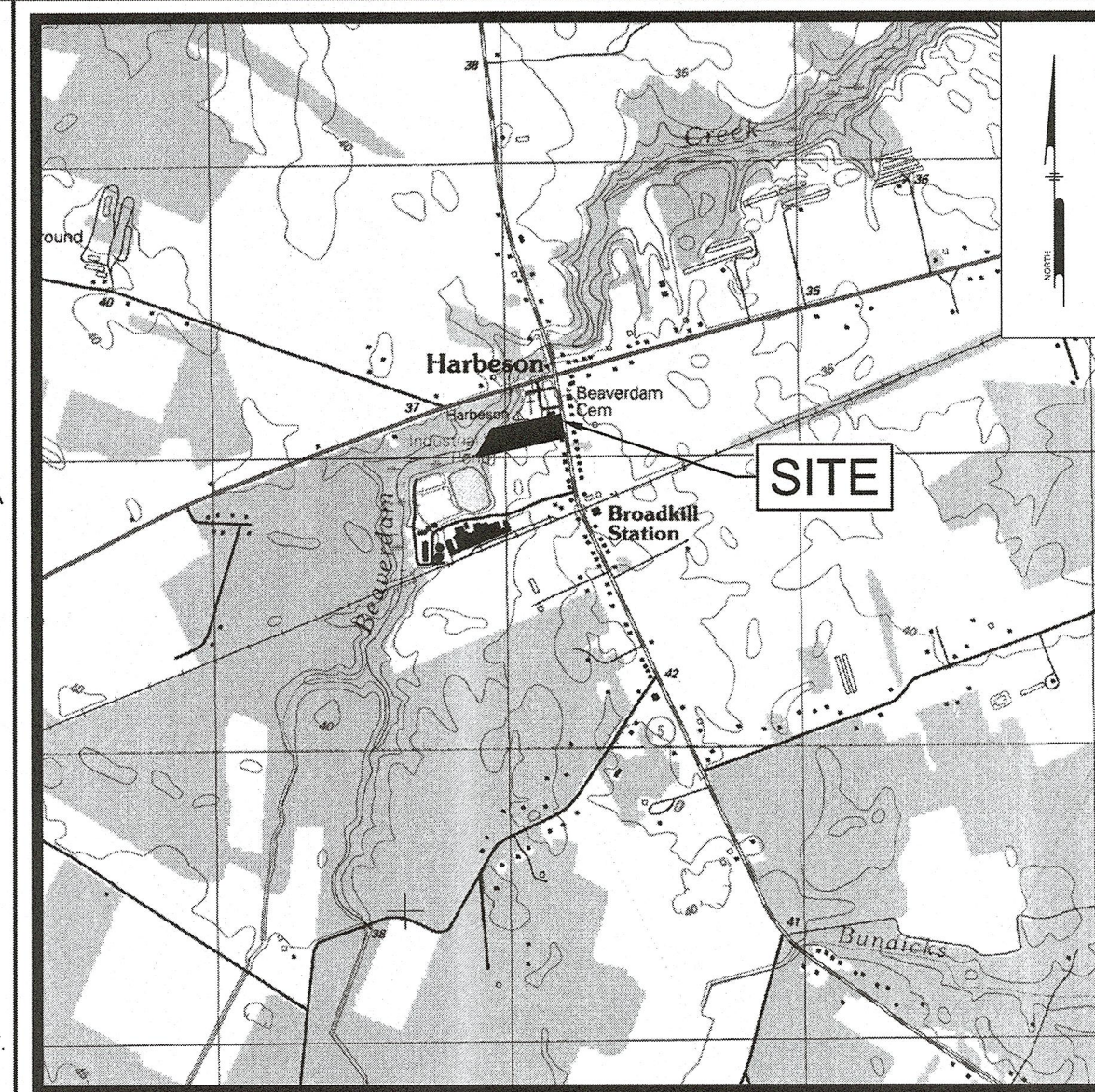
- THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD IN ADDITION TO AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES, INC. ON MARCH 17TH, 2020.  
DEED REFERENCES:  
- TM: 235-30.00-94.00 DEED BOOK 928, PAGE 268  
DEED BOOK 1038, PAGE 348  
DEED BOOK 4525, PAGE 129
- THIS SURVEY DOES NOT VERIFY THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT OF WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- SURVEY CLASSIFICATION: SUBURBAN.
- BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 10050C0310L, EFFECTIVE DATE 20 JUNE 2018, THIS SITE LIES IN FLOOD ZONE 'X', UNSHADED, AN AREA WHICH HAS BEEN DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN AND ZONE 'AE' WHICH HAS A BASE FLOOD ELEVATION OF 10 FEET. EXISTING FLOOD ZONE INFORMATION HAS NOT BEEN FIELD VERIFIED.
- ESTABLISHED BUILDING LINE (EBL) - ACCORDING TO SECTION 115-182.C. OF THE SUSSEX COUNTY ZONING CODE: ON A STREET OR ROAD WITH EXISTING BUILDINGS HAVING A FRONT YARD SETBACK THAT IS LESS THAN THAT REQUIRED IN THE DISTRICT, ANY BUILDING MAY HAVE A FRONT YARD SETBACK THAT IS EQUAL TO THE AVERAGE SETBACK OF THOSE EXISTING BUILDINGS LOCATED ON THE SAME SIDE OF THE STREET OR ROAD AND BEING WITH 300 FEET OF THE BUILDING. ANY VACANT LOT SHALL BE CALCULATED AS HAVING THE REQUIRED SETBACK FOR THE DISTRICT. NO FRONT YARD SETBACK REDUCED PURSUANT TO THIS SUBSECTION SHALL BE REDUCED TO LESS THAN FIVE FEET. THE PROVISION OF THIS SUBSECTION SHALL NOT APPLY TO ANY LOT IN A CLUSTER SUBDIVISION, COASTAL AREA CLUSTER SUBDIVISION OR RESIDENTIAL PLANNED COMMUNITY.

**SITE DATA:**

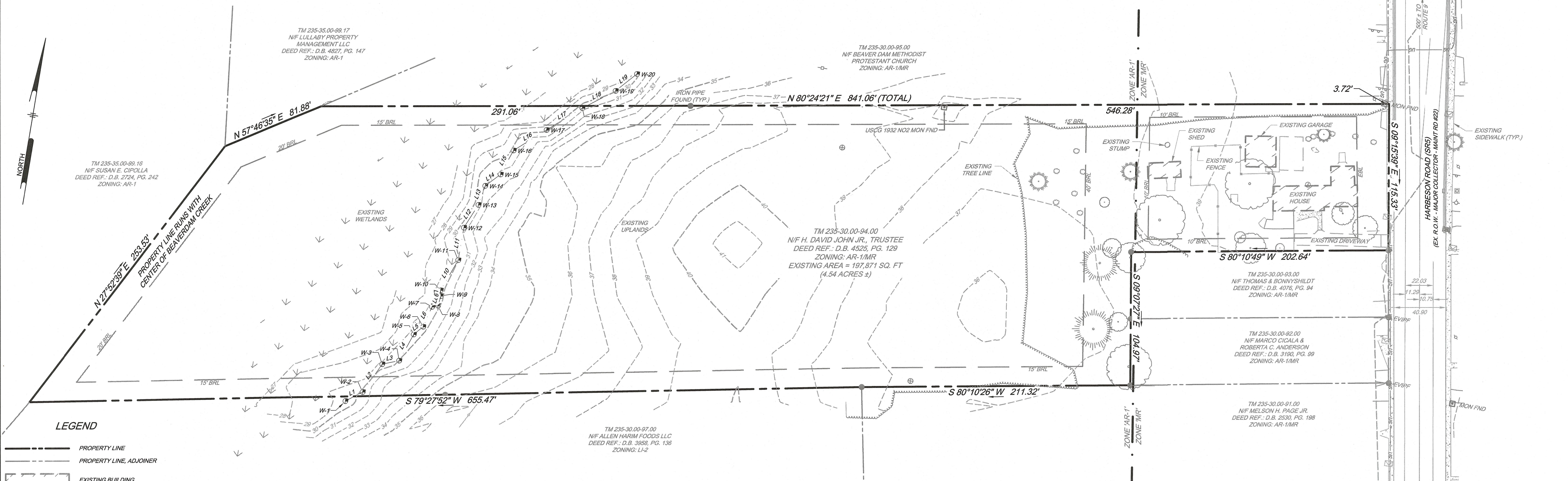
TAX MAP NUMBER : 235-30.00-94.00  
OWNER INFO: WARREN MUNROE & DAVID ROHBAUGH  
1119 FAIRMOUNT STREET NORTHWEST  
WASHINGTON, DC 20009

SITE ADDRESS : 18672 HARBESON ROAD  
HARBESON, DE 19951  
BROAD CREEK HUNDRED

- EXISTING TOTAL ACREAGE: 4.54 ACRES±
- MONUMENTS FOUND: 3
- MONUMENTS TO BE SET: 0
- FUTURE LAND USE AREA: (SUSSEX COUNTY COMPREHENSIVE PLAN, 2019)  
LOW DENSITY EX. DEVELOPMENT AREA
- ZONING: AR-1MR
- PRESENT USE: RESIDENTIAL/VACANT
- PROPOSED USE: RESIDENTIAL
- SPEED LIMIT: 25 MPH (HARBESON ROAD)
- SEWER PROVIDER: PUBLIC SEWER - ARTESIAN
- WATER PROVIDER: PUBLIC WATER - ARTESIAN
- DISTANCE TO NEAREST INTERSECTION: 500± (ROUTE 9)
- MINIMUM LOT DIMENSIONS:  
WIDTH - AR-1 150' MR 75'  
DEPTH - 100' 100'  
AREA - 0.75 ACRES 10,000 SQ. FT.
- MINIMUM LOT SETBACKS:  
FRONT - AR-1 40' EBL 15'  
SIDE - 15' 10'  
REAR - 20' 10'
- WATERSHED: BEAVER DAM CREEK  
BROADKILL RIVER



**LOCATION MAP**  
Scale: 1" = 2000'



**LEGEND**

- PROPERTY LINE
- PROPERTY LINE, ADJOINER
- EXISTING BUILDING
- ZONING LINE
- EXISTING WETLANDS LINE
- EXISTING WETLANDS AREA
- PROPERTY CORNER, IRON PIPE
- PROPERTY CORNER, CONCRETE MONUMENT
- UTILITY POLE
- STREET SIGN
- EXISTING EDGE OF ROAD
- EXISTING WALL
- EXISTING FENCE
- MINOR CONTOUR
- MAJOR CONTOUR
- UNDERGROUND GAS LINE
- CONIFEROUS TREE
- DECIDUOUS TREE
- EXISTING TREE LINE
- FIRE HYDRANT
- BUILDING RESTRICTION LINE

**WETLANDS LINE TABLE**

LINE #	BEARING	DISTANCE
L1	N 52°44'03" E	15.37'
L2	N 25°37'20" E	26.73'
L3	N 68°53'02" E	13.63'
L4	N 19°24'10" E	23.63'
L5	N 41°18'43" E	9.63'
L6	N 15°00'12" E	17.25'
L7	N 69°27'29" E	4.74'
L8	N 07°23'07" E	8.00'
L9	N 12°57'24" W	4.48'
L10	N 20°48'08" E	27.47'
L11	N 00°25'10" E	25.94'
L12	N 22°59'54" E	21.32'
L13	N 09°53'34" E	15.91'
L14	N 43°52'35" E	15.05'
L15	N 18°52'25" E	21.50'
L16	N 48°37'10" E	30.61'
L17	N 49°07'37" E	33.04'
L18	N 53°03'30" E	29.47'
L19	N 42°18'21" E	21.44'

**ENGINEER CERTIFICATION:**  
IT IS HEREBY CERTIFIED THAT I AM A REGISTERED 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.

ALAN M. DEKTOR, P.E.  
18072 DAVIDSON DRIVE  
MILTON, DE 19968  
(302) 684-8030

SIGNATURE: [Signature]  
DATE: 5/13/2021

**Pennonni**  
PENNONI ASSOCIATES, INC.  
18072 Davidson Drive  
Milton, DE 19968  
T 302.684.8030 F 302.684.8054

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

LANDS OF N/F DAVID H. JOHNSON JR., TRUSTEE  
18672 HARBESON ROAD  
HARBESON, DE 19951

**SURVEY OF EXISTING CONDITIONS**

WARREN MUNROE & DAVID ROHBAUGH  
1119 FAIRMOUNT STREET NORTHWEST  
WASHINGTON, DC 20009

NO.	DATE	REVISIONS	BY

PROJECT: WNDRH21001  
DATE: 2021-05-14  
DRAWING SCALE: 1" = 40'  
DRAWN BY: SJD  
APPROVED BY: AMD

**V-0001**  
SHEET 1 OF 1



**SITE DATA:**

- TAX MAP NUMBER: 235-30-00-94.00 DEED BOOK 4483, PAGE 176
- DEVELOPER NAME/ADDRESS: WARREN MUNROE & DAVID ROHRBAUGH  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009
- OWNER/ADDRESS: WARREN MUNROE & DAVID ROHRBAUGH  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009
- ADDRESS LOCATION: 18672 HARBESON ROAD  
HARBESON, DE 19951  
BROAD HILL  
SUSSEX
- CURRENT ZONING: AR-1 (AGRICULTURAL RESIDENTIAL) AND MR (MEDIUM RESIDENTIAL)  
PROPOSED ZONING: M/CONDITIONAL USE (ARTICLE V, § 115-31)  
PRESENT USE: RESIDENTIAL  
PROPOSED USE: MULTIFAMILY DWELLING STRUCTURES, SUBJECT TO THE PROVISIONS OF ARTICLES IV THROUGH XX § 115-219 AND TABLE 2 (INCLUDED AT THE END OF THIS CHAPTER)
- ARTICLE XXV: PROVISIONS IN ACCORDANCE WITH § 115-168 E.  
1) NO OVERALL OUTSIDE WALL DIMENSION OF A BUILDING EXCEEDS 165 FEET.  
2) FOR THE PURPOSE OF MAINTAINING SETBACK BETWEEN BUILDINGS ON THE SAME SITE, THE DISTANCE BETWEEN BUILDINGS ARE GREATER THAN 40 FEET.
- SETBACKS (MR ZONING) (SECTION 115-34)  
FRONT YARD: 24.1' EBL (ESTABLISHED BUILDING LINE)  
SIDE YARD: 10'  
REAR YARD: 10'  
MIN. LOT WIDTH: 75'  
MIN. LOT DEPTH: 100'  
MIN. LOT SIZE: 10,000 SF  
BUILDING HEIGHT: 42' ALLOWED
- PARKING (ARTICLE XXII OFF-STREET PARKING, CODE SECTION 115-163)  
2 SPACES PER DWELLING UNIT (1.5 SPACES PER 1 BEDROOM UNIT)  
REQUIRED: 12 (2-BEDROOM) PLUS 12 (1 BEDROOM) UNITS PLUS EXISTING HOME = 44 SPACES  
PROVIDED: 62 PARKING SPACES
- LOADING SPACES (SECTION 115-168 C) PROVIDED: 0 SPACES
- SERVICES:  
WATER SUPPLIER: PUBLIC - ARTESIAN  
SANITARY SEWER SUPPLIER: PUBLIC - ARTESIAN
- SECTION 89-SOURCE WATER PROPERTY:  
A. SUBJECT PROPERTY IS WITHIN AN AREA OF "GOOD" GROUNDWATER RECHARGE  
B. SUBJECT PROPERTY IS LOCATED IN WELLHEAD PROTECTION AREA. (PROPOSED IMPERVIOUS COVER IS LESS THAN 35%)
- STATE INVESTMENT AREA 200: LEVEL 4
- 2019 COMPREHENSIVE PLAN: EXISTING DEVELOPING AREA/LOW DENSITY
- LATITUDE AND LONGITUDE STATE PLANE COORDINATES:  
LATITUDE: N-33° 43' 24.00"  
LONGITUDE: W-75° 17' 8.53"
- WETLAND AREA:  
WETLAND AREA IMPACTED: 56,514 SQ. FT. 1.3 ACRES (4)  
0.00 SQ. FT.
- PROPOSED DISCHARGE LOCATION:  
PROPOSED BMP CONVEYED TO EXISTING WETLANDS AND BEAVERDAM CREEK (ROUND POLE BRIDGE WATERSHED)
- BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 10005C0310, DATED JUNE 20, 2018, THE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS FLOOD ZONE "X", UNSHADED
- SITE AREA AND ACREAGE:  
EXISTING FORESTED ACRES: 197,871 SQ. FT. 4.54 ACRES (4)  
REMAINDER: 106,004 SQ. FT. 3.89 ACRES  
44,647 SQ. FT. 1.02 ACRES (REMOVED 2.67 AC)  
GROSS ACREAGE/NET DEVELOPMENT AREA: GROSS 4.54 AC(4) NET 2.25 ACRES(4)  
STRUCTURE, PARKING, IMPERVIOUS: EX: 6,499 SF (3%) PR: 54,046 SF (27%)  
OPEN SPACE: EX: 191,372 SF (97%) PR: 143,823 SF (73%)  
TOTAL: EX: 197,871 SF (100%) PR: 197,871 SF (100%)
- OPEN SPACE (89-21 D): REQUIRED: 15% (0.68 ACRES)  
PROVIDED: 73% (3.3 ACRES)
- PROPOSED LIMIT OF DISTURBANCE PER DISCHARGE LOCATION: 83,611 SQ. FT. (1.92 ACRES)
- DATUM: HORIZONTAL = NAD83, VERTICAL = NAVD88
- LOCAL GOVERNMENT RESPONSIBLE FOR LAND APPROVAL: SUSSEX COUNTY

# AEQUITAS LIVING

## CONDITIONAL USE SITE PLAN

**18672 HARBESON ROAD**  
**HARBESON, DELAWARE 19951**  
**BROADKILL HUNDRED, SUSSEX COUNTY**  
**MAY 2021**

PREPARED FOR:  
OWNER/DEVELOPER  
**WARREN MUNROE & DAVID ROHRBAUGH**  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009

**OWNER/DEVELOPER**  
WARREN MUNROE & DAVID ROHRBAUGH  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009

**ENGINEER/SITE DESIGNER**  
PENNONI ASSOCIATES, INC.  
18072 DAVIDSON DRIVE  
MILTON, DE 19968  
(302) 684-8030

**SURVEYOR**  
PENNONI ASSOCIATES, INC.

**LANDSCAPE ARCHITECT**  
PENNONI ASSOCIATES, INC.

**SCHOOL DISTRICT**  
HEMAN ROYER

**FIRE DISTRICT**  
GEORGETOWN (77)

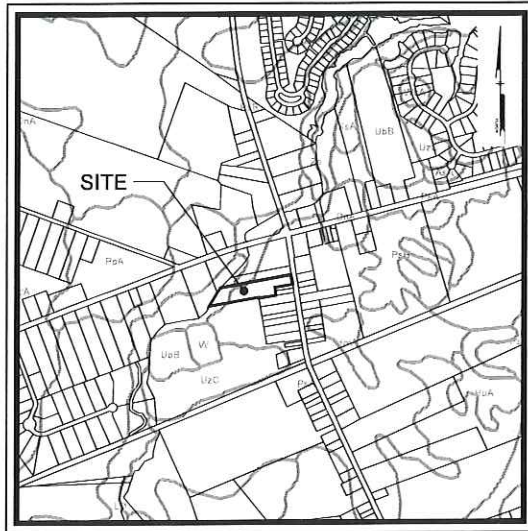
**POSTAL DISTRICT**  
HARBESON (19951)

**WATER UTILITY**  
ARTESIAN

**SEWER UTILITY**  
ARTESIAN

**GENERAL NOTES:**

- ALL WORK SHALL COMPLY WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL CODES. ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS EXPENSE UNLESS PREVIOUSLY OBTAINED BY OWNER.
- THE CONTRACTOR SHALL IMMEDIATELY INFORM THE ENGINEER OF ANY DISCREPANCIES OR ERRORS THEY DISCOVER IN THE PLAN.
- DEVIATION FROM THESE PLANS AND NOTES WITHOUT THE PRIOR CONSENT OF THE OWNER OR HIS REPRESENTATIVE OR THE ENGINEER MAY BE CAUSE FOR THE WORK TO BE REJECTED.
- ALL MATERIALS SHALL BE NEW AND SHALL BE ASBESTOS AND VERMICULITE FREE.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, OR MODIFY ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- ALL DISTURBED AREAS WITHIN THE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOP-SOILED (6" MINIMUM), FERTILIZED AND SEEDED.
- THE ENTRANCES ARE PROPOSED ONLY, AND ARE SUBJECT TO REVIEW AND APPROVAL BY THE DELAWARE DEPARTMENT OF TRANSPORTATION BEFORE A CONSTRUCTION PERMIT IS ISSUED.
- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK TO BE PERFORMED. IT MUST BE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERE TO APPLICABLE.
- PRIOR TO CONSTRUCTION, CONTRACTOR TO FIELD LOCATE AND RECORD AND DAMAGE TO EXISTING PAVING, SIDEWALK, CURB OR STRUCTURES NOT TO BE REMOVED OR REPLACED. ENGINEER TO VERIFY LOCATION AND EXTENT OF DAMAGE.
- DAMAGE TO EXISTING PAVING, SIDEWALK, CURB OR STRUCTURES NOT TO BE REPLACED OR REMOVED DURING CONSTRUCTION SHALL BE IMMEDIATELY REPORTED TO ENGINEER. CONTRACTOR SHALL REPAIR OR REPLACE ALL DAMAGED WORK WITHOUT CHARGE TO THE OWNER.
- BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 10005C0310, DATED JUNE 20, 2018, THE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS FLOOD ZONE "X", UNSHADED.
- THE SUBJECT SITE WILL BE CONSTRUCTED AS ONE PHASE.
- TOTAL AREA FOR SUBJECT SITE IS 4.54 ACRES.
- SURVEY DATUM: HORIZONTAL - NAD83, VERTICAL - NAVD88.
- BUILDING LIGHTING TO BE PROVIDED WITH BUILDING SCHEDULES, NO PARKING LOT LIGHTS ARE PROPOSED.
- ALL SITE LIGHTING SHALL BE DOWNWARD SCREENED SO THAT IT DOES NOT SHINE ON NEIGHBORING PROPERTIES OR ROADWAYS.
- WETLANDS ARE LOCATED ON SITE AND HAVE BEEN DELINEATED BY KENNETH W. REDINGER, PROFESSIONAL WETLANDS SCIENTIST #2126. NO WETLANDS ARE IMPACTED UNDER THIS PROPOSED PLAN.
- STORMWATER WILL BE HANDLED BY THE PROPOSED BMP SHOWN. THE MAINTENANCE OF THE STORMWATER MANAGEMENT FACILITY WITHIN THE SITE SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.
- ALL FIRE LANES, EXITS, STANDPIPE AND SPRINKLER CONNECTIONS WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS. EXISTING BUILDING CONSTRUCTION IS STEEL, CONCRETE, AND WOOD. ONE STORY AND WILL NOT HAVE SPRINKLERS.
- FIRE ALARM REQUIRED - THE FIRE ALARM SIGNALING SYSTEM SHALL BE AUTOMATIC, SUPERVISED OFF-SITE, AND SHALL CONSIST OF FULL COVERAGE BY SMOKE DETECTION AND ALARM NOTIFICATION. WHERE SMOKE DETECTION DEVICES WILL NOT FUNCTION BY REASON OF DEVICE LIMITATION, HEAT DETECTION SHALL BE PROVIDED IN THOSE SPECIFIC LOCATIONS FIRE ALARM SIGNALING SYSTEM PLANS AND SPECIFICATIONS SHALL BE SUBMITTED FOR REVIEW.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) DAYS PRIOR TO EXCAVATION.
- MAINTENANCE OF THE STREETS WITHIN THE SITE WILL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR PROPERTY OWNERS WITHIN THE SITE. THE STATE AND COUNTY ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- SANITARY SEWER FOR THIS SITE WILL BE PROVIDED BY ARTESIAN.
- WATER FOR THIS SITE WILL BE PROVIDED BY ARTESIAN.
- PER CHAPTER 115, ZONING ARTICLE XXVI, THE TOPOGRAPHIC CONTOURS AT ONE-FOOT INTERVALS WILL BE ADDED TO THE GRADING AND UTILITY PORTION OF THE PLANS. THE PROPOSED SITE WILL BE A RELATIVELY FLAT WITH SURFACE RUNOFF TO A PROPOSED SWM FACILITY AND DISCHARGED TO EXISTING WETLANDS.
- THE HEIGHT, LOCATION, AND MATERIAL OF ALL FENCES, WALLS, SCREEN PLANTING AND LANDSCAPING WILL BE SHOWN ON THE FINAL SITE PLAN.
- ANY PROPOSED SIGN DETAILS WILL BE SUBMITTED SEPARATELY.



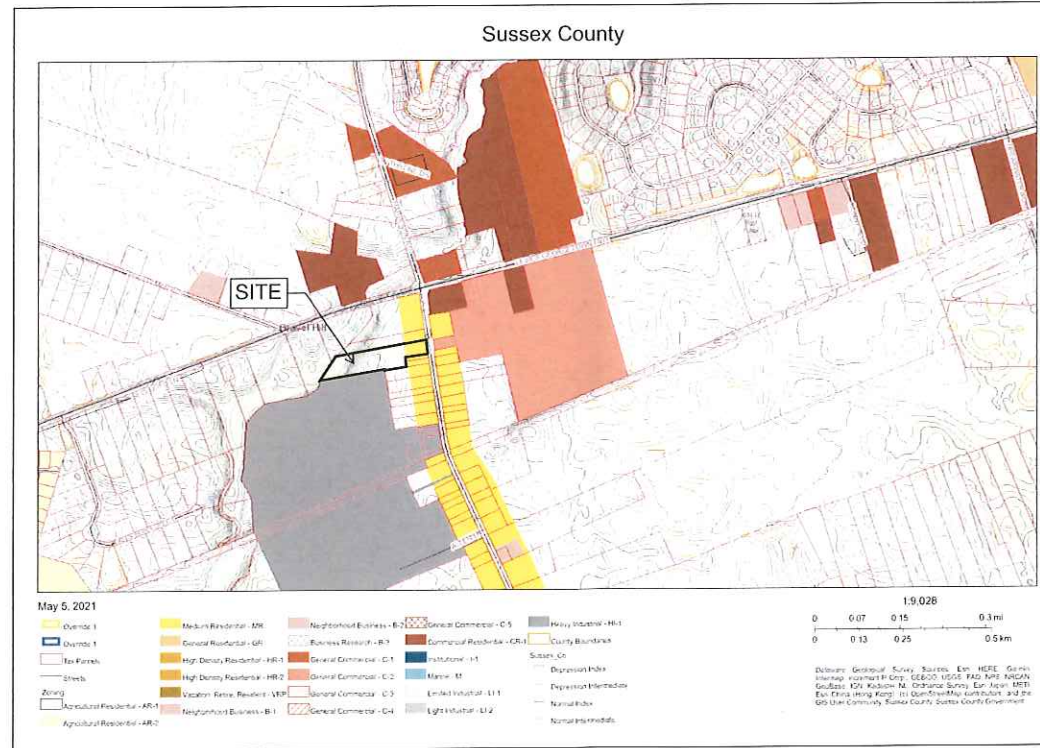
**SOILS MAP**  
Scale: 1" = 1000'

PREPARED BY:  
**PENNONI ASSOCIATES INC.**



18072 Davidson Drive  
Milton, DE 19968  
T 302.684.8030  
F 302.684.8054

**CALL BEFORE YOU DIG**  
Call Miss Utility of Delaware  
**800-282-8555**  
Ticket Number(s):



SHEET LIST TABLE		
SHEET	PAGE	SHEET TITLE
PP0001	1	CONDITIONAL USE COVER SHEET
PP1001	2	CONDITIONAL USE SITE PLAN

**OWNER/DEVELOPER CERTIFICATION:**  
I HEREBY CERTIFY THAT I AM THE DEVELOPER OF THE PROPERTY DESCRIBED AS SHOWN ON THIS PLAN. THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

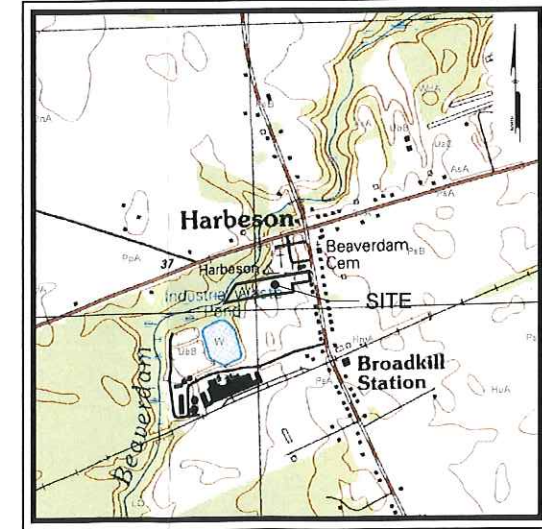
SIGNATURE: WARREN MUNROE & DAVID ROHRBAUGH  
DATE: 1119 FAIRMOUNT STREET NW, WASHINGTON, DC 20009

**WETLANDS CERTIFICATION:**  
THIS PROPERTY, TAX MAP 235-30-00, HAS BEEN EXAMINED BY KENNETH W. REDINGER ENVIRONMENTAL SERVICES FOR THE PRESENCE OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS (SECTION 404 AND SECTION 10), STATE SUBAGGREGATE LANDS AND STATE REGULATED WETLANDS AS ESTABLISHED BY THE REVIEWING AGENCIES IN THE FORM OF MANUAL POLICIES AND PROCEDURES IN PLACE AT THE TIME THAT THE INVESTIGATION WAS CONDUCTED. THE WETLAND INFORMATION CONTAINED IN THIS PLAN SET IS IN ACCORDANCE WITH THESE CRITERIA.

SIGNATURE: KENNETH W. REDINGER, PROFESSIONAL WETLANDS SCIENTIST #2126  
DATE: P.O. BOX 478 / HORNTOWN, VA 23395 (757) 894-7032 / EMAIL: KWREDDINGER@GMAIL.COM

**ENGINEER CERTIFICATION:**  
I HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE. THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE COMPLIES WITH APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES. THE DESIGN REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

SIGNATURE: ALAN DEKTOUR, PE (DE PER 17771)  
DATE: PENNONI ASSOCIATES, INC. 18072 DAVIDSON DRIVE MILTON, DE 19968 OFFICE (302) 684-8030 - FAX (302) 684-8054 ADEKTOUR@PENNONI.COM



**LOCATION/USGS MAP**  
Scale: 1" = 1000'

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR. DISCREPANCIES BEFORE PROCEEDING WITH WORK.

AEQUITAS LIVING  
TAX MAP 235-30-00-94.00  
SUSSEX COUNTY, DELAWARE

CONDITIONAL USE COVER SHEET

WARREN MUNROE & DAVID ROHRBAUGH  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009

NO.	DATE	REVISIONS	BY

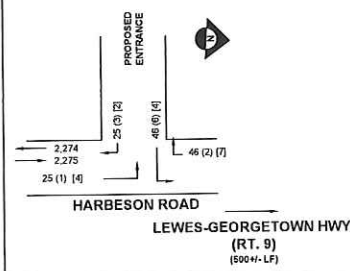
ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OTHERS OR OTHERS ON THE EXTENDING OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI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

PROJECT: WDRH21001  
DATE: 06 JULY 2021  
DRAWING SCALE: AS SHOWN  
DRAWN BY: EWW  
APPROVED BY: AMD

**PP0001**  
SHEET 1 OF 2



**TRAFFIC GENERATION - HARBESON RD (SCR 022) [SR 5]**  
(FULL MOVEMENT)



**ROAD TRAFFIC DATA:**  
FUNCTIONAL CLASSIFICATION - 5022 (HARBESON RD.) - MAJOR COLLECTOR  
POSTED SPEED LIMIT - 25 MPH  
AADT = 4,549 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)  
10 YEAR PROJECTED AADT = 1,16 x 4,549 TRIPS = 5,277 TRIPS  
10 YEAR PROJECTED AADT = SITE ADT = 5,419 TRIPS  
TRAFFIC PATTERN GROUP = 6 (FROM 2019 DELDOT TRAFFIC SUMMARY)  
PEAK HOUR = 12.81% = 5,419 TRIPS = 697 TRIPS  
TRUCK VOLUME = 6.54% X 5,419 TRIPS = 354 TRIPS  
DIRECTIONAL DISTRIBUTION = 60.84% / 39.06%

**SITE TRAFFIC DATA:**  
SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION<sup>2</sup>  
EXISTING LAND USE: VACANT FIELD  
(1) DETACHED DWELLING = 10 TRIPS (TO BE RENOVATED AND BE USED PART OF THE 24 UNIT PROJECT)  
PROPOSED LAND USE:  
24 UNITS - MULTIFAMILY HOUSING - LOW RISE (ITE 220)  
T = 7.56 (X) - 40.66 = 142 TRIPS (WEEKDAY) (71 ENTER / 71 EXIT)  
PEAK HOUR OF ADJACENT STREET TRAFFIC:  
AM: Lx(T) = 0.95L(x) - 0.51 = 12 TRIPS (WEEKDAY) (23% / 77%) (3 / 9)  
PM: Lx(T) = 0.89L(x) - 0.02 = 17 TRIPS (WEEKDAY) (63% / 37%) (11 / 6)  
DIRECTIONAL DISTRIBUTION:  
85% TO AND FROM THE NORTH (92 TRIPS) (3) (7) ENTER & (6) (4) EXIT  
55% TO AND FROM THE SOUTH (50 TRIPS) (1) (5) ENTER & (3) (2) EXIT  
TOTAL NEW TRIPS = 142 ADT  
SITE TRUCK TRAFFIC = 7 TRIPS (5%)

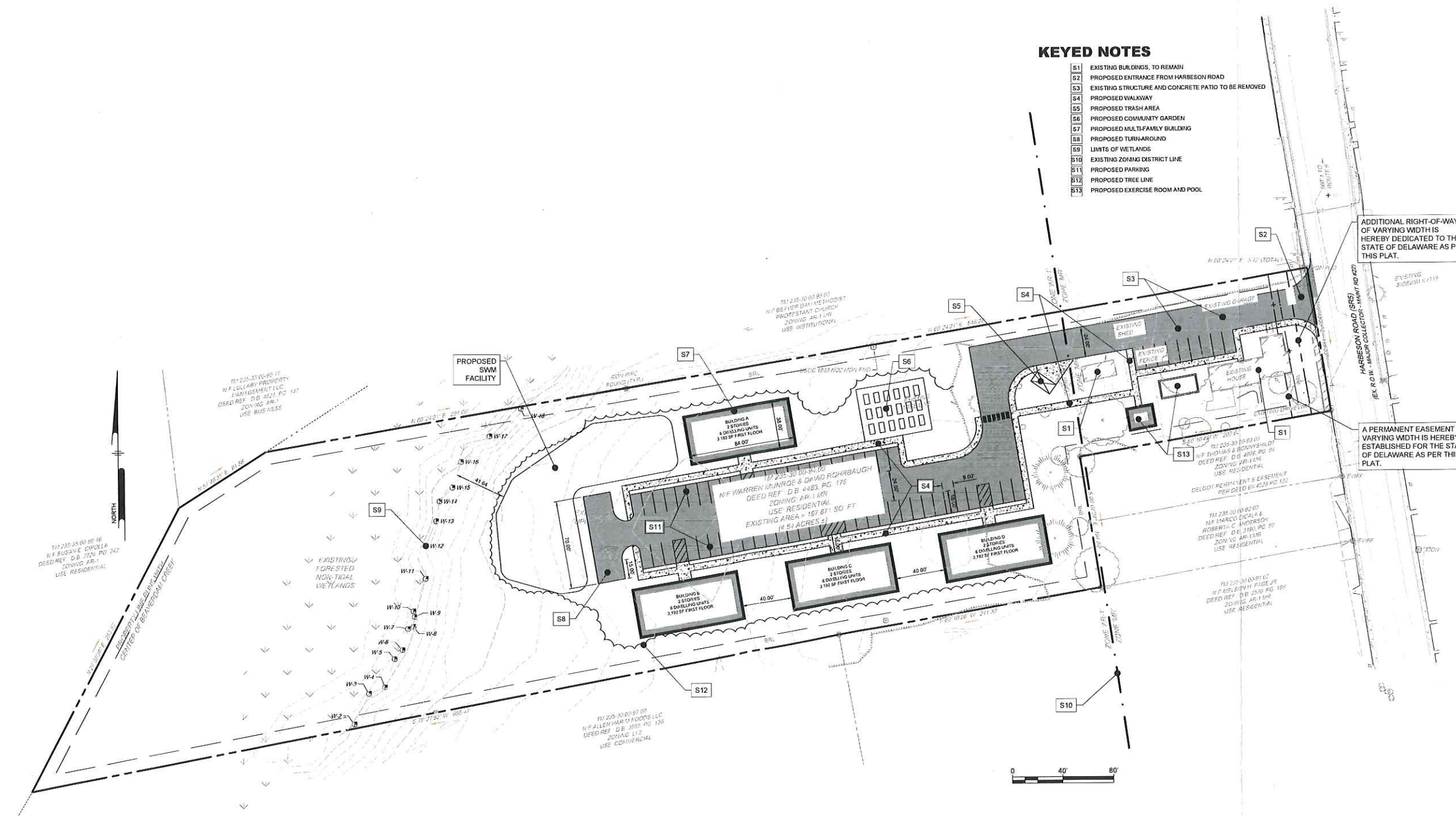
**TRAFFIC GENERATION DIAGRAM**  
ADT PEAK HOUR (A.M.), ADT PEAK HOUR (P.M.)  
<sup>1</sup> DIRECTIONAL DISTRIBUTION PROVIDED BY DELDOT  
<sup>2</sup> DIRECTIONAL DISTRIBUTION PROVIDED BY ITE MANUAL  
DESIGN VEHICLE = SU-40 & SU-30

**LEGEND**

EXISTING	PROPOSED	DESCRIPTION
[Symbol]	[Symbol]	BUILDING
[Symbol]	[Symbol]	CURB
[Symbol]	[Symbol]	EDGE OF PAVEMENT
[Symbol]	[Symbol]	EDGE OF GRAVEL
[Symbol]	[Symbol]	UTILITY EASEMENT
[Symbol]	[Symbol]	PERMANENT EASEMENT
[Symbol]	[Symbol]	FENCE
[Symbol]	[Symbol]	POWER, UTILITY POLE
[Symbol]	[Symbol]	PROPERTY, LINE
[Symbol]	[Symbol]	LEGAL RIGHT-OF-WAY
[Symbol]	[Symbol]	PROPERTY, CORNER FOUND
[Symbol]	[Symbol]	PROPERTY, ADJOINING FOUND
[Symbol]	[Symbol]	POWER, LIGHT POLE
[Symbol]	[Symbol]	SEWER LINES
[Symbol]	[Symbol]	STORM DRAIN LINES
[Symbol]	[Symbol]	CONTOUR LINE
[Symbol]	[Symbol]	PAVEMENT
[Symbol]	[Symbol]	SIDEWALK
[Symbol]	[Symbol]	WETLANDS

**KEYED NOTES**

- S1 EXISTING BUILDINGS, TO REMAIN
- S2 PROPOSED ENTRANCE FROM HARBESON ROAD
- S3 EXISTING STRUCTURE AND CONCRETE PATIO TO BE REMOVED
- S4 PROPOSED WALKWAY
- S5 PROPOSED TRASH AREA
- S6 PROPOSED COMMUNITY GARDEN
- S7 PROPOSED MULTIFAMILY BUILDING
- S8 PROPOSED TURN-AROUND
- S9 LIMITS OF WETLANDS
- S10 EXISTING ZONING DISTRICT LINE
- S11 PROPOSED PARKING
- S12 PROPOSED TREE LINE
- S13 PROPOSED EXERCISE ROOM AND POOL



**Pennoni**  
PENNONI ASSOCIATES INC.  
18072 Davidson Drive  
Milton, DE 19968  
T 302.684.8030 F 302.684.8054

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

**AQUITAS LIVING**  
1872 HARBESON ROAD  
SUSSEX COUNTY, DELAWARE

**CONDITIONAL USE SITE PLAN**  
WARREN MUNROE & DAVID ROHRBAUGH  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009

NO.	DATE	REVISIONS	BY

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

PROJECT: WNDRH21001  
DATE: 06 JULY 2021  
DRAWING SCALE: 1" = 40'  
DRAWN BY: EWW  
APPROVED BY: AMD

**PP1001**  
SHEET 2 OF 2

PLOTTED: 06/22/21 10:11 AM BY: S.W.W. DATE: 06/22/21 10:11 AM PROJECT STATUS: -

**PARTICULAR DESCRIPTION****LANDS NOW OR FORMERLY OF DAVID H. JOHNSON JR., TRUSTEE****TAX MAP 235-30.00-94.00**

**ALL that certain piece, parcel and tract of land lying on the westerly side of Delaware State Route 5 (a.k.a. Harbeson Road) and being situated in Harbeson, Broadkill Hundred, Sussex County, Delaware and being more particularly described as follows:**

**BEGINNING** for the purpose of this description at an iron pipe found, said iron pipe situated on the westerly right-of-way of Harbeson Road at a common boundary corner between this Parcel and Lands now or formerly of Thomas and Bonny Schildt; thence by and with the common boundary line **South 80 degrees, 10 minutes, 49 seconds West, 202.64 feet** to an iron pipe found; thence by and with common boundary line of this parcel and Lands now or formerly of Thomas and Bonny Schildt and Lands now or formerly of Marco Cicala and Roberta C. Anderson, **South 09 degrees, 07 minutes, 27 seconds East, 104.97 feet** to an iron pipe found, said iron pipe situated on a common boundary corner between this Parcel and other Lands now or formerly of Marco Cicala and Roberta C. Anderson and Lands now or formerly of Melson H. Page, Jr.; thence by and with common boundary line of this parcel and Lands now or formerly of Melson H. Page, Jr., **South 80 degrees, 10 minutes, 26 seconds West, 211.32 feet** to an iron pipe found, said iron pipe situated on a common boundary line between this Parcel and Lands now or formerly of Melson H. Page, Jr. and Lands now or formerly of Allen Harim Foods, LLC; thence by and with common boundary line between this Parcel, and Lands now or formerly of Allen Harim Foods, LLC., **South 79 degrees 27 minutes 52 seconds West, 655.47 feet** to a point; said point situated in the approximate center of Beaverdam Creek marking the



common corner for this Parcel and Lands now or formerly of Allen Harim Foods, LLC, and Lands now or formerly of Susan E. Cipolla; thence meandering along the approximate center of Beaverdam Creek, **North 27 degrees, 52 minutes, 39 seconds East, 253.53 feet** to a point; said point situated in the approximate center of Beaverdam Creek marking the common corner for this Parcel and Lands now or formerly of Susan E. Cipolla and Lands now or formerly of Lullaby Property Management, LLC; thence by and with the common boundary line between this Parcel and Lands now or formerly of Lullaby Property Management, LLC, **North 57 degrees, 46 minutes, 35 seconds East, 81.88 feet** to a point; said point situated in the approximate center Beaverdam Creek marking the common corner for this parcel, Lands now or formerly of Lullaby Property Management, LLC and Lands now or formerly of Beaver Dam Methodist Protestant Church; thence by and with a common boundary line between this Parcel and Lands now or formerly of Beaver Dam Methodist Protestant Church, **North 80 degrees, 24 minutes, 21 seconds East, 841.06 feet** (passing through an iron pipe found along the common boundary line at 291.06 feet and thence passing through a concrete monument found 546.28 feet) to a point; said point situated on a common boundary corner of this Parcel and Lands now or formerly of Beaver Dam Methodist Protestant Church and along the westerly right-of-way line of Harbeson Road; thence along the common boundary line of this Parcel and the westerly right-of-way line of Harbeson Road; thence along the common boundary line of this Parcel and the westerly right-of-way line of Harbeson Road, **South 09 degrees, 15 minutes, 39 seconds East, 115.33 feet** to an iron pipe found; said iron pipe being the **Point of Beginning** for this description.

**This Parcel contains 4.54 Acres of land, more or less.**

# AEQUITAS LIVING

CASE NO. CZ1978 AND CU2299

ORDINANCE NO. \_\_\_\_\_

2045 FUTURE LAND USE MAP AMENDMENT  
FROM  
LOW DENSITY TO EXISTING DEVELOPMENT AREA  
CONDITIONAL USE MULTI-FAMILY MAP AMENDMENT FROM AR1/MR TO MR

## OWNER/DEVELOPER:

WARREN MUNROE AND DAVID ROHRBAUGH  
18672 HARBESON ROAD  
HARBESON DELAWARE 19951

WARREN MUNROE AND DAVID ROHRBAUGH  
18672 HARBESON ROAD  
HARBESON DELAWARE 19951

## LEGAL:

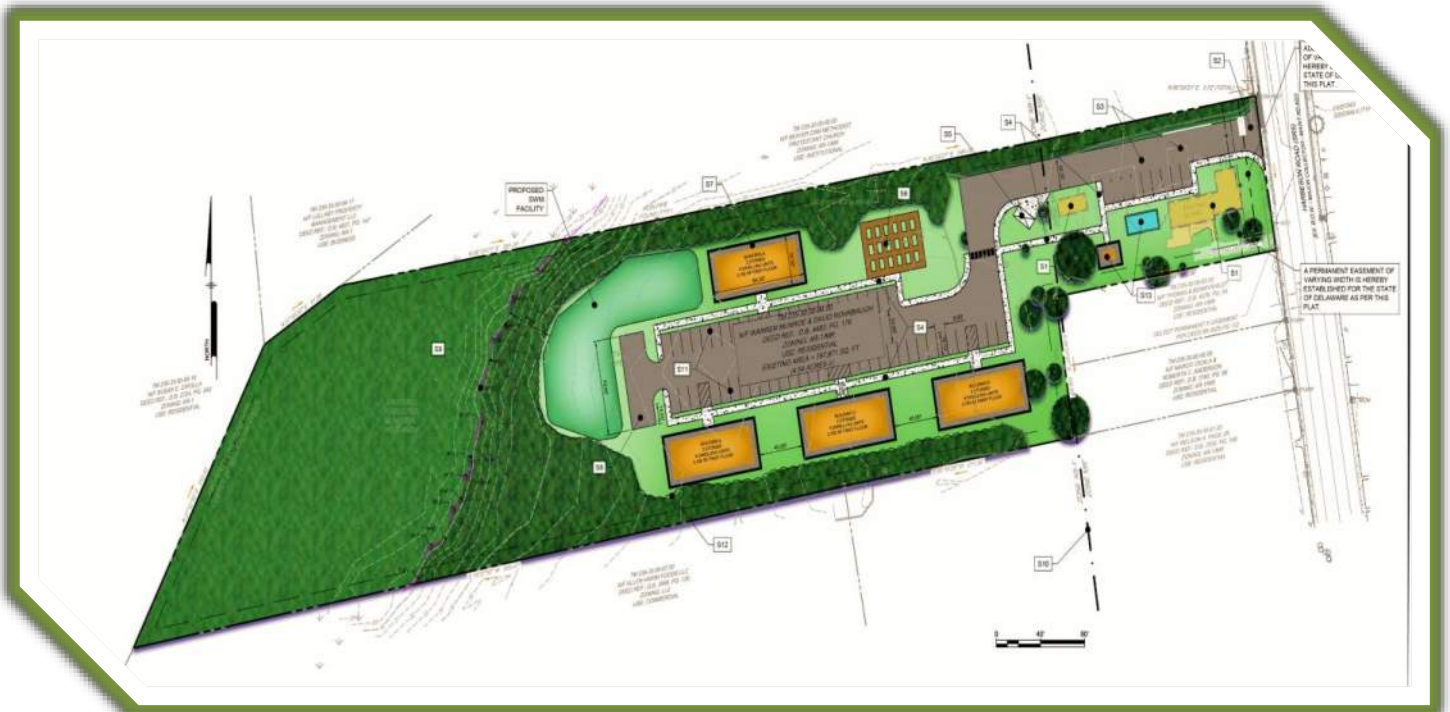
MORRIS JAMES LLP  
107 W. MARKET STREET  
GEORGETOWN, DE 19947  
DAVID C. HUTT, ESQUIRE

## PLANNER/ENGINEER/SURVEYOR:

PENNONI  
18072 DAVIDSON DRIVE  
MILTON, DE 19968  
MARK H. DAVIDSON, PRINCIPAL LAND PLANNER  
ALAN DECKTOR, PE., ENV SP  
ERIC WAHL, RLA  
JOHN W. HAUPT, PLS

## ENVIRONMENTAL:

PENNONI  
MARC CHARTIER, PG, LSRP  
JOHN-THOMAS GRAUPENSPERGER, PWS  
ACCENT ENVIRONMENTAL  
WILLIAM J. GANGLOFF, PhD. PROF. SOIL SCIENTIST



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# Mark H. Davidson / Vice President

## Principal Land Planner/Office Director

### EDUCATION

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

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

Land Planning, Institute for Public Administration (2006)

### CERTIFICATIONS

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

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

DNREC Certified Construction Reviewer: DE (#1270)

Delaware Notary

### TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware (2002)

Land Conservation and Historic Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni (2015)

### PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling Association

Delaware Onsite Wastewater Recycling Association

American Planning Association

American Institute of Certified Planners

### HONORS/AWARDS

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

Notable Networker Award, BNI (2013)

### EXPERIENCE SUMMARY

Mark H. Davidson serves as Vice President of Pennoni and Office Director for our Southern Delaware, Milton Office. Mark also serves as the Principal Land Planner for Pennoni. He has over 35-years of past experience in Surveying, Engineering, Consulting, Construction and Land Planning. For 12-years he owned a professional engineering, surveying, land planning, environmental and consulting firm that provided professional consulting and design in land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware and Maryland. Mr. Davidson's project experience includes land development planning, surveying, engineering, environmental design and permitting; construction and project consulting, management and inspection; water resource consulting, management and inspection and municipal consulting, planning and inspection for residential, industrial, institutional, municipal and commercial applications.

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

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

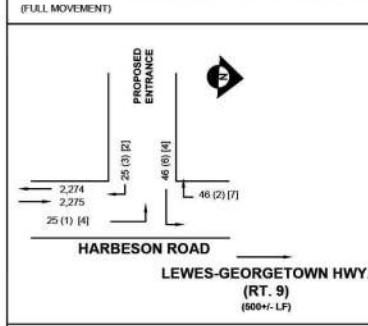
Mark has provided nationwide land planning consulting services to a variety of clientele to help coordinate project startups as well as final construction consulting services when it came to commercial, residential, industrial, municipal, educational and community land planning. Provided additional consulting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

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





**TRAFFIC GENERATION - HARBESON RD (SCR 022) [SR 5]**



**ROAD TRAFFIC DATA:**  
 FUNCTIONAL CLASSIFICATION - 5022 (HARBESON RD.) - MAJOR COLLECTOR  
 POSTED SPEED LIMIT - 25 MPH  
 AADT = 4,549 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)  
 10 YEAR PROJECTED AADT = 1.16 X 4,549 TRIPS = 5,277 TRIPS  
 TRAFFIC PATTERN GROUP = 6 (FROM 2019 DELDOT TRAFFIC SUMMARY)  
 PEAK HOUR - 12.07% X 5,419 TRIPS = 657 TRIPS  
 TRUCK VOLUME - 0.54% X 5,419 TRIPS = 294 TRIPS  
 DIRECTIONAL DISTRIBUTION = 60.94% / 39.06%

**SITE TRAFFIC DATA:**  
 SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION<sup>2</sup>

**EXISTING LAND USE - VACANT FIELD**  
 (1) DETACHED DWELLING = 10 TRIPS (TO BE RENOVATED AND BE USED PART OF THE 24 UNIT PROJECT)

**PROPOSED LAND USE:**  
 24 UNITS - MULTIFAMILY HOUSING - LOW RISE (ITE 220)  
 T = 7.56 (X) 40.86 = 142 TRIPS (WEEKDAY) (71 ENTER / 71 EXIT)

**PEAK HOUR OF ADJACENT STREET TRAFFIC:**  
 AM L<sub>1</sub>(T) = 0.95L<sub>1</sub>(X) 0.51 = 12 TRIPS (WEEKDAY) (23% / 77%) (3 / 9)  
 PM L<sub>1</sub>(T) = 0.95L<sub>1</sub>(X) 0.52 = 17 TRIPS (WEEKDAY) (63% / 37%) (11 / 6)

**DIRECTIONAL DISTRIBUTION:**  
 66% TO AND FROM THE NORTH (82 TRIPS) (2) [7] ENTER & (6) [4] EXIT  
 34% TO AND FROM THE SOUTH (50 TRIPS) (1) [6] ENTER & (3) [2] EXIT  
 TOTAL NEW TRIPS = 142 ADT  
 SITE TRUCK TRAFFIC = 7 TRIPS (5%)

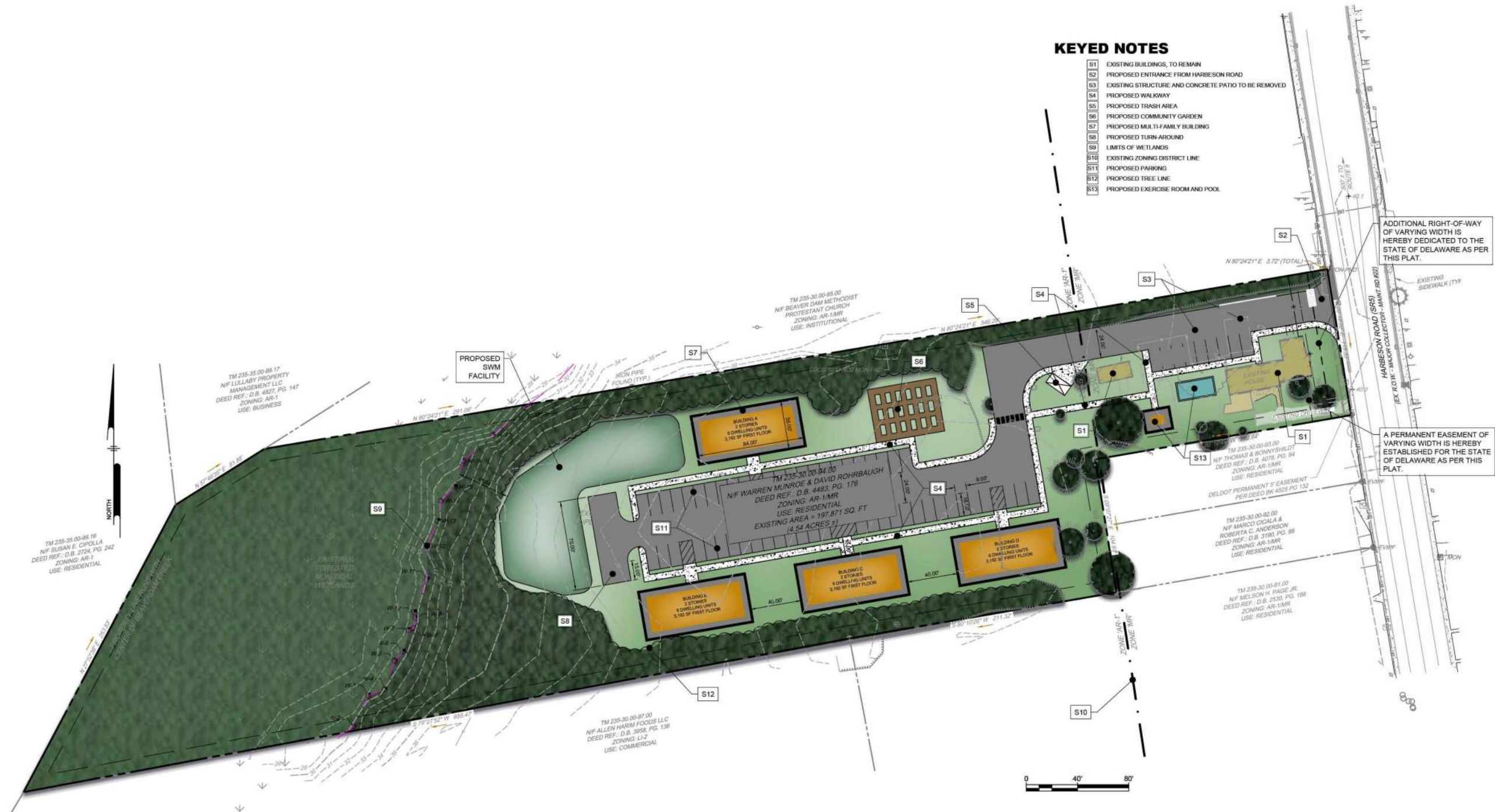
**TRAFFIC GENERATION DIAGRAM**  
 ADT PEAK HOUR (A.M.), ADT PEAK HOUR (P.M.)  
<sup>1</sup> DIRECTIONAL DISTRIBUTION PROVIDED BY DELDOT  
<sup>2</sup> DIRECTIONAL DISTRIBUTION PROVIDED BY ITE MANUAL  
 DESIGN VEHICLE = SU-40 & SU-30

**LEGEND**

EXISTING	PROPOSED	DESCRIPTION
[Symbol]	[Symbol]	BUILDING
[Symbol]	[Symbol]	CURB
[Symbol]	[Symbol]	EDGE OF PAVEMENT
[Symbol]	[Symbol]	EDGE OF GRAVEL
[Symbol]	[Symbol]	UTILITY EASEMENT
[Symbol]	[Symbol]	PERMANENT EASEMENT
[Symbol]	[Symbol]	FENCE
[Symbol]	[Symbol]	POWER, UTILITY POLE
[Symbol]	[Symbol]	PROPERTY, LINE
[Symbol]	[Symbol]	LEGAL RIGHT-OF-WAY
[Symbol]	[Symbol]	PROPERTY, CORNER FOUND
[Symbol]	[Symbol]	PROPERTY, ADJOINING LINED
[Symbol]	[Symbol]	POWER, LIGHT POLE
[Symbol]	[Symbol]	SEWER LINES
[Symbol]	[Symbol]	STORM DRAIN LINES
[Symbol]	[Symbol]	CONTOUR LINE
[Symbol]	[Symbol]	PAVEMENT
[Symbol]	[Symbol]	SIDEWALK
[Symbol]	[Symbol]	WETLANDS

**KEYED NOTES**

- S1 EXISTING BUILDINGS, TO REMAIN
- S2 PROPOSED ENTRANCE FROM HARBESON ROAD
- S3 EXISTING STRUCTURE AND CONCRETE PATIO TO BE REMOVED
- S4 PROPOSED WALKWAY
- S5 PROPOSED TRASH AREA
- S6 PROPOSED COMMUNITY GARDEN
- S7 PROPOSED MULTI-FAMILY BUILDING
- S8 PROPOSED TURN AROUND
- S9 LIMITS OF WETLANDS
- S10 EXISTING ZONING DISTRICT LINE
- S11 PROPOSED PARKING
- S12 PROPOSED TREE LINE
- S13 PROPOSED EXERCISE ROOM AND POOL



**Pennoni**  
 PENNONI ASSOCIATES INC.  
 18072 Davidson Drive  
 Milton, DE 19968  
 T 302.684.8030 F 302.684.8054

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

**AQUITAS LIVING**  
 18672 HARBESON ROAD  
 SUSSEX COUNTY, DELAWARE

**CONDITIONAL USE SITE PLAN**

WARREN MUNROE & DAVID ROHRBAUGH  
 1119 FAIRMOUNT STREET NW  
 WASHINGTON, DC 20009

NO.	DATE	REVISIONS	BY

PROJECT: WNDRH21001  
 DATE: 06 JULY 2021  
 DRAWING SCALE: 1" = 40'  
 DRAWN BY: EWW  
 APPROVED BY: AMD

**PP1001**  
 SHEET 2 OF 2

PLOTTED: 16/07/2021 10:15 AM BY: EWW PROJECT: PENNONI ASSOCIATES INC.



TAB 1

APPLICATION

## 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**

18672 Harbeson Road, Harbeson, DE 19951

**Type of Conditional Use Requested:**

**Tax Map #:** 235-30.00-94.00 **Size of Parcel(s):** 4.54 acres

**Current Zoning:** AR1/MR **Proposed Zoning:** MR **Size of Building:** \_\_\_\_\_

**Land Use Classification:** Residential

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

**Applicant Information**

Applicant Name: Warren Munroe & David Rohrbaugh

Applicant Address: 18672 Harbeson Road

City: Harbeson State: DE Zip Code: 19951

Phone #: (202) 345-0781 E-mail: wmunroe64@gmail.com

**Owner Information**

Owner Name: Warren Munroe & David Rohrbaugh

Owner Address: 18672 Harbeson Road

City: Harbeson State: DE Zip Code: 19951

Phone #: (202) 345-0781 E-mail: wmunroe64@gmail.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Pennoni Associates

Agent/Attorney/Engineer Address: 18072 Davidson Drive

City: Milton State: DE Zip Code: 19968

Phone #: (302) 684-8030 E-mail: ewahl@pennoni.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00**
- Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- DeIDOT Service Level Evaluation Request Response**
- PLUS Response Letter** (if required)

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

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

### Signature of Applicant/Agent/Attorney

  
\_\_\_\_\_

Date: 3/7/2022

### Signature of Owner

  
\_\_\_\_\_

Date: 3/5/2022

### 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: \_\_\_\_\_

## 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**

18672 Harbeson Road, Harbeson, DE 19951

**Type of Conditional Use Requested:**

Multi-family buildings in MR

Tax Map #: 235-30.00-94.00

Size of Parcel(s): 4.54 acres

Current Zoning: ARI/MR

Proposed Zoning: MR

Size of Building: \_\_\_\_\_

Land Use Classification: Residential

Water Provider: Artesian

Sewer Provider: Artesian

**Applicant Information**

Applicant Name: Warren Munroe &amp; David Rohrbaugh

Applicant Address: 1119 Fairmount Street NW

City: Washington

State: DC

Zip Code: 20009

Phone #: (202) 345-0781

E-mail: wmunroe64@gmail.com

**Owner Information**

Owner Name: Warren Munroe &amp; David Rohrbaugh

Owner Address: 1119 Fairmount Street NW

City: Washington

State: DC

Zip Code: 20009

Phone #: (202) 345-0781

E-mail: wmunroe64@gmail.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Pennoni Associates

Agent/Attorney/Engineer Address: 18072 Davidson Drive

City: Milton

State: DE

Zip Code: 19968

Phone #: (302) 684-8030

E-mail: ewahl@pennoni.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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  - Deed or Legal description
- Provide Fee \$500.00
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- DeIDOT Service Level Evaluation Request Response
- PLUS Response Letter (if required)

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

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

**Signature of Applicant/Agent/Attorney**

Jim W. Wall (Pennoni)

Date: July 1, 2021

**Signature of Owner**

[Handwritten Signature]

Date: JULY 1, 2021

**For office use only:**

Date Submitted: \_\_\_\_\_ Fee: \$500.00 Check #: \_\_\_\_\_  
Staff accepting application: \_\_\_\_\_ Application & Case #: \_\_\_\_\_  
Location of property: \_\_\_\_\_  
Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_

## PARTICULAR DESCRIPTION

### LANDS NOW OR FORMERLY OF DAVID H. JOHNSON JR., TRUSTEE

#### TAX MAP 235-30.00-94.00

**ALL that certain piece**, parcel and tract of land lying on the westerly side of Delaware State Route 5 (a.k.a. Harbeson Road) and being situated in Harbeson, Broadkill Hundred, Sussex County, Delaware and being more particularly described as follows:

**BEGINNING** for the purpose of this description at an iron pipe found, said iron pipe situated on the westerly right-of-way of Harbeson Road at a common boundary corner between this Parcel and Lands now or formerly of Thomas and Bonny Schildt; thence by and with the common boundary line **South 80 degrees, 10 minutes, 49 seconds West, 202.64 feet** to an iron pipe found; thence by and with common boundary line of this parcel and Lands now or formerly of Thomas and Bonny Schildt and Lands now or formerly of Marco Cicala and Roberta C. Anderson, **South 09 degrees, 07 minutes, 27 seconds East, 104.97 feet** to an iron pipe found, said iron pipe situated on a common boundary corner between this Parcel and other Lands now or formerly of Marco Cicala and Roberta C. Anderson and Lands now or formerly of Melson H. Page, Jr.; thence by and with common boundary line of this parcel and Lands now or formerly of Melson H. Page, Jr., **South 80 degrees, 10 minutes, 26 seconds West, 211.32 feet** to an iron pipe found, said iron pipe situated on a common boundary line between this Parcel and Lands now or formerly of Melson H. Page, Jr. and Lands now or formerly of Allen Harim Foods, LLC; thence by and with common boundary line between this Parcel, and Lands now or formerly of Allen Harim Foods, LLC., **South 79 degrees 27 minutes 52 seconds West, 655.47 feet** to a point; said point situated in the approximate center of Beaverdam Creek marking the

common corner for this Parcel and Lands now or formerly of Allen Harim Foods, LLC, and Lands now or formerly of Susan E. Cipolla; thence meandering along the approximate center of Beaverdam Creek, **North 27 degrees, 52 minutes, 39 seconds East, 253.53 feet** to a point; said point situated in the approximate center of Beaverdam Creek marking the common corner for this Parcel and Lands now or formerly of Susan E. Cipolla and Lands now or formerly of Lullaby Property Management, LLC; thence by and with the common boundary line between this Parcel and Lands now or formerly of Lullaby Property Management, LLC, **North 57 degrees, 46 minutes, 35 seconds East, 81.88 feet** to a point; said point situated in the approximate center Beaverdam Creek marking the common corner for this parcel, Lands now or formerly of Lullaby Property Management, LLC and Lands now or formerly of Beaver Dam Methodist Protestant Church; thence by and with a common boundary line between this Parcel and Lands now or formerly of Beaver Dam Methodist Protestant Church, **North 80 degrees, 24 minutes, 21 seconds East, 841.06 feet** (passing through an iron pipe found along the common boundary line at 291.06 feet and thence passing through a concrete monument found 546.28 feet) to a point; said point situated on a common boundary corner of this Parcel and Lands now or formerly of Beaver Dam Methodist Protestant Church and along the westerly right-of-way line of Harbeson Road; thence along the common boundary line of this Parcel and the westerly right-of-way line of Harbeson Road; thence along the common boundary line of this Parcel and the westerly right-of-way line of Harbeson Road, **South 09 degrees, 15 minutes, 39 seconds East, 115.33 feet** to an iron pipe found; said iron pipe being the **Point of Beginning** for this description.

**This Parcel contains 4.54 Acres of land, more or less.**



### PARTICULAR DESCRIPTION

LANDS NOW OR FORMERLY OF DAVID H. JOHNSON JR., TRUSTEE  
TAX MAP 235-30-00-94.00

ALL THAT CERTAIN PIECE, PARCEL AND TRACT OF LAND LYING ON THE WESTERLY SIDE OF DELAWARE STATE ROUTE 5 (A.K.A. HARBESON ROAD) AND BEING SITUATED IN HARBESON, BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

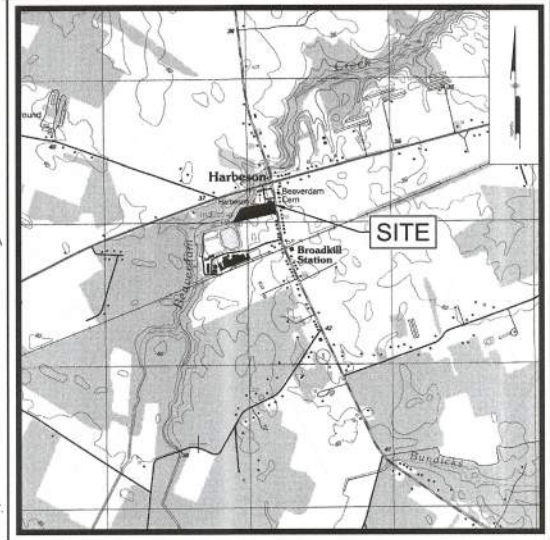
BEGINNING FOR THE PURPOSE OF THIS DESCRIPTION AT AN IRON PIPE FOUND, SAID IRON PIPE SITUATED ON THE WESTERLY RIGHT-OF-WAY OF HARBESON ROAD AT A COMMON BOUNDARY CORNER BETWEEN THIS PARCEL AND LANDS NOW OR FORMERLY OF THOMAS AND BONNY SHILDT; THENCE BY AND WITH THE COMMON BOUNDARY LINE SOUTH 80 DEGREES, 10 MINUTES, 49 SECONDS WEST, 202.64 FEET TO AN IRON PIPE FOUND; THENCE BY AND WITH COMMON BOUNDARY LINE OF THIS PARCEL AND LANDS NOW OR FORMERLY OF THOMAS AND BONNY SHILDT AND LANDS NOW OR FORMERLY OF MARCO CICALA AND ROBERTA C. ANDERSON, SOUTH 09 DEGREES, 07 MINUTES, 27 SECONDS EAST, 104.97 FEET TO AN IRON PIPE FOUND, SAID IRON PIPE SITUATED ON A COMMON BOUNDARY CORNER BETWEEN THIS PARCEL AND OTHER LANDS NOW OR FORMERLY OF MARCO CICALA AND ROBERTA C. ANDERSON AND LANDS NOW OR FORMERLY OF MELSON H. PAGE, JR.; THENCE BY AND WITH COMMON BOUNDARY LINE OF THIS PARCEL AND LANDS NOW OR FORMERLY OF MELSON H. PAGE, JR., SOUTH 80 DEGREES, 10 MINUTES, 26 SECONDS WEST, 211.32 FEET TO AN IRON PIPE FOUND, SAID IRON PIPE SITUATED ON A COMMON BOUNDARY LINE BETWEEN THIS PARCEL AND LANDS NOW OR FORMERLY OF MELSON H. PAGE, JR. AND LANDS NOW OR FORMERLY OF ALLEN HARIM FOODS, LLC; THENCE BY AND WITH COMMON BOUNDARY LINE BETWEEN THIS PARCEL, AND LANDS NOW OR FORMERLY OF ALLEN HARIM FOODS, LLC, SOUTH 79 DEGREES 27 MINUTES 52 SECONDS WEST, 655.47 FEET TO A POINT; SAID POINT SITUATED IN THE APPROXIMATE CENTER OF BEAVERDAM CREEK MARKING THE COMMON CORNER FOR THIS PARCEL AND LANDS NOW OR FORMERLY OF LULLABY PROPERTY MANAGEMENT, LLC AND LANDS NOW OR FORMERLY OF LULLABY PROPERTY MANAGEMENT, LLC; THENCE BY AND WITH THE COMMON BOUNDARY LINE BETWEEN THIS PARCEL AND LANDS NOW OR FORMERLY OF LULLABY PROPERTY MANAGEMENT, LLC, NORTH 57 DEGREES, 46 MINUTES, 35 SECONDS EAST, 81.88 FEET TO A POINT; SAID POINT SITUATED IN THE APPROXIMATE CENTER OF BEAVERDAM CREEK MARKING THE COMMON CORNER FOR THIS PARCEL, LANDS NOW OR FORMERLY OF LULLABY PROPERTY MANAGEMENT, LLC AND LANDS NOW OR FORMERLY OF BEAVER DAM METHODIST PROTESTANT CHURCH; THENCE BY AND WITH A COMMON BOUNDARY LINE BETWEEN THIS PARCEL AND LANDS NOW OR FORMERLY OF BEAVER DAM METHODIST PROTESTANT CHURCH, NORTH 80 DEGREES, 24 MINUTES, 21 SECONDS EAST, 841.06 FEET (PASSING THROUGH AN IRON PIPE FOUND ALONG THE COMMON BOUNDARY LINE AT 291.06 FEET AND THENCE PASSING THROUGH A CONCRETE MONUMENT FOUND 546.28 FEET) TO A POINT; SAID POINT SITUATED ON A COMMON BOUNDARY CORNER OF THIS PARCEL AND LANDS NOW OR FORMERLY OF BEAVER DAM METHODIST PROTESTANT CHURCH AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD, THENCE ALONG THE COMMON BOUNDARY LINE OF THIS PARCEL AND THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD, THENCE ALONG THE COMMON BOUNDARY LINE OF THIS PARCEL AND THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD, THENCE ALONG THE COMMON BOUNDARY LINE OF THIS PARCEL AND THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD, THENCE ALONG THE COMMON BOUNDARY LINE OF THIS PARCEL AND THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD, THENCE ALONG THE COMMON BOUNDARY LINE OF THIS PARCEL AND THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD, SAID IRON PIPE BEING THE POINT OF BEGINNING FOR THIS DESCRIPTION. THIS PARCEL CONTAINS 4.54 ACRES OF LAND, MORE OR LESS.

### GENERAL NOTES

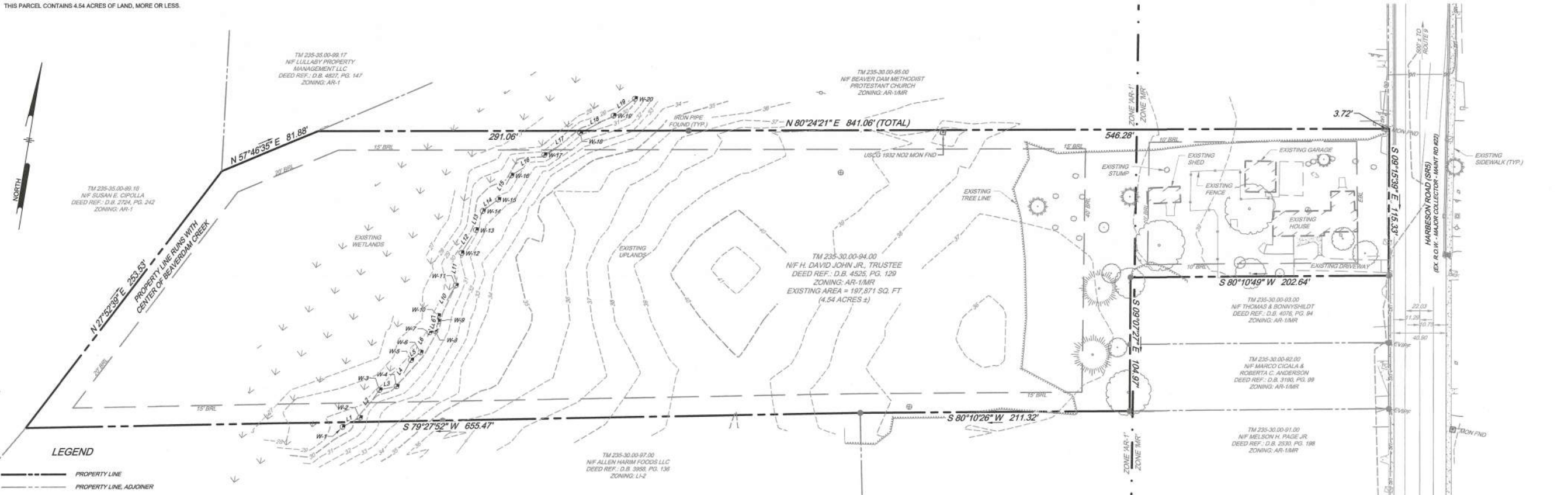
- 1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD IN ADDITION TO AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES, INC. ON MARCH 17TH, 2020.  
DEED REFERENCES:  
-TM 235-30-00-94.00 DEED BOOK 928, PAGE 268  
DEED BOOK 1038, PAGE 348  
DEED BOOK 4525, PAGE 129
- 2. THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT OF WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- 3. SURVEY CLASSIFICATION: SUBURBAN.
- 4. BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 100502010L, EFFECTIVE DATE 20 JUNE 2018, THIS SITE LIES IN FLOOD ZONE X; UNSHADED, AN AREA WHICH HAS BEEN DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN AND ZONE 'AE' WHICH HAS A BASE FLOOD ELEVATION OF 10 FEET. EXISTING FLOOD ZONE INFORMATION HAS NOT BEEN FIELD VERIFIED.
- 5. ESTABLISHED BUILDING LINE (EBL) - ACCORDING TO SECTION 115-182.C. OF THE SUSSEX COUNTY ZONING CODE: ON A STREET OR ROAD WITH EXISTING BUILDINGS HAVING A FRONT YARD SETBACK THAT IS LESS THAN THAT REQUIRED IN THE DISTRICT, ANY BUILDING MAY HAVE A FRONT YARD SETBACK THAT IS EQUAL TO THE AVERAGE SETBACK OF THOSE EXISTING BUILDINGS LOCATED ON THE SAME SIDE OF THE STREET OR ROAD AND BEING WITH 300 FEET OF THE BUILDING. ANY VACANT LOT SHALL BE CALCULATED AS HAVING THE REQUIRED SETBACK FOR THE DISTRICT. NO FRONT YARD SETBACK REDUCED PURSUANT TO THIS SUBSECTION SHALL BE REDUCED TO LESS THAN FIVE FEET. THE PROVISION OF THIS SUBSECTION SHALL NOT APPLY TO ANY LOT IN A CLUSTER SUBDIVISION, COASTAL AREA CLUSTER SUBDIVISION OR RESIDENTIAL PLANNED COMMUNITY.

### SITE DATA:

TAX MAP NUMBER: 235-30-00-94.00  
OWNER INFO: WARREN MUNROE & DAVID ROHBAUGH  
1119 FAIRMOUNT STREET NORTHWEST  
WASHINGTON, DC 20009  
SITE ADDRESS: 18672 HARBESON ROAD  
HARBESON, DE 19951  
BROAD CREEK HUNDRED  
1. EXISTING TOTAL ACREAGE: 4.54 ACRES  
2. MONUMENTS FOUND: 3  
3. MONUMENTS TO BE SET: 0  
4. FUTURE LAND USE AREA: (SUSSEX COUNTY COMPREHENSIVE PLAN, 2019)  
LOW DENSITY/ EX. DEVELOPMENT AREA  
5. ZONING: AR-1MR  
6. PRESENT USE: RESIDENTIAL/VACANT  
7. PROPOSED USE: RESIDENTIAL  
8. SPEED LIMIT: 25 MPH (HARBESON ROAD)  
9. SEWER PROVIDER: PUBLIC SEWER - ARTESIAN  
10. WATER PROVIDER: PUBLIC WATER - ARTESIAN  
11. DISTANCE TO NEAREST INTERSECTION: 500± (ROUTE 9)  
12. MINIMUM LOT DIMENSIONS:  
WIDTH - AR-1 150' MR 70'  
DEPTH - 100' 100'  
AREA - 0.75 ACRES 10,000 SQ. FT.  
13. MINIMUM LOT SETBACKS:  
FRONT - AR-1 40' MR EBL  
SIDE - 15' 10'  
REAR - 20' 10'  
14. WATERSHED: BEAVER DAM CREEK  
BROADKILL RIVER



**LOCATION MAP**  
Scale: 1" = 2000'



#### LEGEND

- PROPERTY LINE
- PROPERTY LINE ADJONNER
- EXISTING BUILDING
- ZONING LINE
- EXISTING WETLANDS LINE
- EXISTING WETLANDS AREA
- PROPERTY CORNER, IRON PIPE
- PROPERTY CORNER, CONCRETE MONUMENT
- UTILITY POLE
- SIMPLE SIGN
- STREET SIGN
- EXISTING EDGE OF ROAD
- EXISTING WALL
- EXISTING FENCE
- MINOR CONTOUR
- MAJOR CONTOUR
- UNDERGROUND GAS LINE
- CONIFEROUS TREE
- DECIDUOUS TREE
- EXISTING TREE LINE
- FIRE HYDRANT
- BUILDING RESTRICTION LINE

#### WETLANDS LINE TABLE

LINE #	BEARING	DISTANCE
L1	N 52°44'03" E	15.37'
L2	N 25°37'20" E	26.73'
L3	N 68°53'02" E	13.63'
L4	N 19°24'10" E	23.63'
L5	N 41°18'43" E	9.63'
L6	N 15°00'12" E	17.25'
L7	N 69°27'29" E	4.74'
L8	N 07°23'07" E	8.00'
L9	N 12°57'24" W	4.48'
L10	N 20°48'08" E	27.47'
L11	N 00°25'10" E	25.94'
L12	N 22°58'54" E	21.32'
L13	N 09°53'34" E	15.91'
L14	N 43°52'38" E	15.06'
L15	N 18°52'25" E	21.50'
L16	N 48°37'10" E	30.61'
L17	N 49°07'37" E	33.04'
L18	N 53°03'30" E	29.47'
L19	N 42°18'21" E	21.44'



**Pennonni**  
PENNONI ASSOCIATES, INC.  
18072 Davidson Drive  
Milton, DE 19968  
T 302.684.8030 F 302.684.8054

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

LANDS OF N/F DAVID H. JOHNSON JR., TRUSTEE  
18672 HARBESON ROAD  
HARBESON, DE 19951  
**SURVEY OF EXISTING CONDITIONS**  
WARREN MUNROE & DAVID ROHBAUGH  
1119 FAIRMOUNT STREET NORTHWEST  
WASHINGTON, DC 20009

DATE	NO.	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE GUARANTEES FOR BELIEF BY OWNERS OR OTHERS ON THE EXTENSIVE OF THE PROJECT OR ON ANY OTHER PROJECT. ANY RELIANCE WITHOUT WRITTEN NOTIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPENSE TO PENNONI ASSOCIATES, AND OWNER SHALL HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RELATING THEREFROM.

PROJECT: WNDRH21001  
DATE: 2021-05-14  
DRAWING SCALE: 1" = 40'  
DRAWN BY: SJD  
APPROVED BY: AMD  
**V-0001**  
SHEET 1 OF 1

ENGINEER CERTIFICATION:  
IT IS HEREBY CERTIFIED THAT I AM A REGISTERED 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.

SIGNATURE: ALAN M. DEKTOR, P.E.  
DATE: 5/13/2021

FILED: 5/14/2021 1:58 PM BY: SJD, WMR, PJL/STL/Pennonni Associates, INC. PROJECT: WNDRH21001



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

NICOLE MAJESKI  
SECRETARY

March 18, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Warren Munroe and David Rohrbaugh** proposed land use application, which we received on March 17, 2021. This application is for an approximately 4.15- acre parcel (Tax Parcel: 235-30.00-94.00). The subject land is located on the west side of Harbeson Road (Sussex Road 22). The subject land is currently zoned AR- 1 (Agricultural Residential) and MR (Medium Density Residential) the applicant seeks a conditional use for approval to build 24 multi-family dwelling units.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Harbeson Road (Sussex Road 22), from Hollyville Road to Lewes-Georgetown Highway (US 9), is 4,549 vehicles per day.

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

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



Mr. Jamie Whitehouse

Page 2 of 2

March 18, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:aff

cc: Warren Munroe and David Rohrbaugh, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Furmato, Project Engineer, Development Coordination

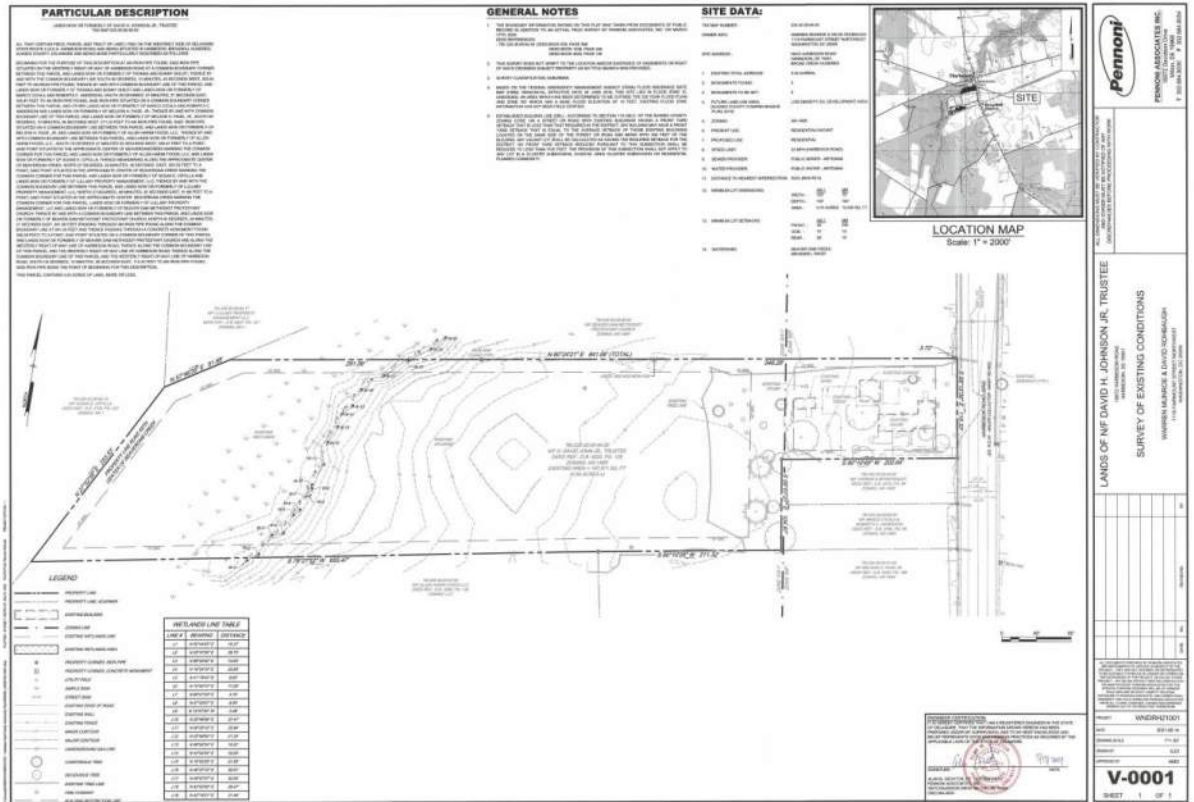
## TAB 2

### EXECUTIVE SUMMARY



**AEQUITAS LIVING  
CHANGE OF ZONE #1978  
CONDITIONAL USE #2299  
EXECUTIVE SUMMARY**

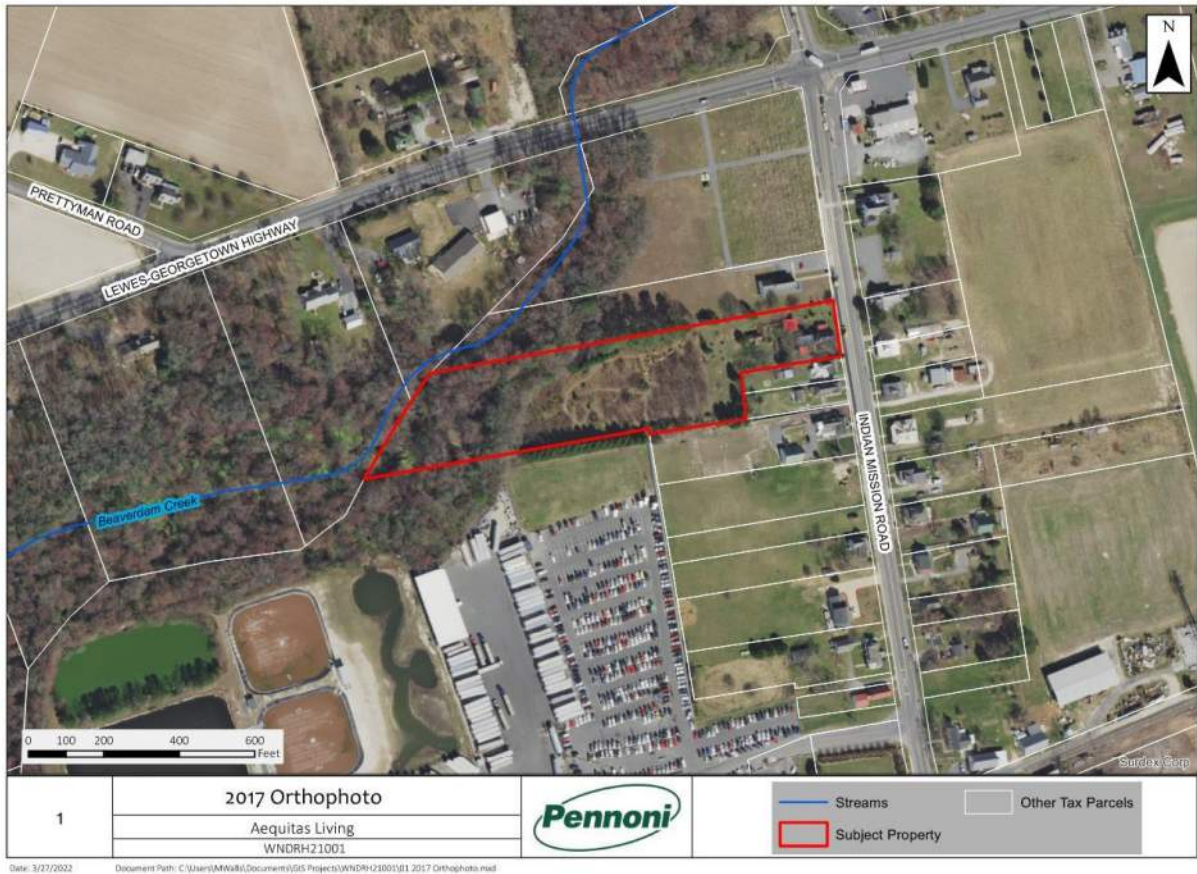
1. This is an application to grant a rezoning of a portion of lands in MR (Medium Residential) and AR-1 (Agricultural Residential District) zoning districts to all MR (Medium Residential). In addition, a Conditional Use is being requested for a multi-family use on the site. The property is located on 4.54 acres, more or less in the Broadkill Hundred located on the west side of Harbeson Road and south of Route 9 (Lewes-Georgetown Highway).



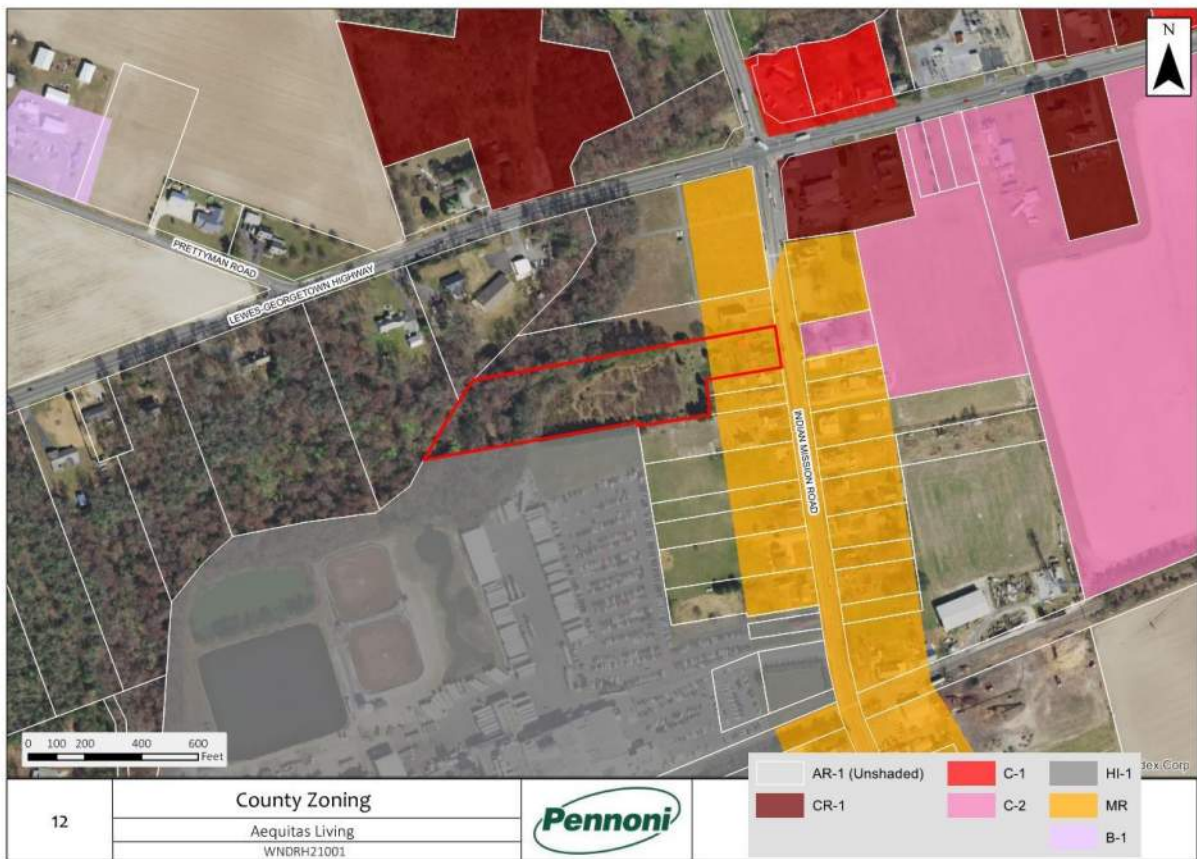
2. The applicants and property owners are Warren Munroe and David Rohrbaugh, living at the subject property, 18672 Harbeson Road, Harbeson, DE 19951.



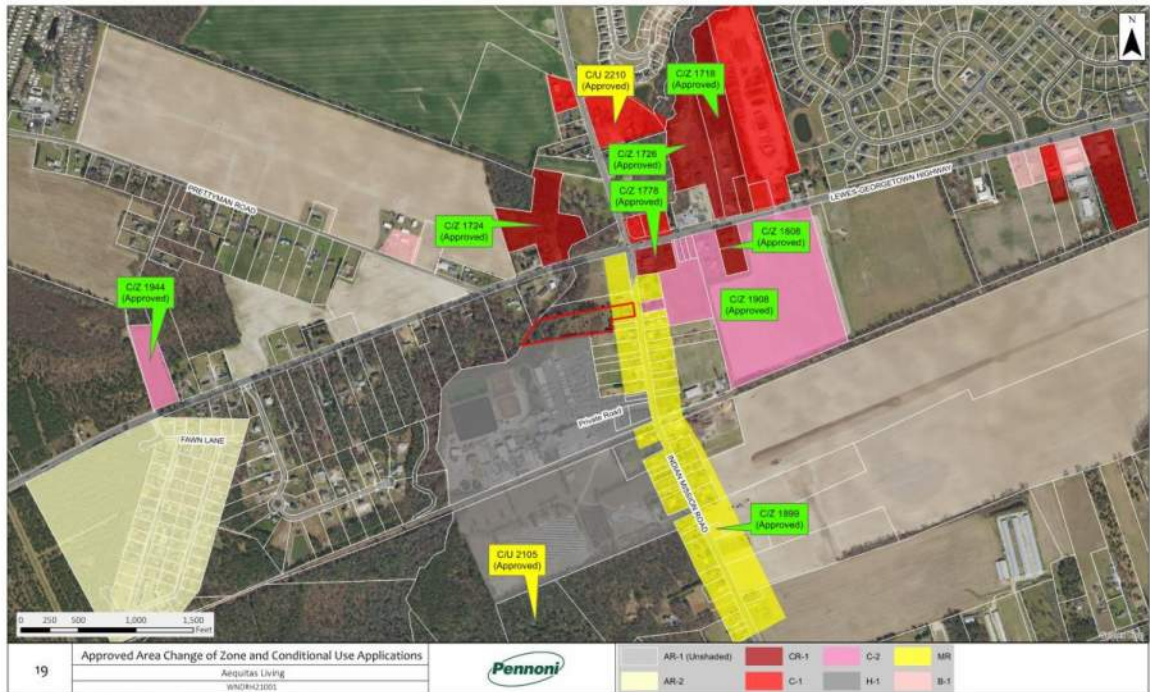
- The property is identified on the tax maps of the Sussex County Department of Finance as Tax Map No. 235-30.00-94.00.



4. The property is bordered on:
  - a. East with Harbeson Road (Major Collector – State maintained road).
  - b. North by other split zoned AR-1/MR property (Beaverdam Methodist Protestant Church and Cemetery).
  - c. West by Beaverdam Creek.
  - d. South by HI-1 zoned property (Allen Harim Foods) and by other split zoned residential properties (AR-1/MR).



- The Medium Residential zoning already runs along Harbeson Road, both on the east and west sides, from Route 9 south to Doddtown Road. The change of zone will not diminish or impair property values within the neighborhood; will not create a public nuisance; nor result in an increase in public expenditures.



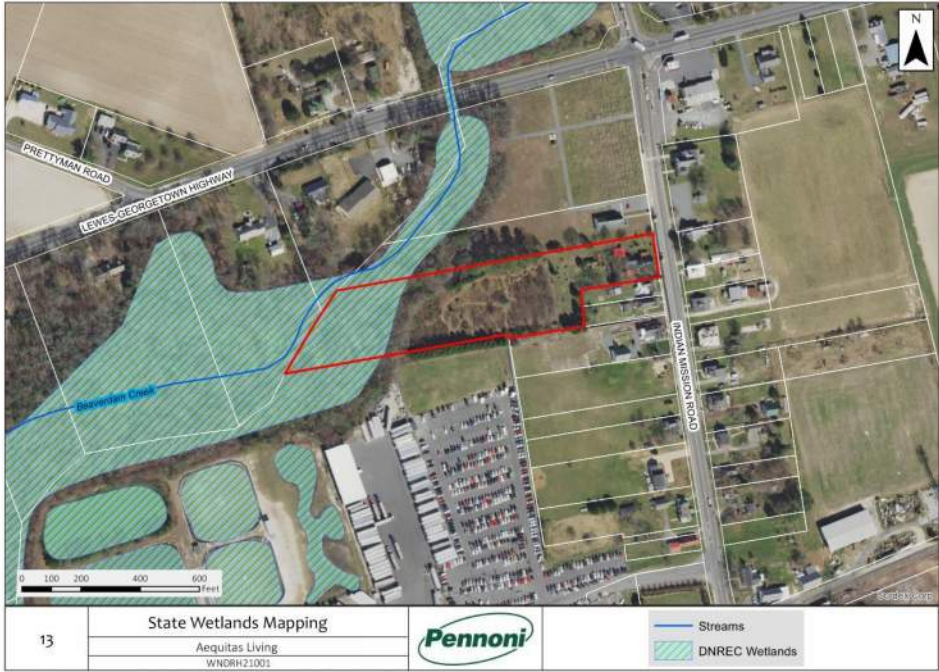
- In the 2019 Sussex County Comprehensive Plan – the subject property is located partially within the *Existing Development Area* classification. Since the comprehensive plan is a guide for the future use of land, the County’s official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. During the PLUS meeting to consider the FLUM amendment, it was noted that the entire parcel should be considered for *Existing Development Area* classification.

- The purpose of the MR district is to provide for medium-density residential development in areas which are, or which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not

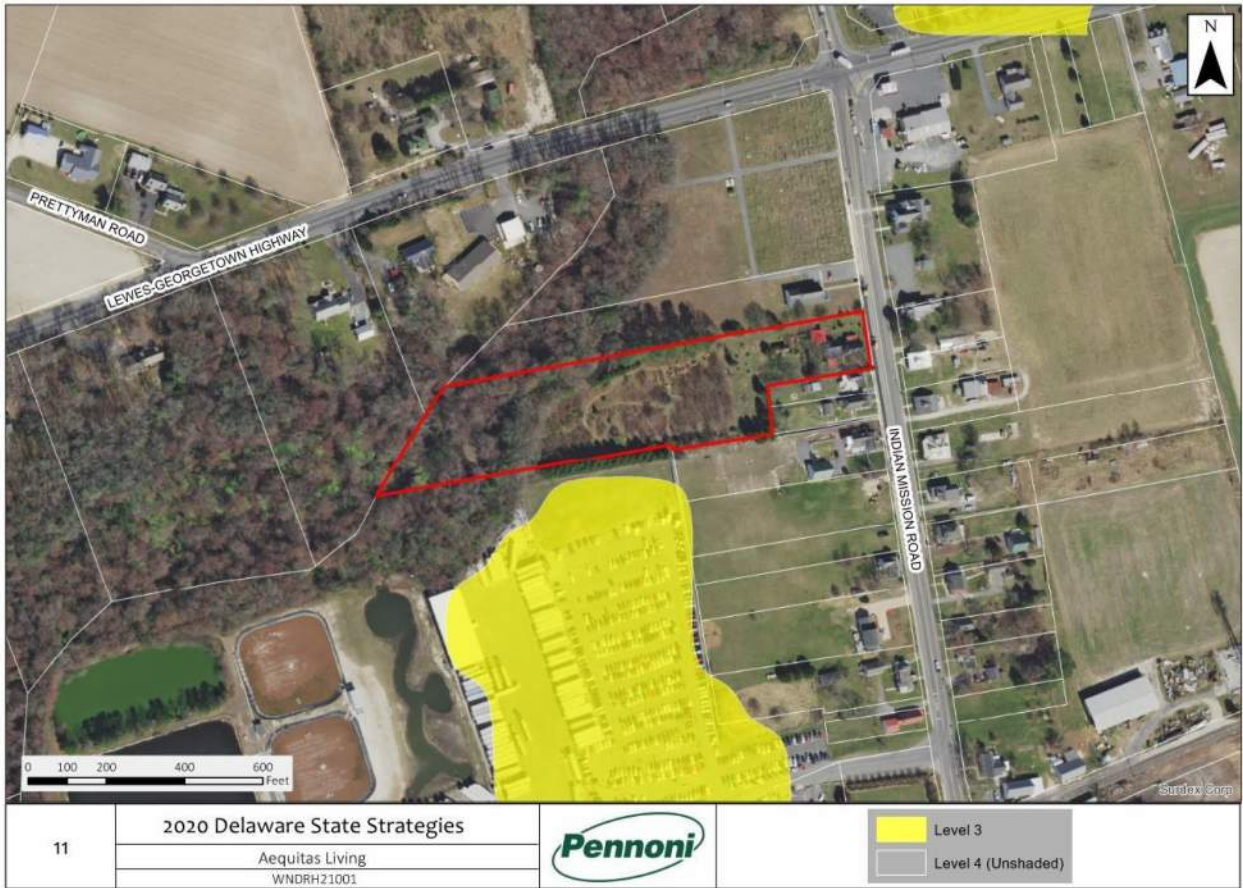


be available at the time of construction, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future.

- 8. The applicant proposes to create a multi-family neighborhood consisting of 4 garden-style apartment buildings with 6 units in each, a community garden, and a pool/exercise area adjacent to the existing dwelling that the applicants will be using to reside and to manage the property.
  
- 9. There are wetlands on the rear portion of the property; the property is located in a Flood Zone X Unshaded according to Flood Map 10005C0310L. The wetlands will not be impacted by any construction activity; stormwater management will occur onsite and use infiltration as its primary BMP for handling stormwater runoff; the property is located in a Groundwater Protection Zone (Wellhead Protection Area – well(s) located on Allen Harim property south of subject property); the property is served with public water and sewer service (Artesian.)



10. The 2020 Strategies for State Policies and Investment Levels Map identifies the area as being in Investment Level 4. These areas are designated rural areas where investments are lower in priority than Levels 1, 2, or 3.



11. The proposed Rezoning and Conditional Use site plan meets the general purpose of the Zoning Ordinance, specifically being located in an area adjacent to similarly zoned MR properties, in an *Existing Development Area*, and along a Major Collector - State maintained road. Rezoning the property from a split-zoned AR-1/MR parcel to completely MR and approving a Conditional Use for a multi-family use in this MR zoned area is desirable for the general convenience, orderly growth, prosperity and welfare of the County.



**TAB 3**  
**EXHIBITS**

**SITE DATA:**

- TAX MAP NUMBER: 235-30.00-94.00, DEED BOOK 4483, PAGE 176
- DEVELOPER NAME/ADDRESS: WARREN MUNROE & DAVID ROHRBAUGH  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009
- OWNER/ADDRESS: WARREN MUNROE & DAVID ROHRBAUGH  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009
- ADDRESS LOCATION: 18672 HARBESON ROAD  
HARBESON, DE 19951  
BROAD KILL  
SUSSEX
- CURRENT ZONING: AR-1 (AGRICULTURAL/RESIDENTIAL) AND MR (MEDIUM RESIDENTIAL)  
PROPOSED ZONING: UNCONDITIONAL USE (ARTICLE V-§115-31)  
PRESENT USE: RESIDENTIAL  
PROPOSED USE: MULTIFAMILY DWELLING STRUCTURES, SUBJECT TO THE PROVISIONS OF ARTICLES IV THROUGH XX § 115-219 AND TABLE 2 (INCLUDED AT THE END OF THIS CHAPTER)
- ARTICLE XXV: PROVISIONS IN ACCORDANCE WITH §115-188 E.  
1) NO OVERALL OUTSIDE WALL DIMENSION OF A-BUILDING EXCEEDS 165 FEET.  
2) FOR THE PURPOSE OF MAINTAINING SETBACK BETWEEN BUILDINGS ON THE SAME SITE, THE DISTANCE BETWEEN BUILDINGS ARE GREATER THAN 40 FEET.
- SETBACKS (MR ZONING) (SECTION 115-34): FRONT YARD 24.1' EBL (ESTABLISHED BUILDING LINE)  
SIDE YARD 10'  
REAR YARD 10'  
MIN. LOT WIDTH: 75'  
MIN. LOT DEPTH: 100'  
MIN. LOT SIZE: 10,000 SF  
BUILDING HEIGHT: 4Z ALLOWED
- PARKING (ARTICLE XXII: OFF-STREET PARKING, CODE SECTION 115-162)  
2 SPACES PER DWELLING UNIT (1.5 SPACES PER 1 BEDROOM UNIT)  
REQUIRED: 12 (2-BEDROOM) PLUS 12 (1-BEDROOM) UNITS PLUS EXISTING HOME = 44 SPACES  
PROVIDED: 62 PARKING SPACES
- LOADING SPACES (SECTION 115-168 C.) PROVIDED: 0 SPACES
- SERVICES:  
WATER SUPPLIER: PUBLIC - ARTESIAN  
SANITARY SEWER SUPPLIER: PUBLIC - ARTESIAN
- SECTION 89-SOURCE WATER PROPERTY:  
A. SUBJECT PROPERTY IS WITHIN AN AREA OF 'GOOD' GROUNDWATER RECHARGE  
B. SUBJECT PROPERTY IS LOCATED IN WELLHEAD PROTECTION AREA. (PROPOSED IMPERVIOUS COVER IS LESS THAN 35%)
- STATE INVESTMENT AREA 2020: LEVEL 4
- 2019 COMPREHENSIVE PLAN: EXISTING DEVELOPING AREA/LOW DENSITY
- LATITUDE AND LONGITUDE STATE PLANE COORDINATES:  
LATITUDE: N-38° 43' 24.06"  
LONGITUDE: W-75° 17' 8.53"
- WETLAND AREA: 56,514 SQ. FT. 1.3 ACRES (±)  
WETLAND AREA IMPACTED: 0.00-SQ. FT.
- PROPOSED DISCHARGE LOCATION: PROPOSED BMP CONVEYED TO EXISTING WETLANDS AND BEAVERDAM CREEK (ROUND POLE BRIDGE WATERSHED)
- BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 100050310L, DATED JUNE 20, 2018, THE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS FLOOD ZONE 'X', UNSHADED
- SITE AREA AND ACREAGE: 197,871 SQ. FT. 4.54 ACRES (±)  
EXISTING FORESTED ACRES 106,904 SQ. FT. 3.69 ACRES  
REMAINDER: 44,647 SQ. FT. 1.02 ACRES (REMOVED 2.67 AC)  
GROSS ACREAGE/NET DEVELOPMENT AREA: GROSS 4.54 AC(±) NET 2.25 ACRES(±)  
STRUCTURE, PARKING, IMPERVIOUS: EX: 6,499 SF (3%) PR: 54,048 SF (27%)  
OPEN SPACE: EX: 191,372 SF (97%) PR: 143,822 SF (73%)  
TOTAL EX: 197,871 SF (100%) PR: 197,871 SF (100%)
- OPEN SPACE (99-21 D.): REQUIRED: 15% (0.68 ACRES)  
PROVIDED: 73% (3.3 ACRES)
- PROPOSED LIMIT OF DISTURBANCE PER DISCHARGE LOCATION: 83,611 SQ. FT. (1.92 ACRES)
- DATUM: HORIZONTAL = NAD83, VERTICAL = NAVD88
- LOCAL GOVERNMENT RESPONSIBLE FOR LAND APPROVAL: SUSSEX COUNTY

# AEQUITAS LIVING

## CONDITIONAL USE SITE PLAN

18672 HARBESON ROAD  
HARBESON, DELAWARE 19951  
BROADKILL HUNDRED, SUSSEX COUNTY  
MAY 2021

PREPARED FOR:  
OWNER/DEVELOPER  
**WARREN MUNROE & DAVID ROHRBAUGH**  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009

**OWNER/DEVELOPER**  
WARREN MUNROE & DAVID ROHRBAUGH  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009

**ENGINEER/SITE DESIGNER**  
PENNONI ASSOCIATES INC.  
18072 DAVIDSON DRIVE  
MILTON, DE 19968  
(302) 684-8030

**SURVEYOR**  
PENNONI ASSOCIATES INC.

**LANDSCAPE ARCHITECT**  
PENNONI ASSOCIATES, INC.

**SCHOOL DISTRICT**  
INDIAN RIVER

**FIRE DISTRICT**  
GEORGETOWN (77)

**POSTAL DISTRICT**  
HARBESON (19951)

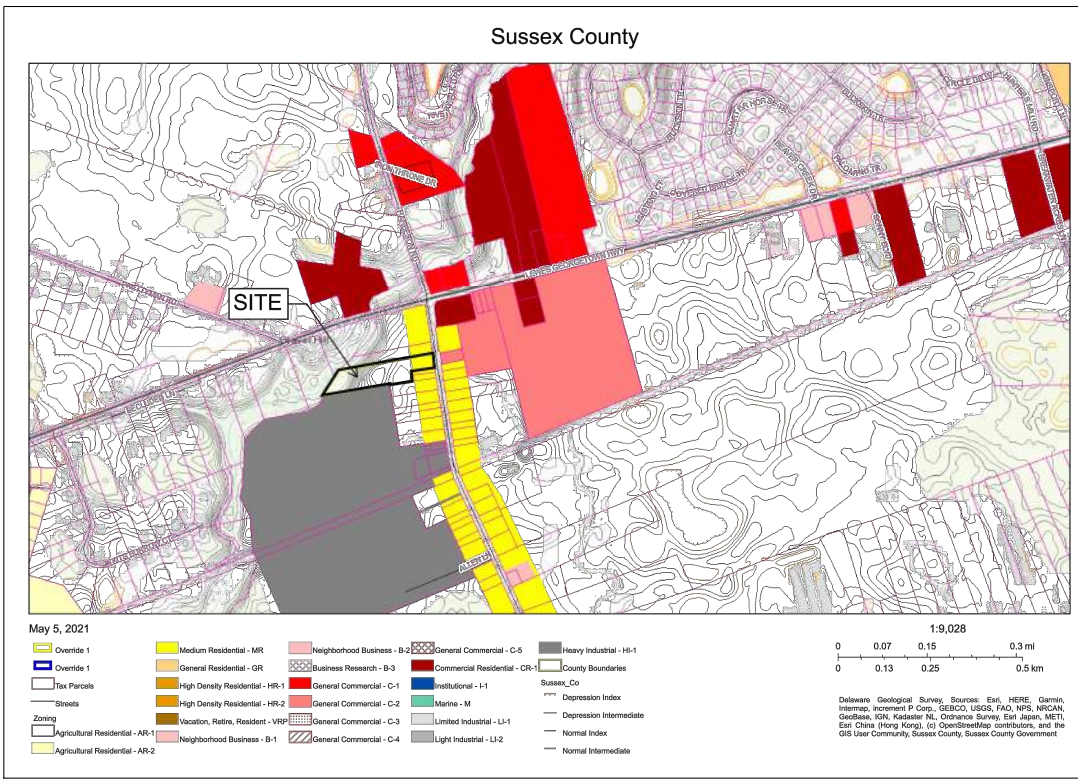
**WATER UTILITY**  
ARTESIAN

**SEWER UTILITY**  
ARTESIAN

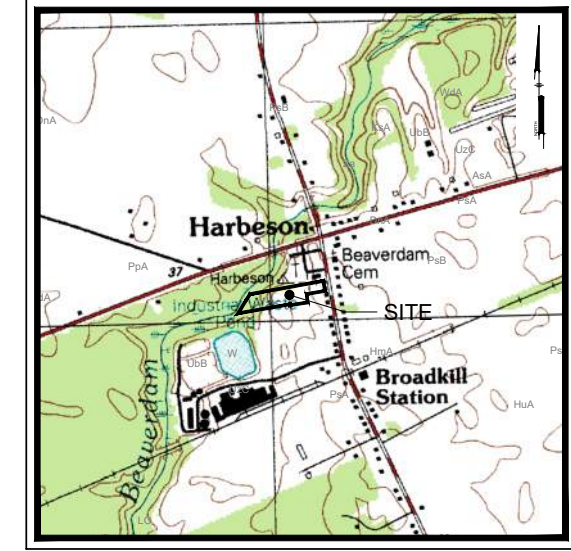
- GENERAL NOTES:**
- ALL WORK SHALL COMPLY WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL CODES. ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS EXPENSE UNLESS PREVIOUSLY OBTAINED BY OWNER.
  - THE CONTRACTOR SHALL IMMEDIATELY INFORM THE ENGINEER OF ANY DISCREPANCIES OR ERRORS THEY DISCOVER IN THE PLAN.
  - DEVIATION FROM THESE PLANS AND NOTES WITHOUT THE PRIOR CONSENT OF THE OWNER OR HIS REPRESENTATIVE OR THE ENGINEER MAY BE CAUSE FOR THE WORK TO BE REJECTED.
  - ALL MATERIALS SHALL BE NEW AND SHALL BE ASBESTOS AND VERMICULITE FREE.
  - THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, OR MODIFY ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
  - ALL DISTURBED AREAS WITHIN THE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOP-SOILED (6" MINIMUM), FERTILIZED AND SEEDED.
  - THE ENTRANCES/EXITS ARE PROPOSED ONLY, AND ARE SUBJECT TO REVIEW AND APPROVAL BY THE DELAWARE DEPARTMENT OF TRANSPORTATION BEFORE A CONSTRUCTION PERMIT IS ISSUED.
  - DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK TO BE PERFORMED. IT MUST BE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
  - PRIOR TO CONSTRUCTION, CONTRACTOR TO FIELD LOCATE AND RECORD AND DAMAGE TO EXISTING PAVING, SIDEWALK, CURB OR STRUCTURES NOT TO BE REMOVED OR REPLACED, ENGINEER TO VERIFY LOCATION AND EXTENT OF DAMAGE.
  - DAMAGE TO EXISTING PAVING, SIDEWALK, CURB OR STRUCTURES NOT TO BE REPLACED OR REMOVED DURING CONSTRUCTION SHALL BE IMMEDIATELY REPORTED TO ENGINEER. CONTRACTOR SHALL REPAIR OR REPLACE ALL DAMAGED WORK WITHOUT CHARGE TO THE OWNER.
  - BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 100050310L, DATED JUNE 20, 2018, THE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS FLOOD ZONE 'X', UNSHADED
  - THE SUBJECT SITE WILL BE CONSTRUCTED AS ONE PHASE.
  - TOTAL AREA FOR SUBJECT SITE IS 4.54 ACRES.
  - SURVEY DATUM: HORIZONTAL - NAD83, VERTICAL - NAVD88.
  - BUILDING LIGHTING TO BE PROVIDED WITH BUILDING PLANS. NO PARKING LOT LIGHTS ARE PROPOSED.
  - ALL SITE LIGHTING SHALL BE DOWNWARD SCREENED SO THAT IT DOES NOT SHINE ON NEIGHBORING PROPERTIES OR ROADWAYS.
  - WETLANDS ARE LOCATED ON SITE AND HAVE BEEN DELINEATED BY KENNETH W. REDINGER, PROFESSIONAL WETLANDS SCIENTIST #2126. NO WETLANDS ARE IMPACTED UNDER THIS PROPOSED PLAN.
  - STORMWATER WILL BE HANDLED BY THE PROPOSED BMP SHOWN. THE MAINTENANCE OF THE STORMWATER MANAGEMENT FACILITY WITHIN THE SITE SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.
  - ALL FIRE LANES, EXITS, STANDPIPE AND SPRINKLER CONNECTIONS WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS. EXISTING BUILDING CONSTRUCTION IS STEEL, CONCRETE, AND WOOD, ONE STORY AND WILL NOT HAVE SPRINKLERS.
  - FIRE ALARM REQUIRED - THE FIRE ALARM SIGNALING SYSTEM SHALL BE AUTOMATIC, SUPERVISED OFF-SITE, AND SHALL CONSIST OF FULL COVERAGE BY SMOKE DETECTION AND ALARM NOTIFICATION. WHERE SMOKE DETECTION DEVICES WILL NOT FUNCTION BY REASON OF DEVICE LIMITATION, HEAT DETECTION SHALL BE PROVIDED IN THOSE SPECIFIC LOCATIONS FIRE ALARM SIGNALING SYSTEM PLANS AND SPECIFICATIONS SHALL BE SUBMITTED FOR REVIEW.
  - MISS UTILITY SHALL BE NOTIFIED THREE (3) DAYS PRIOR TO EXCAVATION.
  - MAINTENANCE OF THE STREETS WITHIN THE SITE WILL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR PROPERTY OWNERS WITHIN THE SITE. THE STATE AND COUNTY ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE STREETS.
  - SANITARY SEWER FOR THIS SITE WILL BE PROVIDED BY ARTESIAN.
  - WATER FOR THIS SITE WILL BE PROVIDED BY ARTESIAN.
  - PER CHAPTER 115, ZONING ARTICLE XXVII, THE TOPOGRAPHIC CONTOURS AT ONE-FOOT INTERVALS WILL BE ADDED TO THE GRADING AND UTILITY PORTION OF THE PLANS. THE PROPOSED SITE WILL BE A RELATIVELY FLAT WITH SURFACE RUNOFF TO A PROPOSED SWM FACILITY AND DISCHARGED TO EXISTING WETLANDS.
  - THE HEIGHT, LOCATION, AND MATERIAL OF ALL FENCES, WALLS, SCREEN PLANTING AND LANDSCAPING WILL BE SHOWN ON THE FINAL SITE PLAN.
  - ANY PROPOSED SIGN DETAILS WILL BE SUBMITTED SEPARATELY.



**SOILS MAP**  
Scale: 1" = 1000'



**Sussex County**  
Scale: 1" = 1000'



**LOCATION/USGS MAP**  
Scale: 1" = 1000'

SHEET LIST TABLE		
SHEET	PAGE	SHEET TITLE
PP0001	1	CONDITIONAL USE COVER SHEET
PP1001	2	CONDITIONAL USE SITE PLAN

**OWNER/DEVELOPER CERTIFICATION:**  
I HEREBY CERTIFY THAT I AM THE DEVELOPER OF THE PROPERTY DESCRIBED AS SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

**WETLANDS CERTIFICATION:**  
THIS PROPERTY, TAX MAP 235-8.00, HAS BEEN EXAMINED BY KENNETH W. REDINGER ENVIRONMENTAL SERVICES FOR THE PRESENCE OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS (SECTION 404 AND SECTION 10), STATE SUBAQUEOUS LANDS AND STATE REGULATED WETLANDS AS ESTABLISHED BY THE REVIEWING AGENCIES IN THE FORM OF MANUALS, POLICIES AND PROCEDURES IN PLACE AT THE TIME THAT THE INVESTIGATION WAS CONDUCTED. THE WETLAND INFORMATION CONTAINED IN THIS PLAN SET IS IN ACCORDANCE WITH THESE CRITERIA.

**ENGINEER CERTIFICATION:**  
IT IS HEREBY CERTIFIED THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE COMPLIES WITH APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES. THE DESIGN REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

SIGNATURE: WARREN MUNROE & DAVID ROHRBAUGH  
DATE: \_\_\_\_\_  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009

SIGNATURE: KENNETH W. REDINGER, PROFESSIONAL WETLANDS SCIENTIST #2126  
DATE: \_\_\_\_\_  
P.O. BOX 479 / HORNTOWN, VA 23365  
(757) 894-7032 / EMAIL: KWREDINGER@GMAIL.COM

SIGNATURE: ALAN DECKTOR, PE (DE PE#17771)  
DATE: \_\_\_\_\_  
PENNONI ASSOCIATES, INC.  
18072 DAVIDSON DRIVE  
MILTON, DE 19968  
OFFICE (302) 684-8030 - FAX (302) 684-8054  
ADECKTOR@PENNONI.COM

PREPARED BY:  
**PENNONI ASSOCIATES INC.**  
18072 Davidson Drive  
Milton, DE 19968  
T 302.684.8030  
F 302.684.8054

**CALL BEFORE YOU DIG**  
Call Miss Utility of Delmarva  
800-282-8555  
Ticket Number(s):

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

AEQUITAS LIVING  
TAX MAP 235-30.00-94.00  
SUSSEX COUNTY, DELAWARE

CONDITIONAL USE COVER SHEET

WARREN MUNROE & DAVID ROHRBAUGH  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009

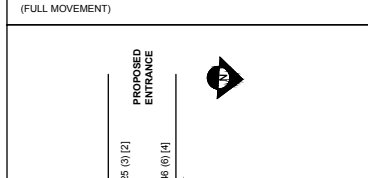
NO.	DATE	REVISIONS	BY

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

PROJECT: WNDRH21001  
DATE: 06 JULY 2021  
DRAWING SCALE: AS SHOWN  
DRAWN BY: EWW  
APPROVED BY: AMD

**PP0001**  
SHEET 1 OF 2

**TRAFFIC GENERATION - HARBESON RD (SCR 022) [SR 5]**



**ROAD TRAFFIC DATA:**  
 FUNCTIONAL CLASSIFICATION - S022 (HARBESON RD.) - MAJOR COLLECTOR  
 POSTED SPEED LIMIT - 25 MPH  
 AADT = 4,549 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)  
 10 YEAR PROJECTED AADT = 5,419 TRIPS  
 10 YEAR PROJECTED AADT + SITE ADT = 5,419 TRIPS  
 TRAFFIC PATTERN GROUP = 6 (FROM 2019 DELDOT TRAFFIC SUMMARY)  
 PEAK HOUR - 12.87% X 5,419 TRIPS = 697 TRIPS  
 TRUCK VOLUME = 6.54% X 5,419 TRIPS = 354 TRIPS  
 DIRECTIONAL DISTRIBUTION = 60.94% / 39.06%

**SITE TRAFFIC DATA:**  
 SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION<sup>2</sup>  
 EXISTING LAND USE: VACANT FIELD  
 (1) DETACHED DWELLING = 10 TRIPS (TO BE RENOVATED AND BE USED PART OF THE 24 UNIT PROJECT)  
 PROPOSED LAND USE:  
 24 UNITS - MULTIFAMILY HOUSING - LOW RISE (ITE 220)  
 T=7.56 (X) 40.86 = 142 TRIPS (WEEKDAY) (71 ENTER / 71 EXIT)  
 PEAK HOUR OF ADJACENT STREET TRAFFIC:  
 AM: L<sub>n</sub>(T)=0.95L<sub>n</sub>(X)-0.51 = 12 TRIPS (WEEKDAY) [23% / 77%] (3 / 9)  
 PM: L<sub>n</sub>(T)=0.89L<sub>n</sub>(X)-0.02 = 17 TRIPS (WEEKDAY) [83% / 17%] (11 / 6)  
 DIRECTIONAL DISTRIBUTION:  
 66% TO AND FROM THE NORTH (92 TRIPS) (2) [7] ENTER & (6) [4] EXIT  
 34% TO AND FROM THE SOUTH (50 TRIPS) (1) [4] ENTER & (3) [2] EXIT  
 TOTAL NEW TRIPS = 142 ADT  
 SITE TRUCK TRAFFIC = 7 TRIPS (5%)

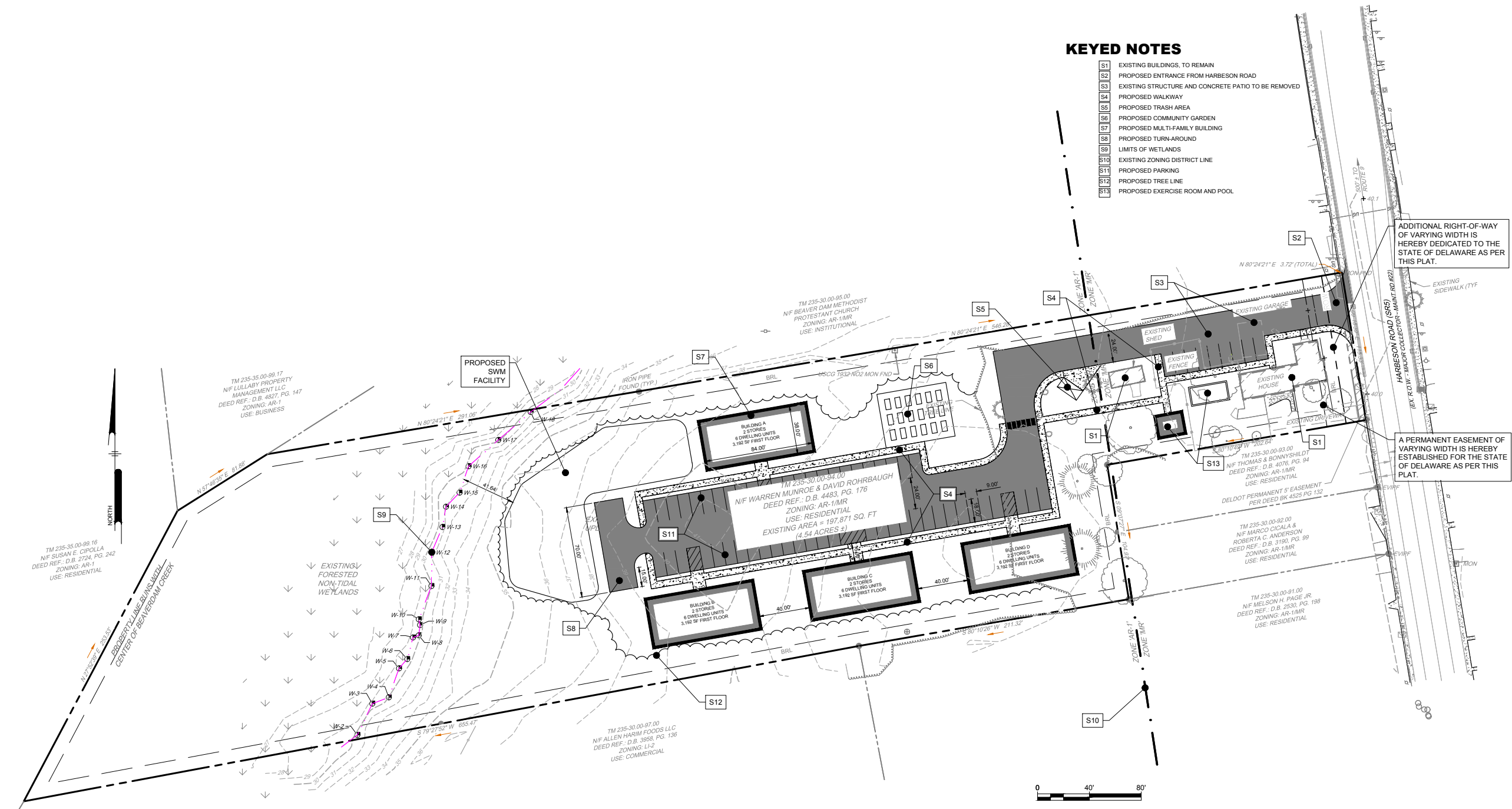
**TRAFFIC GENERATION DIAGRAM**  
 ADT PEAK HOUR (A.M.), ADT PEAK HOUR (P.M.)  
<sup>1</sup> DIRECTIONAL DISTRIBUTION PROVIDED BY DELDOT  
<sup>2</sup> DIRECTIONAL DISTRIBUTION PROVIDED BY ITE MANUAL  
 DESIGN VEHICLE = SU-40 & SU-30

**LEGEND**

EXISTING	PROPOSED	DESCRIPTION
[Symbol]	[Symbol]	BUILDING
[Symbol]	[Symbol]	CURB
[Symbol]	[Symbol]	EDGE OF PAVEMENT
[Symbol]	[Symbol]	EDGE OF GRAVEL
[Symbol]	[Symbol]	UTILITY EASEMENT
[Symbol]	[Symbol]	PERMANENT EASEMENT
[Symbol]	[Symbol]	FENCE
[Symbol]	[Symbol]	POWER, UTILITY POLE
[Symbol]	[Symbol]	PROPERTY, UTILITY LINE
[Symbol]	[Symbol]	LEGAL RIGHT-OF-WAY
[Symbol]	[Symbol]	PROPERTY, CORNER FOUND
[Symbol]	[Symbol]	PROPERTY, ADJOINING LINED
[Symbol]	[Symbol]	POWER, LIGHT POLE
[Symbol]	[Symbol]	SEWER LINES
[Symbol]	[Symbol]	STORM DRAIN LINES
[Symbol]	[Symbol]	CONTOUR LINE
[Symbol]	[Symbol]	PAVEMENT
[Symbol]	[Symbol]	SIDEWALK
[Symbol]	[Symbol]	WETLANDS

**KEYED NOTES**

- S1 EXISTING BUILDINGS, TO REMAIN
- S2 PROPOSED ENTRANCE FROM HARBESON ROAD
- S3 EXISTING STRUCTURE AND CONCRETE PATIO TO BE REMOVED
- S4 PROPOSED WALKWAY
- S5 PROPOSED TRASH AREA
- S6 PROPOSED COMMUNITY GARDEN
- S7 PROPOSED MULTI-FAMILY BUILDING
- S8 PROPOSED TURN-AROUND
- S9 LIMITS OF WETLANDS
- S10 EXISTING ZONING DISTRICT LINE
- S11 PROPOSED PARKING
- S12 PROPOSED TREE LINE
- S13 PROPOSED EXERCISE ROOM AND POOL



**PENNONI ASSOCIATES INC.**  
 18072 Davidson Drive  
 Milton, DE 19968  
 T 302.684.9030 F 302.684.8054

**AQUITAS LIVING**  
 18672 HARBESON ROAD  
 SUSSEX COUNTY, DELAWARE

**WARREN MUNROE & DAVID ROHRBAUGH**  
 1119 FAIRMOUNT STREET NW  
 WASHINGTON, DC 20009

**CONDITIONAL USE SITE PLAN**

NO.	DATE	REVISIONS	BY

PROJECT: **WDRH21001**  
 DATE: **06 JULY 2021**  
 DRAWING SCALE: **1" = 40'**  
 DRAWN BY: **EWV**  
 APPROVED BY: **AMD**

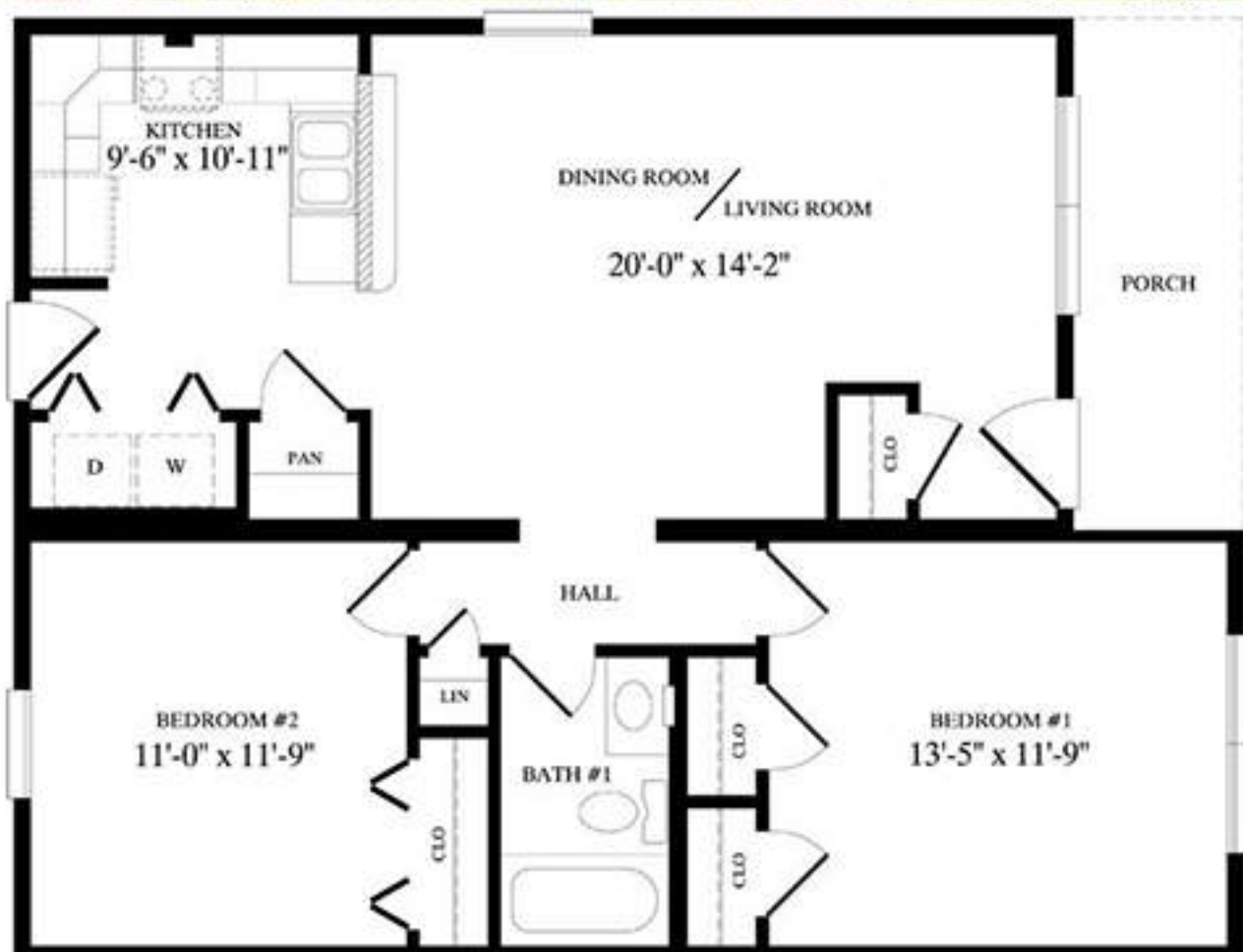
**PP1001**  
 SHEET **2** OF **2**

PLOTTED: 7/6/2021 10:15 AM BY: RIK/IK/WH PROJECT STATUS: **PROJECT COMPLETE**  
 U:\Accounting\WDRH21001 - Harbeson Rd - Harbeson Community Redevelopment - Site Plan - Final - 7/6/2021 - RIK/IK/WH



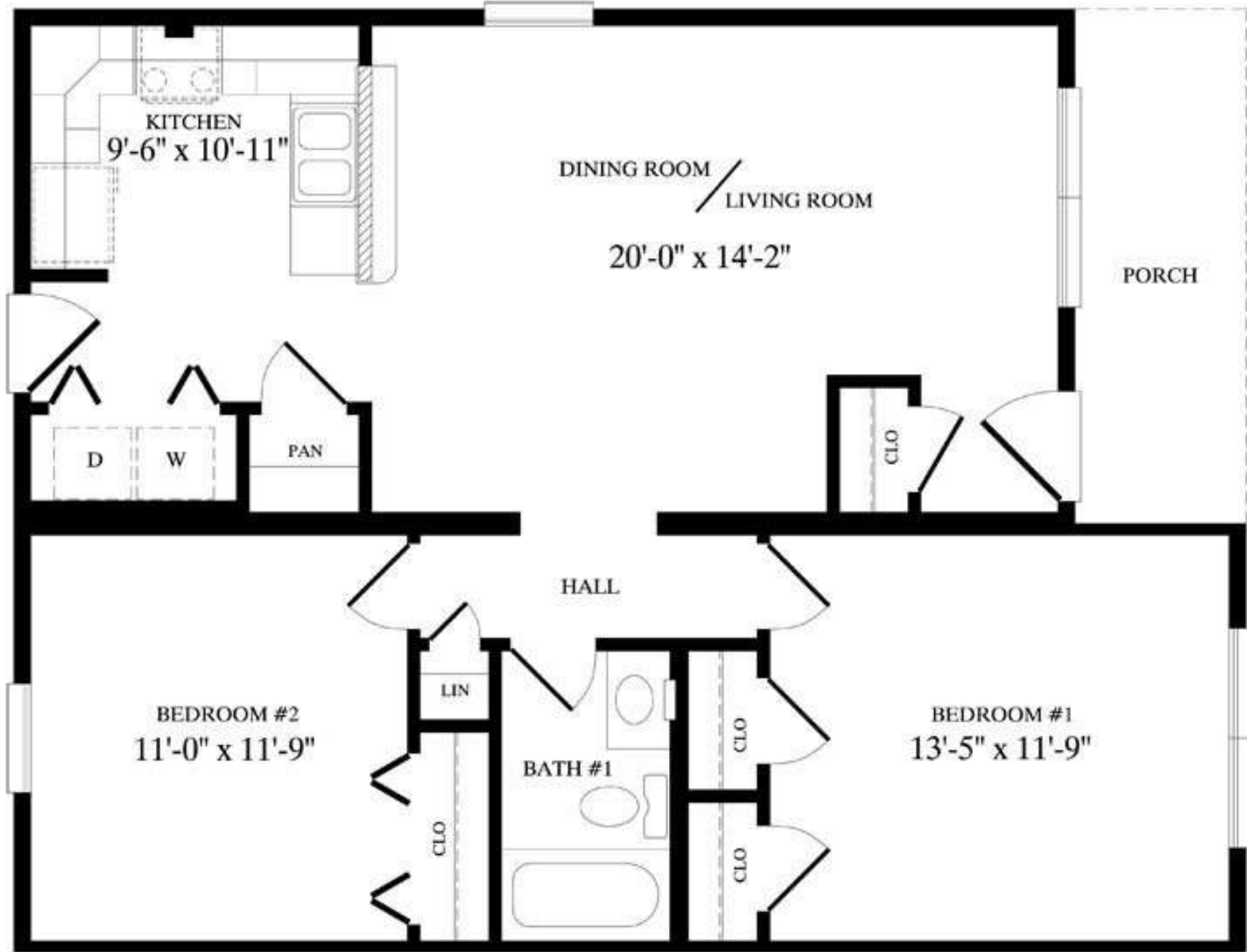






ANNANDALE  
27'-6" X 36'-0"  
915 Sq. Ft. Per Living Unit





ANNANDALE  
27'-6" X 36'-0"  
915 Sq. Ft. Per Living Unit

## MAPPING & ADDRESSING

MEGAN NEHRBAS  
MANAGER OF GEOGRAPHIC  
INFORMATION SYSTEMS (GIS)  
(302) 855-1176 T  
(302) 853-5889 F



**Sussex County**  
DELAWARE  
sussexcountyde.gov

May 25, 2021

**Pennoni**

**Attn: Alan M. Decktor, PE, ENV SP**

RE: Proposed Subdivision Name(s)

I have reviewed the name(s) submitted for your proposed subdivision which is located in Harbeson (**235-30.00-94.00**). In reviewing the proposed name(s) the following has been approved for this subdivision:

# AEQUITAS LIVING

Should you have any questions please contact the Sussex County Addressing Department at 302-853-5888 or 302-855-1176.

Sincerely,

*Terri L. Dukes*

Terri L. Dukes  
Addressing Technician II

CC: Christin Scott  
Planning & Zoning



April 22, 2021  
WNDRH21001

Date of Meeting: April 22, 2021  
Subject: Pre-Submittal Project Meeting  
Meeting Location: Online Meeting  
Prepared by: Alan Decktor

**RE: DeIDOT Meeting Minutes  
Harbeson Multifamily – Harbeson Road  
Harbeson, DE**

Attendees:

Brian Yates – DeIDOT  
Steve McCabe– DeIDOT  
James Argo – DeIDOT  
Brian Behrens– DeIDOT  
Wendy Polasko – DeIDOT  
Lindsay O, -DeIDOT  
Mark Galipo – DeIDOT  
Alan Decktor – Pennoni

Items Discussed:

1. Introduction of project. The frontage is along Harbeson Road which meets the functional classification of a major collector with travel lanes and shoulders, it also has an existing sidewalk.
2. TGD was approved, site only generates minimal trips, no TOA or AWS fees required. No turn lanes.
3. The existing driveway will be modified to a 24' wide entrance and have a turning template done for a WB-40 and a SU-30 for all movements.
4. The property is in Level 4.
5. Pavement cores are required and will be submitted with our submission. Our proposed entrance will follow this guidance and will determine if shoulders adequate? Did the DeIDOT Capital Project rebuild the shoulders?
6. Proper ROW dedication will be shown if required to meet the functional classification of the roadway and the 15' wide PE will be shown. If the house conflict with the PE, the PE will wrap around the existing structure. If a drainage easement is required into the site, one will be noted on the plans.
7. The DeIDOT Capital Project at the intersection of Route 9 and Harbeson Road had its construction limits end near the southern property corner of the subject site. The sidewalk and roadway mill/overlay butt joint ended at this location. Our project will reconstruct the sidewalk to a raised condition with PCC Type 3-8 curbing) instead of the existing flush walkway and continue it to the projected south corner of the property. The shoulder will need to have a maximum 2" mill and overlay (match existing) to avoid any joints, a curb patch will not be accepted. The sidewalk will taper down and match existing sidewalk at the project property corner. The sidewalk width does not account for the curb width.
8. We will provide a sidewalk connection into the site along the entrance roadway.
9. We will contact the post office and determine if they deliver mail by foot or vehicle in this area. The existing mailboxes will be placed behind the newly constructed sidewalk.
10. The proposed raised sidewalk may cause drainage impairments for the front yards of the adjacent properties. We will include drainage improvements as needed to provide positive drainage to those areas.

11. The upgraded 24' wide commercial entrance may conflict with an existing inlet. The inlet and drainage patterns may be modified to allow for the proposed entrance and maintain the storm drain infrastructure.
12. The speed limit of Harbeson Road is 25 mph, and the minimum distance is 150' between entrances. We will shift our entrance as far south as we can to maximize this distance, but if we are short, it was stated that it is acceptable.
13. The entrance must be constructed for the proposed project prior to the release of the first building permit.
14. The striping along Harbeson Road can be left as is due to the low amount of trips being generated by the project.
15. The project requires a Conditional Use Hearing which will take place later this year, no submissions will take place until after that approval has been obtained.

The summary listed above reflects our best recollection of the items presented and discussed. Please do not hesitate to advise us if any items are missing, incomplete or inaccurate.

U:\Accounts\WNDRH\WNDRH21001 - Harbeson Multi Family Community Plan\DELIVERABLES\DeIDOT\2021-04-022 WNDRHMM.docx





OVER 100 YEARS OF SUPERIOR SERVICE

April 1, 2022

Alan M. Decktor, PE, ENV SP  
Pennoni  
18072 Davidson Drive  
Milton, DE 19968

RE: Aequitas Ability to Serve Letter

With reference to your request concerning Water and Wastewater Service (collectively, "Service") for the proposed Aequitas Project on Harbeson Road in Broadkill Hundred, Sussex County, Delaware known as Tax Parcel Number 235-30.00-94.00 (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. The property owner must provide Artesian with signed petitions requesting water and wastewater service that Artesian could use to seek application for CPCN approval from the Public Service Commission (the "Commission") for any parcels not currently in Artesian's territory. CPCN's are necessary before Artesian can provide Service at the Property. If granted the CPCN's, Artesian can 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 4

FLUM-PLUS

# Sussex County Comprehensive Plan Amendment Request Form

## Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947

☎ 302-855-7878

✉ [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov)

**Type of Amendment Requested (e.g Future Land Use Map, Existing Land Use Map, or Text Revision)**

2045 Future Land Use Map Amendment

**Supplemental**

**Year that Comprehensive Plan was Adopted:**

March 2019

**If Applicable, the Date(s) of any PLUS Review by the State of Delaware**

Developing Area Amndmnt reviewed 6-23-21, recommended Existing Development Area

**Tax Map #:** 235-30.00-94.00

**Total Acreage:** 4.54

### Applicant Information

Applicant Name: Warren Munroe & David Rohrbaugh

Applicant Address: 18672 Harbeson Road

City: Harbeson

State: DE

ZipCode: 19951

Phone #: (202) 345-0781

E-mail: [wmunroe64@gmail.com](mailto:wmunroe64@gmail.com)

### Developer Information

Developer Name: Same as applicant

### Attorney Information (If Applicable)

Attorney Name: David C. Hutt, Esquire | Morris James LLP

Attorney Address: 107 W. Market Street

City: Georgetown

State: DE

ZipCode: 19958

Phone #: (302) 856-0018

E-mail: [dhutt@morrisjames.com](mailto:dhutt@morrisjames.com)



**Description of Request:** (Please provide a written description of the request, along with details of the Tax Parcel ID(s) of the relevant parcels to which the amendment request relates. If you are requesting a text amendment to the Comprehensive Plan, please also clearly explain which Chapters of the Comprehensive Plan your request relates)

Attached to this application is the original letter request for a Future Land Use Map amendment dated May 21, 2021 (seeking to change the 2045 Future Land Use Map designation for the rear portion of the property from Low Density to a Developing Area). The Office of State Planning Coordination considered this request at its meeting on June 23, 2021 and urged the County and property owner to consider an ironic change for the designation of the rear portion of this property on the 2045 Future Land Use Map from Low Density to Existing Development Area. This revised (supplemental) application is being filed at the urging of the Office of State Planning Coordination.

**Attachments:**

- (1) May 21, 2021 Letter Application
- (2) July 6, 2021 Site Plan
- (3) July 14, 2021 PLUS Letter



# Check List for Comprehensive Plan Amendment Request Applications

The following shall be submitted with any request

- Completed Application
  
- A scaled survey drawing is appended to this Application that clearly shows the location of all parcels to which the amendment request relates.
  
- The Applicant understands that Sussex County Council may submit a copy of this application, along with copies of all documents received, to the State of Delaware Office of Management and Budget for the purposes of any enabling the State of Delaware to review the requested revision.

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.

Signature of Applicant/Attorney



For office use only:

Date Submitted: \_\_\_\_\_ Application & Case #: \_\_\_\_\_  
Staff member receiving Application: \_\_\_\_\_

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

Date of Commission Hearing: \_\_\_\_\_ Recommendation: \_\_\_\_\_

Date of Council Hearing: \_\_\_\_\_



David C. Hutt  
302.856.0018  
dhutt@morrisjames.com

May 21, 2021

**Via: Email (jamie.whitehouse@sussexcountyde.gov)**

Jamie Whitehouse, Director  
Sussex County Planning & Zoning Office  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

RE: 2045 Future Land Use Map Amendment Request  
Current: Mixed Existing Development Area and Low Density Area  
Proposed: Developing Area  
Sussex County Tax Parcel No. 235-30.00-94.00 (the “Property”)

Dear Jamie,

This firm represents, Warren Munroe and David Rohrbaugh, the contract purchasers of the above-referenced Property which fronts on Harbeson Road (Route 5) just south of its intersection with the Lewes-Georgetown Highway (Routes 9/404). The property consists of approximately 4.5 acres and is presently improved with a residential building and several outbuildings.

On Sussex County’s Comprehensive Zoning Map, the Property is presently split-zoned with the first two hundred feet (200’) being located within the Medium Density Residential District (MR District) and the balance of the Property being located within the Agricultural Residential District (AR-1 District). The 2045 Future Land Use Map found within Chapter 4 of the 2019 Sussex County Comprehensive Plan follows the split-zoning of the Property with the first two hundred feet (200’) being shown within an Existing Development Area and the balance of the property being located within a Low Density Area.

This request to modify the Future Land Use Map is being filed in concert with a request to change the zoning classification of the AR-1 District portion of the Property to the MR District to match the front of the property and eliminate the split-zoning so that the property would have one homogenous zoning classification.

The specific request for the Future Land Use Map amendment is to change the designation of the Low Density Area portion within the Property to a Developing Area. Alternatively, the request is to modify the Future Land Use Map so that the entirety of the property—both the Existing Development Area and the Low Density Area are changed to a Developing Area. Ideally,

**Jamie Whitehouse**

**May 21, 2021**

**Page 2**

when a property has two (2) different Future Land Use classifications the change would result in the property having a single future land use classification. However, the Property cannot match the Existing Development Area on the Future Land Use Map as the Comprehensive Plan refers to these areas as consisting primarily of General Residential and Medium Density Residential scattered throughout the County. In short, the name of the “Existing” Development Area as well as its description within Chapter 4 of the Comprehensive Plan makes it clear that the County is not seeking to add additional lands into this Future Land Use Map classification. As new Existing Development Area is not being created, my client’s request is that the Property be changed from a Low Density Area and Existing Development Area to a Developing Area on the Future Land Use Map.

This change would be consistent with the general nature and trend of growth in this area. The Harbeson area continues to develop with a number of residential communities (Meadows of Beaver Creek, Trails of Beaver Creek and Beaver Dam Estates) along with a number of commercially zoned parcels (C-1, General Commercial; CR-1, Commercial Residential District; and recently a rezoning of more than thirty (30) acres to C-2, Medium Commercial). In addition, the southern boundary of this property is adjacent to lands that are zoned HI-1 (Heavy Industrial), which is the Allen Harim facility.

The designations of these varied zoning classifications and uses is also reflected on the 2045 Future Land Use Map. As mentioned previously, part of this property is already in one of the County’s Growth Areas and the Property is adjacent to an Industrial Area which is another of the County’s Growth Areas. In addition, the entirety of the frontage, not only of this Property but all Harbeson properties along Route 5, are part of the Existing Development Area—the same Growth Area as the front portion of this Property. Finally, several properties along Route 9 are within the Commercial Area, another of the County’s Growth Areas.

As indicated by the number of varied zoning classifications as well as the number of businesses and residential communities within close proximity to this intersection, this area is a vibrant and growing area within Sussex County. In addition, in the Fall of 2019, DelDOT completed the HSIP SC Project at the intersection of Route 5 and Route 9 which provided turn lanes and addressed operational issues at this intersection.

While Harbeson is not one of the County’s incorporated municipalities, because of the significance of Route 5 and Route 9 to the County, this intersection functions in many respects like a municipal area as it has commercial and residential uses along both of these two major roadways. As you would anticipate, public water and sewer are available in this area and this request is consistent with the character of the area.



**Jamie Whitehouse**  
**May 21, 2021**  
**Page 3**

This requested amendment of the Future Land Use Map is necessary to eliminate the current split-designation of this Property on the Future Land Use Map. The requested amendment is also consistent with the character and intensity of the uses in this area and will not have an adverse effect on adjacent properties.

Please include this letter with the County's submission to the Office of State Planning Coordination seeking to amend the designation of this Property on the Future Land Use Map. In addition, please let me know if I can provide you with any further information to assist in this process.

Very Truly Yours,

MORRIS JAMES LLP

A handwritten signature in black ink, appearing to read 'De J', written over the typed name 'David C. Hutt, Esquire'.

David C. Hutt, Esquire

**SITE DATA:**

- TAX MAP NUMBER: 235-30-00-94-00, DEED BOOK 4483, PAGE 176
- DEVELOPER NAME/ADDRESS: WARREN MUNROE & DAVID ROHRBAUGH, 1119 FAIRMOUNT STREET NW, WASHINGTON, DC 20009
- OWNER ADDRESS: WARREN MUNROE & DAVID ROHRBAUGH, 1119 FAIRMOUNT STREET NW, WASHINGTON, DC 20009
- ADDRESS LOCATION: 18672 HARBESON ROAD, HARBESON, DE 19951
- HUNDRED: BROADKILL
- COUNTY: SUSSEX
- CURRENT ZONING: AR-1 (AGRICULTURAL/RESIDENTIAL) AND MR (MEDIUM RESIDENTIAL)
- PROPOSED ZONING: UNCONDITIONAL USE (ARTICLE V-§115-31)
- PRESENT USE: RESIDENTIAL
- PROPOSED USE: MULTIFAMILY DWELLING STRUCTURES, SUBJECT TO THE PROVISIONS OF ARTICLES IV THROUGH XX § 115-219 AND TABLE 2 (INCLUDED AT THE END OF THIS CHAPTER)
- ARTICLE XXV: PROVISIONS IN ACCORDANCE WITH §115-188 E.  
1) NO OVERALL OUTSIDE WALL DIMENSION OF A BUILDING EXCEEDS 155 FEET.  
2) FOR THE PURPOSE OF MAINTAINING SETBACK BETWEEN BUILDINGS ON THE SAME SITE, THE DISTANCE BETWEEN BUILDINGS ARE GREATER THAN 40 FEET.
- SETBACKS (MR ZONING) (SECTION 115-34): FRONT YARD 24' EBL (ESTABLISHED BUILDING LINE), SIDE YARD 10', REAR YARD 10', MIN. LOT WIDTH 75', MIN. LOT DEPTH 100', MIN. LOT SIZE 10,000 SF, BUILDING HEIGHT: 42' ALLOWED
- PARKING (ARTICLE XXII OFF-STREET PARKING, CODE SECTION 115-152): 2 SPACES PER DWELLING UNIT (15 SPACES PER 1 BEDROOM UNIT) REQUIRED. 12 (2-BEDROOM) PLUS 12 (1 BEDROOM) UNITS PLUS EXISTING HOME = 44 SPACES PROVIDED 62 PARKING SPACES
- LOADING SPACES (SECTION 115-168 C): PROVIDED 0 SPACES
- SERVICES: WATER SUPPLIER: PUBLIC - ARTESIAN, SANITARY SEWER SUPPLIER: PUBLIC - ARTESIAN
- SECTION 89-SOURCE WATER PROPERTY: A. SUBJECT PROPERTY IS WITHIN AN AREA OF 'GOOD' GROUNDWATER RECHARGE. B. SUBJECT PROPERTY IS LOCATED IN WELLHEAD PROTECTION AREA, (PROPOSED IMPERVIOUS COVER IS LESS THAN 35%)
- STATE INVESTMENT AREA 2020: LEVEL 4
- 2019 COMPREHENSIVE PLAN: EXISTING DEVELOPING AREA/LOW DENSITY
- LATITUDE AND LONGITUDE STATE PLANE COORDINATES: LATITUDE: N-38° 43' 24.06", LONGITUDE: W-75° 17' 8.53"
- WETLAND AREA: 56,514 SQ. FT. 1.3 ACRES (A), WETLAND AREA IMPACTED: 0.30 SQ. FT.
- PROPOSED DISCHARGE LOCATION: PROPOSED BMP CONVEYED TO EXISTING WETLANDS AND BEAVERDAM CREEK (ROUND POLE BRIDGE WATERSHED)
- BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 10005C0310L, DATED JUNE 20, 2018, THE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS FLOOD ZONE 'X', UNSHADED
- SITE AREA AND ACREAGE: 197,871 SQ. FT. 4.54 ACRES (A), EXISTING FORESTED ACRES REMAINDER: 44,947 SQ. FT. 1.02 ACRES (REMOVED 2.57 AC)
- GROSS ACREAGE/NET DEVELOPMENT AREA: GROSS 4.54 AC(A), NET 2.25 ACRES(A)
- STRUCTURE, PARKING, IMPERVIOUS: EX 5,499 SF (3%), PR 54,048 SF (27%), OPEN SPACE: EX 191,372 SF (97%), PR 143,823 SF (73%)
- TOTAL: EX 197,871 SF (100%), PR 207,871 SF (100%)
- OPEN SPACE (99-21 D): REQUIRED: 15% (6.88 ACRES), PROVIDED: 73% (3.3 ACRES)
- PROPOSED LIMIT OF DISTURBANCE PER DISCHARGE LOCATION: 83,511 SQ. FT. (1.92 ACRES)
- DATUM: HORIZONTAL = NAD83, VERTICAL = NAVD83
- LOCAL GOVERNMENT RESPONSIBLE FOR LAND APPROVAL: SUSSEX COUNTY

# AEQUITAS LIVING

## CONDITIONAL USE SITE PLAN

18672 HARBESON ROAD  
HARBESON, DELAWARE 19951  
BROADKILL HUNDRED, SUSSEX COUNTY  
MAY 2021

PREPARED FOR:

OWNER/DEVELOPER

# WARREN MUNROE & DAVID ROHRBAUGH

1119 FAIRMOUNT STREET NW

WASHINGTON, DC 20009

OWNER/DEVELOPER  
WARREN MUNROE &  
DAVID ROHRBAUGH  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009

ENGINEER/SITE DESIGNER  
PENNONI ASSOCIATES INC.  
18072 DAVIDSON DRIVE  
MILTON, DE 19968  
(302) 684-8030

SURVEYOR  
PENNONI ASSOCIATES INC.  
LANDSCAPE ARCHITECT  
PENNONI ASSOCIATES, INC.

SCHOOL DISTRICT  
BROADKILL

FIRE DISTRICT  
GEORGETOWN (7)

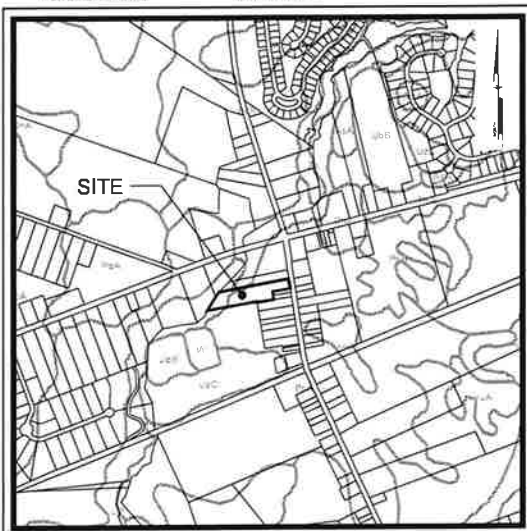
POSTAL DISTRICT  
HARBESON (19951)

WATER UTILITY  
ARTESIAN

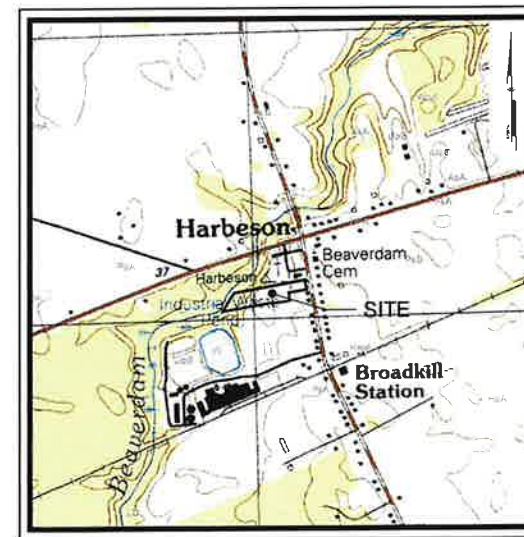
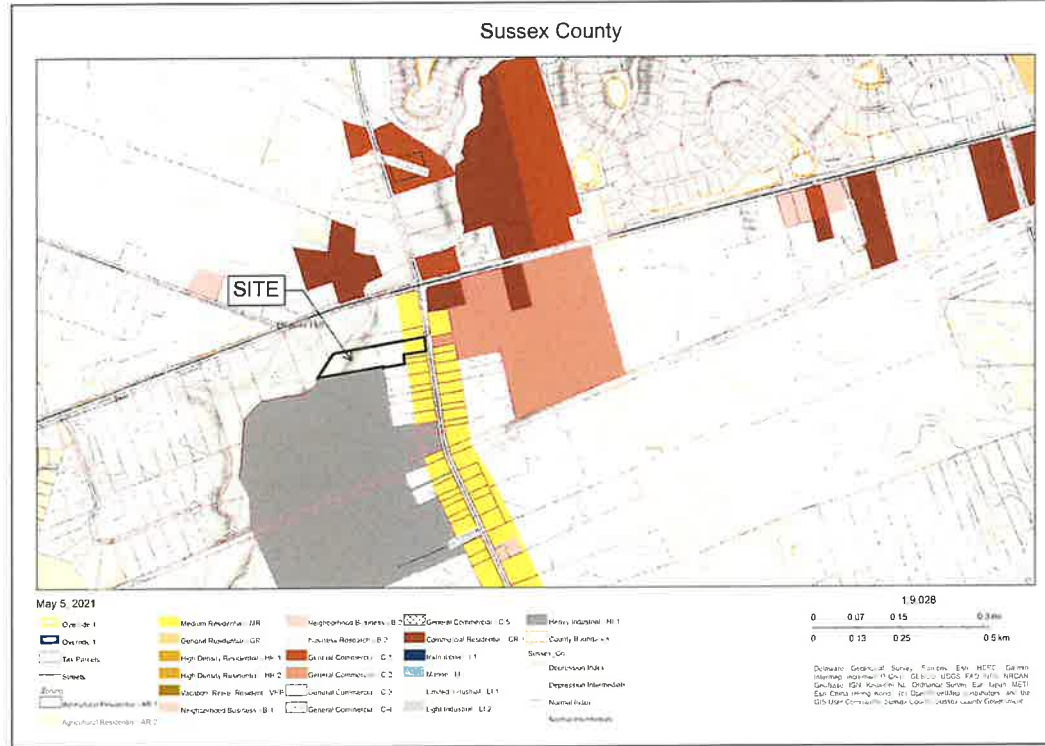
SEWER UTILITY  
ARTESIAN

**GENERAL NOTES:**

- ALL WORK SHALL COMPLY WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL CODES. ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS EXPENSE UNLESS PREVIOUSLY OBTAINED BY OWNER.
- THE CONTRACTOR SHALL IMMEDIATELY INFORM THE ENGINEER OF ANY DISCREPANCIES OR ERRORS THEY DISCOVER IN THE PLAN.
- DEVIATION FROM THESE PLANS AND NOTES WITHOUT THE PRIOR CONSENT OF THE OWNER OR HIS REPRESENTATIVE OR THE ENGINEER MAY BE CAUSE FOR THE WORK TO BE REJECTED.
- ALL MATERIALS SHALL BE NEW AND SHALL BE ASBESTOS AND VERMICULITE FREE.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, OR MODIFY ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- ALL DISTURBED AREAS WITHIN THE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOP-SOILED (8" MINIMUM), FERTILIZED AND SEED.
- THE ENTRANCES/EXITS ARE PROPOSED ONLY, AND ARE SUBJECT TO REVIEW AND APPROVAL BY THE DELAWARE DEPARTMENT OF TRANSPORTATION BEFORE A CONSTRUCTION PERMIT IS ISSUED.
- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY, CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK TO BE PERFORMED. IT MUST BE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERE TO APPLICABLE.
- PRIOR TO CONSTRUCTION CONTRACTOR TO FIELD LOCATE AND RECORD AND DAMAGE TO EXISTING PAVING, SIDEWALK, CURB OR STRUCTURES NOT TO BE REMOVED OR REPLACED, ENGINEER TO VERIFY LOCATION AND EXTENT OF DAMAGE.
- DAMAGE TO EXISTING PAVING, SIDEWALK, CURB OR STRUCTURES NOT TO BE REPLACED OR REMOVED DURING CONSTRUCTION SHALL BE IMMEDIATELY REPORTED TO ENGINEER, CONTRACTOR SHALL REPAIR OR REPLACE ALL DAMAGED WORK WITHOUT CHARGE TO THE OWNER.
- BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 10005C0310L, DATED JUNE 20, 2018, THE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS FLOOD ZONE 'X', UNSHADED
- THE SUBJECT SITE WILL BE CONSTRUCTED AS ONE PHASE.
- TOTAL AREA FOR SUBJECT SITE IS 4.54 ACRES.
- SURVEY DATUM: HORIZONTAL - NAD83, VERTICAL - NAVD83
- BUILDING LIGHTING TO BE PROVIDED WITH BUILDING PLANS, NO PARKING LOT LIGHTS ARE PROPOSED.
- ALL SITE LIGHTING SHALL BE DOWNWARD SCREENED SO THAT IT DOES NOT SHINE ON NEIGHBORING PROPERTIES OR ROADWAYS.
- WETLANDS ARE LOCATED ON SITE AND HAVE BEEN DELINEATED BY KENNETH W. REDINGER, PROFESSIONAL WETLANDS SCIENTIST #2126, NO WETLANDS ARE IMPACTED UNDER THIS PROPOSED PLAN.
- STORMWATER WILL BE HANDLED BY THE PROPOSED BMP SHOWN. THE MAINTENANCE OF THE STORMWATER MANAGEMENT FACILITY WITHIN THE SITE SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.
- ALL FIRE LANES, EXITS, STANDPIPE AND SPRINKLER CONNECTIONS WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS. EXISTING BUILDING CONSTRUCTION IS STEEL, CONCRETE, AND WOOD, ONE STORY AND WILL NOT HAVE SPRINKLERS.
- FIRE ALARM REQUIRED - THE FIRE ALARM SIGNALING SYSTEM SHALL BE AUTOMATIC, SUPERVISED OFF-SITE, AND SHALL CONSIST OF FULL COVERAGE BY SMOKE DETECTION AND ALARM NOTIFICATION, WHERE SMOKE DETECTION DEVICES WILL NOT FUNCTION BY REASON OF DEVICE LIMITATION, HEAT DETECTION SHALL BE PROVIDED IN THOSE SPECIFIC LOCATIONS FIRE ALARM SIGNALING SYSTEM PLANS AND SPECIFICATIONS SHALL BE SUBMITTED FOR REVIEW.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) DAYS PRIOR TO EXCAVATION.
- MAINTENANCE OF THE STREETS WITHIN THE SITE WILL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR PROPERTY OWNERS WITHIN THE SITE. THE STATE AND COUNTY ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- SANITARY SEWER FOR THIS SITE WILL BE PROVIDED BY ARTESIAN.
- WATER FOR THIS SITE WILL BE PROVIDED BY ARTESIAN.
- PER CHAPTER 115, ZONING ARTICLE XXVII, THE TOPOGRAPHIC CONTOURS AT ONE-FOOT INTERVALS WILL BE ADDED TO THE GRADING AND UTILITY PORTION OF THE PLANS. THE PROPOSED SITE WILL BE A RELATIVELY FLAT WITH SURFACE RUNOFF TO A PROPOSED SWM FACILITY AND DISCHARGED TO EXISTING WETLANDS.
- THE HEIGHT, LOCATION, AND MATERIAL OF ALL FENCES, WALLS, SCREEN PLANTING AND LANDSCAPING WILL BE SHOWN ON THE FINAL SITE PLAN.
- ANY PROPOSED SIGN DETAILS WILL BE SUBMITTED SEPARATELY.



**SOILS MAP**  
Scale: 1" = 1000'



**LOCATION/USGS MAP**  
Scale: 1" = 1000'

SHEET LIST TABLE		
SHEET	PAGE	SHEET TITLE
PP0001	1	CONDITIONAL USE COVER SHEET
PP1001	2	CONDITIONAL USE SITE PLAN

**OWNER/DEVELOPER CERTIFICATION**  
I HEREBY CERTIFY THAT I AM THE DEVELOPER OF THE PROPERTY DESCRIBED AS SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
WARREN MUNROE & DAVID ROHRBAUGH  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009

**WETLANDS CERTIFICATION**  
THIS PROPERTY, TAX MAP 235-30-00, HAS BEEN EXAMINED BY KENNETH W. REDINGER ENVIRONMENTAL SERVICES FOR THE PRESENCE OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS (SECTION 404) AND SECTION 101 STATE SUBAGRICULTURAL LANDS AND STATE REGULATED WETLANDS AS ESTABLISHED BY THE REVIEWING AGENCIES IN THE FORM OF MANUALS, POLICIES AND PROCEDURES IN PLACE AT THE TIME THAT THE INVESTIGATION WAS CONDUCTED. THE WETLAND INFORMATION CONTAINED IN THIS PLAN SET IS IN ACCORDANCE WITH THESE CRITERIA.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
KENNETH W. REDINGER, PROFESSIONAL WETLANDS SCIENTIST #2126  
P.O. BOX 478 / HORNTOWN, VA 23085  
(757) 884-7032 / EMAIL: KWREDINGER@GMAIL.COM

**ENGINEER CERTIFICATION**  
IT IS HEREBY CERTIFIED THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE COMPLIES WITH APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES. THE DESIGN REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
ALAN DECKTOR, PE (DE PE#17771)  
PENNONI ASSOCIATES, INC.  
18072 DAVIDSON DRIVE  
MILTON, DE 19968  
OFFICE (302) 684-8030 - FAX (302) 684-8054  
ADECKTOR@PENNONI.COM

**Pennoni**  
18072 Davidson Drive  
Milton, DE 19968  
T 302.684.8030  
F 302.684.8054

**CALL BEFORE YOU DIG**  
Call Miss Utility of Delmarva  
800-282-8555  
Ticket Number(s)

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

AEQUITAS LIVING  
TAX MAP 235-30-00-94-00  
SUSSEX COUNTY, DELAWARE

CONDITIONAL USE COVER SHEET

WARREN MUNROE & DAVID ROHRBAUGH  
1119 FAIRMOUNT STREET NW  
WASHINGTON, DC 20009

NO.	DATE	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INTENDED TO BE USED IN CONNECTION WITH THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE USED FOR ANY OTHER PURPOSE OR IN ANY OTHER MANNER. PENNONI ASSOCIATES, INC. AND ITS ENGINEERS AND DESIGNERS SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF OR RESULTING THEREFROM.

PROJECT: WNDRH21001  
DATE: 06 JULY 2021  
DRAWING SCALE: AS SHOWN  
DRAWN BY: EWW  
APPROVED BY: AMD

**PP0001**  
SHEET 1 OF 2

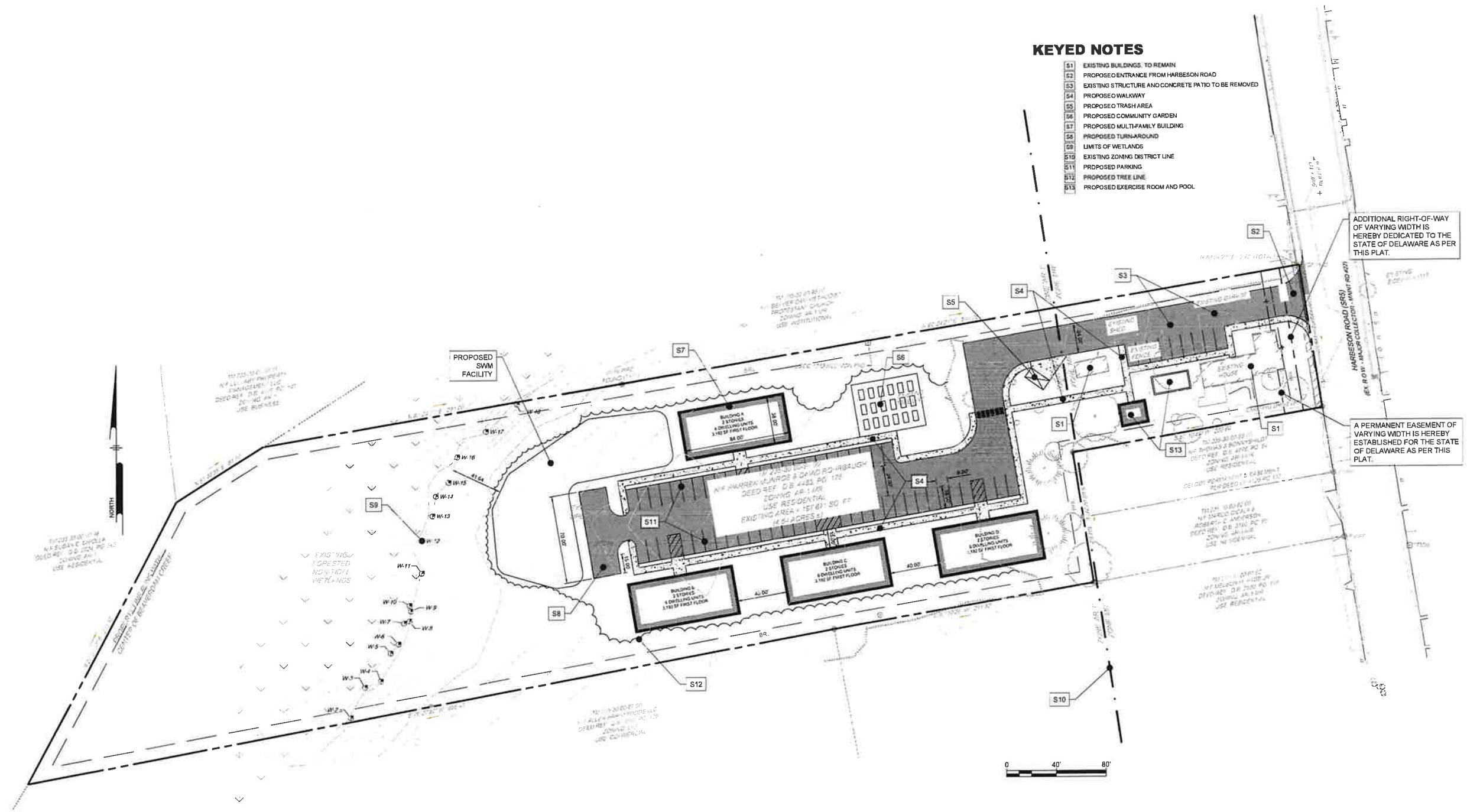


TRAFFIC GENERATION - HARBESON RD (SCR 022) [SR 5]	
(FULL MOVEMENT)	
	<p><b>ROAD TRAFFIC DATA:</b> FUNCTIONAL CLASSIFICATION - 5022 (HARBESON RD) - MAJOR COLLECTOR</p> <p>POSTED SPEED LIMIT - 25 MPH AADT = 4,549 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY) 10 YEAR PROJECTED AADT = 1,16 x 4,549 TRIPS = 5,277 TRIPS 10 YEAR PROJECTED AADT + SITE ADT = 5,419 TRIPS TRAFFIC PATTERN GROUP = 6 (FROM 2019 DELDOT TRAFFIC SUMMARY) PEAK HOUR - 12.87% x 5,419 TRIPS = 697 TRIPS TRUCK VOLUME - 6.84% x 5,419 TRIPS = 354 TRIPS DIRECTIONAL DISTRIBUTION = 60.94% / 39.06%</p> <p><b>SITE TRAFFIC DATA:</b> SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION<sup>1</sup></p> <p>EXISTING LAND USE - VACANT FIELD (1) DETACHED DWELLING = 10 TRIPS (TO BE RENOVATED AND BE USED PART OF THE 24 UNIT PROJECT)</p> <p>PROPOSED LAND USE 24 UNITS - MULTIFAMILY HOUSING - LOW RISE (ITE 220) T=7.56 (D) -40.86 = 142 TRIPS (WEEKDAY) (71 ENTER / 71 EXIT)</p> <p>PEAK HOUR OF ADJACENT STREET TRAFFIC: AM L<sub>1</sub>(T)=0.95L<sub>1</sub>(X)-0.51 = 12 TRIPS (WEEKDAY) (23% / 77%) (3 / 9) PM L<sub>1</sub>(T)=0.68L<sub>1</sub>(X)-0.02 = 17 TRIPS (WEEKDAY) (63% / 37%) (11 / 6)</p> <p>DIRECTIONAL DISTRIBUTION 65% TO AND FROM THE NORTH (92 TRIPS) (2)(7) ENTER &amp; (6)(4) EXIT 35% TO AND FROM THE SOUTH (50 TRIPS) (1)(4) ENTER &amp; (9)(2) EXIT TOTAL NEW TRIPS = 142 ADT SITE TRUCK TRAFFIC = 7 TRIPS (5%)</p>
<p><b>TRAFFIC GENERATION DIAGRAM</b></p> <p>ADT PEAK HOUR (A.M.), ADT PEAK HOUR (P.M.)</p> <p><sup>1</sup> DIRECTIONAL DISTRIBUTION PROVIDED BY DELDOT <sup>2</sup> DIRECTIONAL DISTRIBUTION PROVIDED BY ITE MANUAL</p> <p>DESIGN VEHICLE = SU-40 &amp; SU-30</p>	

LEGEND		
EXISTING	PROPOSED	DESCRIPTION
		BUILDING
		CURB
		EDGE OF PAVEMENT
		EDGE OF GRAVEL
		UTILITY EASEMENT
		PERMANENT EASEMENT
		FENCE
		POWER, UTILITY POLE
		PROPERTY, LINE
		LEGAL RIGHT-OF-WAY
		PROPERTY, CORNER FOUND
		PROPERTY, ADJOINING LINED
		POWER, LIGHT POLE
		SEWER LINES
		STORM DRAIN LINES
		CONTOUR LINE
		PAVEMENT
		SIDEWALK
		WETLANDS

**KEYED NOTES**

- S1 EXISTING BUILDINGS, TO REMAIN
- S2 PROPOSED ENTRANCE FROM HARBESON ROAD
- S3 EXISTING STRUCTURE AND CONCRETE PATIO TO BE REMOVED
- S4 PROPOSED WALKWAY
- S5 PROPOSED TRASH AREA
- S6 PROPOSED COMMUNITY GARDEN
- S7 PROPOSED MULTI-FAMILY BUILDING
- S8 PROPOSED TURN-AROUND
- S9 LIMITS OF WETLANDS
- S10 EXISTING ZONING DISTRICT LINE
- S11 PROPOSED PARKING
- S12 PROPOSED TREE LINE
- S13 PROPOSED EXERCISE ROOM AND POOL



**Pennoni**

PENNONI ASSOCIATES INC.  
16072 Davidson Drive  
Milton, DE 19868  
T 302.694.8030 F 302.694.8054

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

**AQUITAS LIVING**  
18072 HARBESON ROAD  
SUSSEX COUNTY, DELAWARE

**CONDITIONAL USE SITE PLAN**

**WARREN MUNROE & DAVID ROHRBAUGH**  
1118 FARMOUNT STREET NW  
WASHINGTON, DC 20009

NO.	DATE	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR USE BY OTHERS OR OTHERS ON THE EXTENSION OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REVISIONS WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED, BE AT OWNERS RISK AND WITHOUT LIABILITY OR LEGAL EMPLOYMENT TO PENNONI ASSOCIATES. PENNONI ASSOCIATES SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES, LOSSES OR EXPENSES FROM ALL CLAIMS, DAMAGES, COSTS AND EXPENSES ARISING OUT OF OR IN CONNECTION WITH THIS PROJECT.

PROJECT: WNDRH21001  
DATE: 06 JULY 2021  
DRAWING SCALE: 1" = 40'  
DRAWN BY: EWW  
APPROVED BY: AMD

**PP1001**  
SHEET 2 OF 2

P:\Projects\2021\WDRH21001\Drawings\PP1001\_SitePlan.dwg 11/11/2021 10:00 AM BY: EWW





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

July 14, 2021

Jamie Whitehouse, AICP  
Director, Department of Planning & Zoning  
Sussex County  
2 The Circle  
P.O. Box 417  
Georgetown, DE 19947

RE: PLUS review 2021-06-14; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would change the Future Land Use Map for one parcel from the Low Density Area to the Developing Area.

Please note that additional changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

**Office of State Planning Coordination – Contact Dorothy Morris 739-3090**

Several parcels along Harbeson Road are partially within the Existing Developing Area and partially in the Low Density area. The County has received a request to change parcel 235-30.00-94.00 from Low density and Existing Development Area to Developing area.

The Developing areas are identified by the Sussex County Comp Plans as newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers. This parcel does not appear to meet the definition of a Developing area due to its location away from municipalities and services. Therefore, the State must not support this amendment.

With that said, we would urge the owner and the county to consider identifying the entire parcel as Existing Development Area which are identified as areas that consists primarily of existing

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

residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses.

Please note that supporting an amendment to include the entire parcel within the Existing Development Area does not indicate support for future development of this area. This area is within a Level 4 area according to the 2020 Strategies for State Policies and Spending; therefore we may not support future growth on this property. Any future development of these properties should be reviewed through PLUS for state comments.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- This amendment would facilitate a development for which a Service Level Evaluation Request was submitted in March 2021. A copy of DelDOT's response to that Request is attached.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**

- DNREC reviewers are not in support of this change as increasing development intensity on this parcel is inconsistent with the Delaware Strategies for State Policies and Spending. This parcel lies within an area designated as Level 4 by the Delaware Strategies for State Policies and Spending and significant environmental features exist on this site.
- Freshwater wetlands exist along the western edge of this parcel. The western portion of the parcel also lies within the Delaware Ecological Network. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances in these areas will jeopardize habitat on the parcel and possibly beyond the parcel's boundary.
- The entire parcel lies within a Wellhead Protection Area. Wellhead Protection Areas are the surface and subsurface areas surrounding a water well, or a public water supply wellfield. Contaminants leaching into the soil have the potential to reach the water supplies in these areas.
- The following plants or animals are listed as State of Delaware rare, threatened, or endangered species, which have been documented within the project area:

The Mulberry Wing (*Poanes Massasoit massasoit*) is an invertebrate listed under State Rank S1, State Status E, and SGCN Tier 1.

- Please visit the following website for definitions on the specified State Rank, State Status, and SGCN Ranking:  
<https://www.dnrec.delaware.gov/fw/NHESP/Documents/Status%20Ranks%20April%202013.pdf>

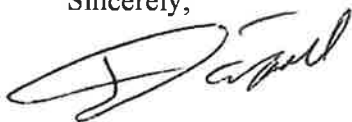
**State Historic Preservation Office – Contact Carlton Hall 736-7400**

- Prehistoric potential on the parcel is moderate to high. The highest potential would be on the high topographic location along the wood line, near the water and in well-drained soils. There does appear to be some ground disturbance throughout the parcel, but there may be intact sites near the wood line. Our office is recommending a Phase I survey prior to any further ground disturbance.
- Historic potential is low. Dwelling Complex S03533 on the eastern part of the parcel appears in the 1937 aeriels and 1917 topos but otherwise there is no indication of a structure on the property. It was an agricultural field and woods, and there might be field scatter due to 19<sup>th</sup> century ag practices.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenscs, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

Once a decision has been reached on this proposed comprehensive plan amendment, please notify the Office of State Planning Coordination for our records. If approved this notification should include a copy of the plan amendment as approved, the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the county, please include a copy of the minutes verifying this amendment was denied.

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

Sincerely,



David L. Edgell, AICP  
Director, Office of State Planning Coordination

Attachment





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

NICOLE MAJESKI  
SECRETARY

March 18, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Warren Munroe and David Rohrbaugh** proposed land use application, which we received on March 17, 2021. This application is for an approximately 4.15- acre parcel (Tax Parcel: 235-30.00-94.00). The subject land is located on the west side of Harbeson Road (Sussex Road 22). The subject land is currently zoned AR- 1 (Agricultural Residential) and MR (Medium Density Residential) the applicant seeks a conditional use for approval to build 24 multi-family dwelling units.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Harbeson Road (Sussex Road 22), from Hollyville Road to Lewes-Georgetown Highway (US 9), is 4,549 vehicles per day.

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

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



Mr. Jamie Whitehouse  
Page 2 of 2  
March 18, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:aff

cc: Warren Munroe and David Rohrbaugh, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Furmato, Project Engineer, Development Coordination

**Preliminary Land Use Service (PLUS) Application  
Pre-Update Review Request  
Municipal Comprehensive Plans  
Comprehensive Plan Amendments  
Municipal Ordinances  
Delaware Office of State Planning Coordination**

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

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

**REQUESTED REVIEW: Check one**

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

Comprehensive Plan or Update  
**Complete Sections 1 and 3 only**

Comprehensive Plan Amendment  
**Complete Sections 1 and 2 only**

Municipal Ordinance Review  
**Complete Sections 1 and 2 only**

**Date of most recently certified comprehensive plan:**

---

**Link to most recently certified comprehensive plan, if available:**

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

---



**Preliminary Land Use Service (PLUS) Application  
 Pre-Update Review Request  
 Municipal Comprehensive Plans  
 Comprehensive Plan Amendments  
 Municipal Ordinances  
 Delaware Office of State Planning Coordination**

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

**SECTION 1: MUNICIPAL INFORMATION**

<b>Name of Municipality:</b>	
<b>Address:</b>	<b>Contact Person:</b>
	<b>Phone Number:</b>
	<b>Fax Number:</b>
	<b>E-mail Address:</b>

<b>Application prepared by:</b>	
<b>Address:</b>	<b>Contact Person:</b>
	<b>Phone Number:</b>
	<b>Fax Number:</b>
	<b>E-mail Address:</b>

**Preliminary Land Use Service (PLUS) Application  
Pre-Update Review Request  
Municipal Comprehensive Plans  
Comprehensive Plan Amendments  
Municipal Ordinances  
Delaware Office of State Planning Coordination**

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

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

**Please describe the submission.**





# Sussex County





May 21, 2021

**Via: Email ([jamie.whitehouse@sussexcountyde.gov](mailto:jamie.whitehouse@sussexcountyde.gov))**

Jamie Whitehouse, Director  
Sussex County Planning & Zoning Office  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

RE: 2045 Future Land Use Map Amendment Request  
Current: Mixed Existing Development Area and Low Density Area  
Proposed: Developing Area  
Sussex County Tax Parcel No. 235-30.00-94.00 (the "Property")

Dear Jamie,

This firm represents, Warren Munroe and David Rohrbaugh, the contract purchasers of the above-referenced Property which fronts on Harbeson Road (Route 5) just south of its intersection with the Lewes-Georgetown Highway (Routes 9/404). The property consists of approximately 4.5 acres and is presently improved with a residential building and several outbuildings.

On Sussex County's Comprehensive Zoning Map, the Property is presently split-zoned with the first two hundred feet (200') being located within the Medium Density Residential District (MR District) and the balance of the Property being located within the Agricultural Residential District (AR-1 District). The 2045 Future Land Use Map found within Chapter 4 of the 2019 Sussex County Comprehensive Plan follows the split-zoning of the Property with the first two hundred feet (200') being shown within an Existing Development Area and the balance of the property being located within a Low Density Area.

This request to modify the Future Land Use Map is being filed in concert with a request to change the zoning classification of the AR-1 District portion of the Property to the MR District to match the front of the property and eliminate the split-zoning so that the property would have one homogenous zoning classification.

The specific request for the Future Land Use Map amendment is to change the designation of the Low Density Area portion within the Property to a Developing Area. Alternatively, the request is to modify the Future Land Use Map so that the entirety of the property—both the Existing Development Area and the Low Density Area are changed to a Developing Area. Ideally,

**Jamie Whitehouse**

**May 21, 2021**

**Page 2**

when a property has two (2) different Future Land Use classifications the change would result in the property having a single future land use classification. However, the Property cannot match the Existing Development Area on the Future Land Use Map as the Comprehensive Plan refers to these areas as consisting primarily of General Residential and Medium Density Residential scattered throughout the County. In short, the name of the “Existing” Development Area as well as its description within Chapter 4 of the Comprehensive Plan makes it clear that the County is not seeking to add additional lands into this Future Land Use Map classification. As new Existing Development Area is not being created, my client’s request is that the Property be changed from a Low Density Area and Existing Development Area to a Developing Area on the Future Land Use Map.

This change would be consistent with the general nature and trend of growth in this area. The Harbeson area continues to develop with a number of residential communities (Meadows of Beaver Creek, Trails of Beaver Creek and Beaver Dam Estates) along with a number of commercially zoned parcels (C-1, General Commercial; CR-1, Commercial Residential District; and recently a rezoning of more than thirty (30) acres to C-2, Medium Commercial). In addition, the southern boundary of this property is adjacent to lands that are zoned HI-1 (Heavy Industrial), which is the Allen Harim facility.

The designations of these varied zoning classifications and uses is also reflected on the 2045 Future Land Use Map. As mentioned previously, part of this property is already in one of the County’s Growth Areas and the Property is adjacent to an Industrial Area which is another of the County’s Growth Areas. In addition, the entirety of the frontage, not only of this Property but all Harbeson properties along Route 5, are part of the Existing Development Area—the same Growth Area as the front portion of this Property. Finally, several properties along Route 9 are within the Commercial Area, another of the County’s Growth Areas.

As indicated by the number of varied zoning classifications as well as the number of businesses and residential communities within close proximity to this intersection, this area is a vibrant and growing area within Sussex County. In addition, in the Fall of 2019, DeIDOT completed the HSIP SC Project at the intersection of Route 5 and Route 9 which provided turn lanes and addressed operational issues at this intersection.

While Harbeson is not one of the County’s incorporated municipalities, because of the significance of Route 5 and Route 9 to the County, this intersection functions in many respects like a municipal area as it has commercial and residential uses along both of these two major roadways. As you would anticipate, public water and sewer are available in this area and this request is consistent with the character of the area.

**Jamie Whitehouse**  
**May 21, 2021**  
**Page 3**

This requested amendment of the Future Land Use Map is necessary to eliminate the current split-designation of this Property on the Future Land Use Map. The requested amendment is also consistent with the character and intensity of the uses in this area and will not have an adverse effect on adjacent properties.

Please include this letter with the County's submission to the Office of State Planning Coordination seeking to amend the designation of this Property on the Future Land Use Map. In addition, please let me know if I can provide you with any further information to assist in this process.

Very Truly Yours,

MORRIS JAMES LLP

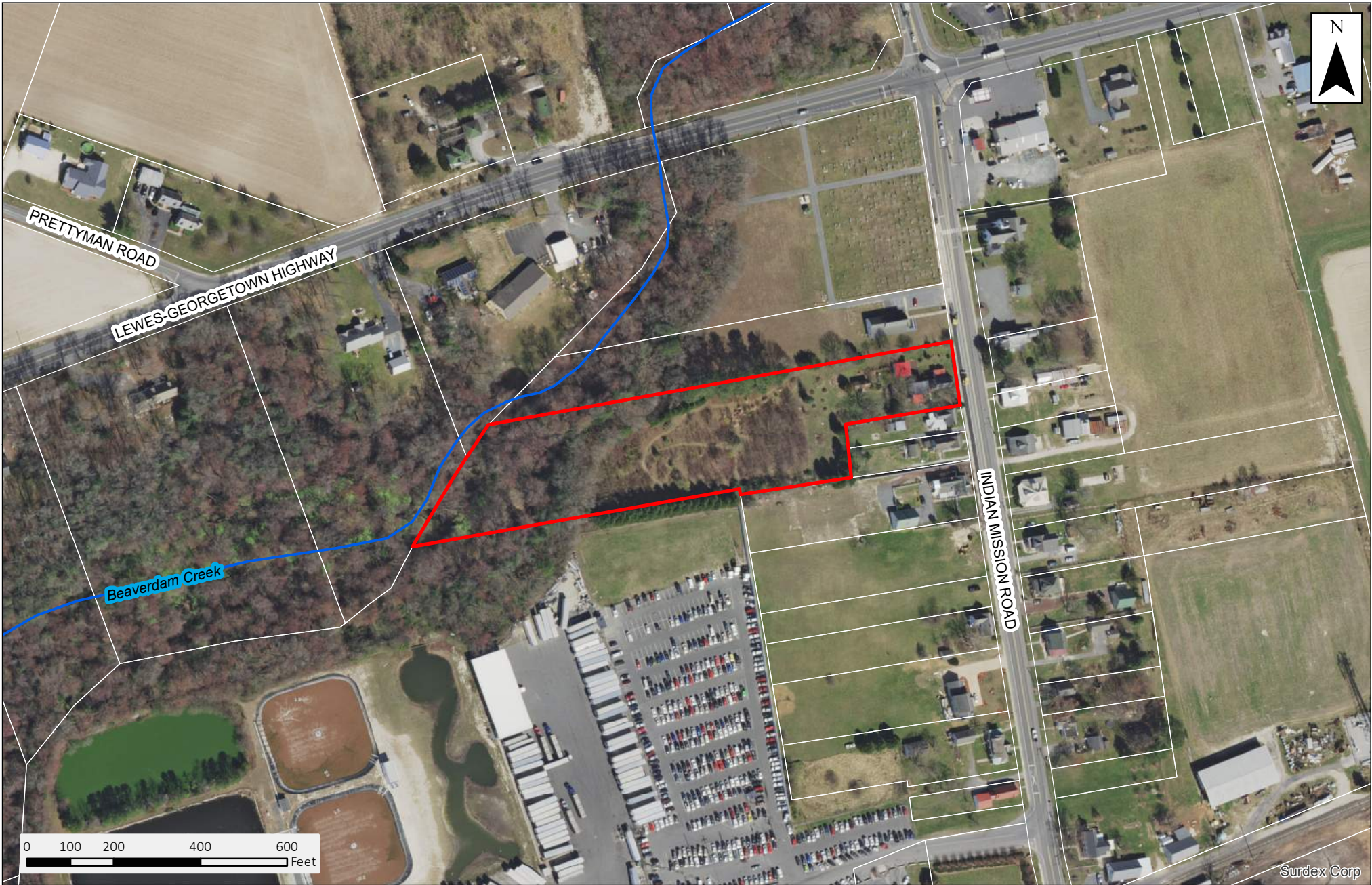
A handwritten signature in black ink, appearing to read "De J", written over the typed name "David C. Hutt, Esquire".

David C. Hutt, Esquire



TAB 5

MAPS



1

2017 Orthophoto  
 Aequitas Living  
 WNDRH21001



 Streams	 Other Tax Parcels
 Subject Property	





2

2012 Orthophoto  
 Aequitas Living  
 WNDRH21001



 Streams	 Other Tax Parcels
 Subject Property	





3

2007 Orthophoto  
 Aequitas Living  
 WNDRH21001



 Streams	 Other Tax Parcels
 Subject Property	





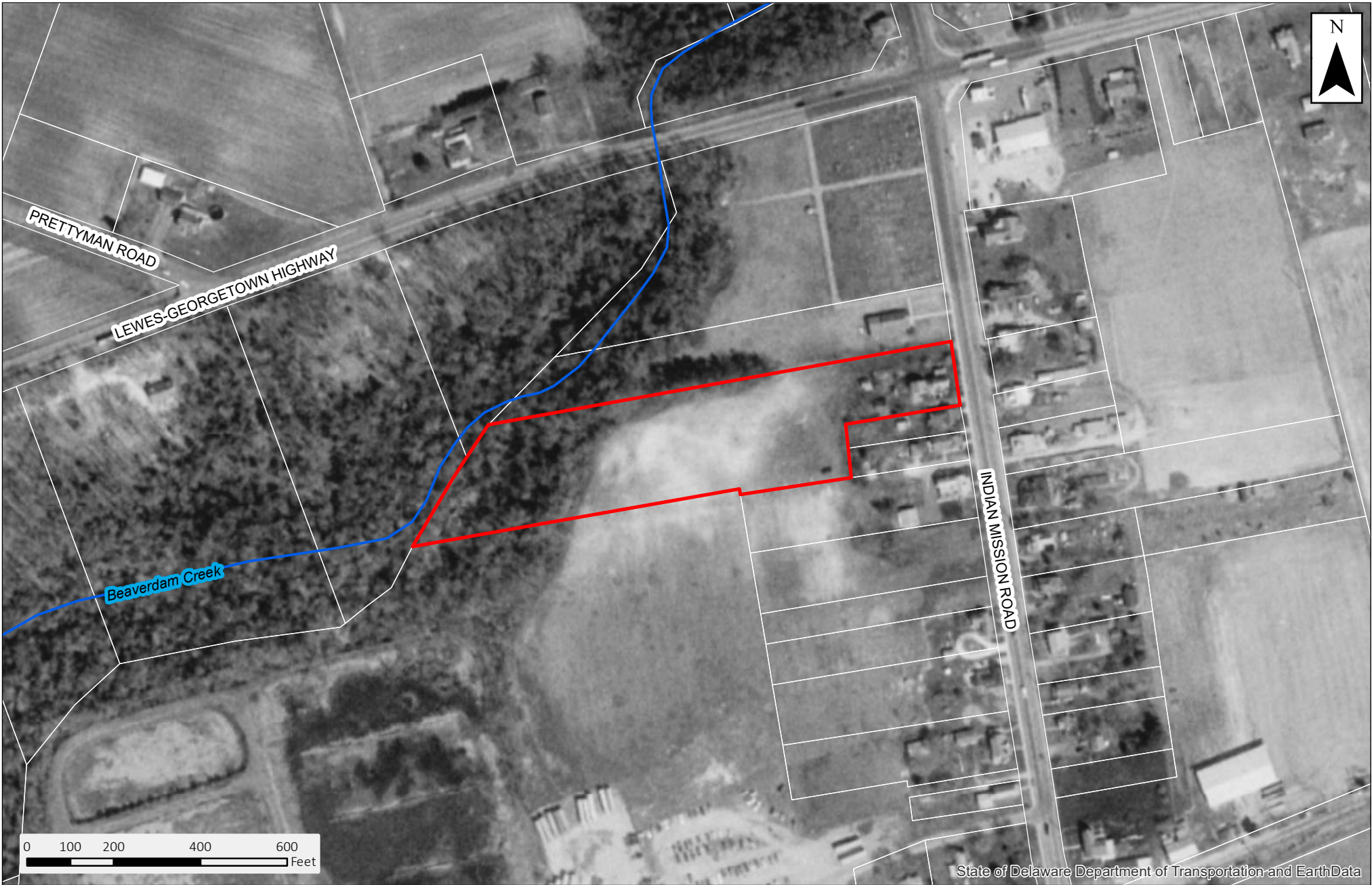
4

2002 Orthophoto  
 Aequitas Living  
 WNDRH21001



 Streams	 Other Tax Parcels
 Subject Property	







5

1997 Orthophoto

Aequitas Living

WNDRH21001



	Streams		Other Tax Parcels
	Subject Property		





EarthData/PhotoScience Inc.

6	1992 Orthophoto		
	Aequitas Living		
	WNDRH21001		





7	1968 Orthophoto		
	Aequitas Living		
	WNDRH21001		



8	1961 Orthophoto		
	Aequitas Living		
	WNDRH21001		





9

1954 Orthophoto  
 Aequitas Living  
 WNDRH21001



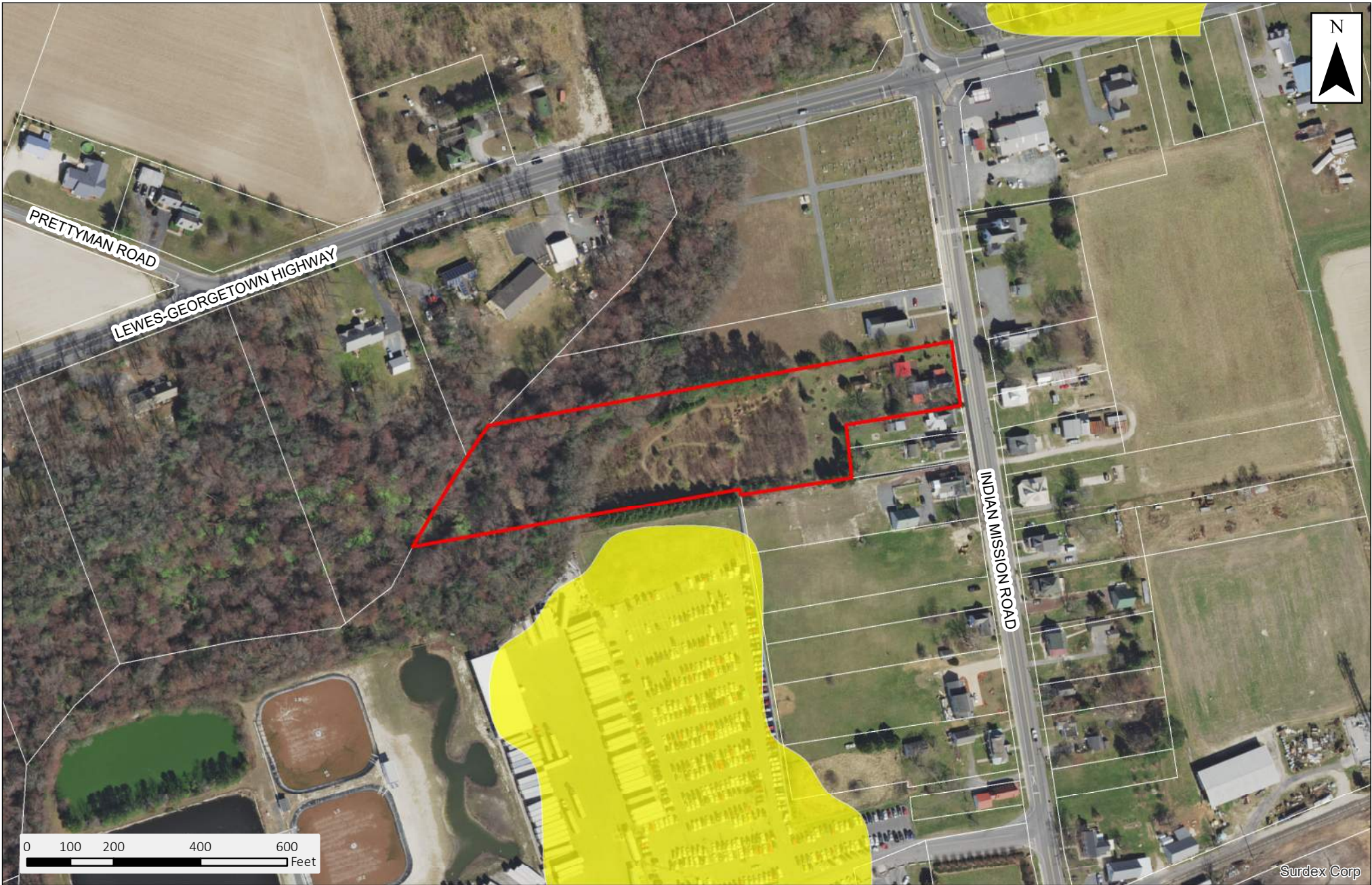
 Streams	 Other Tax Parcels
 Subject Property	



USDA Agricultural Stabilization and Conservation Service

10	1937 Orthophoto		
	Aequitas Living		
	WNDRH21001		





11

2020 Delaware State Strategies

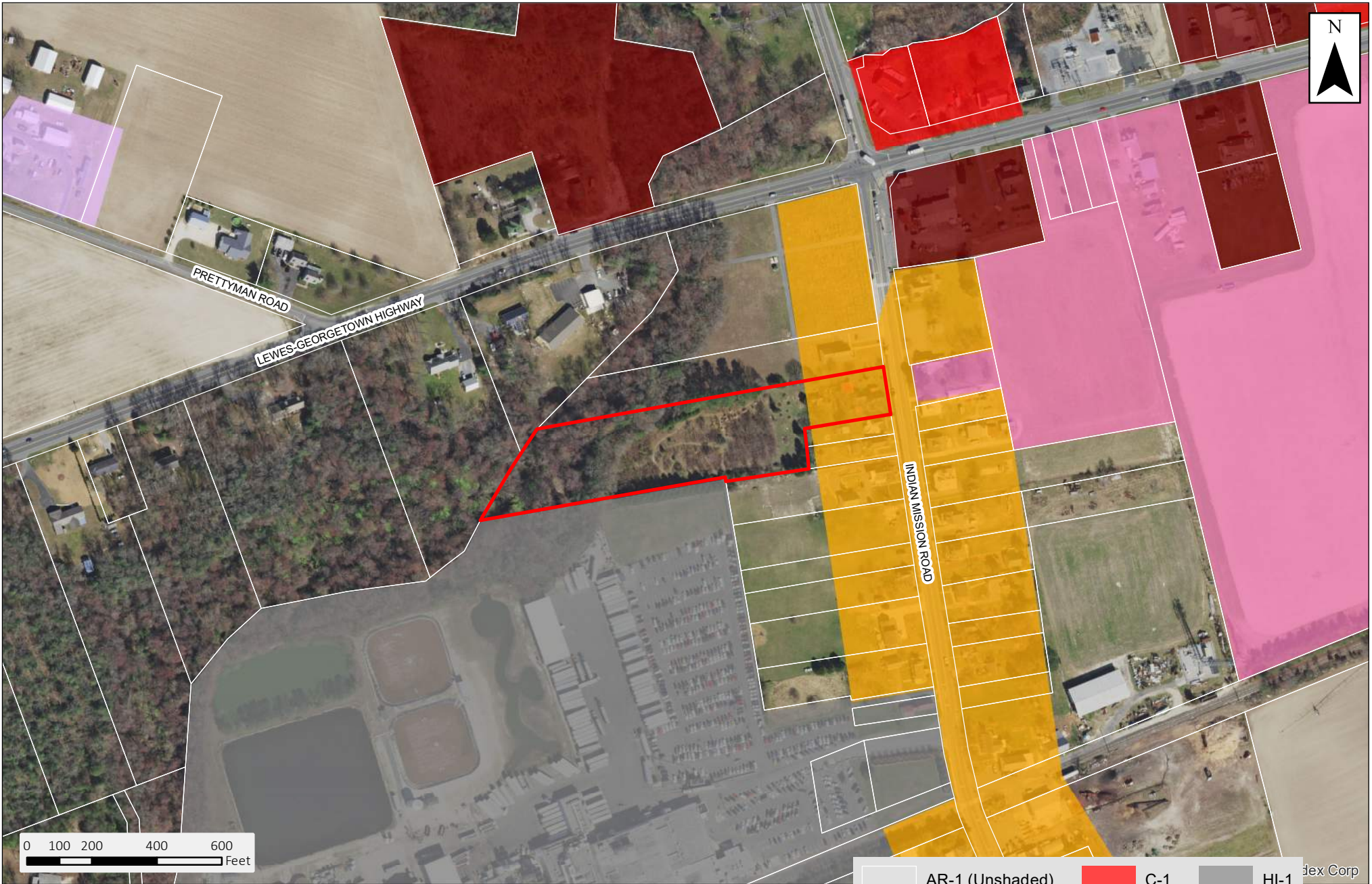
Aequitas Living

WNDRH21001



	Level 3
	Level 4 (Unshaded)





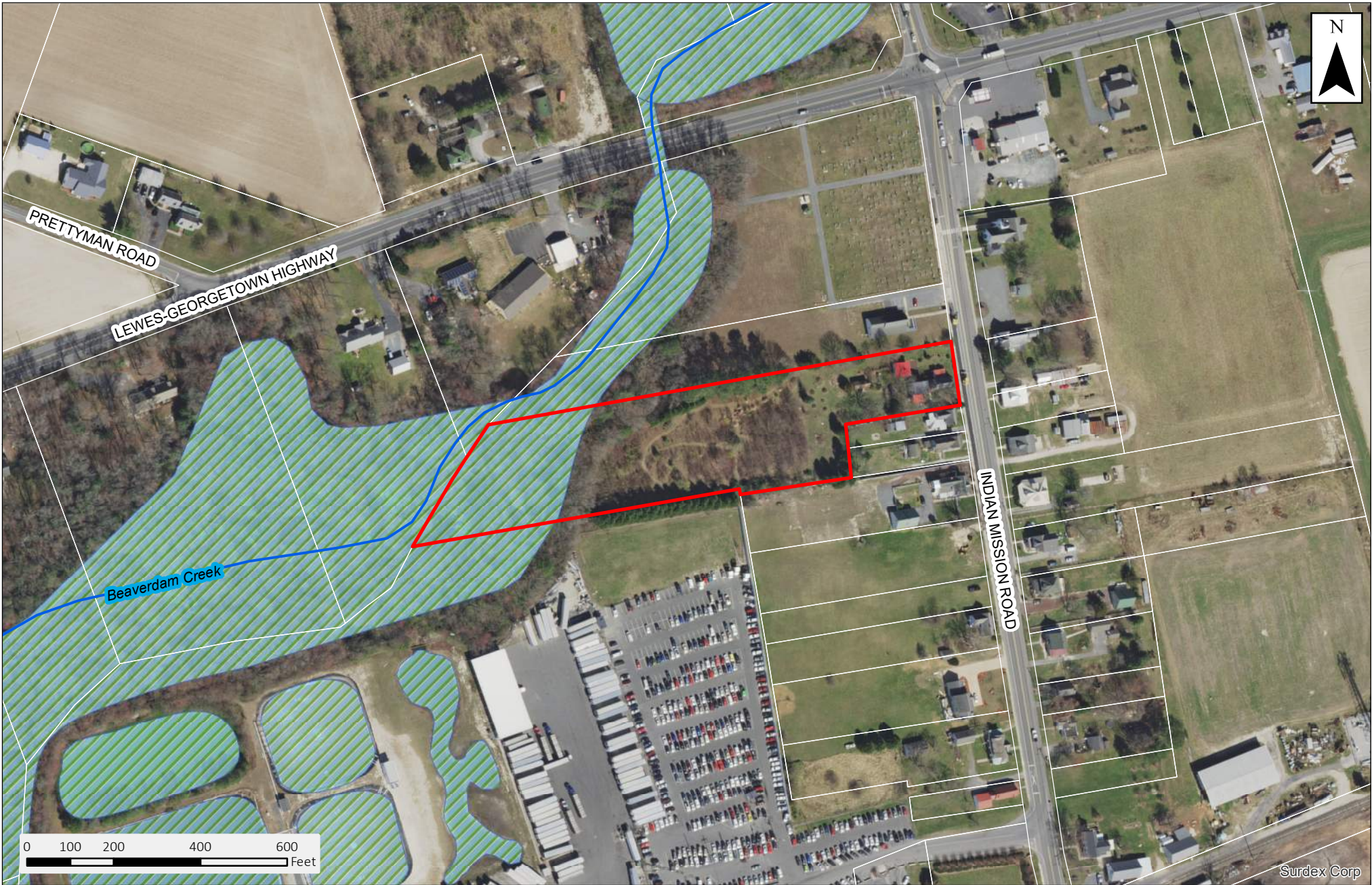
12

County Zoning  
 Aequitas Living  
 WNDRH21001



	AR-1 (Unshaded)		C-1		HI-1
	CR-1		C-2		MR
			B-1		

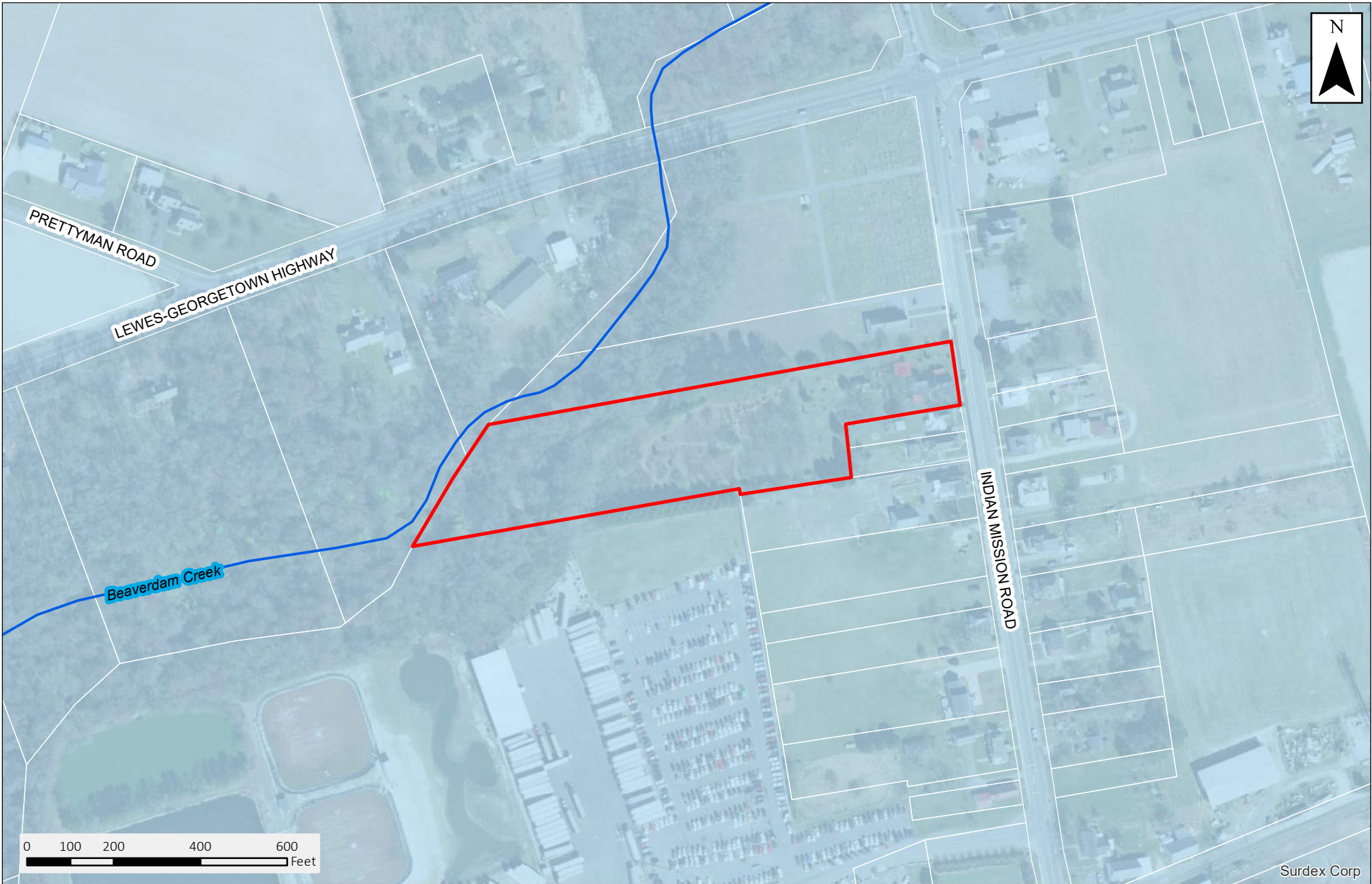




Surdex Corp

13	State Wetlands Mapping		
	Aequitas Living		
	WNDRH21001		





14

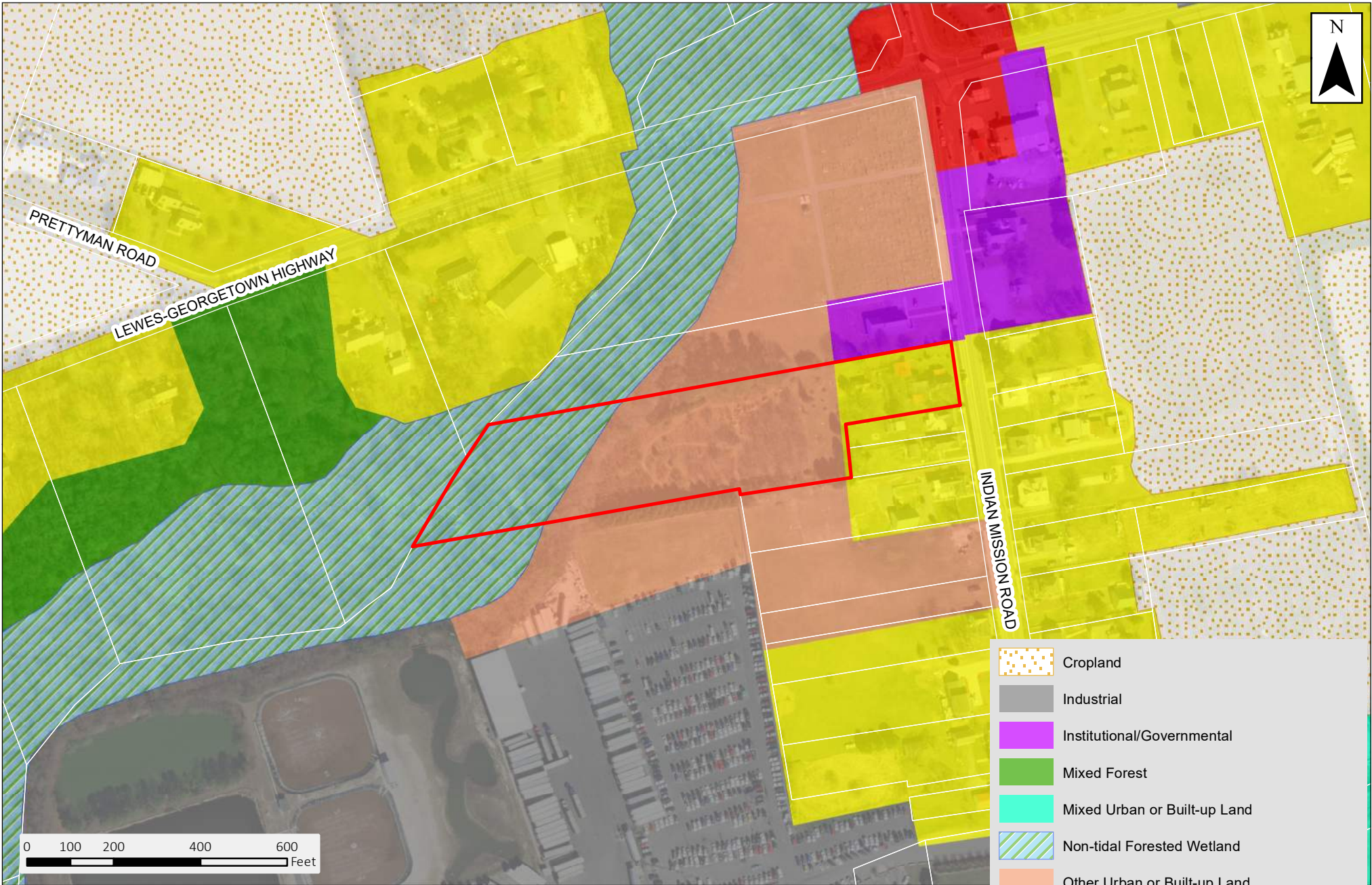
FEMA Floodplain Mapping  
 Aequitas Living  
 WNDRH21001



Flood Map Reference: 10005C0310L (6/20/18)

- Streams
- Zone X



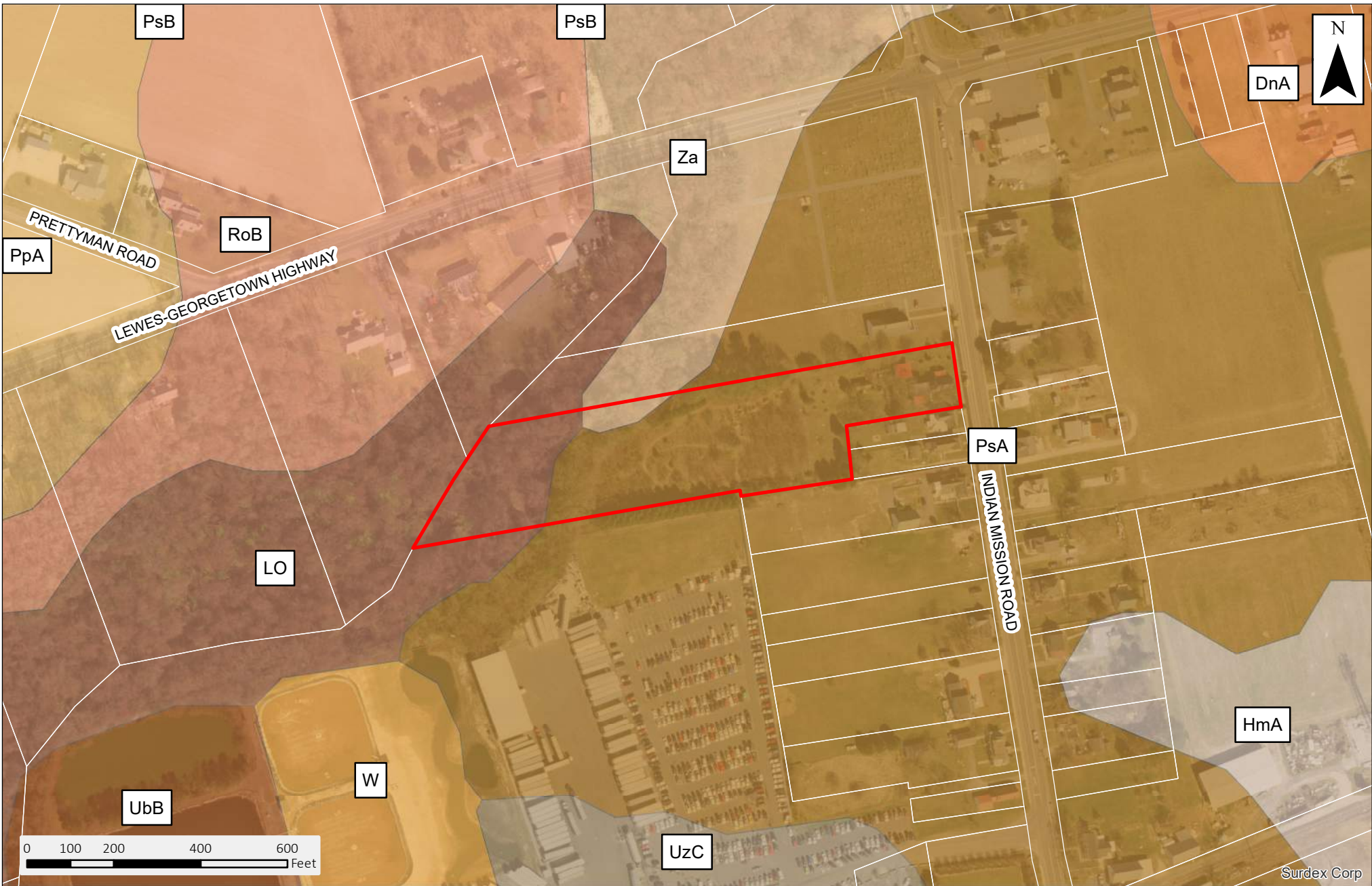


15	2020 Land Use Land Cover
	Aequitas Living
	WNDRH21001

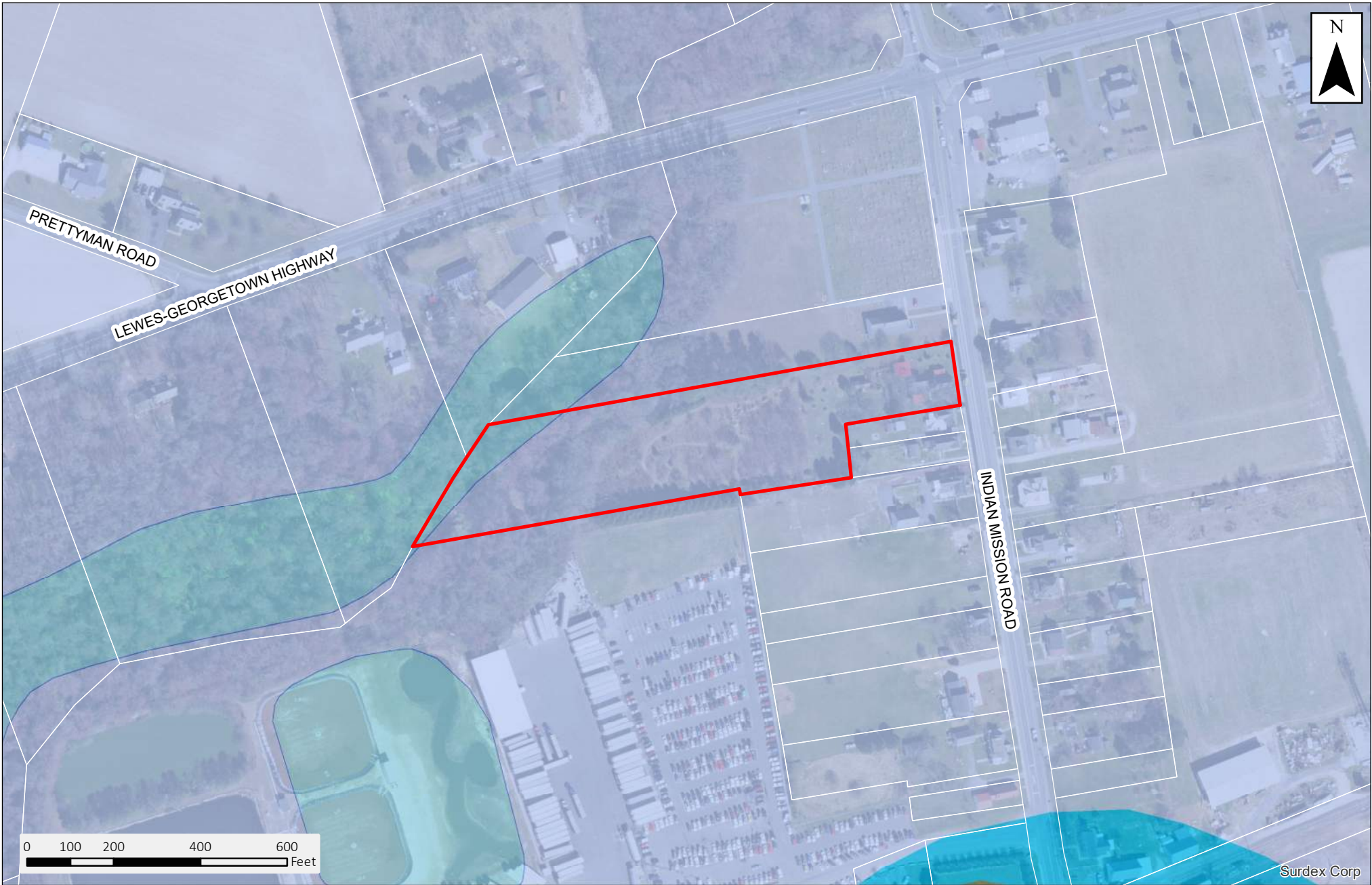


	Cropland
	Industrial
	Institutional/Governmental
	Mixed Forest
	Mixed Urban or Built-up Land
	Non-tidal Forested Wetland
	Other Urban or Built-up Land
	Retail Sales/Wholesale/Professional Services
	Single Family Dwellings





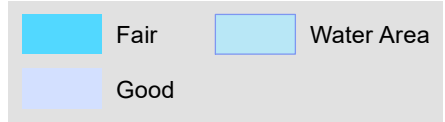
16	NRCS Soils Mapping		Soil Types: LO - Longmarsh and Indiantown, Group B/D PsA - Pepperbox-Rosedale complex, Group A Za - Zekiah sandy loam, Group B/D
	Aequitas Living		
	WNDRH21001		



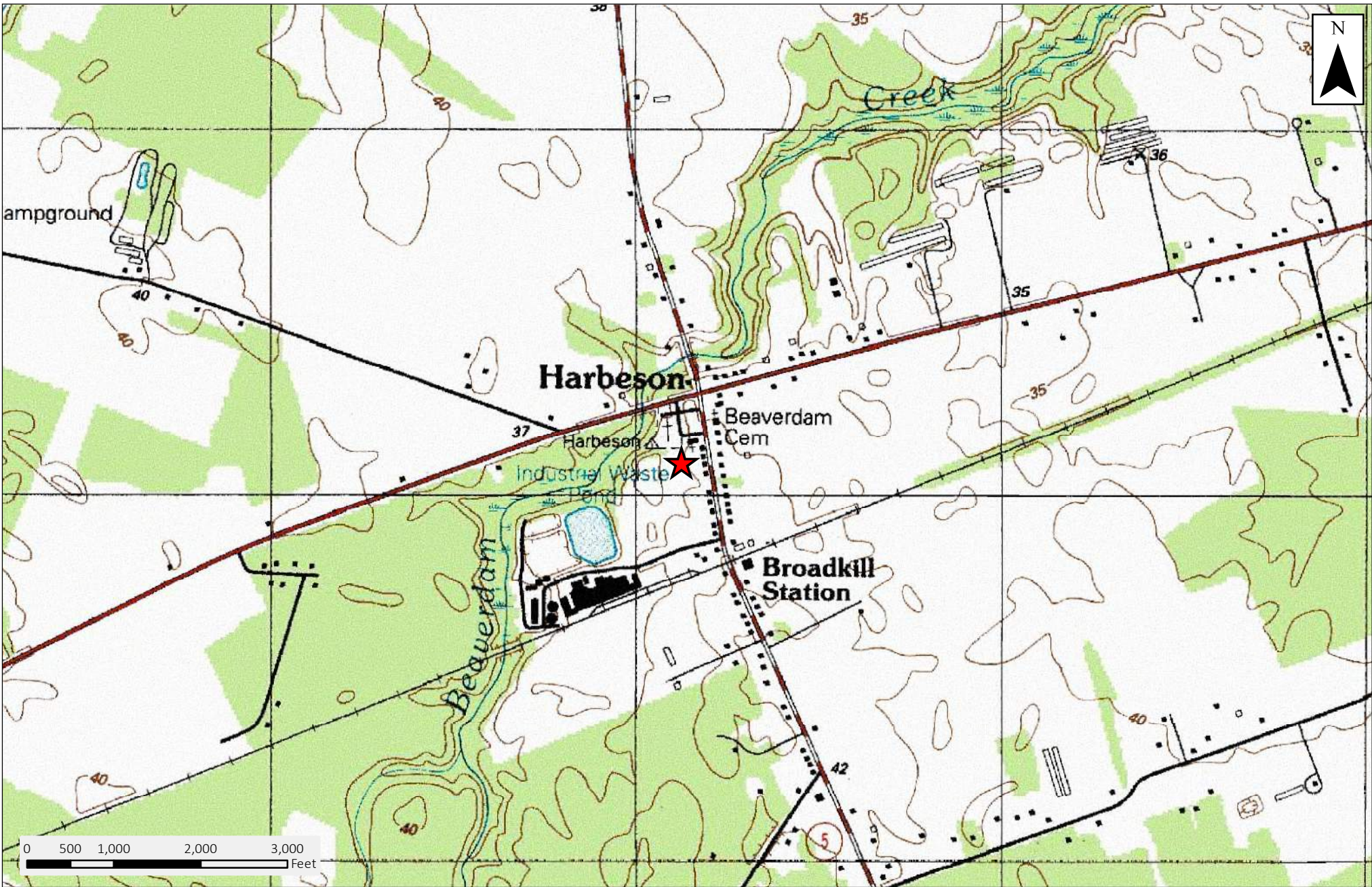
17

### Groundwater Recharge Potential

Aequitas Living  
WNDRH21001







18

USGS Topographic Map

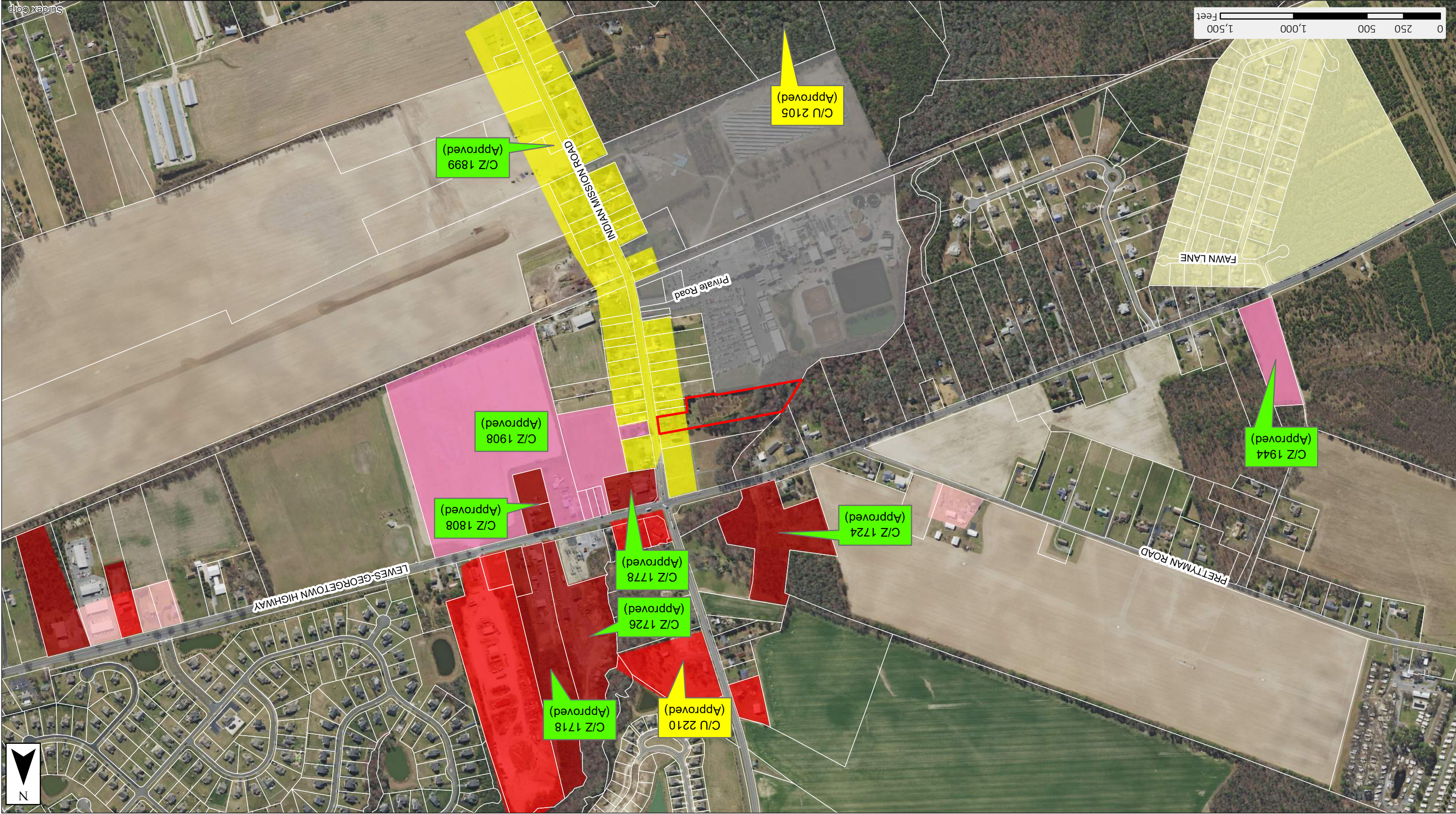
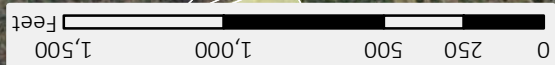
Aequitas Living  
WDRH21001





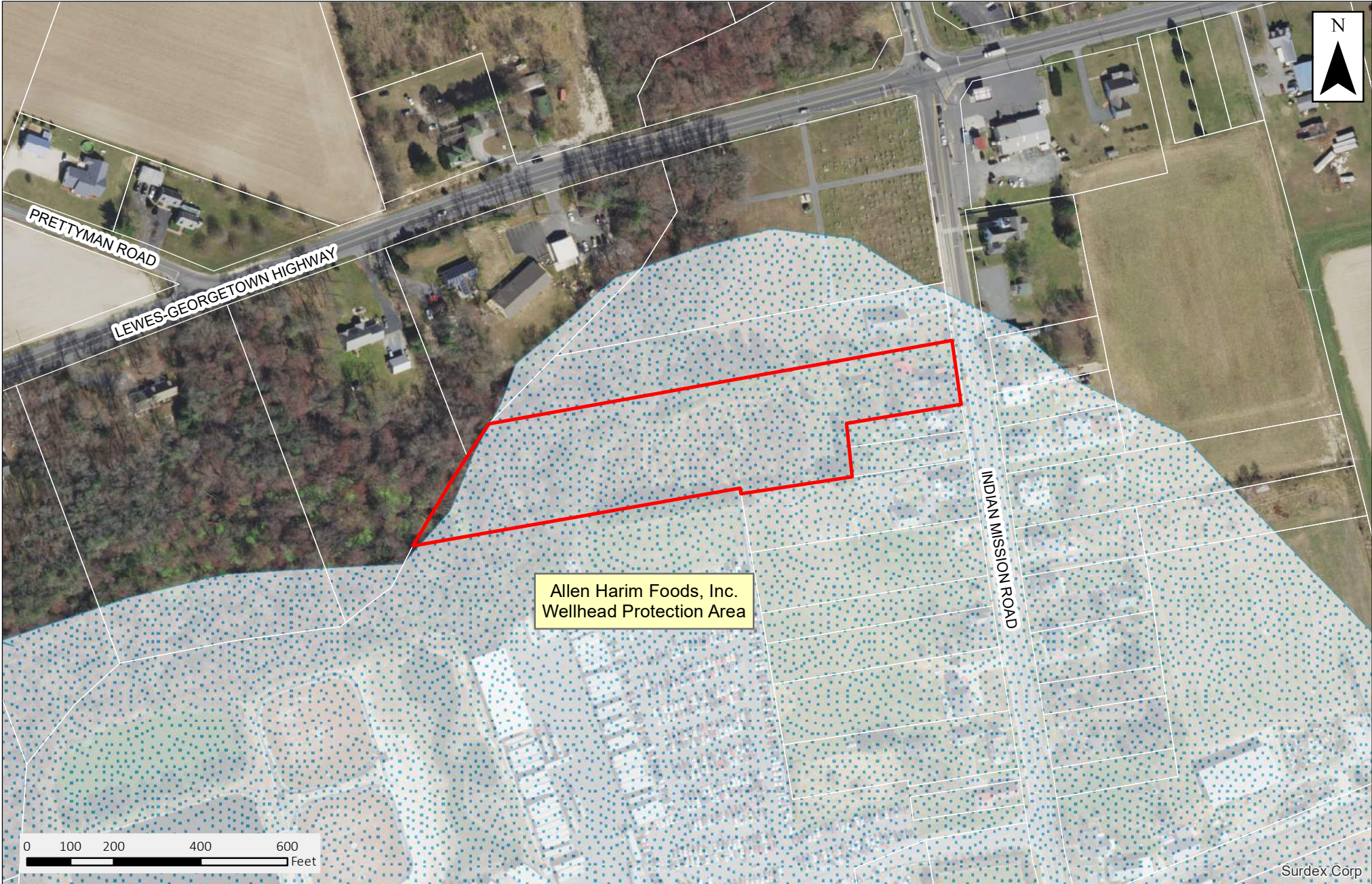


AR-2		C-1		H-1		B-1	
AR-1 (Unshaded)		CR-1		C-2		MR	



Surdex Corp





20	Wellhead Protection Areas		 WHPA
	Aequitas Living		
	WNDRH21001		



CU 2299  
C2 1978

Harbeson Cemetery Improvement Committee, Inc.  
30801 Hickory Hill Road  
Millsboro, Delaware 19966  
302-245-2791  
Contact: Becky Burton – Secretary

RECEIVED

APR 07 2022

SUSSEX COUNTY  
PLANNING & ZONING

27001 Redan Terrace  
Milton, Delaware 19968

April 5, 2022

Jamie Whitehouse, Director  
Sussex County Planning & Zoning Office  
2 The Circle, PO Box 417  
Georgetown, DE 19947

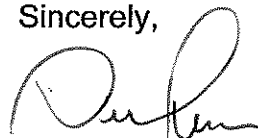
Dear Mr. Whitehouse,

I have been made aware of the proposed development of the property at 18672 Harbeson Road, Harbeson, Delaware. As President of the Harbeson Cemetery Board, charged with maintaining the cemetery adjacent to this property and managing its affairs, I would like to share that the consensus of the board is to oppose the rezoning and development of this property for the following reasons:

- It is certainly out of character with the existing neighborhood and cemetery of which those who chose to be interred there had considered when deciding upon this location as their final resting place.
- The increased density of up to 30 apartments on the 4 plus acres of land will be just a few less than the total number of families that are currently living along the entire Harbeson Road from the intersection of Routes 9 and 5 to Doddtown Road, which is a distance of 3687 feet and consists of 36 single family residential dwellings. This will produce a significant increase in traffic which will create an even more dangerous area for pedestrians.
- There is a public transportation bus stop on the opposite side of the cemetery near the Route 9 & Route 5 intersection. There are concerns that those using that bus stop will "short cut" through the cemetery which will cause an adverse effect of trash and debris on or near the gravesites and disrespect those of our loved ones buried there. This would degrade the cemetery's appearance and appeal, as well as increase the maintenance costs.
- Disruption of the freshwater wetlands that exist directly west of the property are a concern as the natural ground cover to pavement ratio will be greatly decreased causing more run-off.
- The contaminants of surface and subsurface water are a concern, as Harbeson is not on a public water system, but instead has independent wells.

Hopefully the Planning and Zoning board members can understand our position and appreciate our efforts to perpetuate the sanctity and dignity of this sacred plot for internment.

Sincerely,



Dean Sherman  
Harbeson Cemetery Committee, President



RECEIVED

MAR 28 2022

SUSSEX COUNTY  
PLANNING & ZONING

March 23, 2022

C/U 2299 Warren Munroe + David Bohrbaugh

Dear Planning Board,

I/we are writing this letter to express our strong opposition to grant a conditional use of land in an MR Medium-Density Res. District for Multi-Family Dwellings.


We are concerned about the traffic, safety, noise and added people that would butt up to our property.

We bought here to keep up with the small town life that Harbeson offers.

We already have trouble accessing/exiting our property from the traffic coming from the chicken plant and the back log of the traffic light. The added traffic in and out of the property is a safety concern to us.

Also what it would do to our well and septic system.

Sincerely,

 Bonnie Schildt  
Thomas and Bonnie Schildt

18678 Harbeson Rd.

Harbeson, DE

717-460-6739