

**CZ 1908 W & B Hudson Family, Ltd**

**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

File #: 021908

201913077✓

201913081✓

201913082✓

201913083✓

201913084✓

201913085✓

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

Conditional Use ☐

Zoning Map Amendment ☒

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

26504 LEWES GEORGETOWN HIGHWAY, HARBESON DE

**Type of Conditional Use Requested:**

Tax Map #: 235-30.00-62.00, 64.00, 66.00, 67.00, 70. & 72.00

Size of Parcel(s): 35.65 +/- AC

Current Zoning: AR-1 & MR

Proposed Zoning: C-2

Size of Building: TBD

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

Water Provider: ARTESIAN

Sewer Provider: ARTESIAN

**Applicant Information**

Applicant Name: WAYNE HUDSON

Applicant Address: 24075 MILTON ELLENDALE HIGHWAY

City: MILTON

State: DE

Zip Code: 19968

Phone #: (302) 745-0231

E-mail: PENINSULA@HUGHES.NET

**Owner Information**

Owner Name: W & B HUDSON FAMILY LTD

Owner Address: 24075 MILTON ELLENDALE HIGHWAY

City: MILTON

State: DE

Zip Code: 19968

Phone #: (302) 745-0231

E-mail: PENINSULA@HUGHES.NET

**Agent/Attorney/Engineer Information**

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

Agent/Attorney/Engineer Address: 18072 DAVIDSON DRIVE

City: MILTON

State: DE

Zip Code: 19968

Phone #: (302) 684-6207

E-mail: MDAVIDSON@PENNONI.COM





## Check List for Sussex County Planning & Zoning Applications

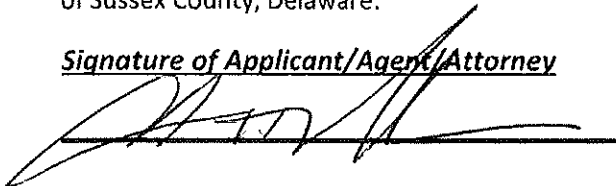
The following shall be submitted with the application

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

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

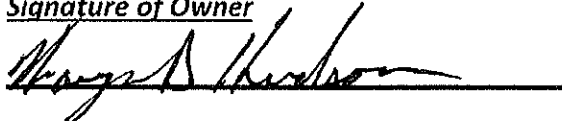
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



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

Signature of Owner



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

For office use only:

Date Submitted: 11/8/19

Staff accepting application: CEL

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

Fee: \$500.00 Check #: 300323

Application & Case #: 201913077

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

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

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

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

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

## PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
J. BRUCE MEARS  
HOLLY J. WINGATE



## Sussex County

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date June 11, 2020.

Application: (CZ 1908) W&B Hudson Family LTD

Applicant: Wayne Hudson  
24075 Milton Ellendale Highway  
Milton, DE 19968

Owner: W&B Hudson Family LTD  
24075 Milton Ellendale Highway  
Milton, DE 19968

Site Location: Located on the south side of Lewes Georgetown Highway (Route 9),  
east of Harbeson Road (Route 22).

Current Zoning: Parcels: 62.00, 64.00, 66.00 67.00 70.00 - Agricultural Residential  
(AR-1)  
Parcel: 72.00 - Medium Density Residential (MR)

Proposed Zoning: Medium Commercial District (C-2)

Comprehensive Land  
Use Plan Reference: Low Density & Developing Area

Councilmatic  
District: Mr. Burton

School District: Indian River School District

Fire District: Milton Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 37.08 acres +/-

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





## Memorandum

To: Sussex County Planning Commission Members  
From: Jennifer Norwood, AICP, Planning & Zoning Manager  
CC: Vince Robertson, Assistant County Attorney and Applicant  
Date: June 5, 2020  
RE: Staff Analysis for CZ 1908 W&B Hudson Family LTD

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This memo is to provide background and analysis for the Planning Commission to consider as part of application CZ 1908 W&B Hudson Family LTD to be reviewed during the June 11, 2020 Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcels 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 and 72.00 to allow for a change from AR-1 (Agricultural Residential District) and MR (Medium-Density Residential Zoning District) to C-2 (Medium Commercial Zoning District) to be located at 26504 Lewes Georgetown Highway. The total size of the parcels to be rezoned is 35.65 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the application property has the land use designation of "Low Density" and "Existing Development Area".

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

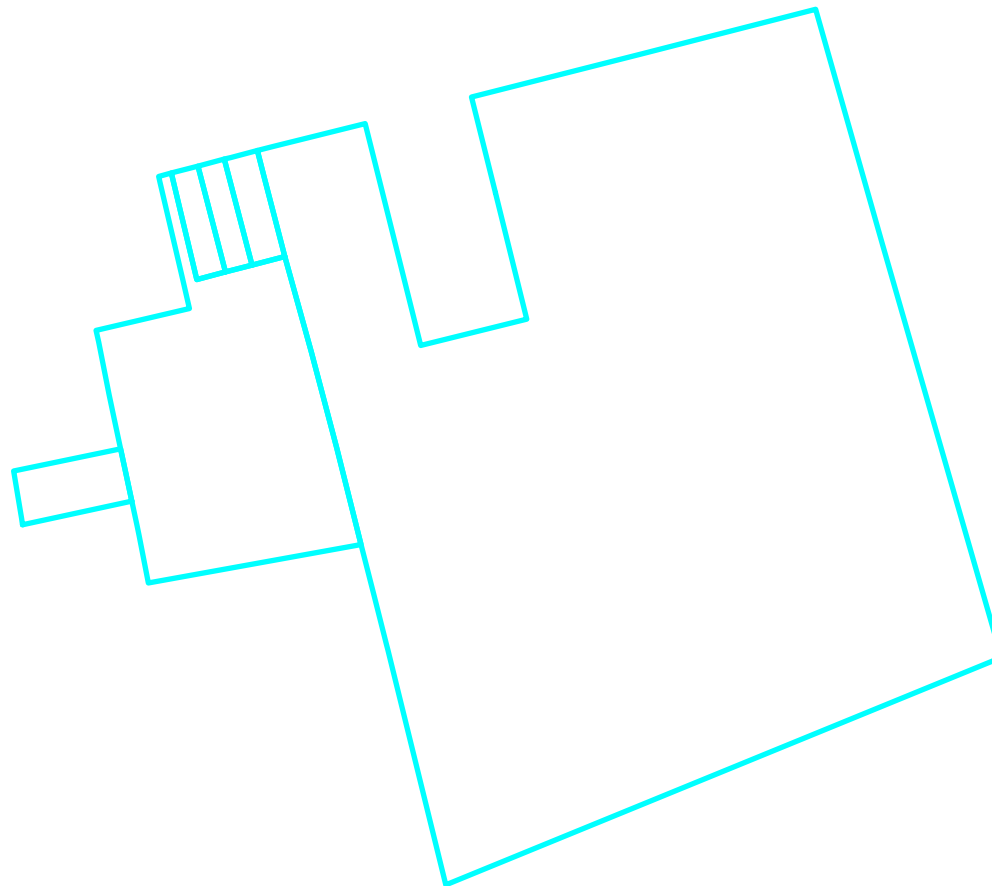
Table 4.5-2 within the Comprehensive Plan states that, within the Existing Development Area and the Low Density Area, C-2 (Medium Commercial Zoning District) may be appropriate.

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

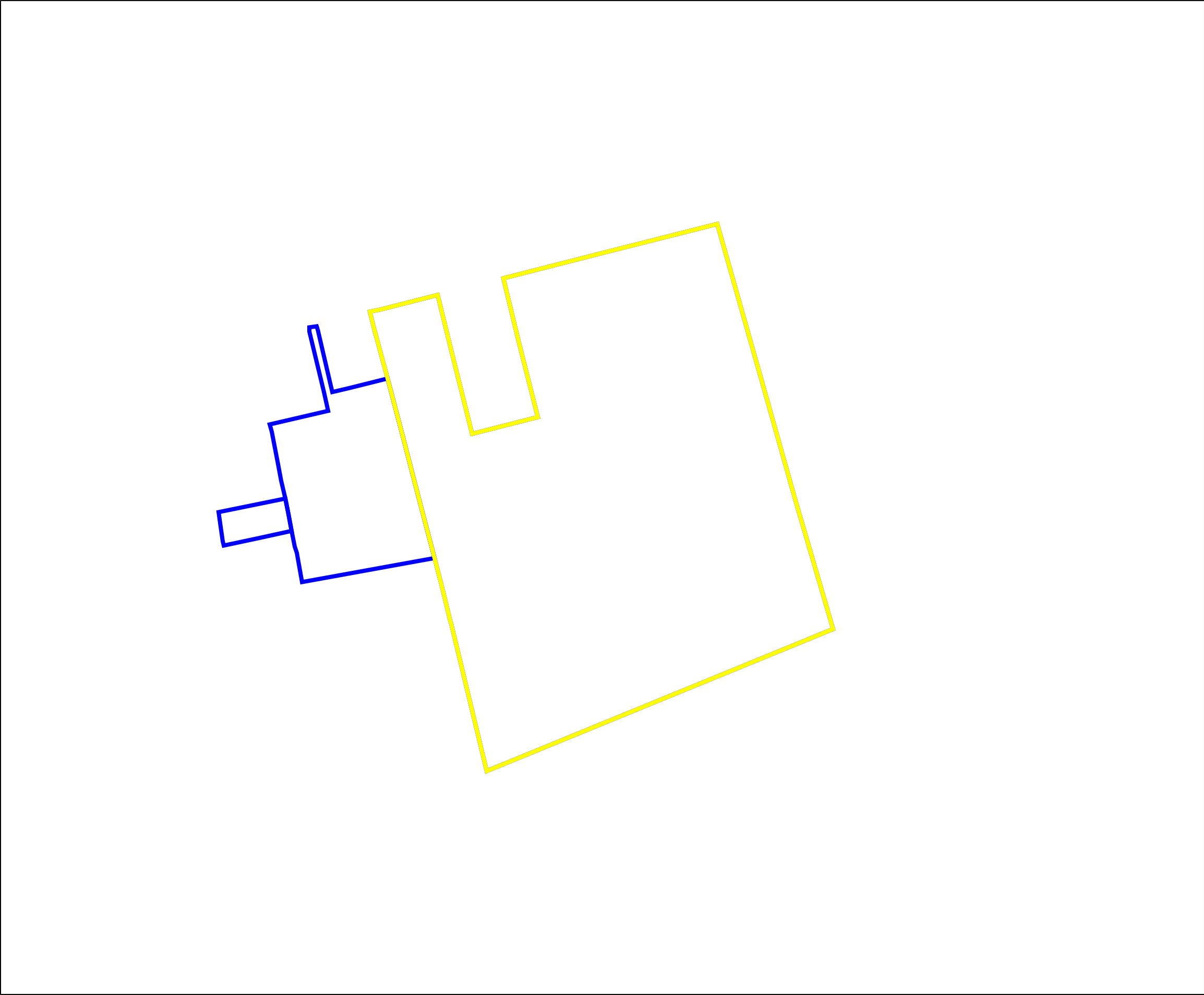
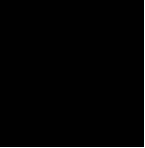


Mailing List Exhibit Map  
Planning Commission  
CZ 1908 W&B Hudson Family  
235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, & 72.00  
W&B Hudson Family LTD  
24075 Milton Ellendale Highway  
Milton, DE 19968

Located on the south side of Lewes Georgetown Highway (Route 9), east of Harbeson Road (Route 22).



0 0.025 0.05 0.1 0.15 0.2  
Miles




PIN:	235-30.00-62.00
Owner Name	HUDSON WAYNE D JACQUELINE H
Book	3636
Mailing Address	200 ESHAM AVE
City	BERLIN
State	MD
Description	HWY GEO TO LEWES
Description 2	
Description 3	SPEC COMM LIEN
Land Code	

polygonLayer


Override 1

polygonLayer

Override 1

 Tax Parcels

 Streets

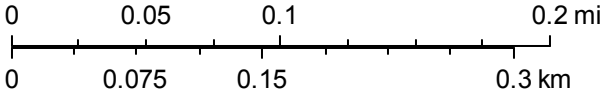
 County Boundaries

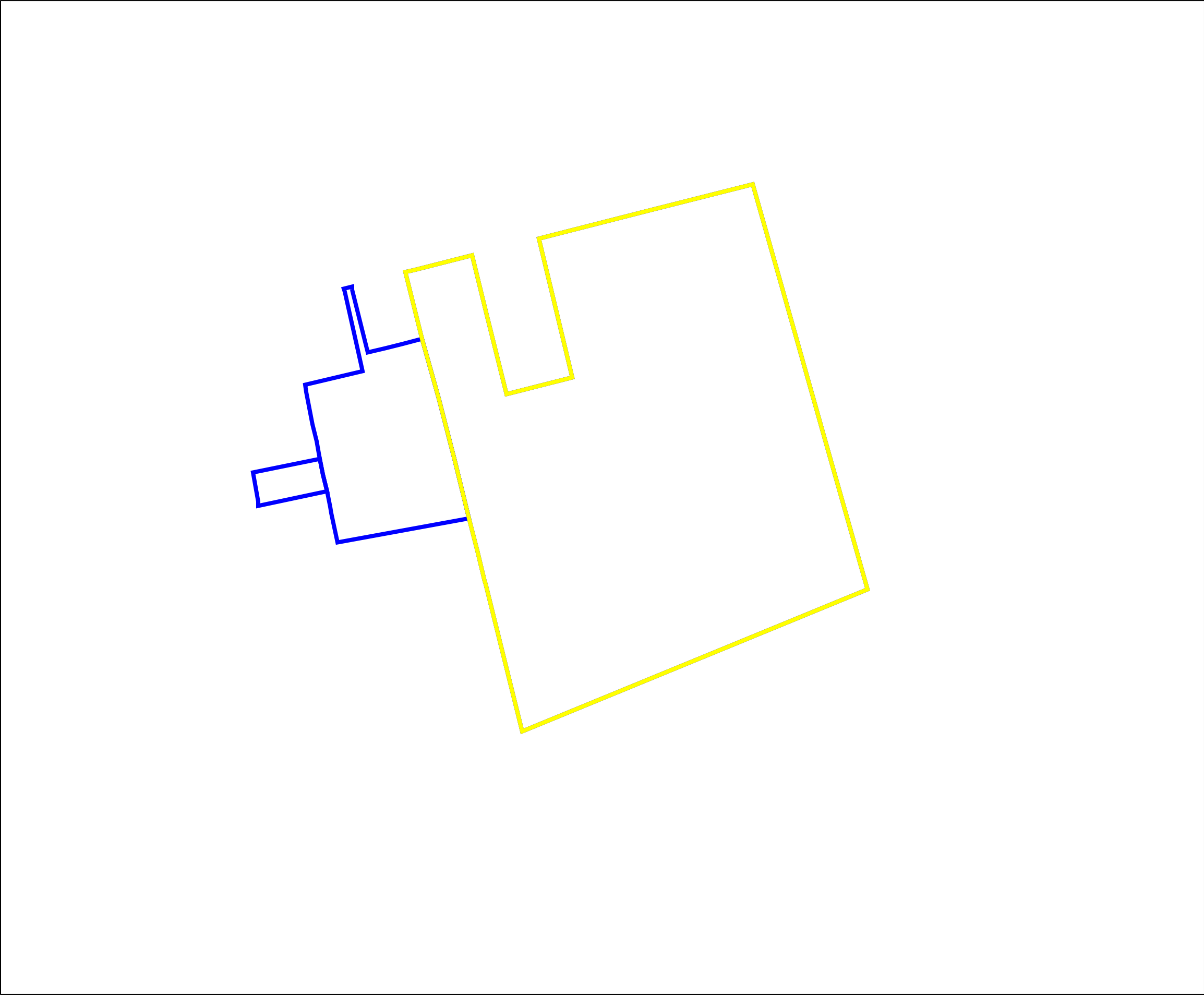
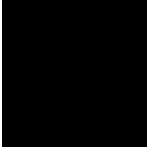
 Major Rivers

Streams

 Streams

1:4,514





PIN:	235-30.00-62.00
Owner Name	HUDSON WAYNE D JACQUELINE H
Book	3636
Mailing Address	200 ESHAM AVE
City	BERLIN
State	MD
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polygonLayer

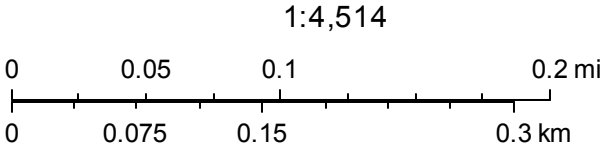
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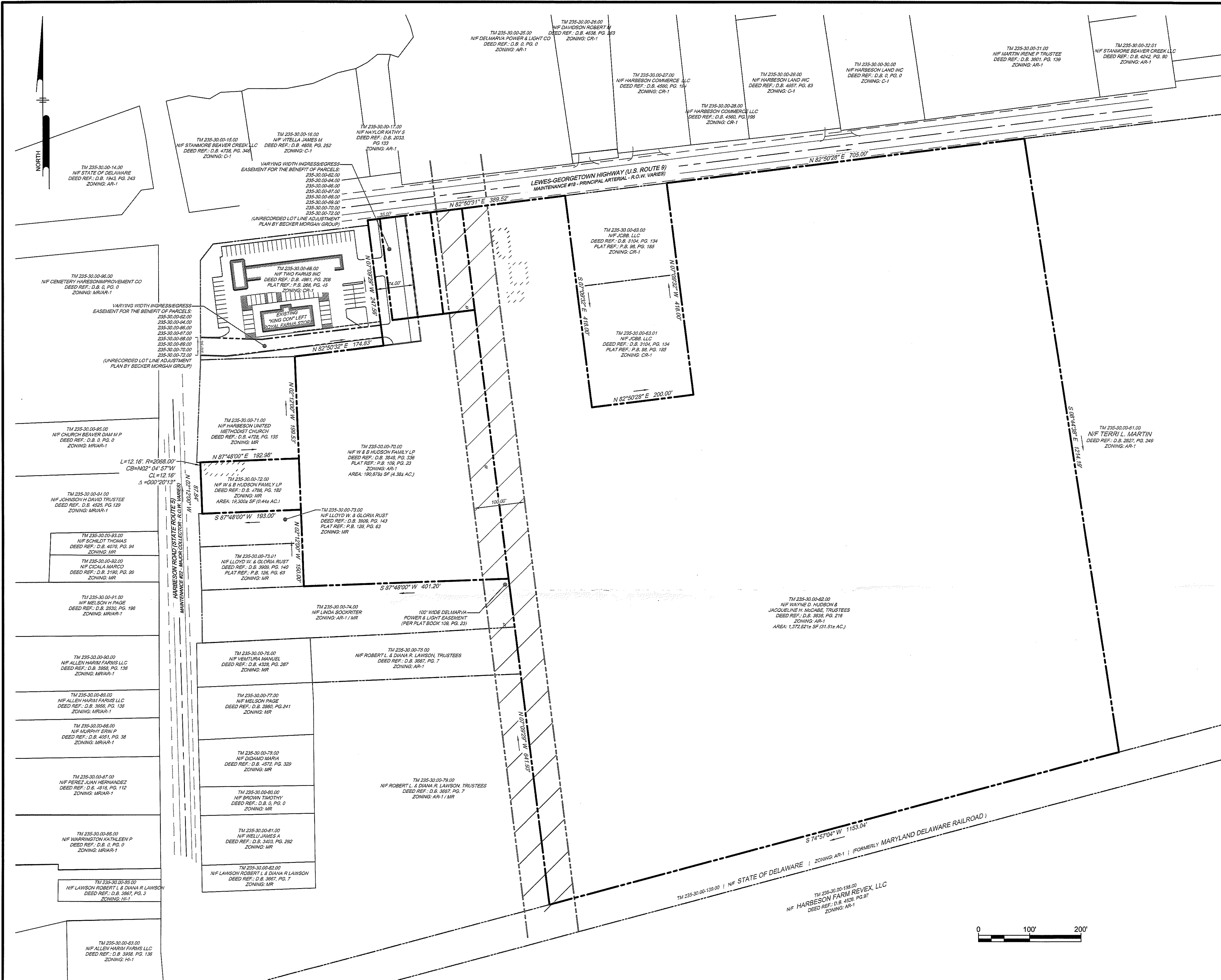
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Override 1

 Tax Parcels

 Streets





**LOCATION MAP**  
1" = 2000'

**SITE DATA TABLE**

1. TAX MAP NUMBERS:	235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, & 72.00
2. DEED/PLAT REFERENCE:	DEED BOOK 3636, PAGE 216 (PARCEL 62.00, 64.00, 67.00) DEED BOOK 3848, PAGE 336 (PARCEL 66.00 & 70.00) DEED BOOK 4786, PAGE 182 (PARCEL 72.00)
3. DEVELOPER NAME:	W & B HUDSON FAMILY LTD
4. DEVELOPER ADDRESS:	24075 MILTON ELLENDALE HIGHWAY MILTON, DE 19968
5. SITE ADDRESS:	LEWES GEORGETOWN HIGHWAY HARBESON, DELAWARE 19951
6. CURRENT ZONING:	AR-1 (PARCEL 62.00, 64.00, 66.00, 67.00 & 70.00 MR (PARCEL 72.00)
7. PROPOSED ZONING:	C-2 (MEDIUM COMMERCIAL DISTRICT)
8. PRESENT USE:	RESIDENTIAL & AGRICULTURAL
9. PROPOSED USE:	RESIDENTIAL & COMMERCIAL
10. REQUIRED SETBACKS (ZONE C-2, CH. 115-83.15 B1):	FRONT - 60 FEET SIDE - 5 FEET REAR - 5 FEET
11. BUILDING HEIGHT:	42' ALLOWED (C-2 ZONING CH. 115-83.15D)
14. WATER SUPPLY:	ARTESIAN WATER COMPANY   DOMESTIC & FIRE
15. SEWER SUPPLY:	ARTESIAN WATER COMPANY
16. LATITUDE AND LONGITUDE:	LONGITUDE: W075° 28' 18.71" LATITUDE: N038° 72' 36.43"
17. TOTAL AREA (GROSS):	37.07± ACRES
18. MINIMUM AREA REQUIREMENTS (ZONE C-2 CH. 115-83.15A):	MINIMUM LOT AREA: 15,000 SF MINIMUM LOT WIDTH: 75 FT MINIMUM LOT DEPTH: 100 FT
20. WETLAND AREA:	0.00 AC.

**LEGEND**

	= PROPERTY LINE
	= ADJACENT PROPERTY LINE
	= BUILDING RESTRICTION LINE
	= EXISTING FENCE
	= EXISTING BUILDING
	= POWER LINE EASEMENT

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

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR  
USING INSTRUMENTS BEING NOTICED TO CONVEY  
DISCREPANCIES BEFORE PROCEEDING WITH WORK

**HUDSON HARBESON LANDS**  
TAX MAPS: 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00 & 72.00  
LEWES GEORGETOWN HIGHWAY  
HARBESON, DE, 19951

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

DATE	NO.	REVISIONS	BY
2019/04/26	1		
2019/10/29	2		

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 OWNERS OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES. AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT: **HUDSF18001**

DATE: 2019-04-12

DRAWING SCALE: 1"=100'

DRAWN BY: MW

APPROVED BY: AMD

**V-0201**

SHEET 1 OF 1





1.	TAX MAP NUMBERS:	235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, & 72.00
2.	DEED/PLAT REFERENCE:	DEED BOOK 3636, PAGE 216 (PARCEL 62.00, 64.00, 67.00) DEED BOOK 3848, PAGE 386 (PARCEL 66.00 & 70.00) DEED BOOK 4786, PAGE 182 (PARCEL 72.00)
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11.	BUILDING HEIGHT:	42' ALLOWED (C-2 ZONING CH. 115-83.15D)
12.	WATER SUPPLY:	ARTESIAN WATER COMPANY   DOMESTIC & FIRE
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16.	MINIMUM AREA REQUIREMENTS (ZONE C-2, CH. 115-83.15A):	MINIMUM LOT AREA: 15,000 SF MINIMUM LOT WIDTH: 75 FT MINIMUM LOT DEPTH: 100 FT
17.	WETLAND AREA:	0.00 AC.

2016-07-28		1		UPDATED ADJACENT PROPERTIES ZONING CATEGORIES		MHD
2018-10-29		2		UPDATED PROPOSED ZONING DESCRIPTION		KMD
DATE	NO.				REVISIONS	BY

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

**V-0201**  
SHEET 1 OF 1

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

HUDSON HARBESON LANDS

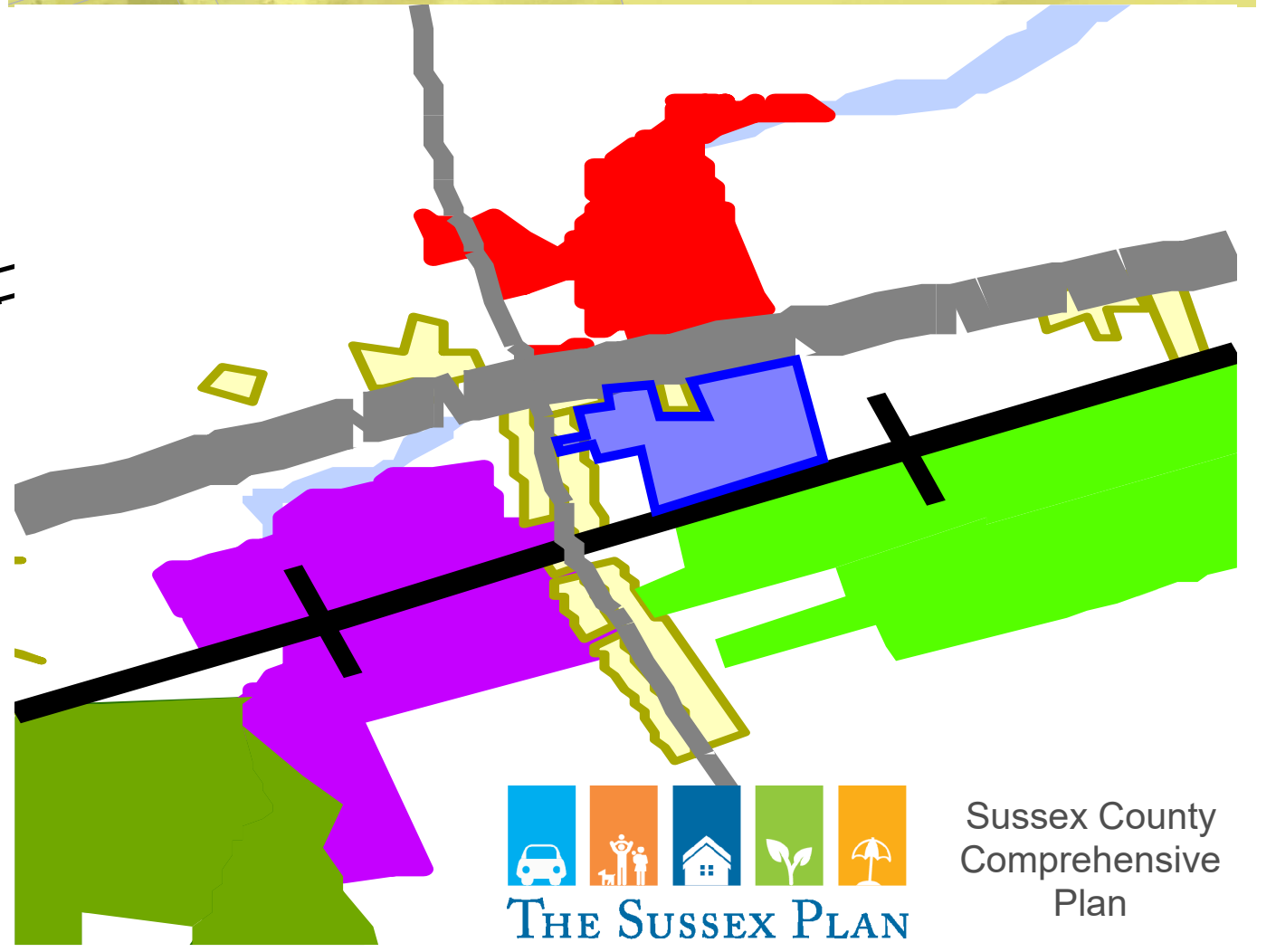
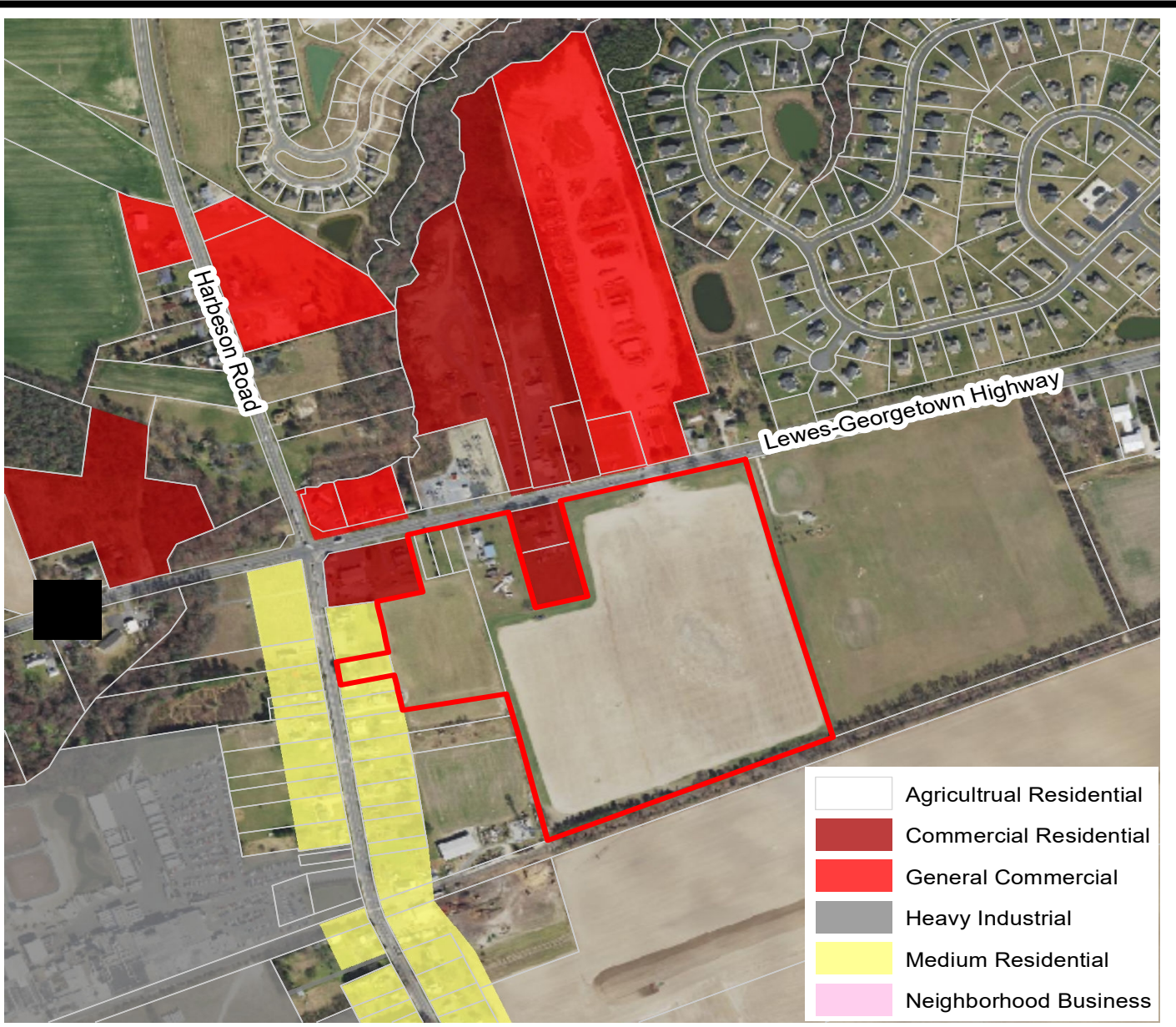
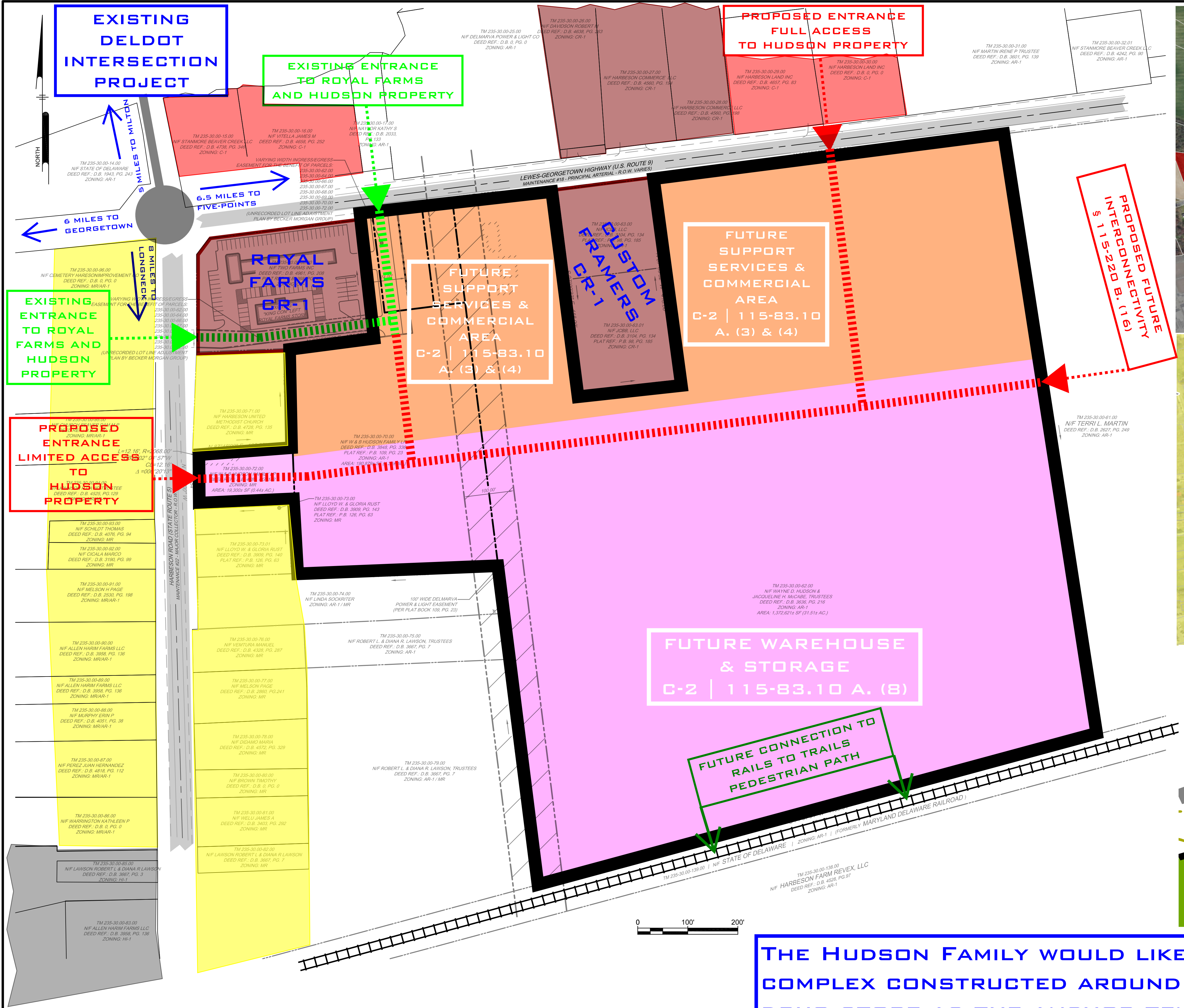
## BOUNDARY PLAT

W & B HUDSON FAMILY LTD  
24075 MILTON ELLENDALE HWY

**Pennoni**

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





**ARTICLE XIB C-2 MEDIUM COMMERCIAL DISTRICT**

**§ 115-83.10 PURPOSE.**

**THIS DISTRICT SUPPORTS USES THAT INCLUDE RETAIL SALES AND PERFORMANCE OF CONSUMER SERVICES. IT PERMITS A VARIETY OF RETAIL, PROFESSIONAL AND SERVICES BUSINESSES. THE DISTRICT SHALL BE PRIMARILY LOCATED NEAR ARTERIAL AND COLLECTOR STREETS. IT ACCOMMODATES COMMUNITY COMMERCIAL USES THAT DO NOT HAVE OUTSIDE STORAGE OR SALES.**

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

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

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

**HUDSON HARBESON LANDS**  
TAX MAPS: 235-30.00-82.00, 84.00, 86.00, 87.00, 70.00, 87.00, 87.00  
LEWES-GEORGETOWN HIGHWAY  
HARBESON DE, 19951

**COMMERCIAL BUBBLE PLAN**  
W & B HUDSON FAMILY LTD  
24075 MILTON ELLENDALE HWY  
MILTON DE, 19968

DATE	NO.	REVISIONS	BY
2019-07-25	1		

PROJECT: HUDSF18001

DATE: 2019-04-12

DRAWING SCALE: 1"=100'

DRAWN BY: MW

APPROVED BY: AMD

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SHEET 1 OF 1



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

CASE NO. CZ 1908

## ZONING MAP AMENDMENT FROM AR-1 & MR TO C-2

### OWNER:

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

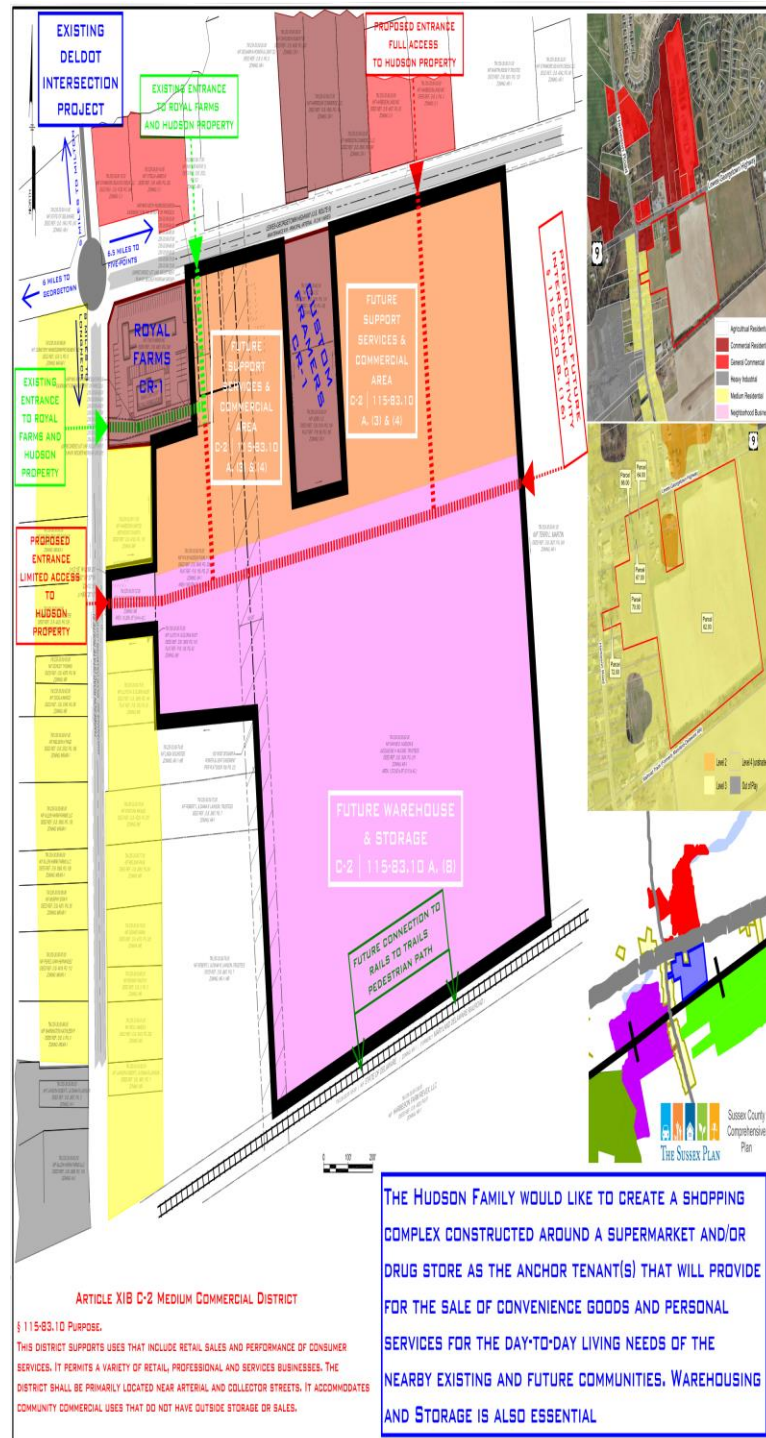
WAYNE D HUDSON & JAQUELINE H. MCCABE TRUSTEES  
200 ESHAM AVENUE  
BERLIN, MD

### PLANNER/ENGINEER/SURVEYOR:

PENNONI  
18072 DAVIDSON DRIVE  
MILTON, DE 19968

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# 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. He was also nominated for the Brandywine Chapter Association of Fundraising Professionals Philanthropy Award and has won the BNI Notable Networker Award.

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

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

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

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

## Planning & Zoning Commission Application

### Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

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

Conditional Use \_\_\_\_\_

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

26504 LEWES GEORGETOWN HIGHWAY, HARBESON DE

**Type of Conditional Use Requested:**

Tax Map #: 235-30.00-62.00, 64.00, 66.00, 67.00, 70. &amp; 72.00      Size of Parcel(s): 35.65 +/- AC

Current Zoning: AR-1 &amp; MR      Proposed Zoning: C-2      Size of Building: TBD

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

Water Provider: ARTESIAN

Sewer Provider: ARTESIAN

**Applicant Information**

Applicant Name: WAYNE HUDSON

Applicant Address: 24075 MILTON ELLENDALE HIGHWAY

City: MILTON

State: DE

Zip Code: 19968

Phone #: (302) 745-0231

E-mail: PENINSULA@HUGHES.NET

**Owner Information**

Owner Name: W &amp; B HUDSON FAMILY LTD

Owner Address: 24075 MILTON ELLENDALE HIGHWAY

City: MILTON

State: DE

Zip Code: 19968

Phone #: (302) 745-0231

E-mail: PENINSULA@HUGHES.NET

**Agent/Attorney/Engineer Information**

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

Agent/Attorney/Engineer Address: 18072 DAVIDSON DRIVE

City: MILTON

State: DE

Zip Code: 19968

Phone #: (302) 684-6207

E-mail: MDAVIDSON@PENNONI.COM



## Check List for Sussex County Planning & Zoning Applications


The following shall be submitted with the application

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

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

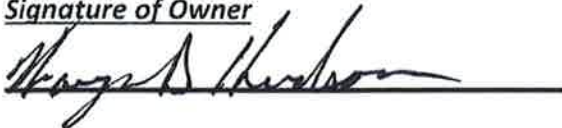
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



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

Signature of Owner



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

For office use only:

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

Fee: \$500.00 Check #: \_\_\_\_\_

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

Application & Case #: \_\_\_\_\_

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

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

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

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

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

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





1. TAX MAP NUMBERS: 235-30,00-62,00, 64,00, 66,00, 67,00, 70,00, & 72,00
2. DEED/PLAT REFERENCE: DEED BOOK 3636, PAGE 216 (PARCEL 62,00, 64,00, 67,00, 70,00 & 72,00)  
DEED BOOK 3848, PAGE 336 (PARCEL 66,00 & 70,00)  
DEED BOOK 4786, PAGE 182 (PARCEL 72,00)
3. DEVELOPER NAME: W & B HUDSON FAMILY LTD
4. DEVELOPER ADDRESS: 24075 MILTON ELLENDALE HIGHWAY  
MILTON, DE 19968
5. SITE ADDRESS: LEWES GEORGETOWN HIGHWAY  
HARBESON, DELAWARE 19951
6. CURRENT ZONING: AR-1 (PARCEL 62,00, 64,00, 66,00, 67,00 & 70,00  
MR (PARCEL 72,00)
7. PROPOSED ZONING: C-2 (MEDIUM COMMERCIAL DISTRICT)
8. PRESENT USE: RESIDENTIAL & AGRICULTURAL
9. PROPOSED USE: RESIDENTIAL & COMMERCIAL
10. REQUIRED SETBACKS (ZONE C-2, CH. 115-83,15 B1):  
FRONT - 60 FEET  
SIDE - 5 FEET  
REAR - 5 FEET
11. BUILDING HEIGHT: 42' ALLOWED (C-2 ZONING CH. 115-83,15D)
14. WATER SUPPLY: ARTESIAN WATER COMPANY | DOMESTIC & FIRE
15. SEWER SUPPLY: ARTESIAN WATER COMPANY
16. LATITUDE AND LONGITUDE:  
LONGITUDE: W075° 28' 18.71" LATITUDE: N038° 72' 36.43"
17. TOTAL AREA (GROSS): 37.07% ACRES
18. MINIMUM AREA REQUIREMENTS (ZONE C-2 CH. 115-83,15A):  
MINIMUM LOT AREA: 15,000 SF  
MINIMUM LOT WIDTH: 75 FT  
MINIMUM LOT DEPTH: 100 FT
20. WETLAND AREA: 0.00 AC.


2018-07-25		2018-10-29		2019-01-23		2019-04-23		2019-07-23		2019-10-23		2020-01-23		2020-04-23		2020-07-23		2020-10-23		2021-01-23		2021-04-23		2021-07-23		2021-10-23		2022-01-23		2022-04-23		2022-07-23		2022-10-23		2023-01-23		2023-04-23		2023-07-23		2023-10-23		2024-01-23		2024-04-23		2024-07-23		2024-10-23		2025-01-23		2025-04-23		2025-07-23		2025-10-23		2026-01-23		2026-04-23		2026-07-23		2026-10-23		2027-01-23		2027-04-23		2027-07-23		2027-10-23		2028-01-23		2028-04-23		2028-07-23		2028-10-23		2029-01-23		2029-04-23		2029-07-23		2029-10-23		2030-01-23		2030-04-23		2030-07-23		2030-10-23		2031-01-23		2031-04-23		2031-07-23		2031-10-23		2032-01-23		2032-04-23		2032-07-23		2032-10-23		2033-01-23		2033-04-23		2033-07-23		2033-10-23		2034-01-23		2034-04-23		2034-07-23		2034-10-23		2035-01-23		2035-04-23		2035-07-23		2035-10-23		2036-01-23		2036-04-23		2036-07-23		2036-10-23		2037-01-23		2037-04-23		2037-07-23		2037-10-23		2038-01-23		2038-04-23		2038-07-23		2038-10-23		2039-01-23		2039-04-23		2039-07-23		2039-10-23		2040-01-23		2040-04-23		2040-07-23		2040-10-23		2041-01-23		2041-04-23		2041-07-23		2041-10-23		2042-01-23		2042-04-23		2042-07-23		2042-10-23		2043-01-23		2043-04-23		2043-07-23		2043-10-23		2044-01-23		2044-04-23		2044-07-23		2044-10-23		2045-01-23		2045-04-23		2045-07-23		2045-10-23		2046-01-23		2046-04-23		2046-07-23		2046-10-23		2047-01-23		2047-04-23		2047-07-23		2047-10-23		2048-01-23		2048-04-23		2048-07-23		2048-10-23		2049-01-23		2049-04-23		2049-07-23		2049-10-23		2050-01-23		2050-04-23		2050-07-23		2050-10-23		2051-01-23		2051-04-23		2051-07-23		2051-10-23		2052-01-23		2052-04-23		2052-07-23		2052-10-23		2053-01-23		2053-04-23		2053-07-23		2053-10-23		2054-01-23		2054-04-23		2054-07-23		2054-10-23		2055-01-23		2055-04-23		2055-07-23		2055-10-23		2056-01-23		2056-04-23		2056-07-23		2056-10-23		2057-01-23		2057-04-23		2057-07-23		2057-10-23		2058-01-23		2058-04-23		2058-07-23		2058-10-23		2059-01-23		2059-04-23		2059-07-23		2059-10-23		2060-01-23		2060-04-23		2060-07-23		2060-10-23		2061-01-23		2061-04-23		2061-07-23		2061-10-23		2062-01-23		2062-04-23		2062-07-23		2062-10-23		2063-01-23		2063-04-23		2063-07-23		2063-10-23		2064-01-23		2064-04-23		2064-07-23		2064-10-23		2065-01-23		2065-04-23		2065-07-23		2065-10-23		2066-01-23		2066-04-23		2066-07-23		2066-10-23		2067-01-23		2067-04-23		2067-07-23		2067-10-23		2068-01-23		2068-04-23		2068-07-23		2068-10-23		2069-01-23		2069-04-23		2069-07-23		2069-10-23		2070-01-23		2070-04-23		2070-07-23		2070-10-23		2071-01-23		2071-04-23		2071-07-23		2071-10-23		2072-01-23		2072-04-23		2072-07-23		2072-10-23		2073-01-23		2073-04-23		2073-07-23		2073-10-23		2074-01-23		2074-04-23		2074-07-23		2074-10-23		2075-01-23		2075-04-23		2075-07-23		2075-10-23		2076-01-23		2076-04-23		2076-07-23		2076-10-23		2077-01-23		2077-04-23		2077-07-23		2077-10-23		2078-01-23		2078-04-23		2078-07-23		2078-10-23		2079-01-23		2079-04-23		2079-07-23		2079-10-23		2080-01-23		2080-04-23		2080-07-23		2080-10-23		2081-01-23		2081-04-23		2081-07-23		2081-10-23		2082-01-23		2082-04-23		2082-07-23		2082-10-23		2083-01-23		2083-04-23		2083-07-23		2083-10-23		2084-01-23		2084-04-23		2084-07-23		2084-10-23		2085-01-23		2085-04-23		2085-07-23		2085-10-23		2086-01-23		2086-04-23		2086-07-23		2086-10-23		2087-01-23		2087-04-23		2087-07-23		2087-10-23		2088-01-23		2088-04-23		2088-07-23		2088-10-23		2089-01-23		2089-04-23		2089-07-23		2089-10-23		2090-01-23		2090-04-23		2090-07-23		2090-10-23		2091-01-23		2091-04-23		2091-07-23		2091-10-23		2092-01-23		2092-04-23		2092-07-23		2092-10-23		2093-01-23		2093-04-23		2093-07-23		2093-10-23		2094-01-23		2094-04-23		2094-07-23		2094-10-23		2095-01-23		2095-04-23		2095-07-23		2095-10-23		2096-01-23		2096-04-23		2096-07-23		2096-10-23		2097-01-23		2097-04-23		2097-07-23		2097-10-23		2098-01-23		2098-04-23		2098-07-23		2098-10-23		2099-01-23		2099-04-23		2099-07-23		2099-10-23		2100-01-23		2100-04-23		2100-07-23		2100-10-23	
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ALL DOCUMENTS PREPARED BY PENNINO 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 PENNINO ASSOCIATES FOR THE SPECIFIC PURPOSES INTENDED BY THE OWNERS SPECIFIC RISK AND LIABILITY OR LEGAL EXPOSURE TO PENNINO ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNINO ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

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

# V-0201

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

 **Pennoni**

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

## HUDSON HARBESON LANDS

TAX MAPS: 235-30.00-62.00,64.00,66.00,67.00,70.00 &amp;72.00

## BOUNDARY PLAT

W & B HUDSON FAMILY LTD  
24075 MILTON ELLENDALE HWY

## PARTICULAR DESCRIPTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**Preliminary Land Use Service (PLUS)****Delaware State Planning Coordination**

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

**Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.**

Please complete this PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): \_\_\_\_\_

Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): \_\_\_\_\_

1. Project Title/Name: Hudson Harbeson Lands

2. Location ( please be specific): 26504 Lewes Georgetown Highway, Harbeson DE

3. Parcel Identification #: 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, 72.00

4. County or Local Jurisdiction Name: where project is located: Sussex County

5. If contiguous to a municipality, are you seeking annexation: N/A

6. Owner's Name: W &amp; B Hudson Family LTD

Address: 24075 Milton Ellendale Highway

City: Milton

State: Delaware

Zip: 19968

Phone: 302 745-0231

Fax:

Email: peninsula@hughes.net

7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting): Wayne Hudson

Address: 24075 Milton Ellendale Highway

City: Milton

State: Delaware

Zip: 19968

Phone: 302 745-0231

Fax:

Email: peninsula@hughes.net

8. Project Designer/Engineer: Mark H. Davidson | Pennoni

Address: 18072 Davidson Drive

City: Milton

State: Delaware

Zip: 19968

Phone: 302 684-8030

Fax:

Email: mdavidson@pennoni.com

9. Please Designate a Contact Person, including phone number, for this Project: Mark H. Davidson 302-684-6207

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

**Information Regarding Site:**

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

11. Brief Explanation of Project being reviewed:

If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications. No

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

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

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

17. Water: ☐ Central (Community system) ☐ Individual On-Site ☒ Public (Utility)  
 Service Provider Name: Artesian Water Company | Domestic & Fire

An addition of a well and Storage Tank may be warranted for fire protection and possibly domestic

Will a new public well be located on the site? ☒ Yes ☐ No

18. Wastewater: ☐ Central (Community system) ☐ Individual On-Site ☒ Public (Utility)  
 Service Provider Name: Artesian Water Company

Will a new community wastewater system be located on this site? ☐ Yes ☒ No

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

20. Environmental impacts:

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

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

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

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

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

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

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

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

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

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

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

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

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: **TBD**

What percentage of those trips will be trucks, excluding vans and pick-up trucks?

Ex. Entrance with Royal Farms to US9 and DE5; New Full access Entrance RT9 and possible alternate Entrance DE5.

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

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

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

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

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

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

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

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

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

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

Signature of property owner

Date

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

Date

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

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





## PLANNING & ZONING COMMISSION

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



## Sussex County

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

### Service Level Evaluation Request Form

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

Date: 3/13/19

#### Site Information:

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

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

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

Proposed Zoning: C-4 35.65+/- ACRES

Land Use Classification: DEVELOPING AREA | LEVEL 3

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

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

#### Applicant Information:

Applicant's Name: W & B Hudson Family LTD

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

City: Milton State: DE Zip Code: 19968

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

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



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

JENNIFER COHAN  
SECRETARY

April 5, 2019

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

Dear Ms. Cornwell:

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

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

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.



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

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm  
Enclosure

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

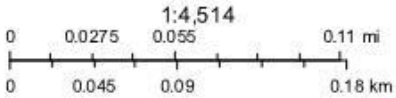


# Sussex County



PIN:	Text
Owner Name	Text
Book	Text
Mailing Address	Text
City	Text
State	Text
Description	
Description 2	
Description 3	
Land Code	

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





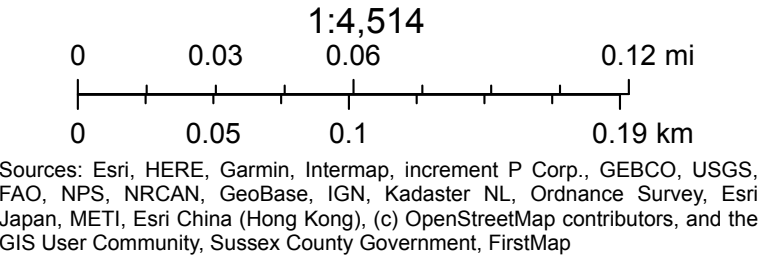
# Sussex County



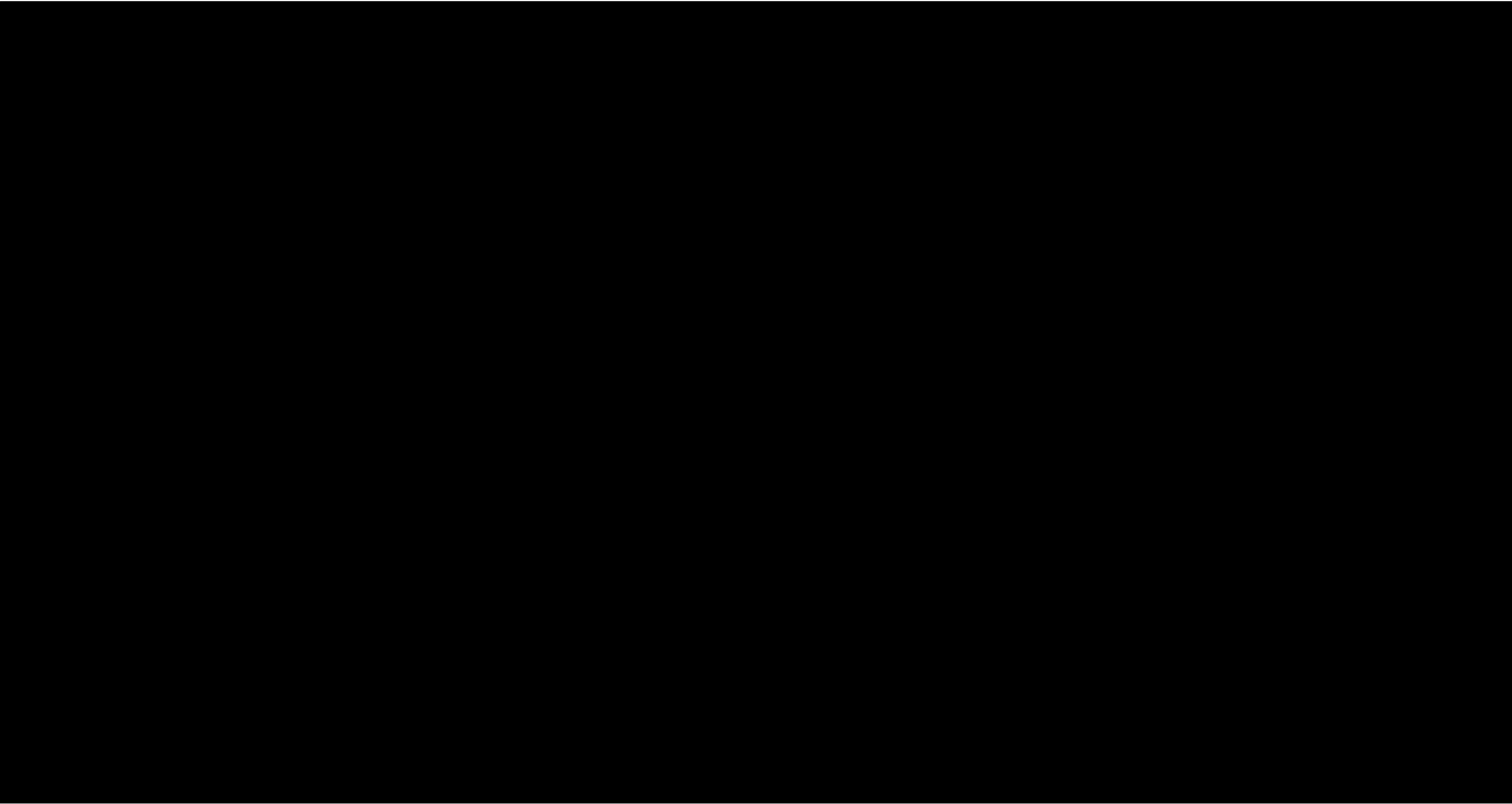
## 2045 Future Land Use Map

PROPOSED  
SITE FOR  
C-2  
APPLICATION

March 25, 2020



# Sussex County



August 28, 2019

Tax Parcels

Streets

County Boundaries

Commercial

Developing Area

Existing Development Area

Industrial

Municipalities

Town Center

2019 Future Land Use

Low Density

Coastal Area

1:4,514

00.050.10.2 mi

00.0750.150.3 km

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

Sussex County Government






# Sussex County Comprehensive Plan FUTURE LAND USE PLAN

## Growth Areas

-  Municipality
-  Town Center
-  Developing Area
-  Environmentally Sensitive Developing Area
-  Mixed Residential Areas
-  Highway Commercial Areas
-  Planned Industrial Areas

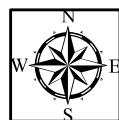
## Rural Areas

-  Low Density Area
-  Protected Lands  
(All Federal lands, State lands, agricultural easements, private conservancy lands, major wetlands and lands preserved by other conservation easements)
-  Agricultural Preservation Districts Under the State Program  
(A voluntary program. Only a very limited number of homes allowed on a tract under State regulations during the time of an agreement. Participating landowners are eligible to sell development rights to the State.)

0 9,000 18,000 36,000

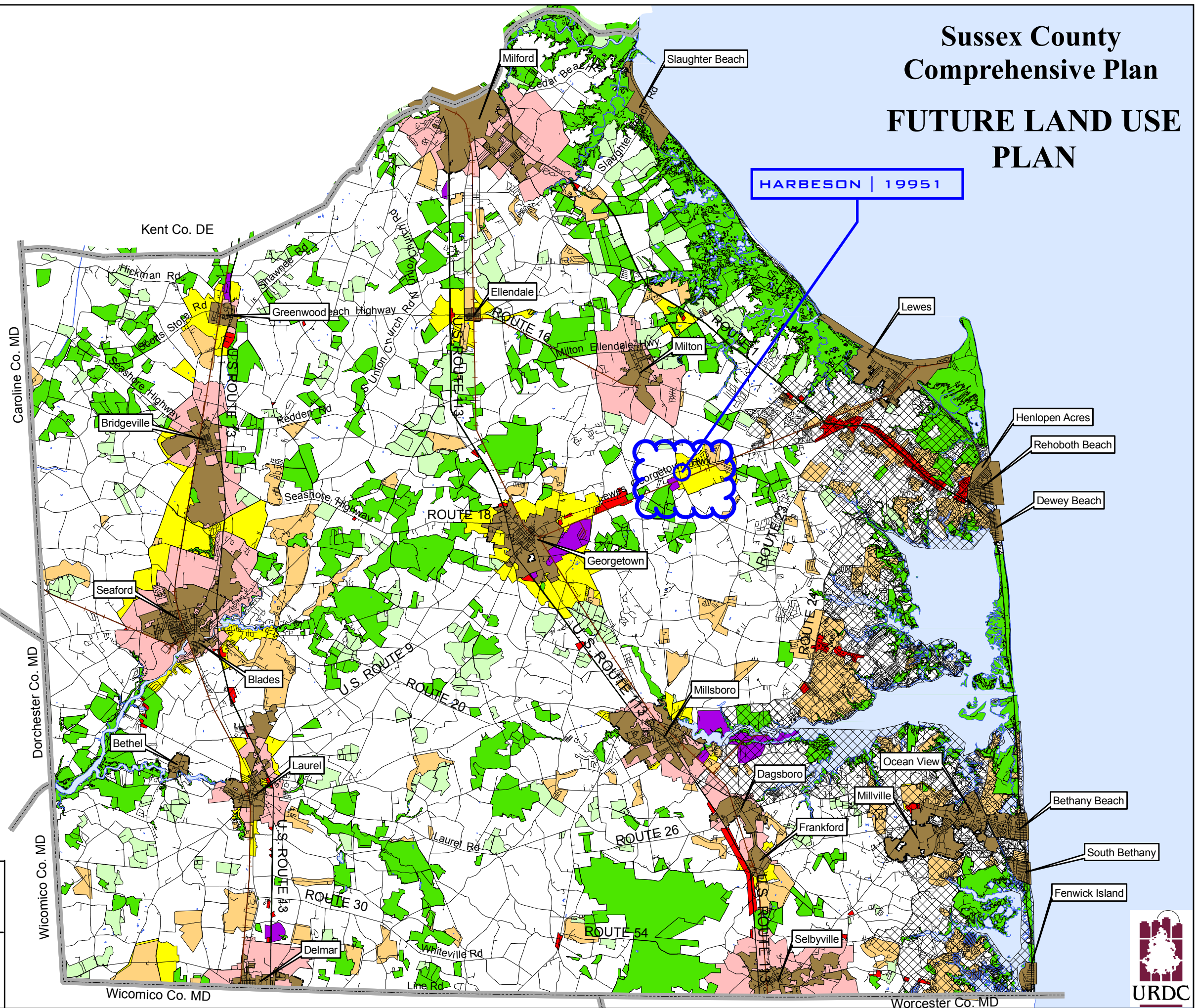
Feet

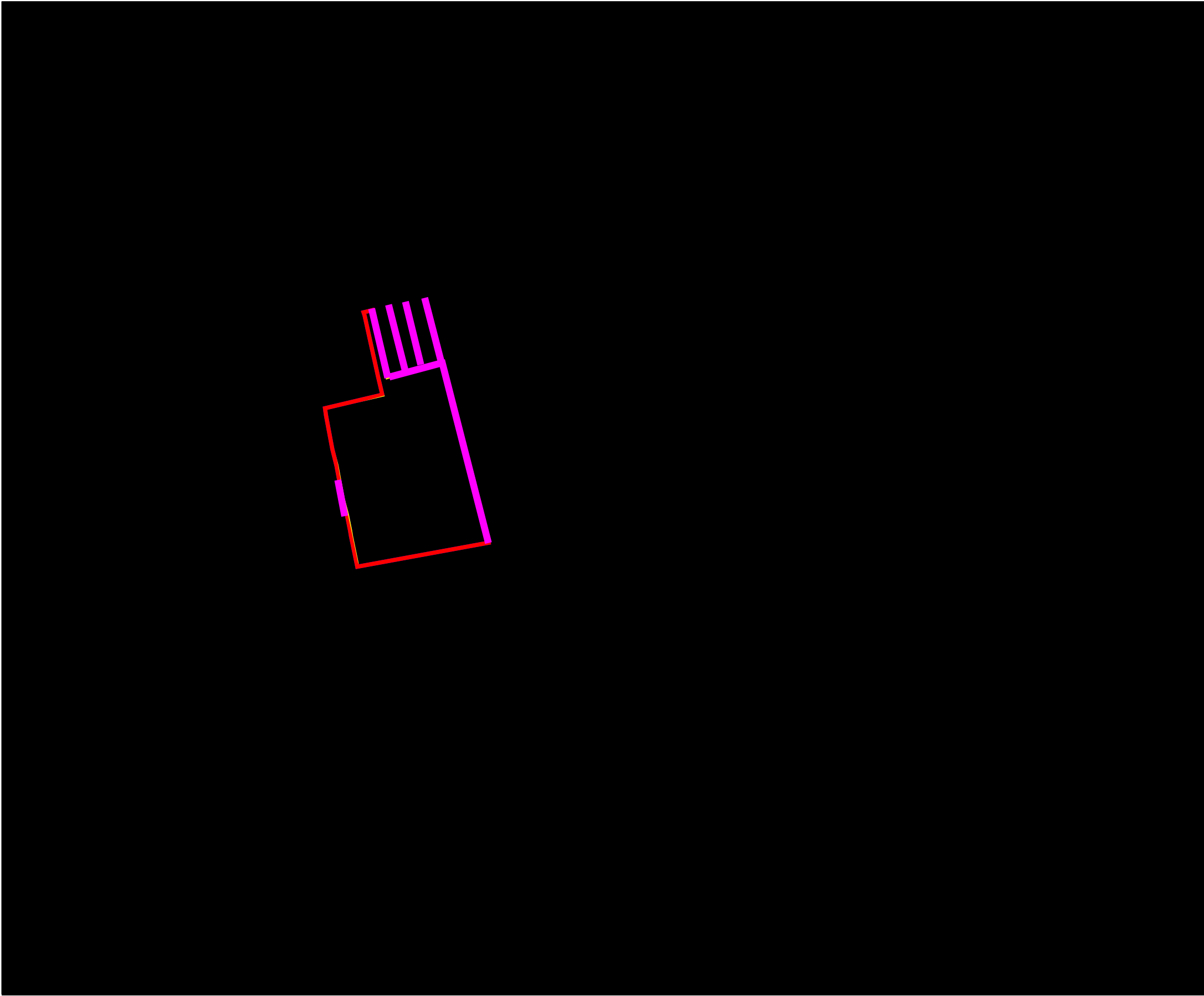
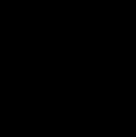
1 inch equals 18,000 feet



Base Map Provided By:  
Sussex County  
Mapping Department

**Sources:**  
DNREC  
DE Office of State Planning Coordination  
DE Office of Transportation  
United States Geological Survey






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

polygonLayer

Override 1

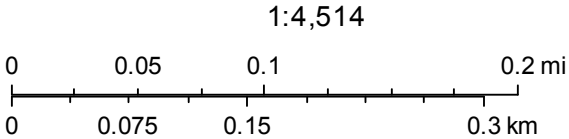
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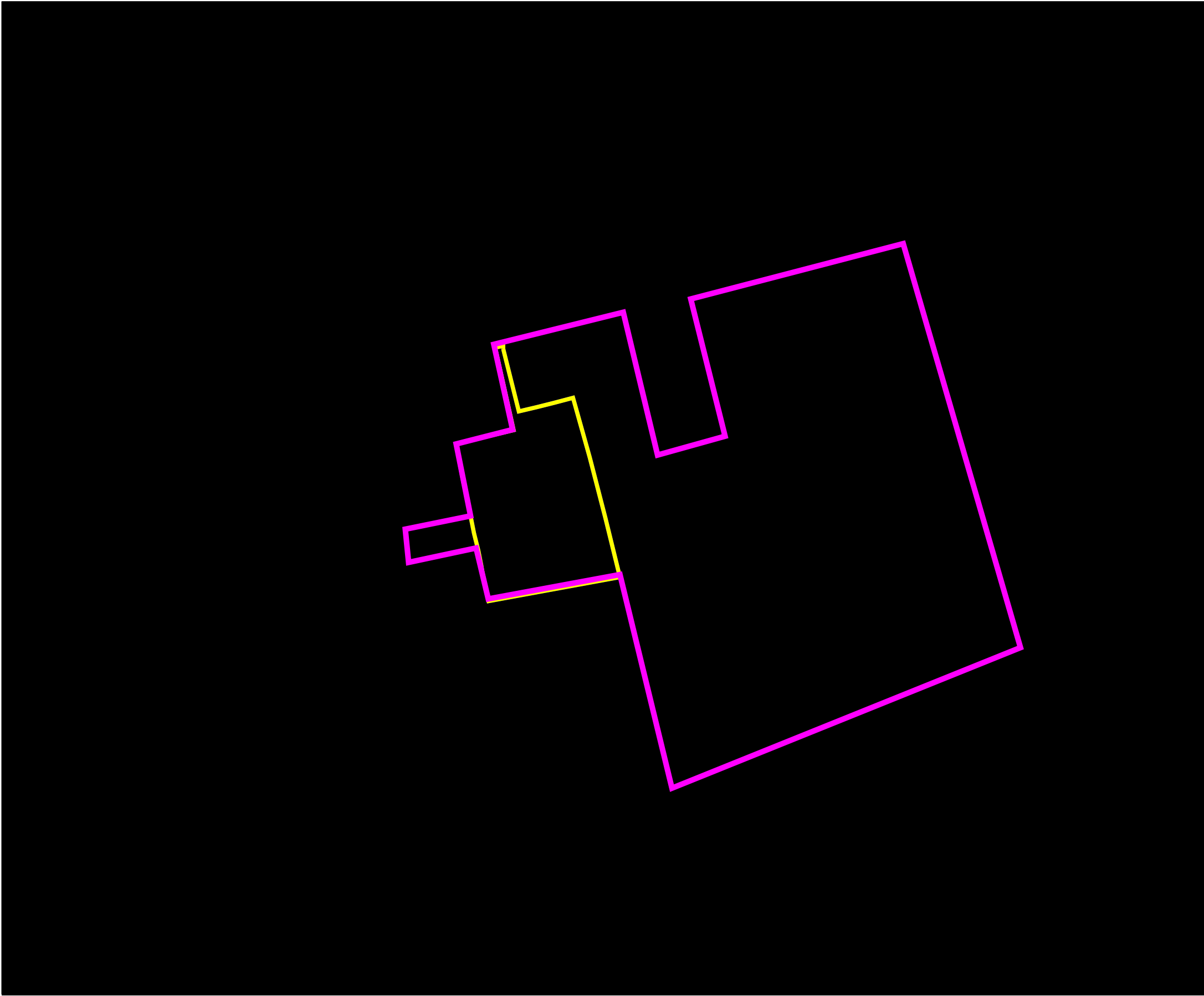
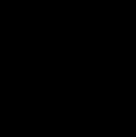
Override 1

 Tax Parcels

 Streets

 County Boundaries






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

polygonLayer

Override 1

polygonLayer

Override 1

 Tax Parcels

 Streets

 County Boundaries

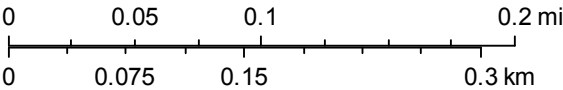
Sussex County Water Districts

 COUNTY

 PRIVATE

 TOWN

1:4,514




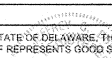


[illegible]

SITE DATA		
1. OWNER OF RECORD :	JOHN FLOYD LINGO, III 5009 BEVERLY LANE MILTON, DE 19068	W & B HUDSON FAMILY LIMITED PARTNERSHIP P.O. BOX 187 MILTON, DE 19068
2. EQUITABLE OWNER :	TWO FARMS, INC. (C/O JACK WHISTED) 3611 ROLAND AVENUE BALTIMORE, MD 12211	
3. ENGINEER / SURVEYOR :	BECKER MORGAN GROUP INC. 309 SOUTH GOVERNORS AVE. DOVER, DELAWARE 19904 302-734-7950	
4. PROPERTY ADDRESS :	SOUTHEAST CORNER OF ROUTE 9 AND ROUTE 5 INTERSECTION TOWN OF HARBESON - SUSSEX COUNTY, DE	
5. PROPERTY LOCATION :	LATITUDE N38° 43' 28.86" WRS80 - NAD83 (2011) LONGITUDE W75° 17' 05.05" WRS80 - NAD83 (2011)	
6. PROPERTY MAP NUMBER :	235-30-00-68.00 235-30-00-69.00 235-30-00-70.00 (PORTION)	
7. DEED REFERENCE :	235-30-00-68.00 235-30-00-69.00 235-30-00-70.00	BOOK 4531 PAGE 326 BOOK 4531 PAGE 322 BOOK 3848 PAGE 336
8. PLAT REFERENCE :	BOOK 109 PAGE 23 BOOK 179 PAGE 37 (DEED BOOK)	
9. SITE AREA SUMMARY :	PARCEL 68.00 = 32.493 SQ. FT. ± PARCEL 69.00 = 42.773 SQ. FT. ± PARCEL 70.00 (PORTION) = 8.161 SQ. FT. ± <b>CONSOLIDATED PARCEL 68.00 = 83,427 SQ. FT. ± / 1.9152 AC. ±</b>	
10. EXISTING LOTS:	3	
11. PROPOSED LOTS:	1	


AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

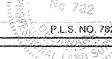
  
SIGNATURE

  
DATE 7-28-2018

**SURVEYORS CERTIFICATION**

I, **JEFFREY C. DODD**, HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR 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 SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

  
JEFFREY C. DODD

  
DATE 7-30-18

**GENERAL NOTES:**

1. TOPOGRAPHIC AND BOUNDARY RETRACEMENT SURVEY WAS PREPARED BY BECKER MORGAN GROUP, DOVER, DE., IN NOVEMBER OF 2016.
2. THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.
3. PROPERTY SHOWN HEREON IS SUBJECT TO ANY RIGHT-OF-WAY, EASEMENTS, RESTRICTIONS, ETC. AS MAY BE SHOWN OR NOTED IN ANY RECORD, PUBLIC OR OTHERWISE, OR ANY REQUIREMENT OR REGULATION OF ANY PUBLIC AGENCY.
4. ALL MEASUREMENTS MADE ARE BASED ON A GNSS RTK SITE CALIBRATION SET BY BECKER MORGAN GROUP, DOVER DE., IN NOVEMBER OF 2016. BOTH VERTICAL AND HORIZONTAL COORDINATES FOR SITE CALIBRATION WERE DERIVED THROUGH A LIMITED CONSTRAINT POST-PROCESS OF STATIC GNSS OBSERVATIONS. VERTICAL DATUM IS BASED ON NGM MONUMENT SU 17 (NAV D 88) WITH TIES TO OTHER NEAR BY PASSIVE NGM MONUMENTS. HORIZONTAL DATUM IS BASED ON ACTIVE NGM MONUMENTS - DELAWARE STATE PLANE NAD 83 (2011).
5. WHERE GNSS OBSERVATION WERE NOT SUITABLE, MEASUREMENTS WERE MADE WITH A TOPCON GS-3A ELECTRONIC TOTAL STATION. TRAVERSE RAN TOPDOWN POINTS SET WITHIN CALIBRATION FILE WERE WITHIN MINIMUM CLOSURE STANDARD SET BY STATE STATUTE FOR A SURVEY VARYING FROM ADJUSTMENT.
6. PARCEL IS NOT LOCATED WITHIN THE ONE HUNDRED YEAR FLOOD PLAIN ZONE, BASED ON FIRM MAP 100503C010K, PANEL 31U OF 660, DATED MARCH 1, 2015.
7. THIS PLAN DEPCTS EXISTING UTILITY, DRAINAGE AND ROADWAY INFORMATION SOLELY FOR THE PURPOSE OF MEETING THE DEPARTMENT OF TRANSPORTATION SUBMISSION REQUIREMENTS. THE EXISTING UTILITY INFORMATION SHOWN HAS BEEN TAKEN FROM THE BEST AVAILABLE RECORDS, AND IS SHOWN ON THIS PLAN FOR DELDOT REFERENCE ONLY.

JOHN FLOYD LINGQUI III  
DATE 06/28/2018

**OWNERS CERTIFICATION**

WE, W & B HUDSON FAMILY LIMITED PARTNERSHIP, HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS MAP, AND THAT WE HAVE NO OTHER INTERESTS IN THE SAME TO BE DECLARED TO THE PUBLIC.

**SURVEYORS CERTIFICATION**

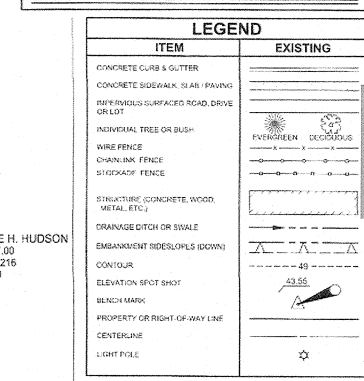
I, JEFFREY C. DODD, HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

JEFFREY C. DODD

No 782  
P.L.S. NO. 782  
DATE 7-30-18

## GENERAL NOTES FOR DELDOT:

1. THIS RECORD PLAN - RED SATISFIES THE DEPARTMENT'S RECORDATION REQUIREMENTS AND ARE BASED ON THE PARCEL'S LOCATION. NO COMMITMENTS ARE STATED OR IMPLIED BY DELDOT THROUGH THE ISSUANCE OF THIS LETTER WITH RESPECT TO: ENTRANCE LOCATIONS), ACCESS CONFIGURATIONS, AUXILIARY LANES AND/OR ROADWAY IMPROVEMENTS WHICH WILL BE EVALUATED AND REQUIRED AS NECESSARY AT THE TIME OF ANY FUTURE CONSTRUCTION OF THE PROJECT OR ANY OTHER FUTURE PROJECTS.
2. NO LANDSCAPING SHALL BE ALLOWED WITHIN RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL. (DCM)
3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEFINED SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT MUST BE ESTABLISHED AND RECORDED WITH THE PROJECTS PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
4. THE DEVELOPER SHALL BE REQUIRED TO FURNISH A PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL. (DCM)
5. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE PLACED AND PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
6. A PERPETUAL, CROSS ACCESS INGRESS/EGRESS EASEMENT IS HEREBY ESTABLISHED AS SHOWN ON THIS PLAN.
7. THIS COMMERCIAL PARCEL HAS DIRECT FRONTAGE ALONG LEWES GEORGETOWN HIGHWAY (US RT 19), WHICH HAS A FUNCTIONAL CLASSIFICATION OF PRINCIPLE ARTERIAL AS DEFINED BY THE STATE OF DELAWARE'S DEPARTMENT OF TRANSPORTATION. PER SECTION 3.6.1 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM), IT IS THE DEVELOPER'S RESPONSIBILITY TO EVALUATE NOISE LEVELS AND THEIR IMPACTS ON PROPOSED DEVELOPMENT. PROJECTS ADJACENT TO EXISTING TRANSPORTATION FACILITIES WITH THE FUNCTIONAL CLASSIFICATION, ROADWAYS WITH THIS CLASSIFICATION CAN BE EXPECTED TO GENERATE ELEVATED LEVELS OF ROAD AND TRAFFIC RELATED NOISE, SIMILAR TO WHAT CAN BE EXPECTED IN URBAN AREAS. A DETAILED NOISE ANALYSIS PER DCM 3.6 IS TYPICALLY RECOMMENDED TO HELP GAUGE THE ACTUAL IMPACTS THAT THE PROJECT RELATED TO THE PROPOSED LAND DEVELOPMENT (SUCH AS THOSE DESCRIBED IN DCM FIGURE 3.6-3A: NOISE ABATEMENT CRITERIA) WITH THE INCLUSION OF THIS NOTE, THE DEVELOPER IS ACKNOWLEDGING THAT THE PROPOSED SITE AND/OR BUILDING LOCATION CAN BE EXPECTED TO EXCEED THE SPECIFIC MAXIMUM NOISE LEVELS FOR CERTAIN COMMERCIAL AND NON-RESIDENTIAL USES AS SHOWN IN DCM FIGURE 3.6-3A. THE DEVELOPER'S WAIVER OF THE NOISE ANALYSIS AND REVIEW OF POTENTIAL NOISE MITIGATION MEASURES ARE SUPPORTED BY THE RELIABILITY OF APPROPRIATE ENGINEERS CONCURRENTLY BASED ON ENGINEERING AND CONSIDERATION OF THE PROJECT'S ABILITY TO ACHIEVE SUBSTANTIAL NOISE REDUCTION, RELATED TO THE COMMERCIAL USE OF THE SITE AND/OR BUILDINGS. THIS WAIVER ACKNOWLEDGES THAT THE DECIBEL LEVEL FOR THIS PARCEL MAY EXCEED THE APPLICABLE LIMITS FOR SOME CURRENT OR FUTURE PROPOSED USES, THE USE OF THIS WAIVER DOES NOT GUARANTEE THE ENGINEERS CONCURRENCE WITH, OR WAVING THE DEVELOPERS COMPLETION OF A DETAILED NOISE STUDY AND FUTURE NOISE LEVELS IMPACTING PROPOSED USES ON THIS SITE AND ALONG THIS EXISTING TRANSPORTATION FACILITY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR LAND OWNER OR BOTH.
8. IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO DELDOT REVIEW. NO CONSTRUCTION ACTIVITY SHALL OCCUR WITHOUT FIRST OBTAINING A DELDOT PERMIT.
9. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DEDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
10. THIS PROJECT IS NOT LOCATED WITHIN THE TRANSPORTATION IMPROVEMENT DISTRICT.
11. THIS PROJECT IS LOCATED IN INVESTMENT LEVEL 3.



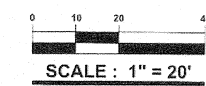
ABBREVIATION LEGEND	
ITEM	ABBREVIATION
POINT OF BEGINNING	P. O. B.
TAX PARCEL	T. P.

PARCELS TO BE EXPUNGED		
PARCEL NO.	TAX MAP #	DEED REF.
1	431-5.00-217.00	D-4700-222
2	431-5.00-216.00	D-4631-290
3	431-5.00-208.01	D-4631-290

**DeIDOT**  
**NO OBJECTION TO**  
**RECORDATION**  
August 07, 2018  
DATE



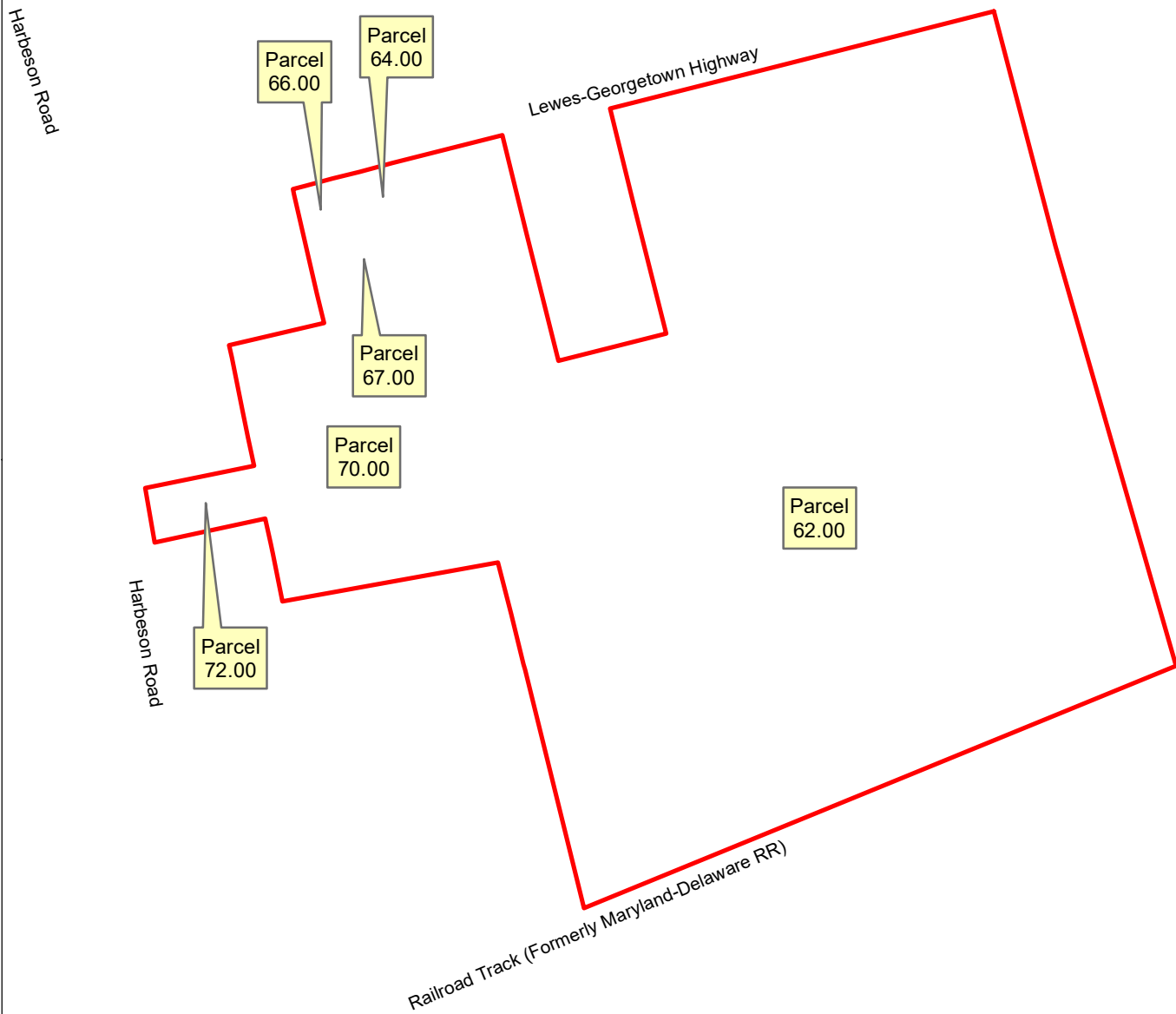
## LOT LINE ADJUSTMENT AND CONSOLIDATION PLAT



ISSUE BLOCK		
MARK	DATE	DESCRIPTION
1.	06-27-18	REVISED PER DELDOT COMMENTS. DATED 06-25-18
LAYER STATE RECORD FILE		
PROJECT NO.:		2016064.00
DATE:		05-18-18
SCALE:		1" = 20'
DRAWN BY: D.S.G.		PROJ. MGR: J.M.R.

SHEET

1 OF 1



0 50 100 200 300  
Feet

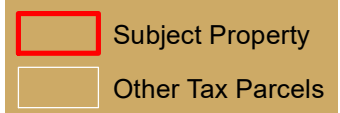
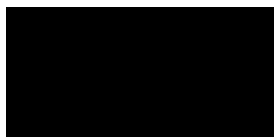
Surdex Corp

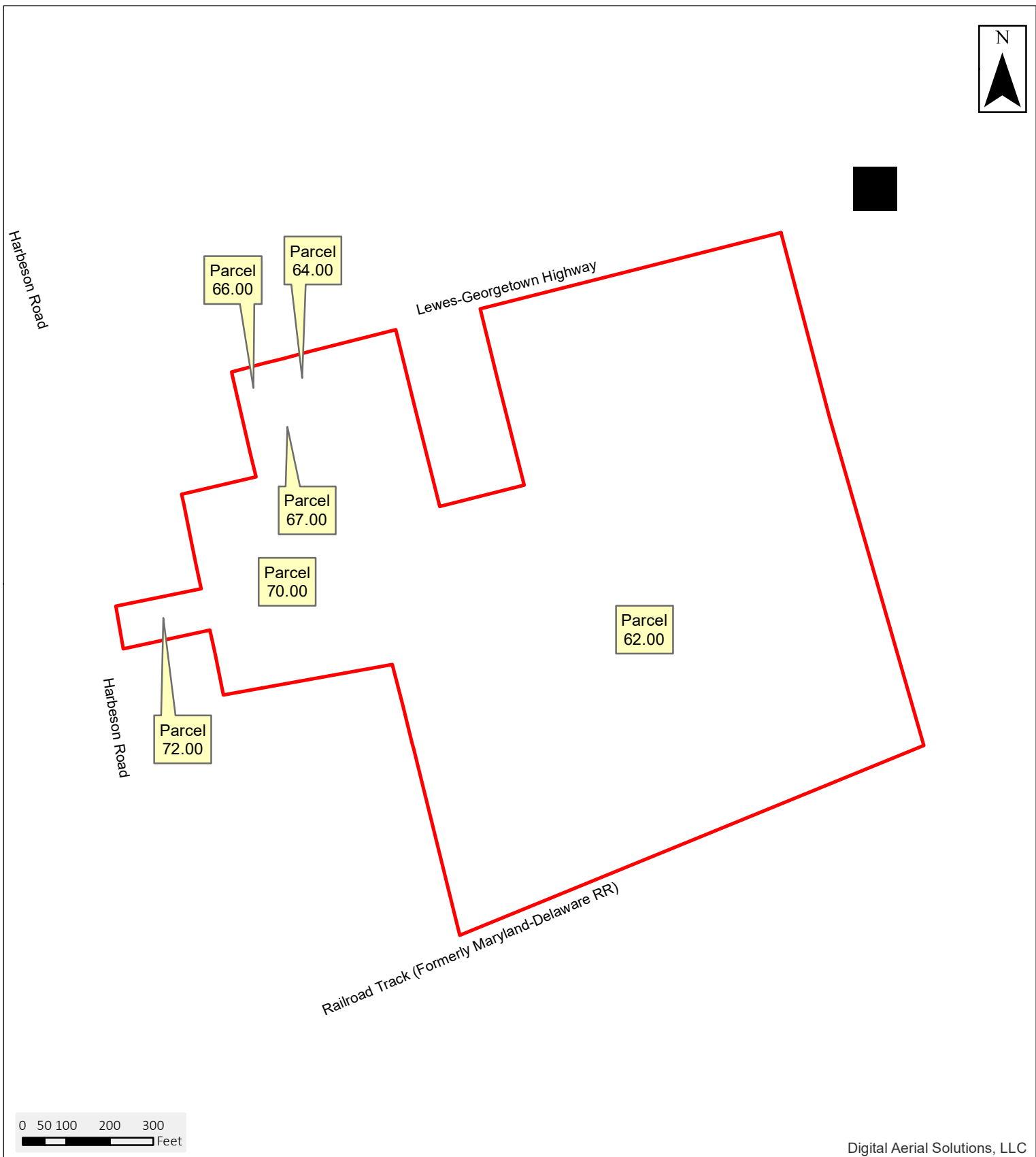
Figure 1 of 19

2017 Orthophoto




Hudson Harbeson Lands

HUDSF18001

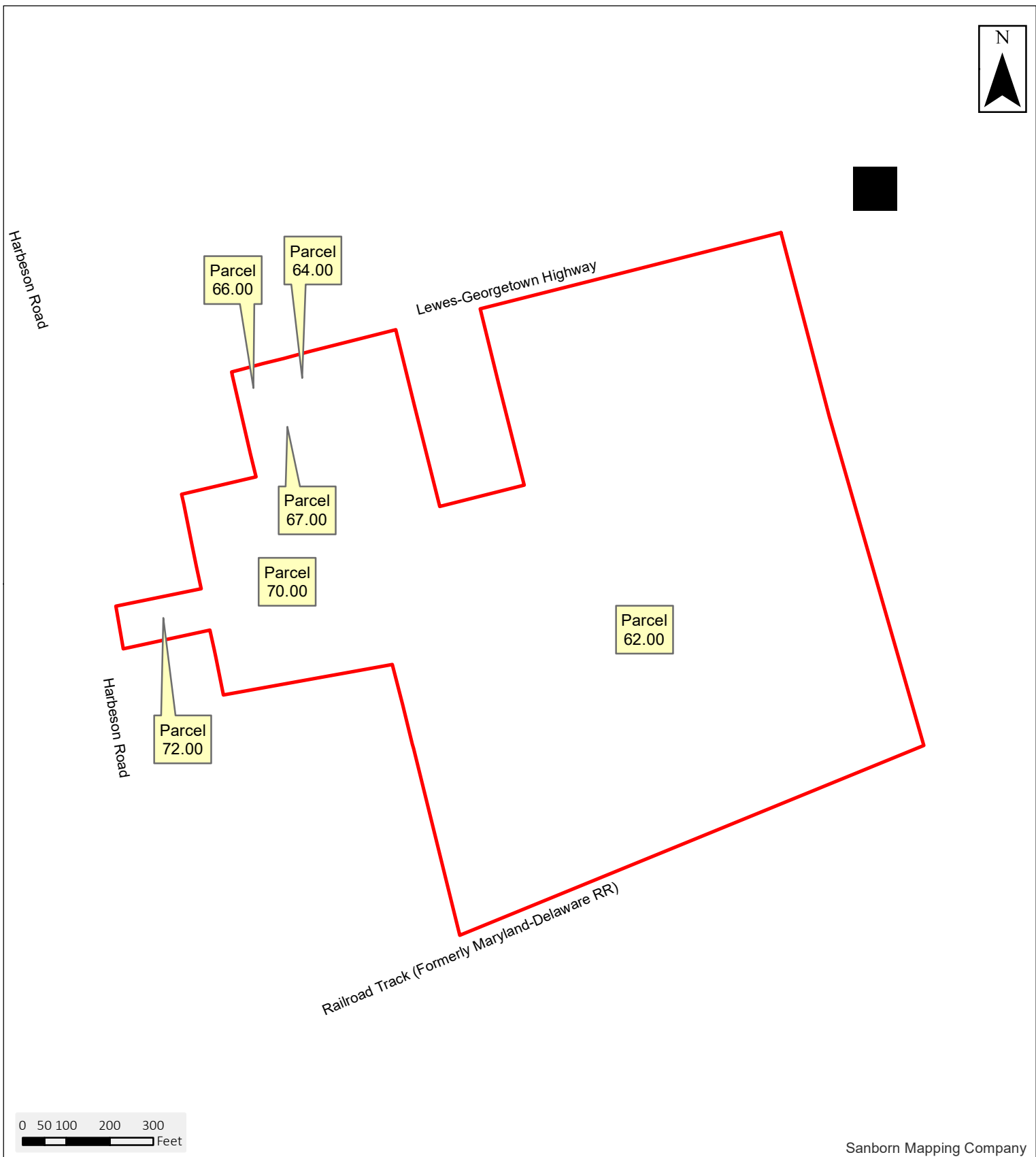







Digital Aerial Solutions, LLC

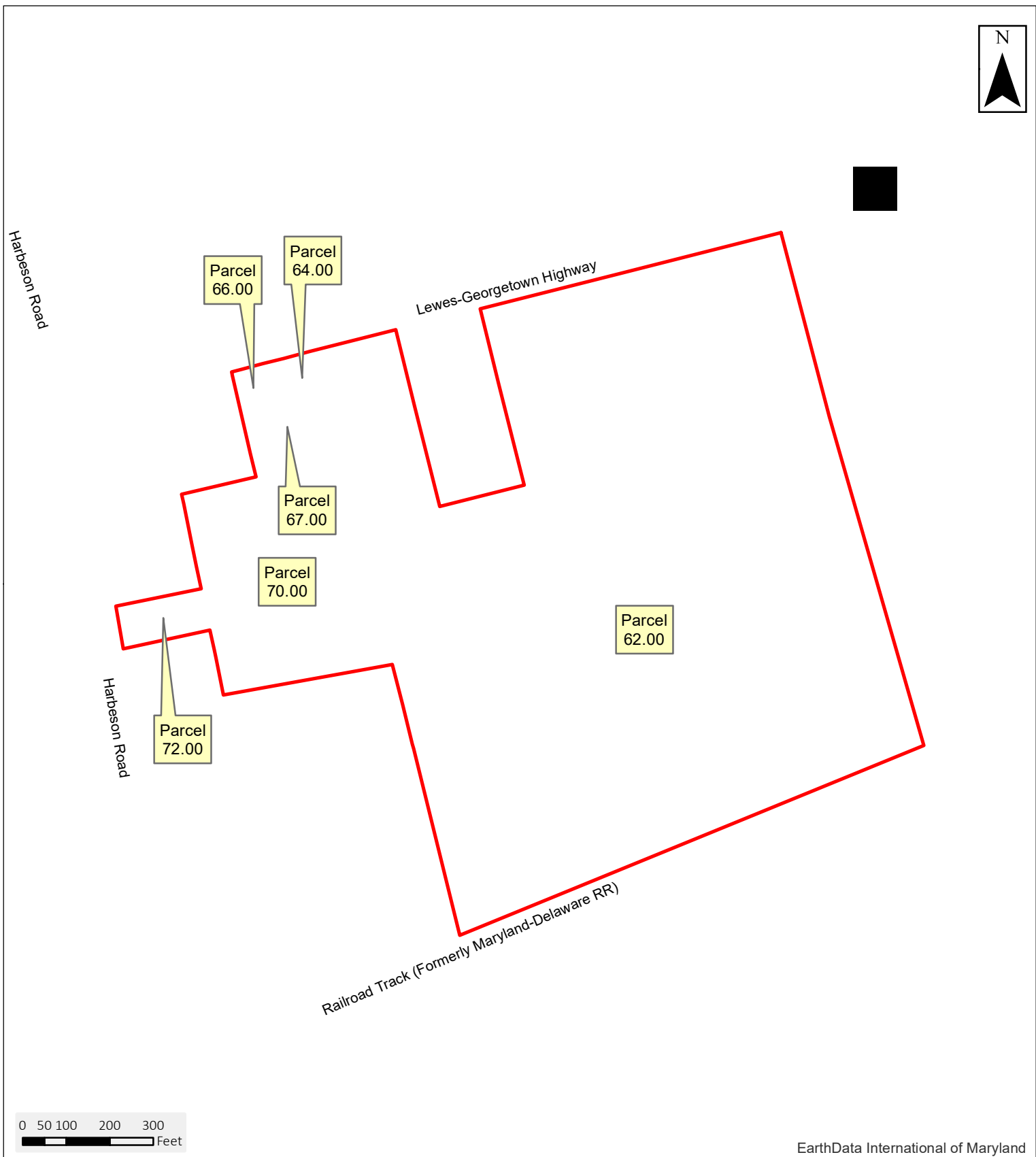
<p>Figure 2 of 19</p> <p>2</p>	<p>2012 Orthophoto</p> <hr/> <p>Hudson Harbeson Lands</p> <hr/> <p>HUDSF18001</p>		<div data-bbox="1143 1835 1474 1955"> <div data-bbox="1149 1843 1235 1892">  </div> <div data-bbox="1247 1854 1450 1885">Subject Property</div> <div data-bbox="1149 1898 1235 1946">  </div> <div data-bbox="1247 1906 1463 1938">Other Tax Parcels</div> </div>
--------------------------------	---	--	---








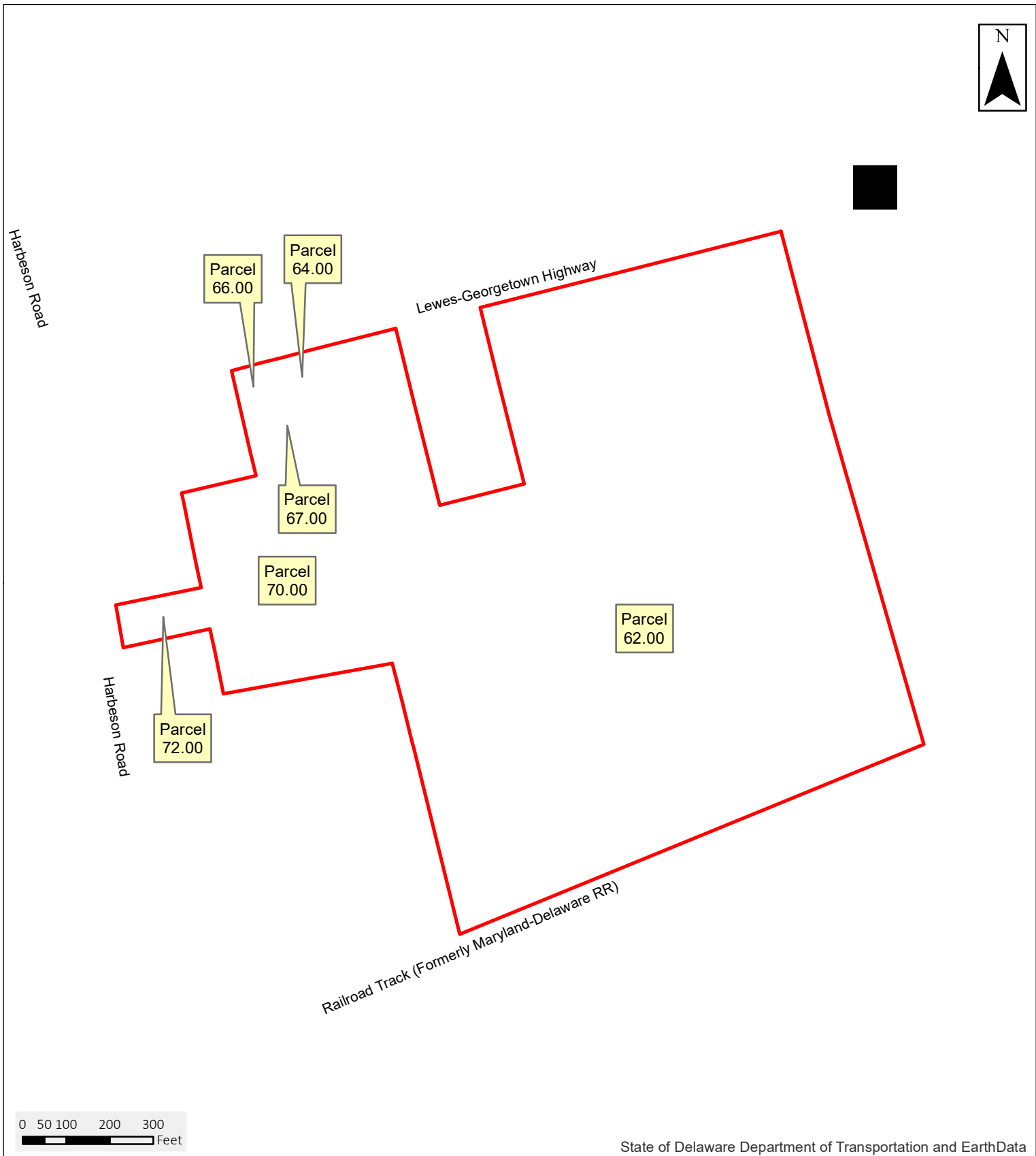
Sanborn Mapping Company

<p>Figure 3 of 19</p> <p>3</p>	<p>2007 Orthophoto</p> <hr/> <p>Hudson Harbeson Lands</p> <hr/> <p>HUDSF18001</p>		<div data-bbox="1123 1835 1476 1955"> <div data-bbox="1133 1843 1218 1892">  </div> <div data-bbox="1226 1850 1451 1887">Subject Property</div> <div data-bbox="1133 1898 1218 1946">  </div> <div data-bbox="1226 1904 1464 1942">Other Tax Parcels</div> </div>
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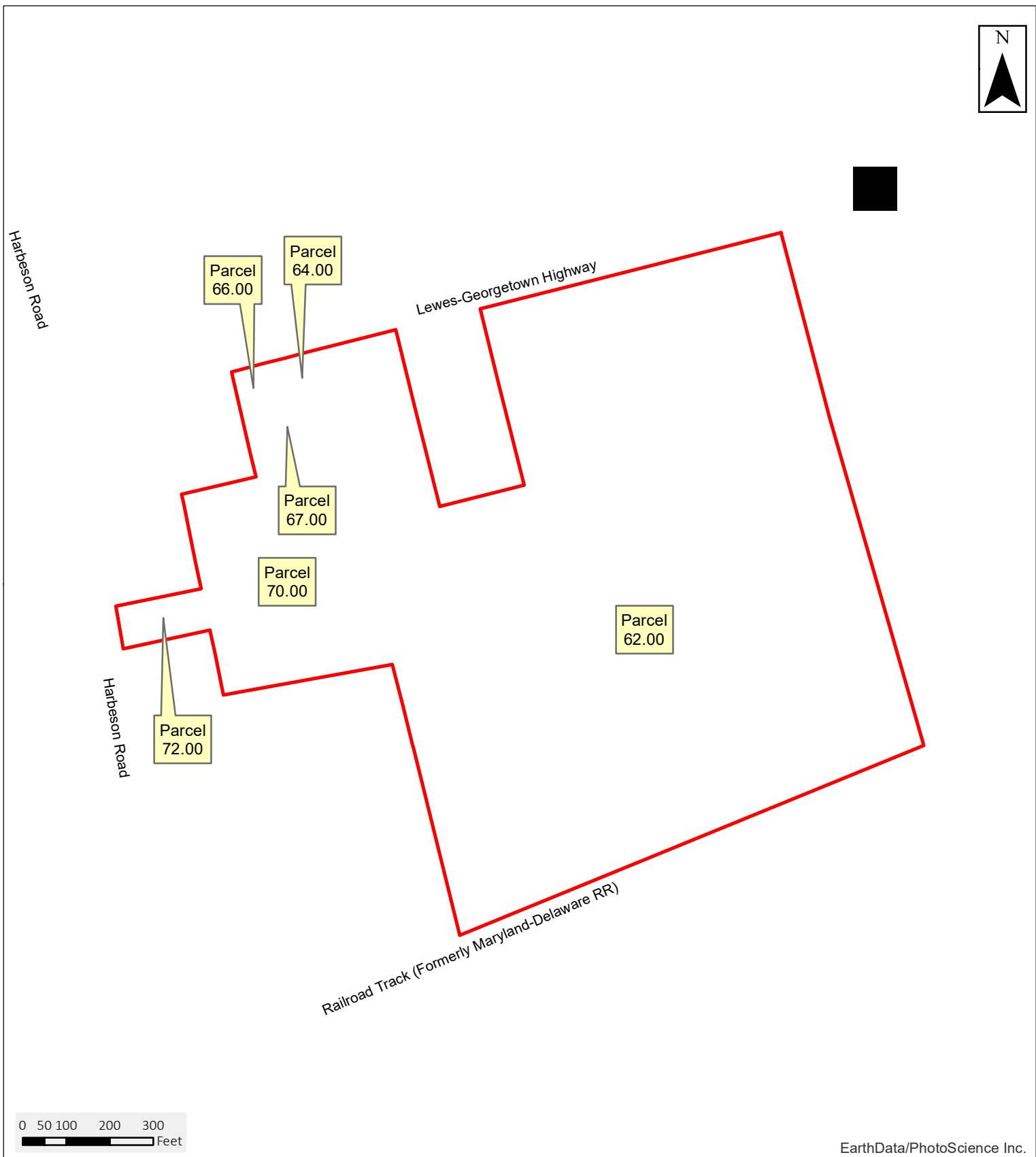
EarthData International of Maryland

<p>Figure 4 of 19</p> <p>4</p>	<p>2002 Orthophoto</p> <hr/> <p>Hudson Harbeson Lands</p> <hr/> <p>HUDSF18001</p>		<div data-bbox="1122 1835 1476 1955"> <div data-bbox="1133 1843 1218 1892">  </div> <div data-bbox="1224 1850 1451 1887">Subject Property</div> <div data-bbox="1133 1898 1218 1946">  </div> <div data-bbox="1224 1904 1468 1942">Other Tax Parcels</div> </div>
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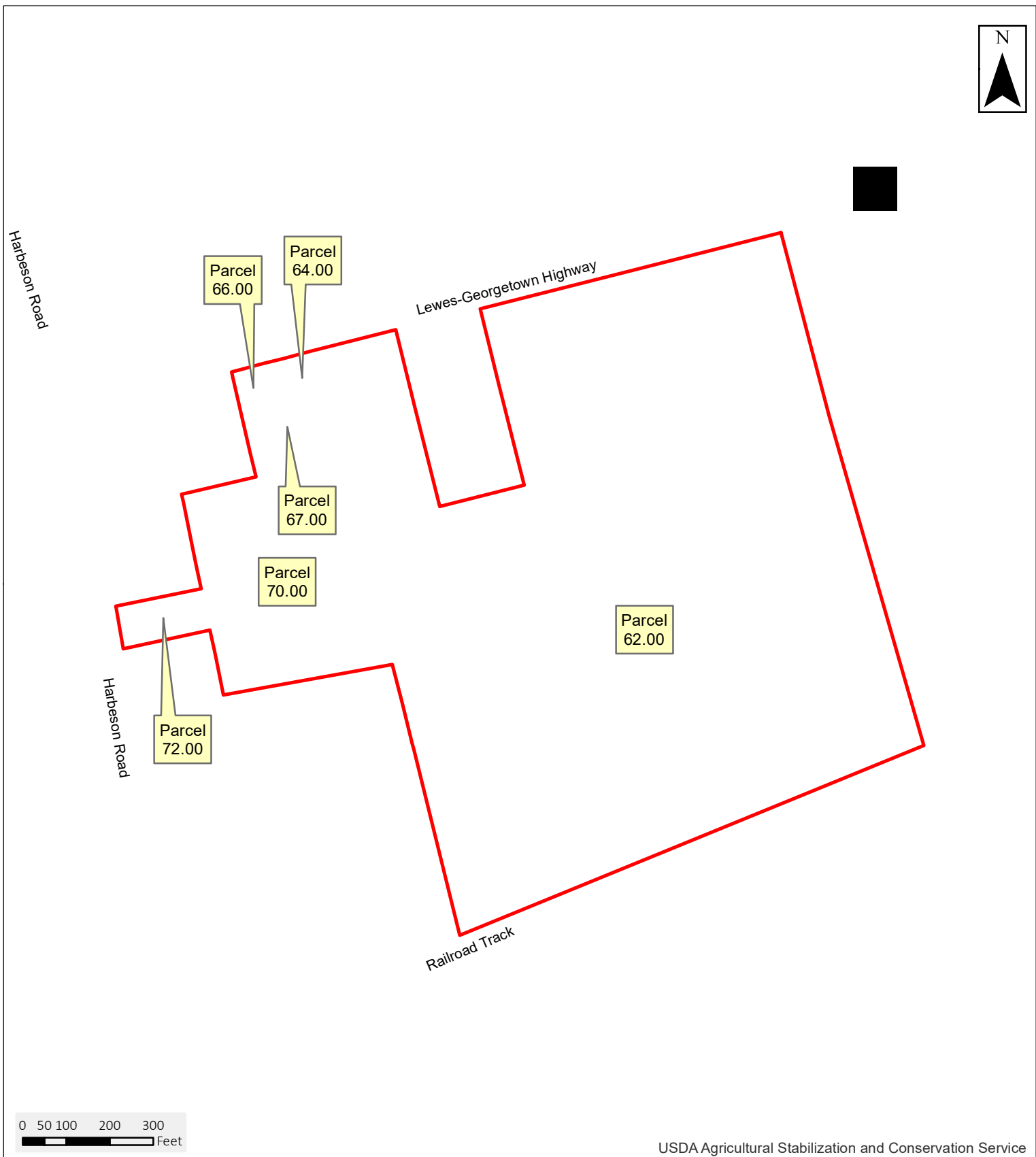
State of Delaware Department of Transportation and EarthData




<p>Figure 5 of 19</p> <p>5</p>	<p>1997 Orthophoto</p> <p>Hudson Harbeson Lands</p> <p>HUDSF18001</p>		<p> Subject Property</p> <p> Other Tax Parcels</p>
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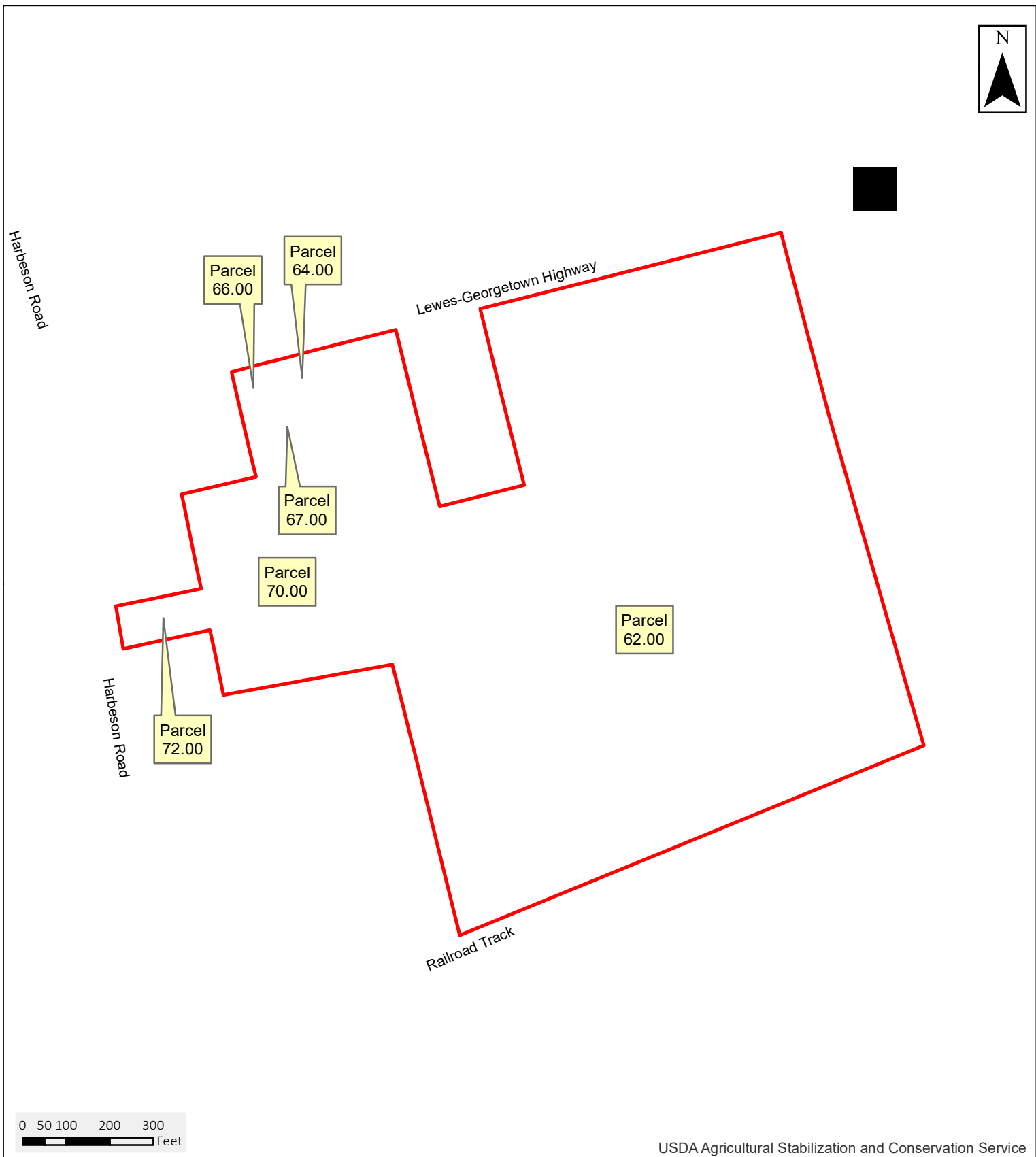
EarthData/PhotoScience Inc.




<p>Figure 6 of 19</p> <p>6</p>	<p>1992 Orthophoto</p> <hr/> <p>Hudson Harbeson Lands</p> <hr/> <p>HUDSF18001</p>		<div data-bbox="1125 1837 1476 1955"> <div>  Subject Property </div> <div>  Other Tax Parcels </div> </div>
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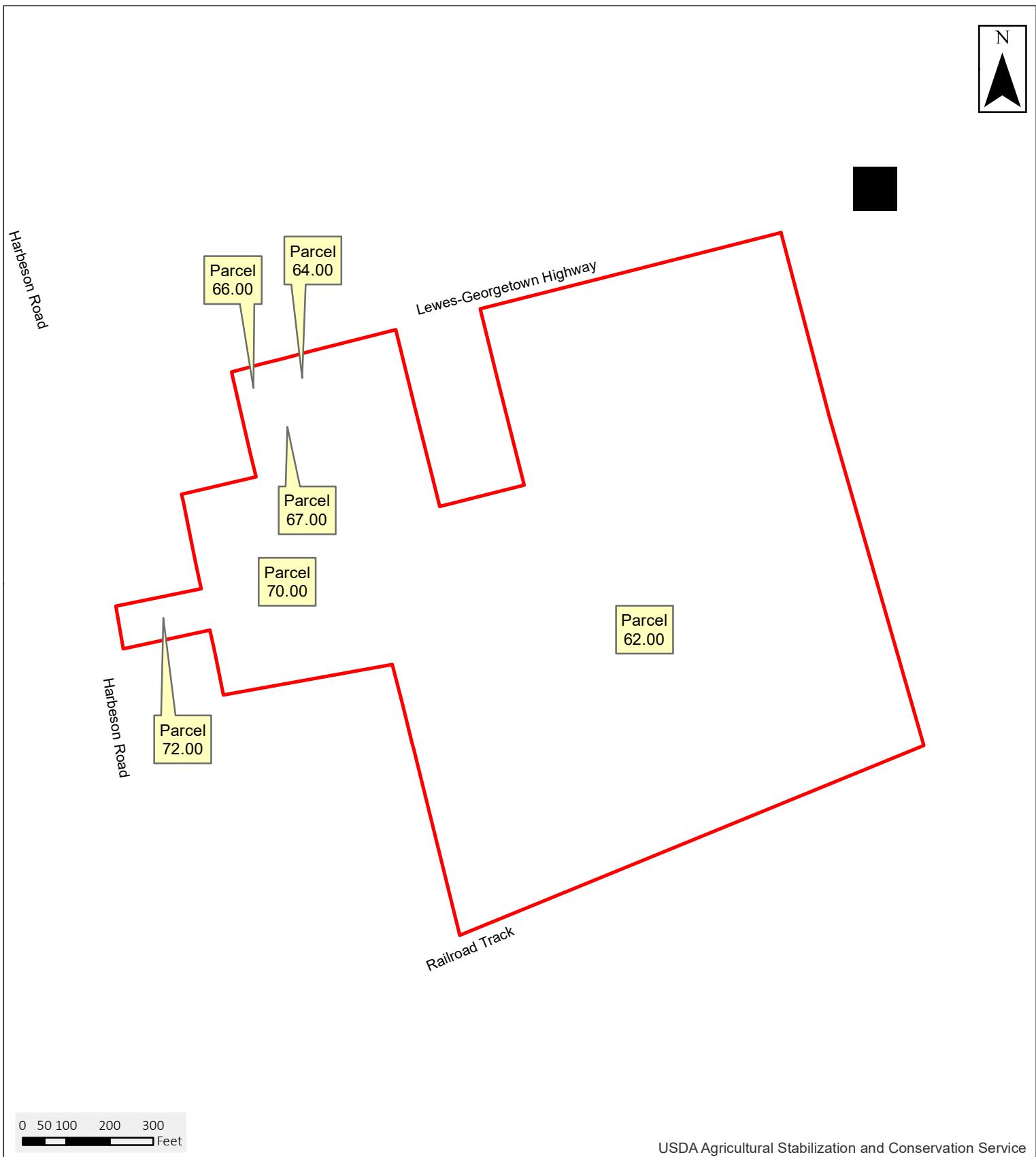


<p>Figure 7 of 19</p> <p>7</p>	<p>1968 Orthophoto</p> <p>Hudson Harbeson Lands</p> <p>HUDSF18001</p>		<p>  Subject Property   Other Tax Parcels </p>
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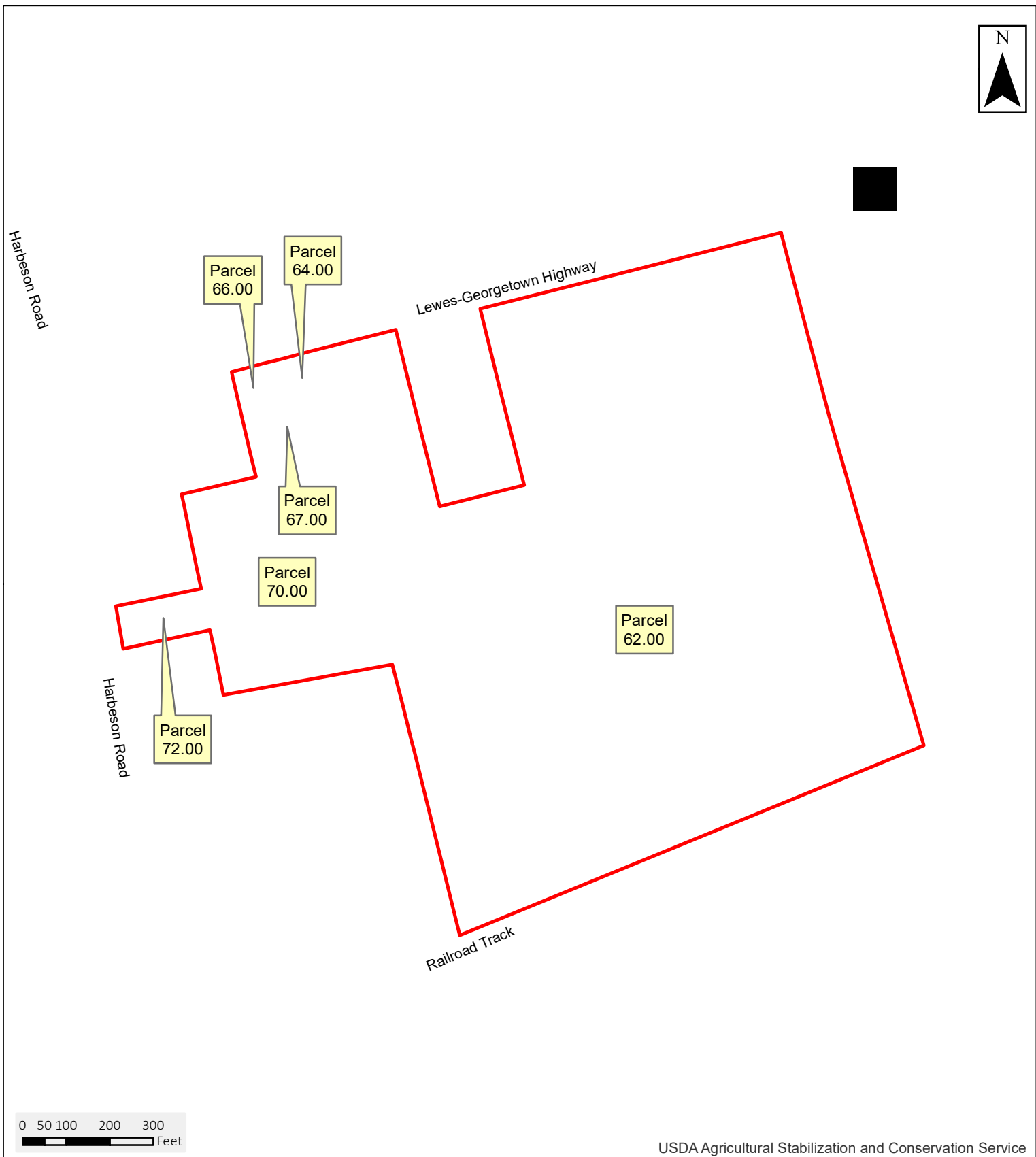





<p>Figure 8 of 19</p> <p>8</p>	<p>1961 Orthophoto</p> <p>Hudson Harbeson Lands</p> <p>HUDSF18001</p>		<p>  Subject Property   Other Tax Parcels         </p>
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USDA Agricultural Stabilization and Conservation Service

<p>Figure 9 of 19</p> <p>9</p>	<p>1954 Orthophoto</p> <hr/> <p>Hudson Harbeson Lands</p> <hr/> <p>HUDSF18001</p>		<div data-bbox="1125 1837 1476 1955"> <div data-bbox="1133 1843 1218 1892">  </div> <div data-bbox="1230 1852 1450 1885">Subject Property</div> </div> <div data-bbox="1133 1900 1218 1948">  </div> <div data-bbox="1230 1908 1463 1942">Other Tax Parcels</div>
--------------------------------	---	--	---



<p>Figure 10 of 19</p> <p>10</p>	<p>1937 Orthophoto</p> <p>Hudson Harbeson Lands</p> <p>HUDSF18001</p>		<p>  Subject Property   Other Tax Parcels         </p>
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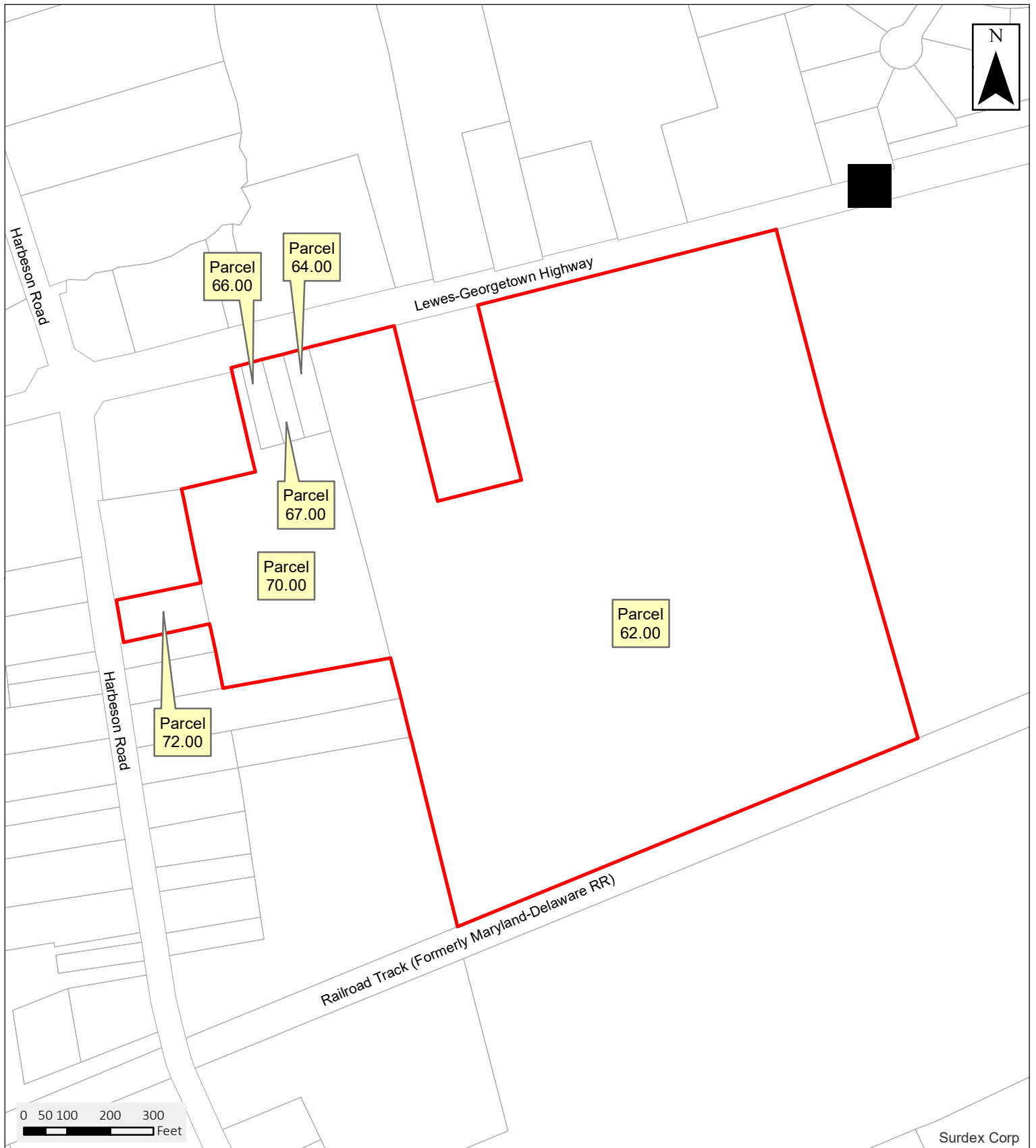


Figure 11 of 19

11

## 2015 State Strategies & Investment Levels

Hudson Harbeson Lands

HUDSF18001



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

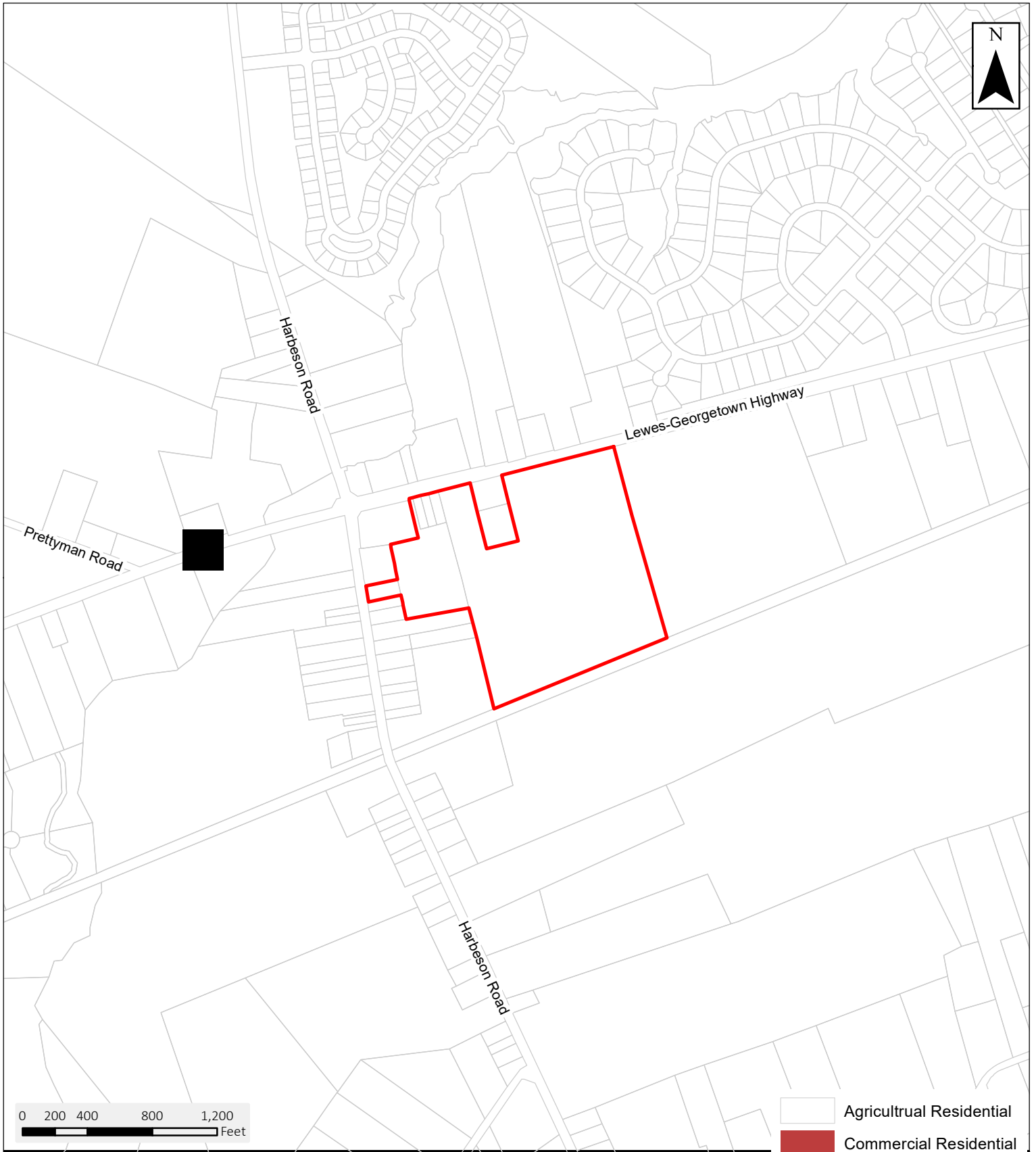


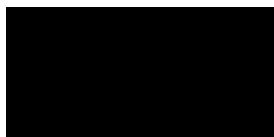
Figure 12 of 19

12

## County Zoning Map

Hudson Harbeson Lands

HUDSF18001



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

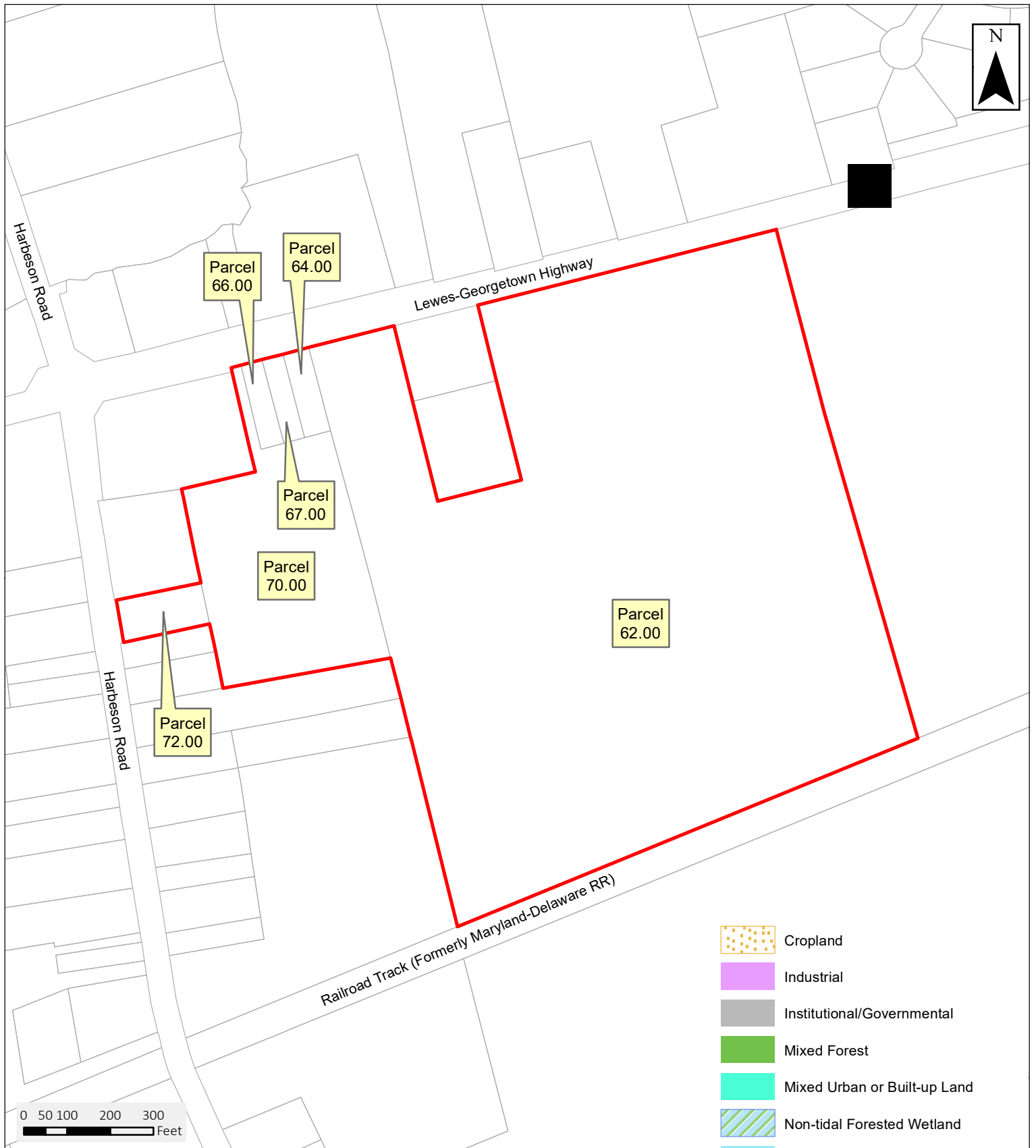


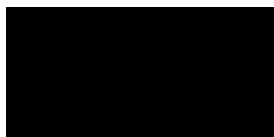
Figure 13 of 19

13

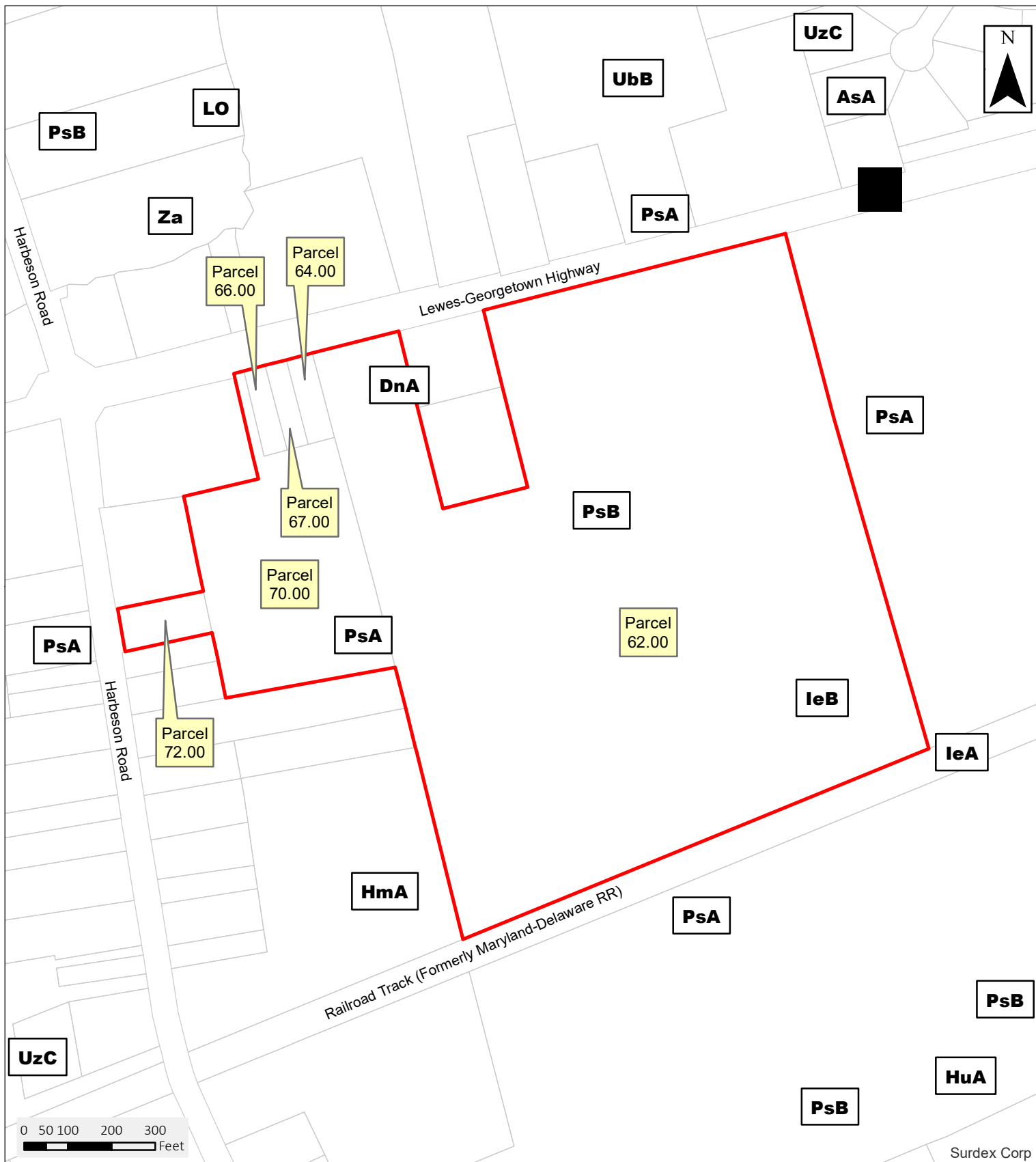
## 2012 Land Use/Land Cover

Hudson Harbeson Lands

HUDSF18001



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



Surdex Corp

Figure 14 of 19

## NRCS Soils Map

Hudson Harbeson Lands

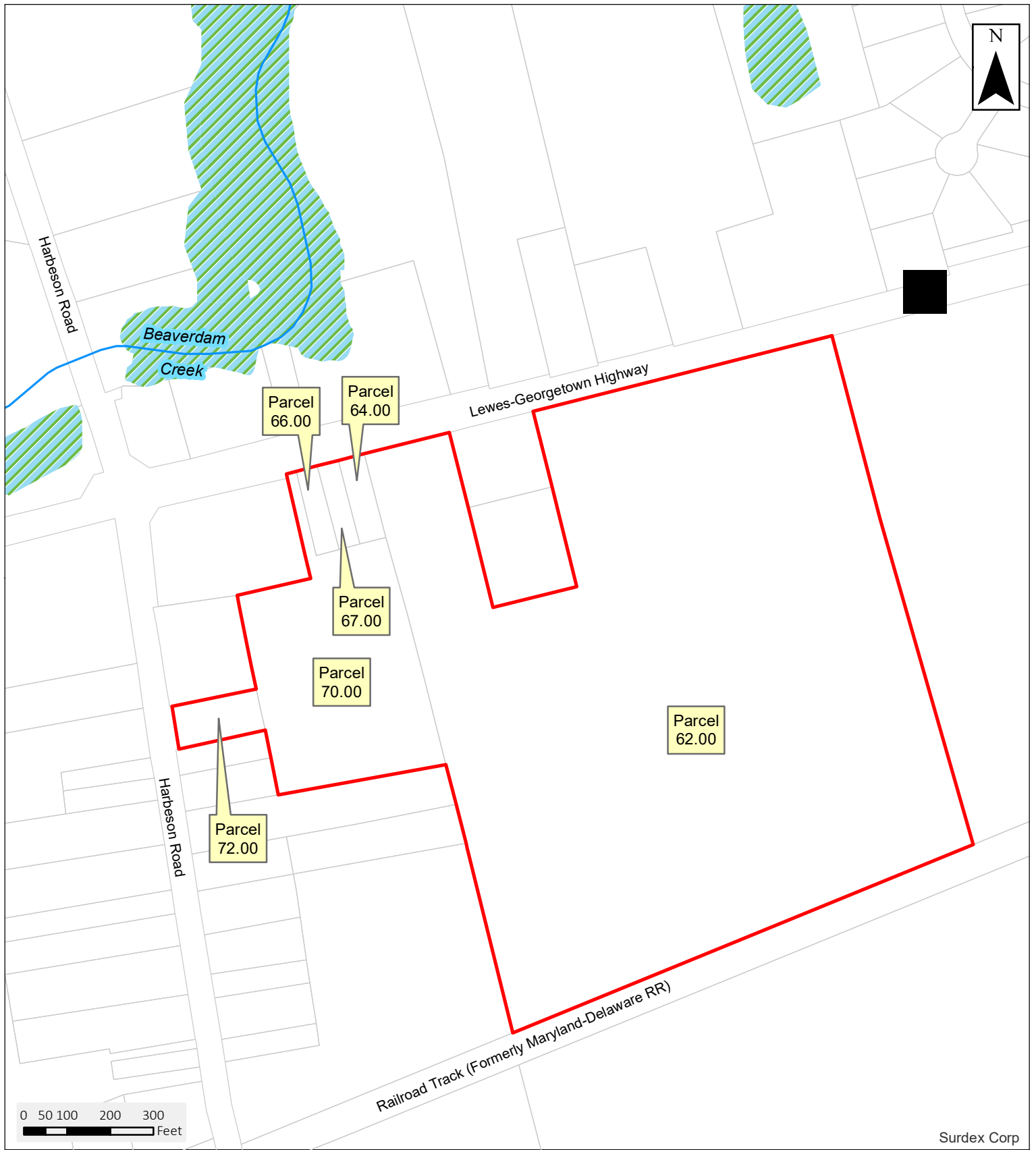
HUDSF18001

14

### Soil Types:

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





Surdex Corp

Figure 15 of 19

15

State Wetlands Map

Hudson Harbeson Lands

HUDSF18001



- Streams
- DNREC Wetlands

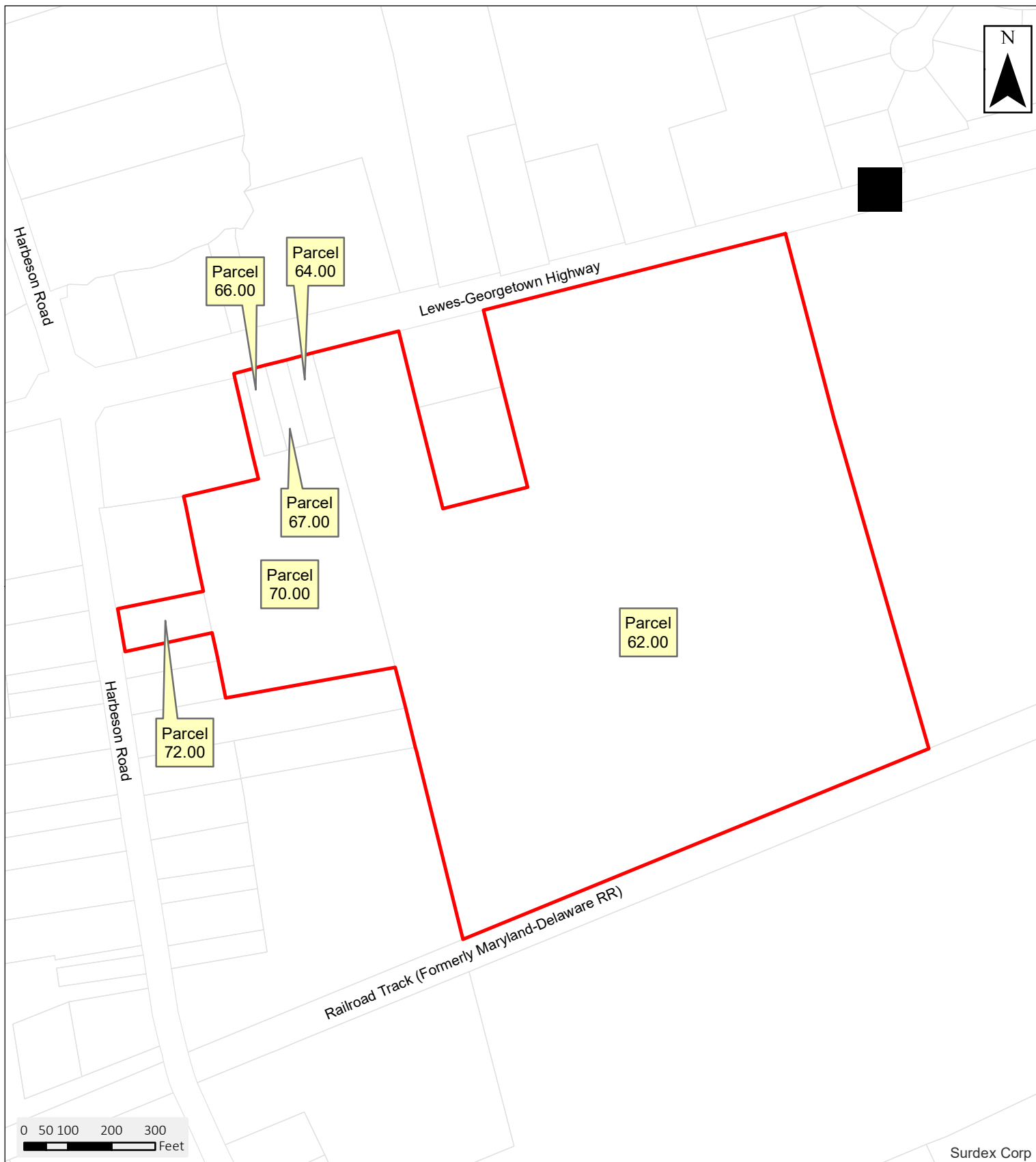


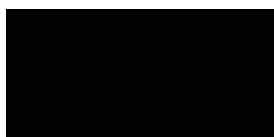
Figure 16 of 19

16

## FEMA Floodplain Mapping

Hudson Harbeson Lands

HUDSF18001



Flood Zone

Zone X

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

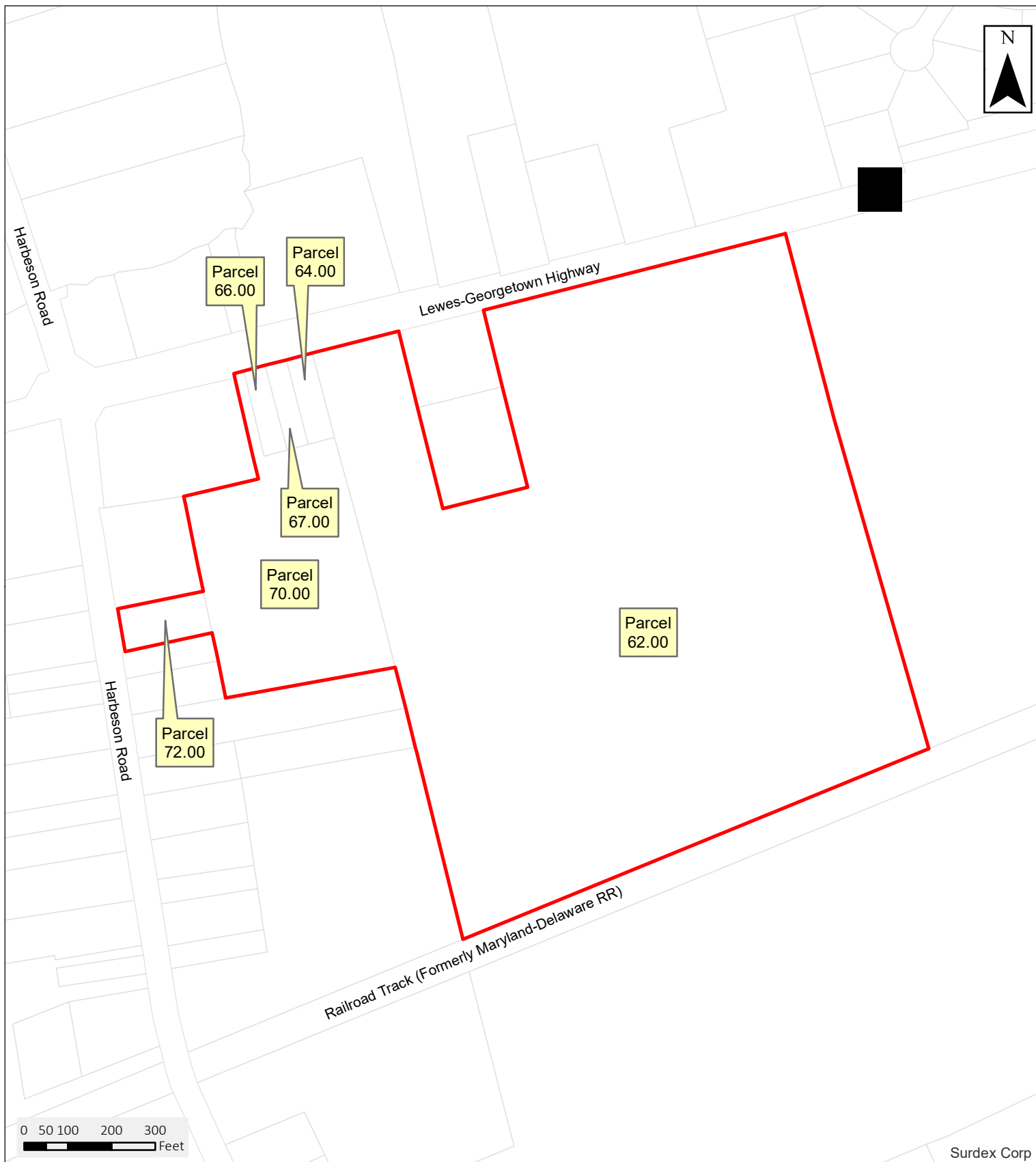


Figure 17 of 19

17

## Groundwater Recharge Potential

Hudson Harbeson Lands

HUDSF18001



- Good
- Fair
- Poor



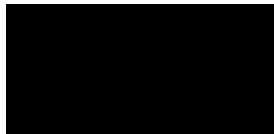
Figure 18 of 19

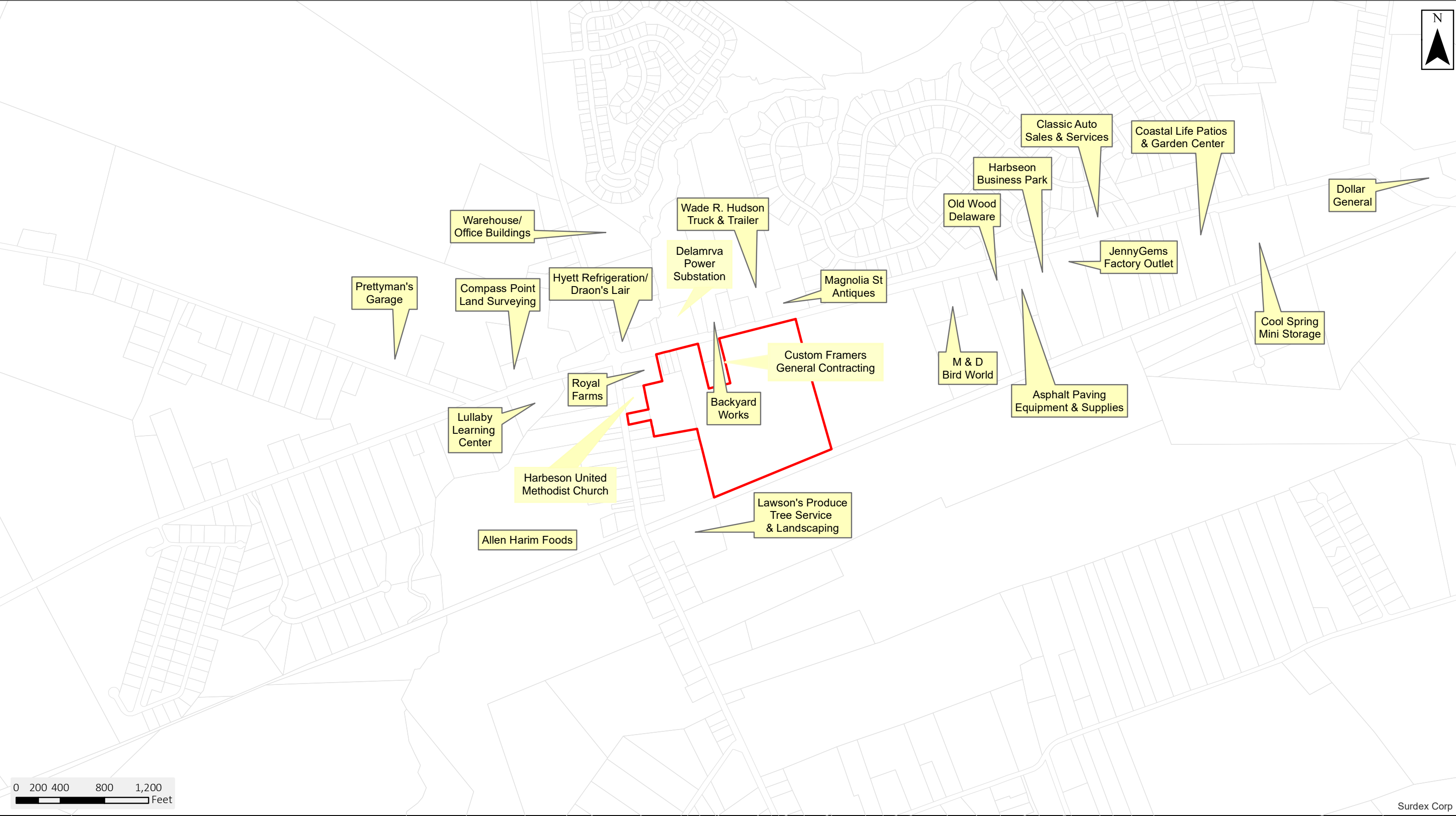
18

USGS Topographic Map

Hudson Harbeson Lands

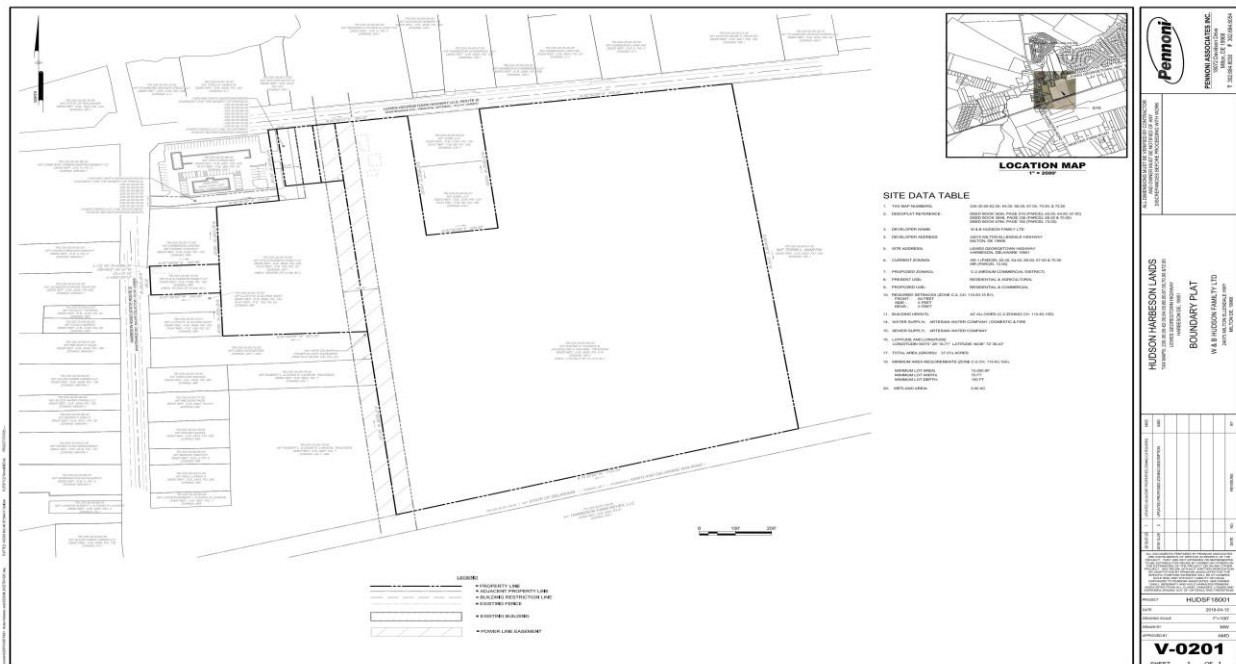
HUDSF18001





## PROPOSED FINDINGS OF FACT

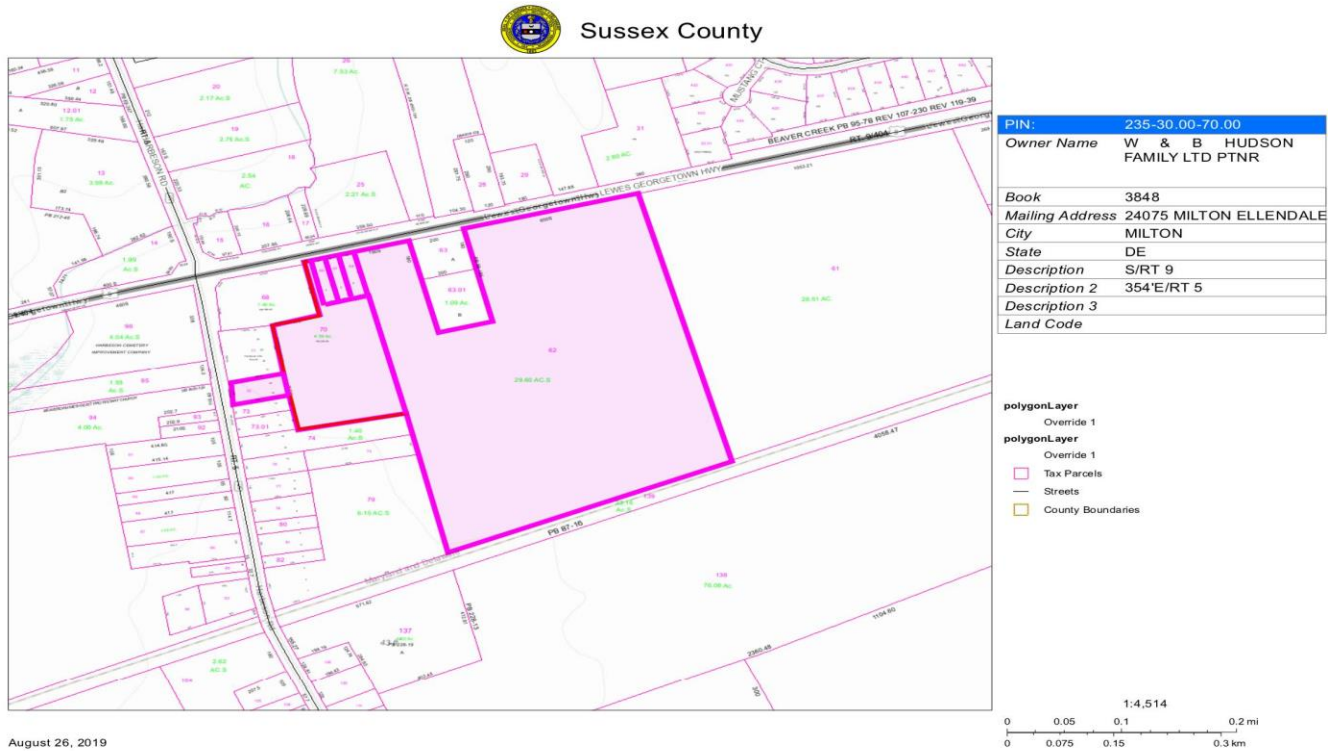
1. This is an application to grant a rezoning of a portion of lands in a AR-1 Agricultural Residential District located on 37.07 acres, more or less in the Broadkill Hundred located on the south side of Lewes Georgetown Highway | U.S. Route 9 and east side of Harbeson Road | Delaware Route 5 to C-2, Medium Commercial District.



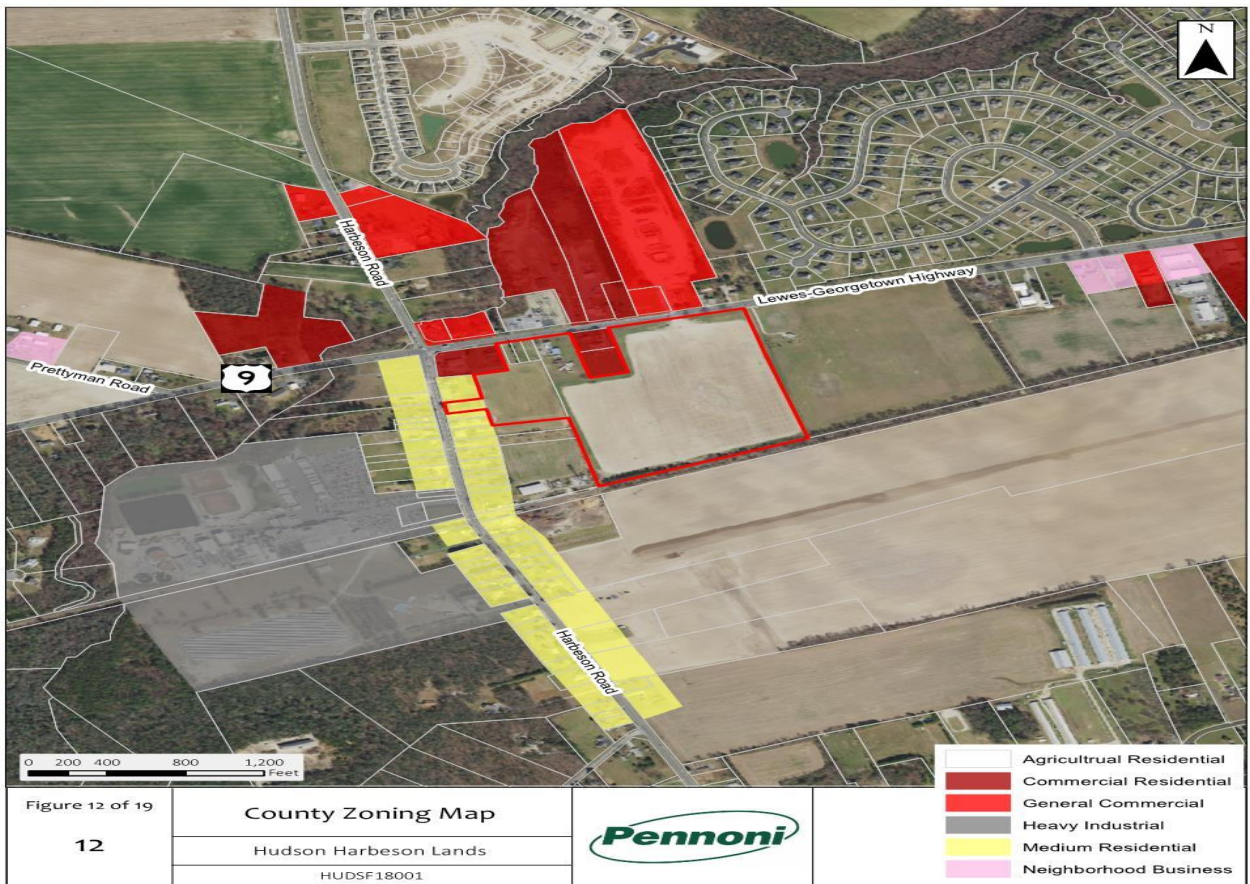
2. The applicant is W & B Hudson Family LTD with Mr. Wayne Hudson representing the family properties. The subject properties have been in the Hudson family for several generations as well as other adjacent lands in the community.



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

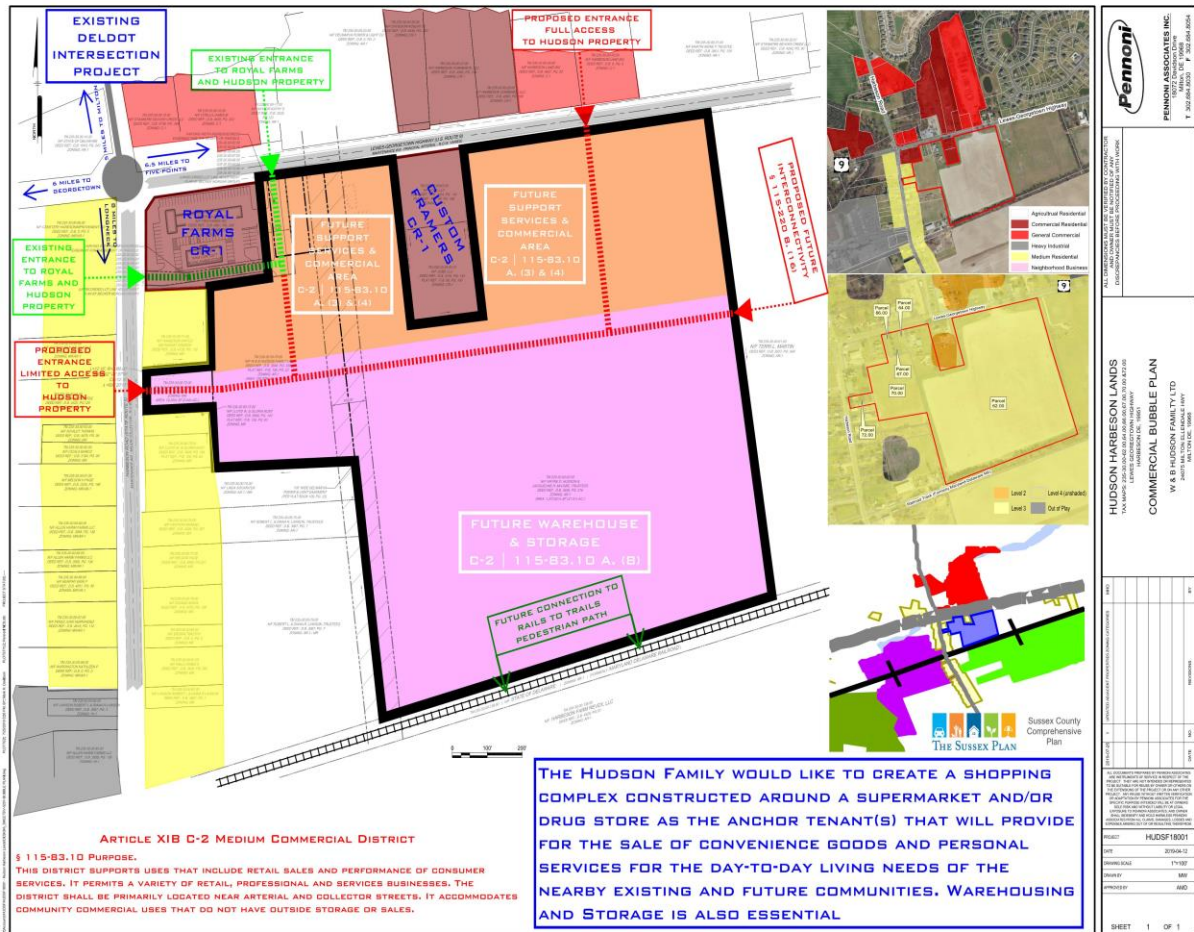


4. The properties are bordered on:
- North with existing commercial property (Royal Farms and Custom Framers General contracting) and US Route 9.
  - South by Delmarva Central Railroad (Future State of Delaware Rails to Trails Path)
  - West with existing commercial uses, church and MR zoned properties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



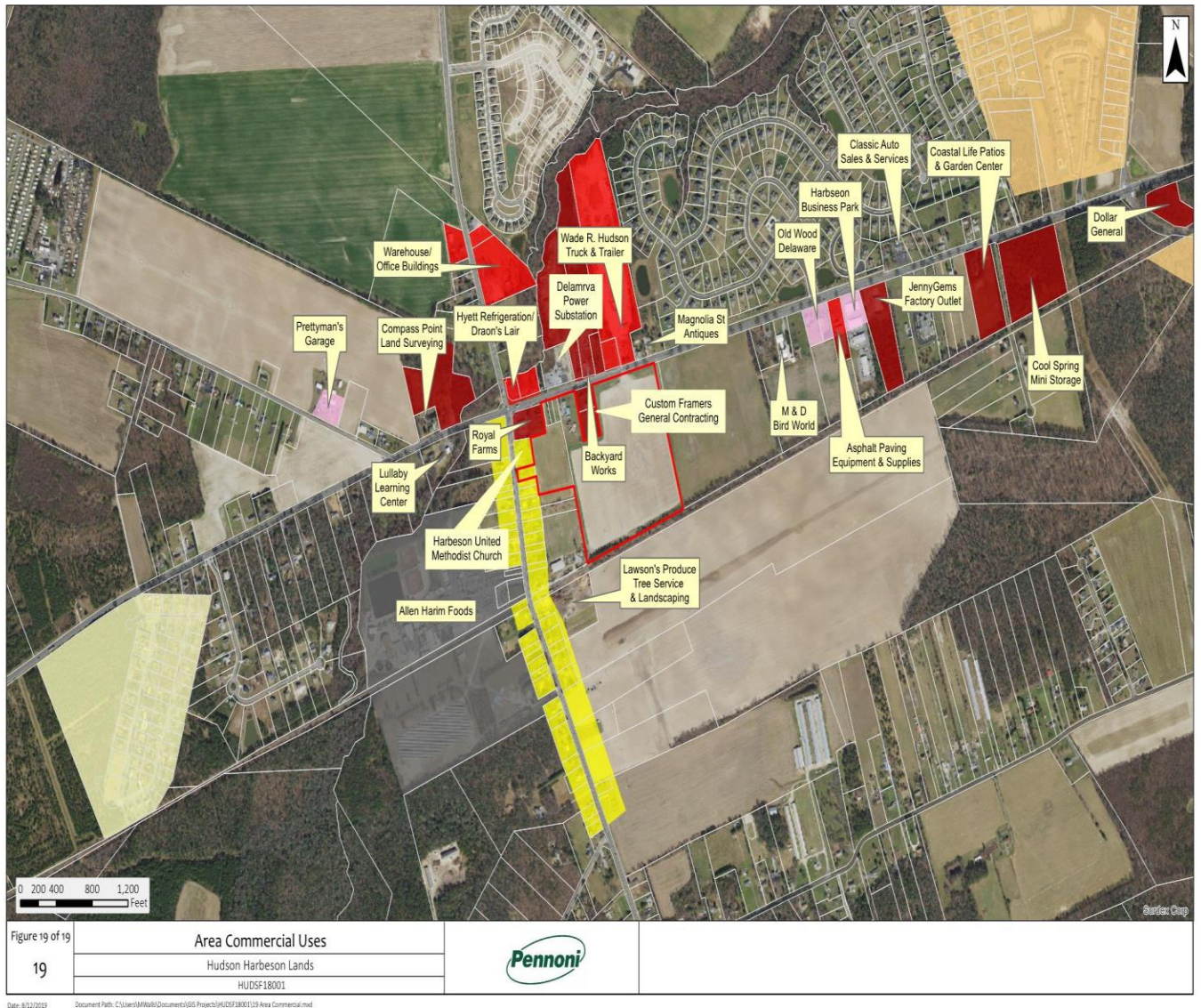
5. The purpose of the C-2 Medium Commercial District is to support uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and service businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.

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



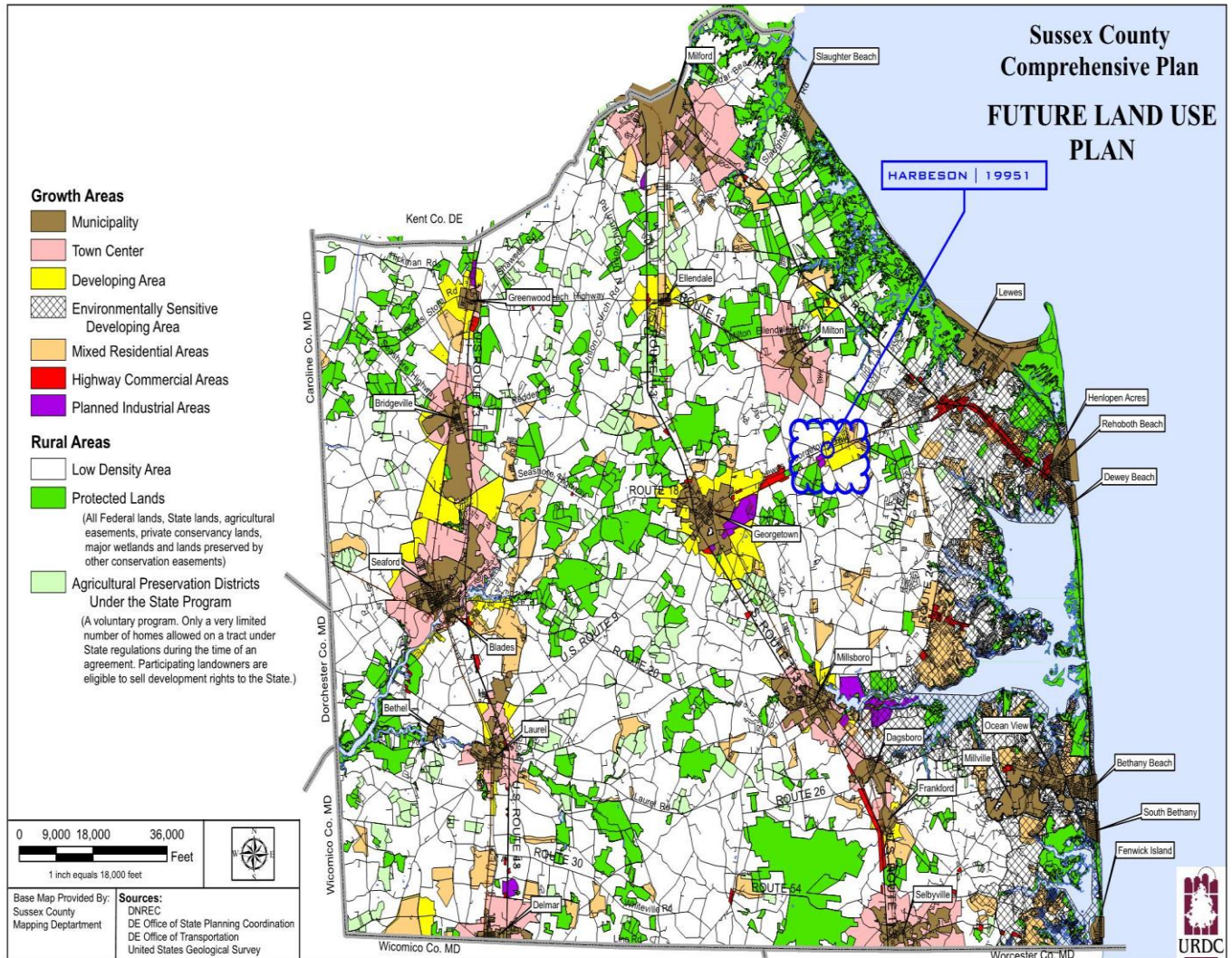


7. The proposed rezoning to C-2 for W & B Hudson Family LTD is in the vicinity of other commercial zoned property and uses and will not diminish or impair property values within the neighborhood; will not create a public nuisance; or result in an increase in public expenditures

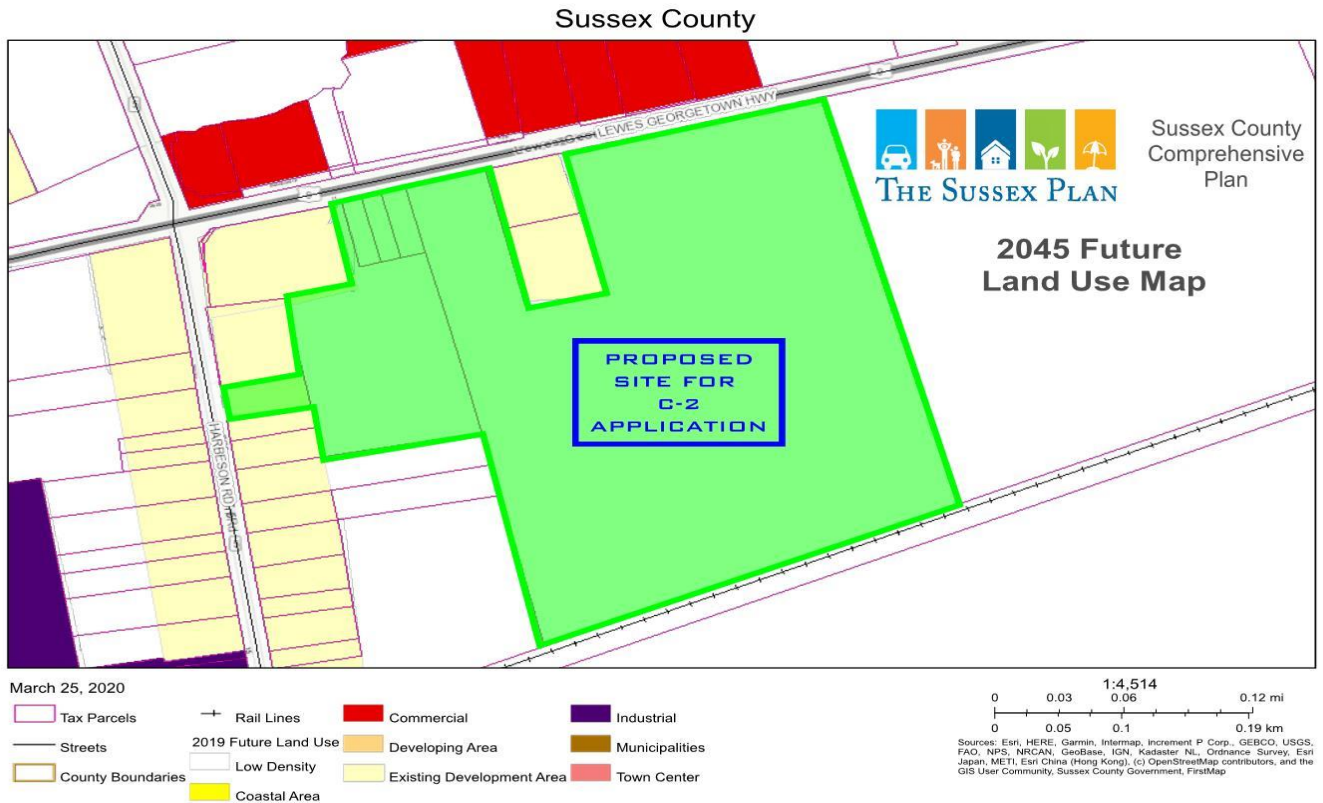




8. The subject properties were once part of the Developing Area of Harbeson under the 2007 Comprehensive Plan which is a community that can support local community commercial given its character and size as well as the existing infrastructure currently in place.







9. In the 2019 Sussex County Comprehensive Plan – the area for the proposed rezoning for W & B Hudson Family LTD commercial property is identified to be in a Low-Density and partly in an Existing Developing Area but as previously stated was once in a Developing Area and is currently adjacent to Developing Areas. The Sussex Plan suggests that each application should be reviewed on its own merit and does not have a negative impact on the surrounding area or the county in general. Some of the stated goals within the plan for new commercial zoning is to:
  - a. Promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth - [Artesian has both water and sewer in front of the property that serves adjacent commercial properties as well extends to area residential communities];

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

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

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. Table 4.5-2 is provided below to provide a tool for assisting with determining which zoning districts are applicable to each future land use category.

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
<b>RURAL AREAS</b>	
<b>Low Density</b>	Agricultural Residential District (AR-1) Business Community District (B-2) Medium Commercial District (C-2) Marine District (M) Institutional District (I-1) New Zoning Districts

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

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

Consistent with the Comprehensive Plan’s Future Land Use Chapter the County has considered the development along US 9 as a business corridor with a mix of residential and commercial uses that provide local residents with access to services they need. Local services would reduce travel to SR 1 for basic needs. Furthermore, the Sussex Plan promotes the US 9 vision to be tied to efforts to make the corridor multi-modal. Currently, the Georgetown to Lewes Rail Trail is being constructed by DelDOT in phases. Once completed, the trail will provide a pedestrian and bicycle path that is separated from car traffic. The trail will serve as both a recreational asset and a transportation option for commuters. Neighborhoods and businesses along the trail could see economic benefits from connecting to it. The plan presented provides for multi-modal access to RT 9 and RT 5 as well as the existing railway at the rear of the property where the rail trail is being proposed.

10. The 2015 Strategies for State Policies and Spending Map identifies the area as Investment Level 3. This area is intermingled within a fast-growing area within the county and is adjacent to Level 2 areas. The priorities in the Level 3 Areas are for DelDOT to focus on regional movements between towns and other population centers. Developers and property owners will make local roadway improvements as development occurs. All infrastructure needs will be funded by the applicant. Additional public infrastructure that will benefit the community, such as, road improvements and access improvements that will be paid for by the applicant. When discussing the application with the Office of State Planning Coordination (OSPC) – The OSPC works to improve the coordination and effectiveness of land-use decisions made by state, county, and municipal governments. Though state policies can support growth in these areas, the state views these areas more in a long-term basis. It is here that the State will encourage the likes of master planning for the purpose of anticipating growth. The resources needed for applications such as this for rezoning to commercial are in place and available to the project.
11. There are no wetlands on the property; the property is located in a Flood Zone X Unshaded; there are no historical or natural features on the property ; stormwater will be onsite and use infiltration as its primary BMP for handling stormwater runoff; the properties are not in any Groundwater Protection Zones; a very small portion of the property along DE RT 5 is located within a Wellhead Protection Area and there are no existing wooded areas on site that will need to be disturbed.



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

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

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

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

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

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

## Mark H. Davidson

---

**From:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>  
**Sent:** Thursday, September 26, 2019 2:40 PM  
**To:** Mark H. Davidson  
**Subject:** RE: Hudson Harbeson Lands Rezoning | W & B Hudson Family LTD  
**Attachments:** 2019-08-03\_State Comments.pdf

Hi Mark,

I have a PDF copy of the State Comments letter for the Hudson Harbeson Lands PLUS application attached to this e-mail. A paper copy is also in the mail.

Please let me know if you have any questions.

Thanks much,  
-Steve Bayer

Steve Bayer  
Planner  
Delaware Office of State Planning Coordination  
Haslet Armory  
122 Martin Luther King Jr. Boulevard, South  
Dover, DE 19901  
(302) 739-3090  
(302) 739-5661 fax  
<http://stateplanning.delaware.gov/>

---

**From:** Mark H. Davidson <MDavidson@Pennoni.com>  
**Sent:** Monday, July 29, 2019 8:27 AM  
**To:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>  
**Subject:** Re: Hudson Harbeson Lands Rezoning | W & B Hudson Family LTD

Thank you Stephen.

Mark

### Mark H. Davidson

Associate Vice President, Office Director

### Pennoni

18072 Davidson Drive | Milton, DE 19968  
**Direct:** +1 (302) 684-6207 | **Mobile:** +1 (302) 236-6400  
[www.pennoni.com](http://www.pennoni.com) | [MDavidson@Pennoni.com](mailto:MDavidson@Pennoni.com)

**From:** Bayer, Stephen G (OMB) <[stephen.bayer@delaware.gov](mailto:stephen.bayer@delaware.gov)>  
**Sent:** Monday, July 29, 2019 8:08:28 AM  
**To:** Mark H. Davidson <[MDavidson@Pennoni.com](mailto:MDavidson@Pennoni.com)>  
**Subject:** RE: Hudson Harbeson Lands Rezoning | W & B Hudson Family LTD

Hi Mark,

Confirm receipt. This application will be scheduled for the August PLUS meeting. That meeting will be on Wednesday the 28<sup>th</sup>. I will call in early August to set a time on the agenda.

Thanks much,  
-Steve Bayer

Steve Bayer  
Planner  
Delaware Office of State Planning Coordination  
Haslet Armory  
122 Martin Luther King Jr. Boulevard, South  
Dover, DE 19901  
(302) 739-3090  
(302) 739-5661 fax  
<http://stateplanning.delaware.gov/>

---

**From:** Mark H. Davidson <[MDavidson@Pennoni.com](mailto:MDavidson@Pennoni.com)>  
**Sent:** Thursday, July 25, 2019 6:29 PM  
**To:** PLUS <[PLUS@delaware.gov](mailto:PLUS@delaware.gov)>  
**Cc:** Katherine E. Davidson <[KEDavidson@Pennoni.com](mailto:KEDavidson@Pennoni.com)>; Alan M. Decktor <[ADecktor@Pennoni.com](mailto:ADecktor@Pennoni.com)>  
**Subject:** Hudson Harbeson Lands Rezoning | W & B Hudson Family LTD

Please find attached the PLUS application and bubble sketch of the property for the Hudson Family Farm property located in Harbeson Delaware. Please let me know the date and time of the meeting.

Thank you

Mark

**Mark H. Davidson**  
Associate Vice President, Office Director

**Pennoni**  
18072 Davidson Drive | Milton, DE 19968  
**Direct:** +1 (302) 684-6207 | **Mobile:** +1 (302) 236-6400  
[www.pennoni.com](http://www.pennoni.com) | [MDavidson@Pennoni.com](mailto:MDavidson@Pennoni.com)



PARTNERS FOR WHAT'S POSSIBLE



**STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION**

September 26, 2019

September 30, 2019

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

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

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

Dear Mr. Davidson:

**Dear Ms. Holland:**

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

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

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

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

Understood.

### **Strategies for State Policies and Spending**

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

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

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



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

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

## **Code Requirements/Agency Permitting Requirements**

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

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

For more information on the Byways program, please see

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

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

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

Understood

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

Understood

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

Understood

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

Understood

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

Will comply

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

**Will comply**

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

**Understood**

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

**Understood**

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

**Understood**

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

**Understood**

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

**Will comply**

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

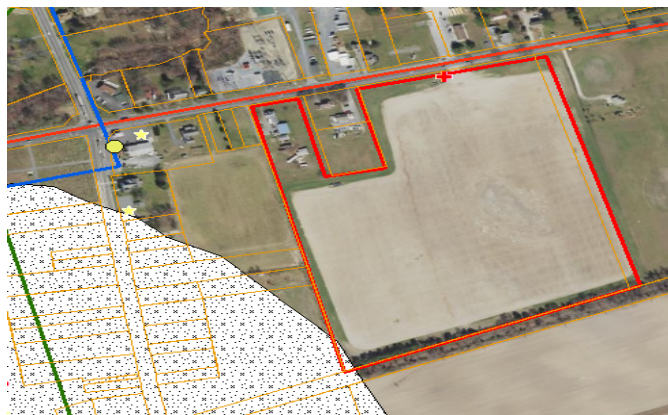
**Understood**

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

**Understood**

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

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



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

### **Wastewater Disposal**

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

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

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

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

Understood.

### **Recommendations/Additional Information**

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

Understood.

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

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



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

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

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

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

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

#### Understood

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

#### Will comply

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

#### Understood

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

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

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

**Rare and Unique Natural Communities**

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

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

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

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

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

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

#### **Source Water Protection**

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

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

#### **Sustainable Development Recommendations**

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

Noted.

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

Noted.

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

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

Sincerely,

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

CC: Sussex County Planning

PENNONI

Mark H. Davidson, VP  
Principal Land Planner

Sussex County P&Z  
Commission & Council

**Preliminary Land Use Service (PLUS)****Delaware State Planning Coordination**

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

**Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.**

Please complete this PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): \_\_\_\_\_

Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): \_\_\_\_\_

1. Project Title/Name: Hudson Harbeson Lands

2. Location ( please be specific): 26504 Lewes Georgetown Highway, Harbeson DE

3. Parcel Identification #: 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, 72.00

4. County or Local Jurisdiction Name: where project is located: Sussex County

5. If contiguous to a municipality, are you seeking annexation: N/A

6. Owner's Name: W &amp; B Hudson Family LTD

Address: 24075 Milton Ellendale Highway

City: Milton

State: Delaware

Zip: 19968

Phone: 302 745-0231

Fax:

Email: peninsula@hughes.net

7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting): Wayne Hudson

Address: 24075 Milton Ellendale Highway

City: Milton

State: Delaware

Zip: 19968

Phone: 302 745-0231

Fax:

Email: peninsula@hughes.net

8. Project Designer/Engineer: Mark H. Davidson | Pennoni

Address: 18072 Davidson Drive

City: Milton

State: Delaware

Zip: 19968

Phone: 302 684-8030

Fax:

Email: mdavidson@pennoni.com

9. Please Designate a Contact Person, including phone number, for this Project: Mark H. Davidson 302-684-6207

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

**Information Regarding Site:**

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

11. Brief Explanation of Project being reviewed:

If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications. No

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

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

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

17. Water: ☐ Central (Community system) ☐ Individual On-Site ☒ Public (Utility)  
 Service Provider Name: Artesian Water Company | Domestic & Fire

An addition of a well and Storage Tank may be warranted for fire protection and possibly domestic

Will a new public well be located on the site? ☒ Yes ☐ No

18. Wastewater: ☐ Central (Community system) ☐ Individual On-Site ☒ Public (Utility)  
 Service Provider Name: Artesian Water Company

Will a new community wastewater system be located on this site? ☐ Yes ☒ No

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

20. Environmental impacts:

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

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

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

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

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

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

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

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

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

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

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

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



25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: **TBD**

What percentage of those trips will be trucks, excluding vans and pick-up trucks?

Ex. Entrance with Royal Farms to US9 and DE5; New Full access Entrance RT9 and possible alternate Entrance DE5.

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

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

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

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

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

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

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

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

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

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

Signature of property owner

Date

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

Date

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

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/29/2020**

APPLICATION: **CZ 1908 W&B Hudson Family LTD**

APPLICANT: **Wayne Hudson**

FILE NO: **NCPA-5.03**

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

LOCATION: **Located on the south side of Lewes Georgetown Hwy (Rt 9),  
east of Harbeson Rd. (Rt. 22).**

NO. OF UNITS: **Up-zoning from AR-1 & MR to C-2**

GROSS  
ACREAGE: **37.08 +/-**

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

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes ☐ No ☒
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 3**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **No** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

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

(8). Comments: **The proposed CZ is located in a Tier 3 area for sanitary sewer service. Therefore, the Sussex County Engineering Department does not have a schedule to provide sanitary sewer service.**

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

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

UTILITY PLANNING APPROVAL:



---

John J. Ashman  
Director of Utility Planning

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



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

JENNIFER COHAN  
SECRETARY

April 5, 2019

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

Dear Ms. Cornwell:

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

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

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.



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

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm  
Enclosure

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