

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-30.00-94.00.

WHEREAS, on May 21st, 2021, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of a portion of Sussex County Parcel No. 235-30.00-94.00 from a Low Density Area to an Existing Development Area.

WHEREAS, the Parcel comprises 4.54 acres of land, lying and being within Broadkill Hundred, and located on the west side of Harbeson road (Route 5) approximately 475 feet south of Lewes Georgetown Highway (Route 9). 911 Address: 18672 Harbeson Road, Harbeson. (“The Property”)

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

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change a portion of the parcel currently classified as Low-Density Area designation of Sussex County Parcel No. 235-30.00-94.00 from the Low-Density Area to the Existing Development Area. The portion of Sussex County Parcel No. 235-30.00-94.00 so changed is identified in Exhibit A, attached hereto and incorporated herein.

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

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



2 THE CIRCLE | PO BOX 417
GEORGETOWN, DE 19947
(302) 855-7878 T
(302) 854-5079 F
sussexcountyde.gov

Sussex County Planning & Zoning Commission

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

Application: Ordinance No. 22-04 Warren Munroe & David Rohrbaugh JR
An amendment to the 2018 Sussex County Future Land Use Map

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

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

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

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

Current Use: Residential

Proposed Use: Multi-Family Residential

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

Councilmatic
District: Mr. Rieley

School District: Indian River School District

Fire District: Milton Fire District

Sewer: Artesian

Water: Artesian

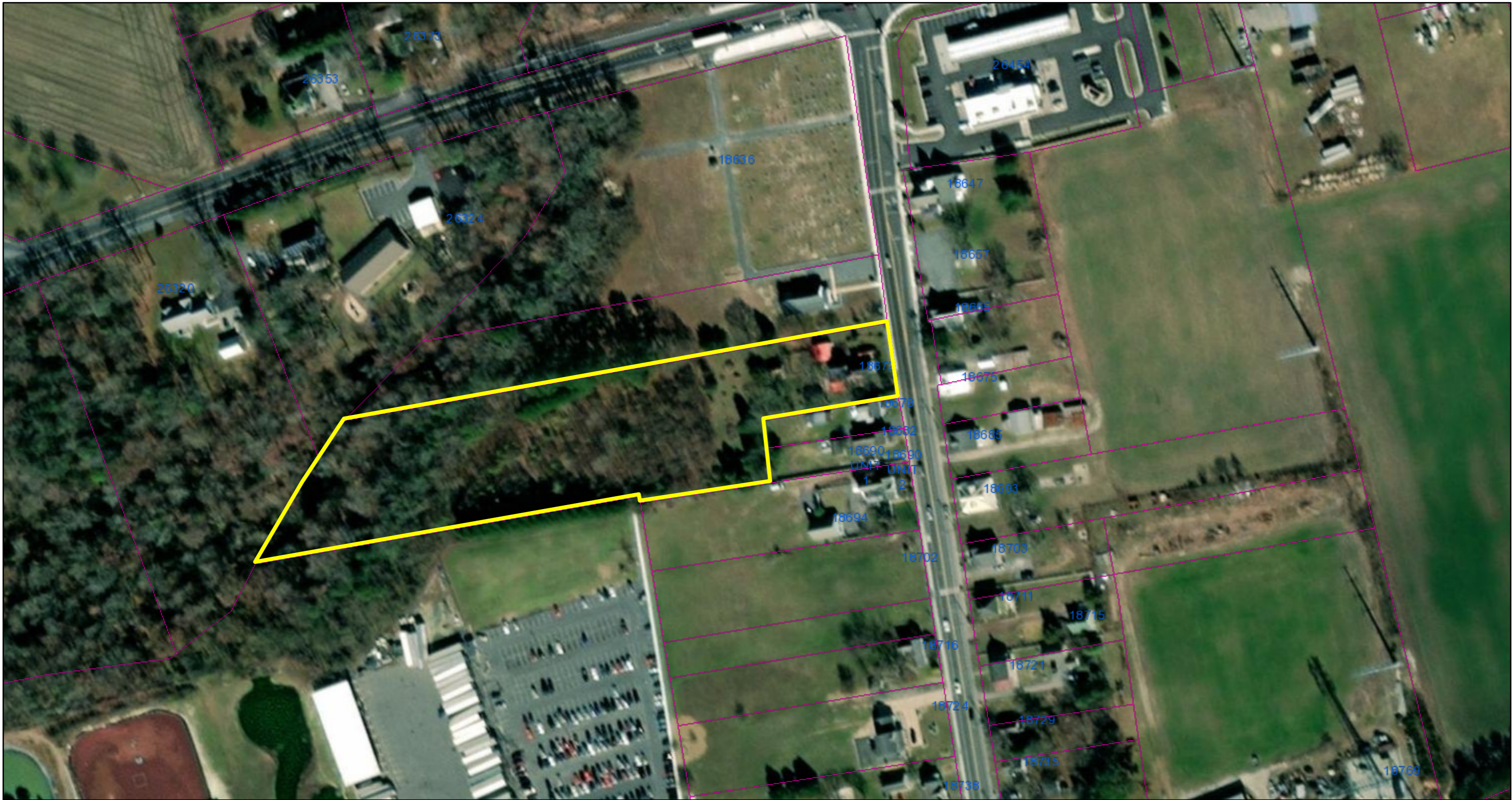
Site Area: 4.54 ac. +/-

Tax Map ID.: 235-30.00-94.00

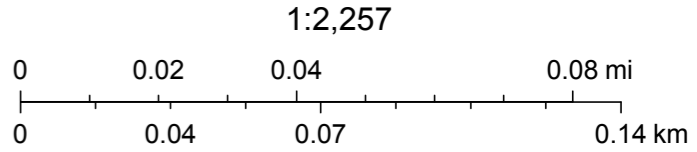


COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Sussex County



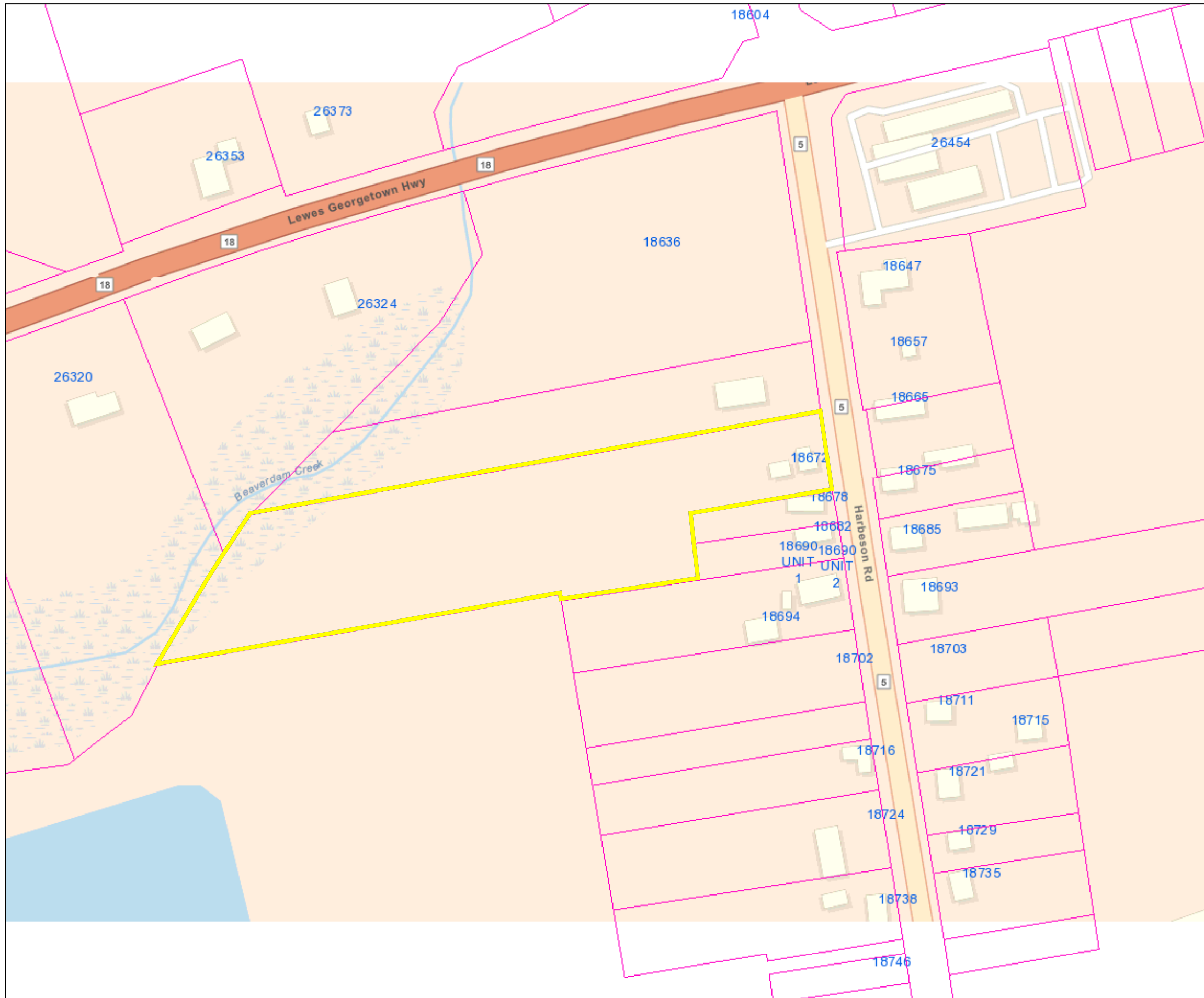
March 16, 2022
Override 1
Override 1
Tax Parcels
911 Address



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



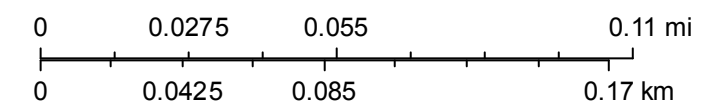
Sussex County



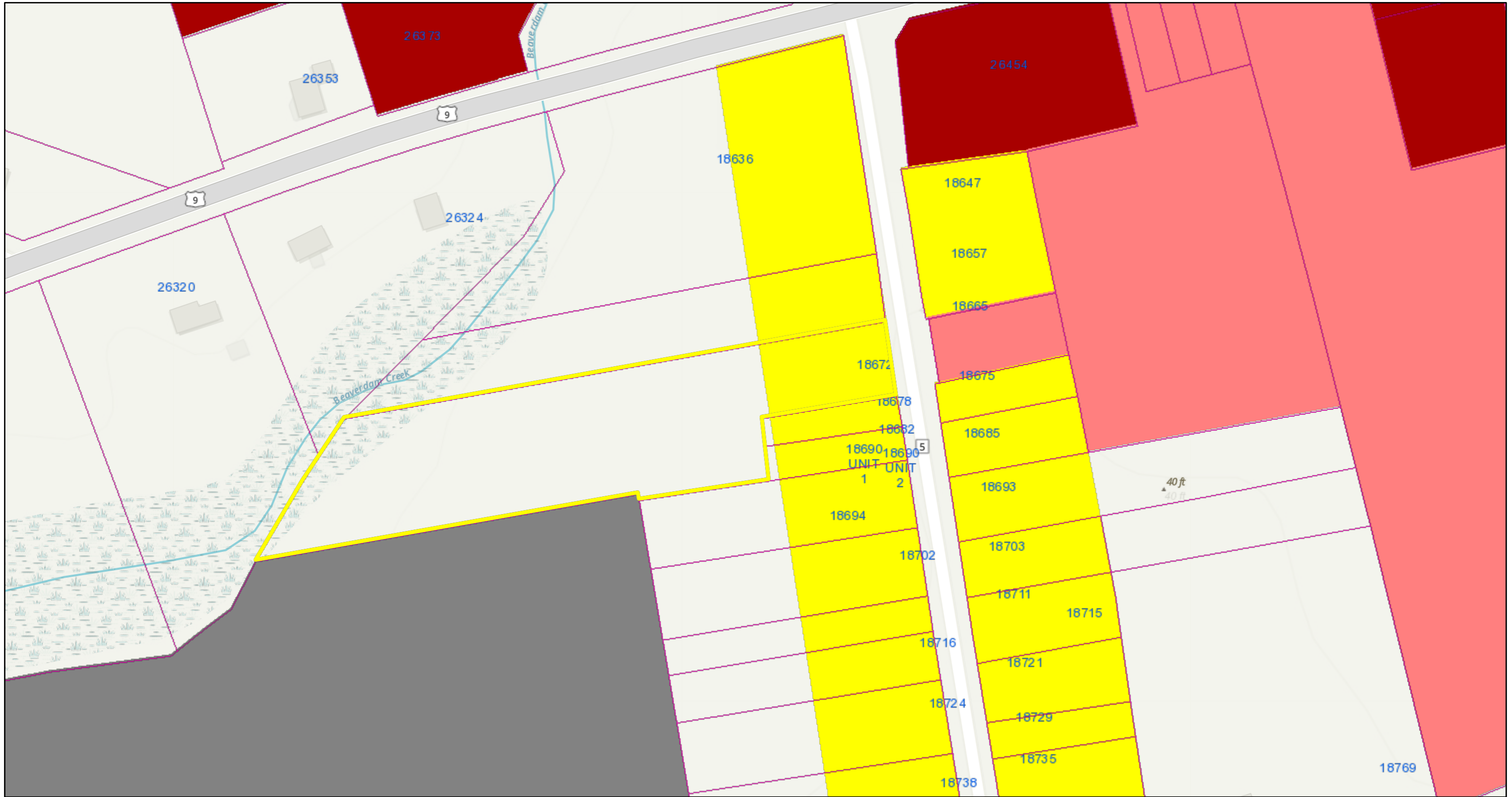
PIN:	235-30.00-94.00
Owner Name	ROHRBAUGH DAVID A
Book	5500
Mailing Address	1119 FAIRMONT ST NW
City	WASHINGTON
State	DC
Description	W/RT 5
Description 2	342'S/RT 18
Description 3	SPEC COMM LIEN
Land Code	

- | | |
|---------------------|-------------|
| polygonLayer | Override 1 |
| polygonLayer | Override 1 |
| | Tax Parcels |
| | 911 Address |

1:2,257



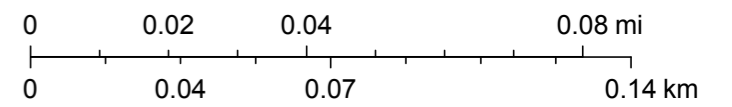
Sussex County



March 16, 2022

1:2,257

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



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

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

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

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

REQUESTED REVIEW: Check one

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

Comprehensive Plan or Update
Complete Sections 1 and 3 only

Comprehensive Plan Amendment
Complete Sections 1 and 2 only

Municipal Ordinance Review
Complete Sections 1 and 2 only

Date of most recently certified comprehensive plan:

Link to most recently certified comprehensive plan, if available:

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

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

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

SECTION 1: MUNICIPAL INFORMATION

Name of Municipality:	
Address:	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

Application prepared by:	
Address:	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

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

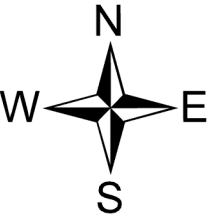
122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

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

Please describe the submission.



Sussex County



May 21, 2021

Via: Email (jamie.whitehouse@sussexcountype.gov)

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

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

Dear Jamie,

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

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

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

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

Jamie Whitehouse

May 21, 2021

Page 2

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

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

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

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

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

Jamie Whitehouse
May 21, 2021
Page 3

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

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

Very Truly Yours,

MORRIS JAMES LLP


David C. Hutt, Esquire

File #: _____

Sussex County Comprehensive Plan Amendment Request Form

Sussex County, Delaware

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

☎ 302-855-7878

✉ pandz@sussexcountyde.gov

RECEIVED

MAR 07 2022

SUSSEX COUNTY
PLANNING & ZONING

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

2045 Future Land Use Map Amendment

Supplemental

Year that Comprehensive Plan was Adopted:

March 2019

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

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

Tax Map #: 235-30.00-94.00

Total Acreage: 4.54

Applicant Information

Applicant Name: Warren Munroe & David Rohrbaugh

Applicant Address: 18672 Harbeson Road

City: Harbeson

State: DE

Zip Code: 19951

Phone #: (202) 345-0781

E-mail: wmunroe64@gmail.com

Developer Information

Developer Name: Same as applicant

Attorney Information (If Applicable)

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

Attorney Address: 107 W. Market Street

City: Georgetown

State: DE

Zip Code: 19958

Phone #: (302) 856-0018

E-mail: dhutt@morrisjames.com



Sussex County, DE - Comprehensive Plan Amendment Request

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

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

Attachments:

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

Check List for Comprehensive Plan Amendment Request Applications

The following shall be submitted with any request


- Completed Application

- A scaled survey drawing is appended to this Application that clearly shows the location of all parcels to which the amendment request relates.

- The Applicant understands that Sussex County Council may submit a copy of this application, along with copies of all documents received, to the State of Delaware Office of Management and Budget for the purposes of any enabling the State of Delaware to review the requested revision.

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

Signature of Applicant/Attorney



For office use only:

Date Submitted: _____ Application & Case #: _____
Staff member receiving Application: _____

Location of property: _____

Date of Commission Hearing: _____ Recommendation: _____

Date of Council Hearing: _____



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

NICOLE MAJESKI
SECRETARY

March 18, 2021

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

Dear Mr. Whitehouse:

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

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

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

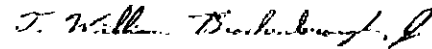
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



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

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

Sincerely,



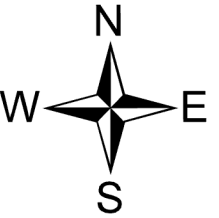
T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

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



Sussex County



SITE DATA:

1. TAX MAP NUMBER: 235-30-00-94.00 DEED BOOK 4483, PAGE 176
2. DEVELOPER NAME/ADDRESS: WARREN MUNROE & DAVID ROHRBAUGH
1119 FAIRMOUNT STREET NW
WASHINGTON, DC 20009
- OWNER/ADDRESS: WARREN MUNROE & DAVID ROHRBAUGH
1119 FAIRMOUNT STREET NW
WASHINGTON, DC 20009
3. ADDRESS LOCATION: 18672 HARBESON ROAD
HARBESON, DE 19951
BROAD HILL
SUSSEX
4. CURRENT ZONING: AR-1 (AGRICULTURAL RESIDENTIAL) AND MR (MEDIUM RESIDENTIAL)
PROPOSED ZONING: MR/CONDITIONAL USE (ARTICLE V, § 115-31)
PRESENT USE: RESIDENTIAL
PROPOSED USE: MULTIFAMILY DWELLING STRUCTURES, SUBJECT TO THE PROVISIONS OF ARTICLES IV THROUGH XX § 115-219 AND TABLE 2 (INCLUDED AT THE END OF THIS CHAPTER)
5. ARTICLE XXV: PROVISIONS IN ACCORDANCE WITH § 115-188 E.
1) NO OVERALL OUTSIDE WALL DIMENSION OF A BUILDING EXCEEDS 165 FEET.
2) FOR THE PURPOSE OF MAINTAINING SETBACK BETWEEN BUILDINGS ON THE SAME SITE, THE DISTANCE BETWEEN BUILDINGS ARE GREATER THAN 40 FEET.
6. SETBACKS (MR ZONING): FRONT YARD: 24.1' EBL (ESTABLISHED BUILDING LINE)
SIDE YARD: 10'
REAR YARD: 10'
MIN. LOT WIDTH: 75'
MIN. LOT DEPTH: 100'
MIN. LOT SIZE: 10,000 SF
BUILDING HEIGHT: 42' ALLOWED
7. PARKING (ARTICLE XXII, OFF-STREET PARKING, CODE SECTION 115-163): 2 SPACES PER DWELLING UNIT (1.5 SPACES PER 1 BEDROOM UNIT)
REQUIRED: 12 (2-BEDROOM) PLUS 12 (1-BEDROOM) UNITS PLUS EXISTING HOME = 44 SPACES
PROVIDED: 62 PARKING SPACES
8. LOADING SPACES (SECTION 115-168 C): PROVIDED: 0 SPACES
9. SERVICES: WATER SUPPLIER: PUBLIC - ARTESIAN
SANITARY SEWER SUPPLIER: PUBLIC - ARTESIAN
10. SECTION 88-SOURCE WATER PROPERTY: A. SUBJECT PROPERTY IS WITHIN AN AREA OF "GOOD" GROUNDWATER RECHARGE
B. SUBJECT PROPERTY IS LOCATED IN WELLHEAD PROTECTION AREA. (PROPOSED IMPERVIOUS COVER IS LESS THAN 35%)
11. STATE INVESTMENT AREA 200: LEVEL 4
12. 2019 COMPREHENSIVE PLAN: EXISTING DEVELOPING AREA/LOW DENSITY
13. LATITUDE AND LONGITUDE STATE PLANE COORDINATES: LATITUDE: N 33° 43' 24.00"
LONGITUDE: W 75° 17' 8.53"
14. WETLAND AREA: 56,514 SQ. FT., 1.3 ACRES (4)
WETLAND AREA IMPACTED: 0.00 SQ. FT.
15. PROPOSED DISCHARGE LOCATION: PROPOSED BMP CONVEYED TO EXISTING WETLANDS AND BEAVERDAM CREEK (ROUND POLE BRIDGE WATERSHED)
16. BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 10005C0310, DATED JUNE 20, 2018, THE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS FLOOD ZONE "X", UNSHADED
17. SITE AREA AND ACREAGE: 197,871 SQ. FT., 4.54 ACRES (4)
EXISTING FORESTED ACRES: 106,004 SQ. FT., 3.89 ACRES
REMAINDER: 44,647 SQ. FT., 1.02 ACRES (REMOVED 2.67 AC)
GROSS ACREAGE/NET DEVELOPMENT AREA: GROSS 4.54 AC(4) NET 2.25 ACRES(4)
STRUCTURE, PARKING, IMPERVIOUS: EX: 6,499 SF (3%) PR: 54,046 SF (27%)
OPEN SPACE: EX: 191,372 SF (97%) PR: 143,823 SF (73%)
TOTAL: EX: 197,871 SF (100%) PR: 197,871 SF (100%)
18. OPEN SPACE (89-21 D): REQUIRED: 15% (0.68 ACRES)
PROVIDED: 73% (3.3 ACRES)
19. PROPOSED LIMIT OF DISTURBANCE PER DISCHARGE LOCATION: 83,611 SQ. FT. (1.92 ACRES)
20. DATUM: HORIZONTAL = NAD83, VERTICAL = NAVD88
21. LOCAL GOVERNMENT RESPONSIBLE FOR LAND APPROVAL: SUSSEX COUNTY

AEQUITAS LIVING

CONDITIONAL USE SITE PLAN

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

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

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

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

SURVEYOR
PENNONI ASSOCIATES INC.

LANDSCAPE ARCHITECT
PENNONI ASSOCIATES, INC.

SCHOOL DISTRICT
HEMAN ROYER

FIRE DISTRICT
GEORGETOWN (77)

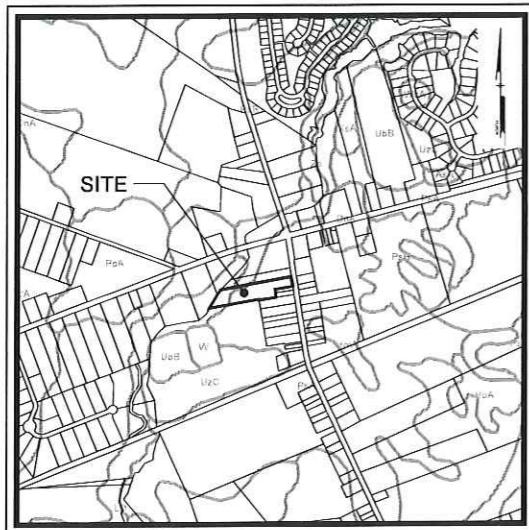
POSTAL DISTRICT
HARBESON (19951)

WATER UTILITY
ARTESIAN

SEWER UTILITY
ARTESIAN

GENERAL NOTES:

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



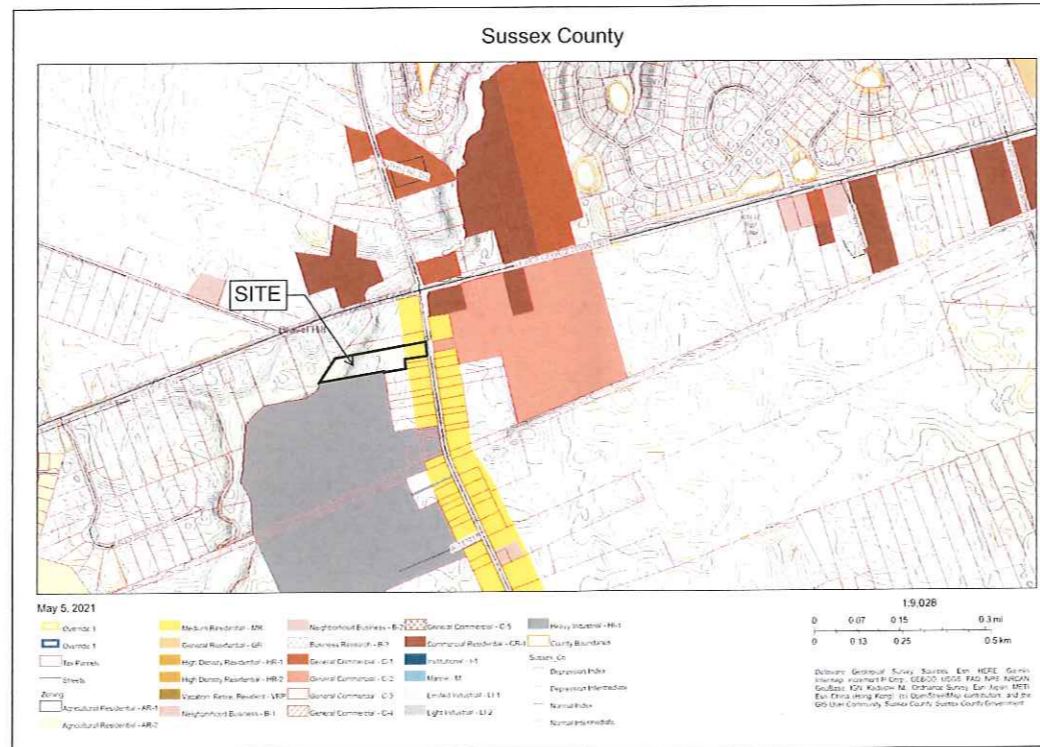
SOILS MAP
Scale: 1" = 1000'

PREPARED BY:
PENNONI ASSOCIATES INC.



18072 Davidson Drive
Milton, DE 19968
T 302.684.8030
F 302.684.8054

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



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

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

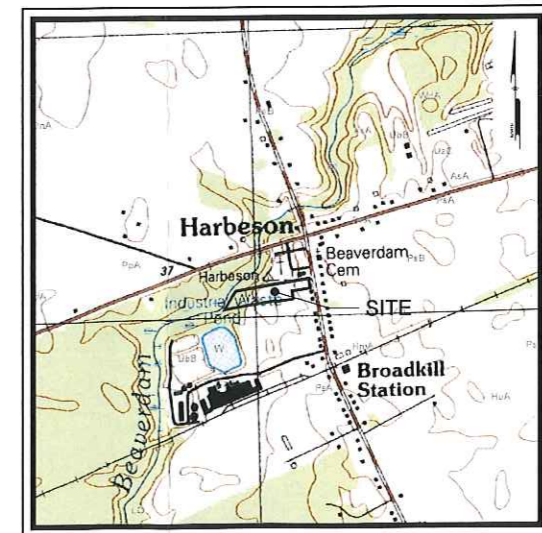
SIGNATURE: WARREN MUNROE & DAVID ROHRBAUGH
DATE: 1119 FAIRMOUNT STREET NW
WASHINGTON, DC 20009

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

SIGNATURE: KENNETH W. REDINGER, PROFESSIONAL WETLANDS SCIENTIST #2126
DATE: P.O. BOX 479 / HORNTOWN, VA 23395
(757) 894-7032 / EMAIL: KWREIDINGER@GMAIL.COM

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

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



LOCATION/USGS MAP
Scale: 1" = 1000'

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

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

CONDITIONAL USE COVER SHEET

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

NO.	DATE	REVISIONS	BY

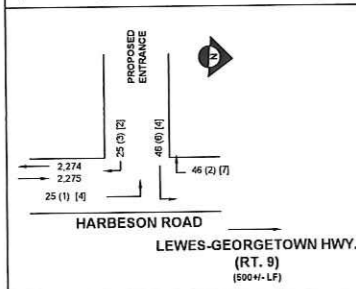
PROJECT: WDRH21001
DATE: 06 JULY 2021
DRAWING SCALE: AS SHOWN
DRAWN BY: EWW
APPROVED BY: AMD

PP0001

SHEET 1 OF 2

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES AND INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OTHERS 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 SHALL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL ENFORCEMENT 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.

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



ROAD TRAFFIC DATA:
FUNCTIONAL CLASSIFICATION - 5022 (HARBESON RD.) - MAJOR COLLECTOR
POSTED SPEED LIMIT - 25 MPH
AADT = 4,549 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)
10 YEAR PROJECTED AADT = 1.16 x 4,549 TRIPS = 5,277 TRIPS
10 YEAR PROJECTED AADT + SITE ADT = 5,419 TRIPS
TRAFFIC PATTERN GROUP = 6 (FROM 2019 DELDOT TRAFFIC SUMMARY)
PEAK HOUR = 12.81% = 5,419 TRIPS = 697 TRIPS
TRUCK VOLUME = 6.54% x 5,419 TRIPS = 354 TRIPS
DIRECTIONAL DISTRIBUTION = 62.84% / 39.06%

SITE TRAFFIC DATA:
SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION²
EXISTING LAND USE: VACANT FIELD
(1) DETACHED DWELLING + 10 TRIPS (TO BE RENOVATED AND BE USED PART OF THE 24 UNIT PROJECT)
PROPOSED LAND USE:
24 UNITS - MULTIFAMILY HOUSING - LOW RISE (ITE 220)
T=7.56 (X) -40.66 = 142 TRIPS (WEEKDAY) (71 ENTER / 71 EXIT)
PEAK HOUR OF ADJACENT STREET TRAFFIC:
AM. Lx(T)=0.95Lx(T)-0.51 = 12 TRIPS (WEEKDAY) (23% / 77%) (3 / 9)
PM. Lx(T)=0.89Lx(T)-0.02 = 17 TRIPS (WEEKDAY) (63% / 37%) (11 / 6)
DIRECTIONAL DISTRIBUTION:
65% TO AND FROM THE NORTH (62 TRIPS) (3) (7) ENTER & (6) (4) EXIT
35% TO AND FROM THE SOUTH (80 TRIPS) (1) (5) ENTER & (3) (2) EXIT
TOTAL NEW TRIPS = 142 ADT
SITE TRUCK TRAFFIC = 7 TRIPS (5%)

LEGEND

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

KEYED NOTES

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

ADDITIONAL RIGHT-OF-WAY OF VARYING WIDTH IS HEREBY DEDICATED TO THE STATE OF DELAWARE AS PER THIS PLAT.

A PERMANENT EASEMENT OF VARYING WIDTH IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT.

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

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

AQUITAS LIVING
1872 HARBESON ROAD
SUSSEX COUNTY, DELAWARE

CONDITIONAL USE SITE PLAN

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

NO.	DATE	REVISIONS	BY

PROJECT: WNRH21001
DATE: 06 JULY 2021
DRAWING SCALE: 1" = 40'
DRAWN BY: EWW
APPROVED BY: AMD

PP1001
SHEET 2 OF 2

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

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

AEQUITAS LIVING

CASE NO. CZ1978 AND CU2299

ORDINANCE NO. _____

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

OWNER/DEVELOPER:

WARREN MUNROE AND DAVID ROHRBAUGH
18672 HARBESON ROAD
HARBESON DELAWARE 19951

WARREN MUNROE AND DAVID ROHRBAUGH
18672 HARBESON ROAD
HARBESON DELAWARE 19951

LEGAL:

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

PLANNER/ENGINEER/SURVEYOR:

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

ENVIRONMENTAL:

PENNONI
MARC CHARTIER, PG, LSRP
JOHN-THOMAS GRAUPENSPERGER, PWS

ACCENT ENVIRONMENTAL
WILLIAM J. GANGLOFF, PhD. PROF. SOIL SCIENTIST

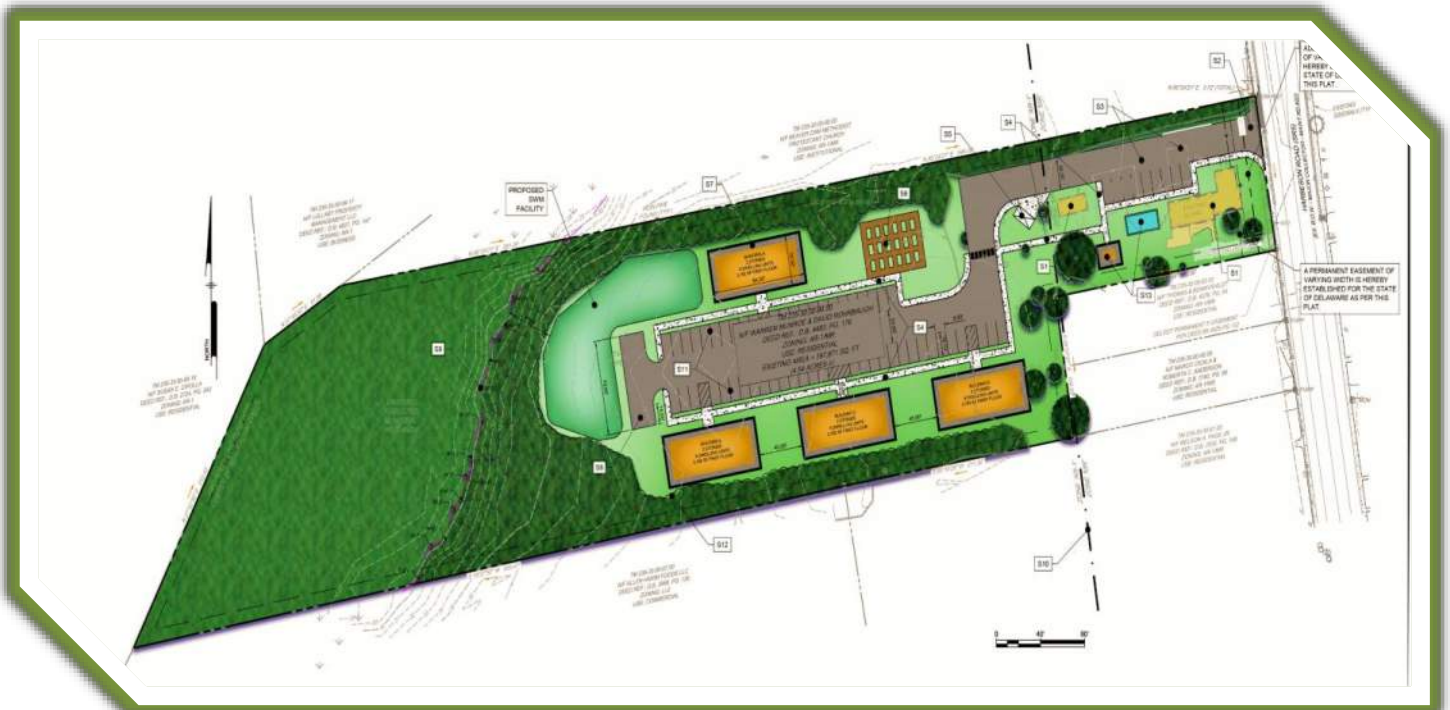


TABLE OF CONTENTS

1. APPLICATION	TAB 1
a. Change of Zone Application	
b. Conditional Use Application	
c. Legal Description	
d. Existing Conditions Survey	
e. Service Level Response Letter	
2. EXECUTIVE SUMMARY	TAB 2
a. Executive Summary	
3. EXHIBITS	TAB 3
a. Conditional Use Site Plan	
b. Conceptual Elevations of Multi-Family Buildings	
c. Conceptual Elevations of Multi-Family Buildings Plan	
d. Floor Plan (Example)	
e. Approved Community Name	
f. DelDOT Presub Meeting Minutes	
g. Artesian Ability to Serve Letter	
4. FLUM/PLUS	TAB 4
a. Sussex County Comprehensive Plan Amendment Request (Supplemental)	
b. PLUS Pre-update Review Request	
5. MAPS	TAB 5
a. 2017, 2012, 2007, 2002, 1997, 1992, 1968, 1961, 1954, and 1937 Orthophoto, 2020 Delaware State Strategies, County Zoning, State Wetlands, FEMA Floodplain, 2020 Land Use Cover, NRCS Soils, Groundwater Recharge Potential, USGS Topographic Map, Approved Area Change of Zone and Conditional Use, Wellhead Protection Areas, Maps	

Mark H. Davidson / Vice President

Principal Land Planner/Office Director

EDUCATION

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

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

Land Planning, Institute for Public Administration (2006)

CERTIFICATIONS

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

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

DNREC Certified Construction Reviewer: DE (#1270)

Delaware Notary

TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware (2002)

Land Conservation and Historic Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni (2015)

PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling Association

Delaware Onsite Wastewater Recycling Association

American Planning Association

American Institute of Certified Planners

HONORS/AWARDS

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

Notable Networker Award, BNI (2013)

EXPERIENCE SUMMARY

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

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

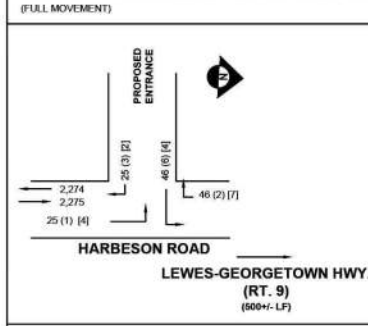
Along with all the experience and education stated and with many years of combined experience in Surveying, Engineering, Consulting and Land Planning, he has been responsible for providing consulting, layout and design in surveying, engineering and land planning for residential, industrial, institutional,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

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

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



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



ROAD TRAFFIC DATA:
 FUNCTIONAL CLASSIFICATION - S022 (HARBESON RD.) - MAJOR COLLECTOR
 POSTED SPEED LIMIT - 25 MPH
 AADT = 4,549 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)
 10 YEAR PROJECTED AADT = 1.16 X 4,549 TRIPS = 5,277 TRIPS
 10 YEAR PROJECTED AADT + SITE ADT = 5,419 TRIPS
 TRAFFIC PATTERN GROUP = 6 (FROM 2019 DELDOT TRAFFIC SUMMARY)
 PEAK HOUR - 12.07% X 5,419 TRIPS = 657 TRIPS
 TRUCK VOLUME - 0.54% X 5,419 TRIPS = 294 TRIPS
 DIRECTIONAL DISTRIBUTION = 60.94% / 39.06%

SITE TRAFFIC DATA:
 SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION²
 EXISTING LAND USE - VACANT FIELD
 (1) DETACHED DWELLING = 10 TRIPS (TO BE RENOVATED AND BE USED PART OF THE 24 UNIT PROJECT)
 PROPOSED LAND USE
 24 UNITS - MULTIFAMILY HOUSING - LOW RISE (ITE 220)
 T = 7.56 (X) 40.86 = 142 TRIPS (WEEKDAY) (71 ENTER / 71 EXIT)
 PEAK HOUR OF ADJACENT STREET TRAFFIC:
 AM L₁(T) = 0.95L₁(X) 0.51 = 12 TRIPS (WEEKDAY) (23% / 77%) (3 / 9)
 PM L₁(T) = 0.95L₁(X) 0.52 = 17 TRIPS (WEEKDAY) (63% / 37%) (11 / 6)
 DIRECTIONAL DISTRIBUTION
 66% TO AND FROM THE NORTH (82 TRIPS) (2/7) ENTER & (6/4) EXIT
 34% TO AND FROM THE SOUTH (60 TRIPS) (1/6) ENTER & (3/2) EXIT
 TOTAL NEW TRIPS = 142 ADT
 SITE TRUCK TRAFFIC = 7 TRIPS (5%)

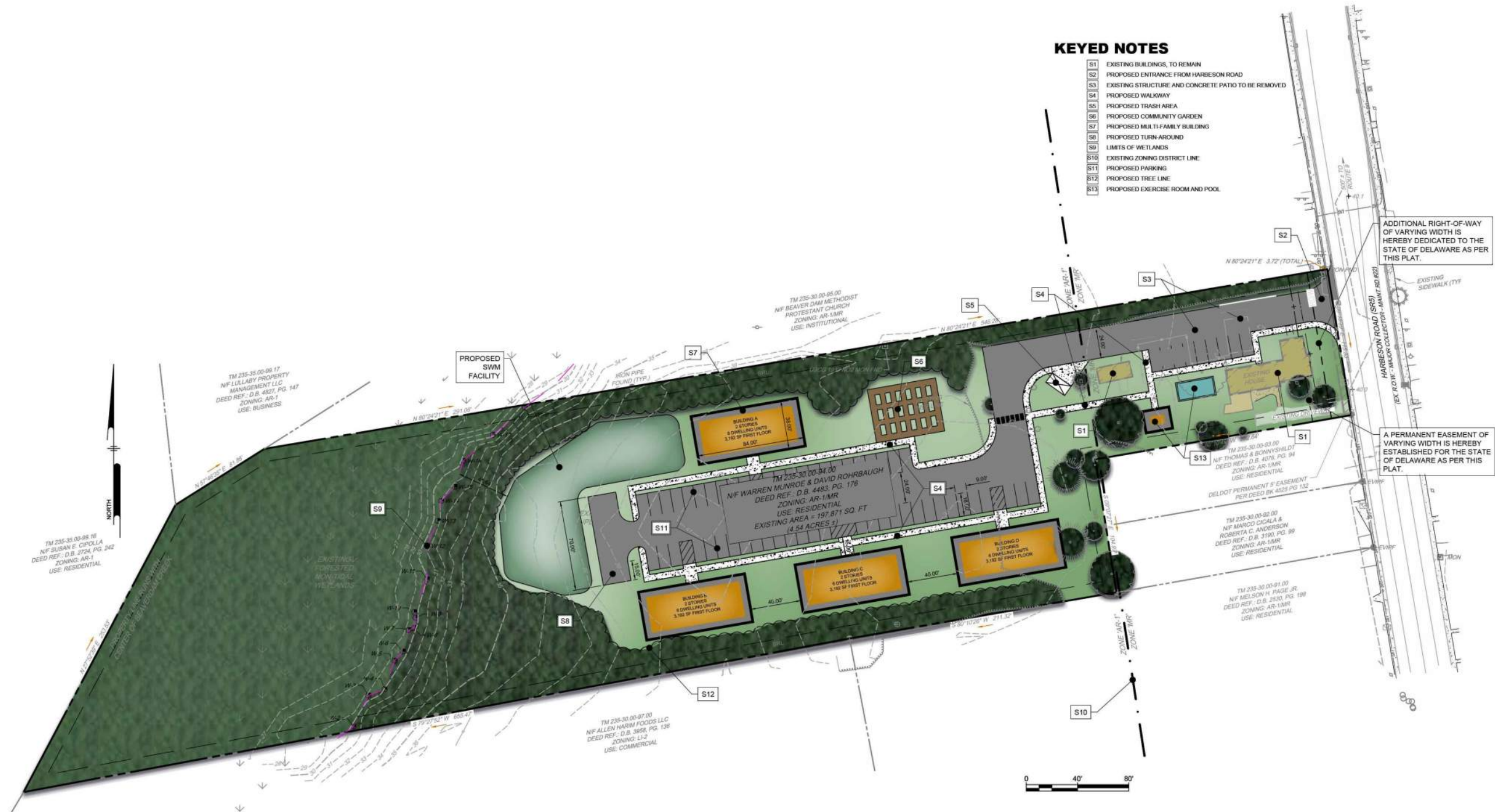
TRAFFIC GENERATION DIAGRAM
 ADT PEAK HOUR (A.M.), ADT PEAK HOUR (P.M.)
¹ DIRECTIONAL DISTRIBUTION PROVIDED BY DELDOT
² DIRECTIONAL DISTRIBUTION PROVIDED BY ITE MANUAL
 DESIGN VEHICLE = SU-40 & SU-30

LEGEND

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

KEYED NOTES

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



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

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

AQUITAS LIVING
 18672 HARBESON ROAD
 SUSSEX COUNTY, DELAWARE

CONDITIONAL USE SITE PLAN

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

NO.	DATE	REVISIONS	BY

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

PP1001
 SHEET 2 OF 2

PLOTTED: 16/07/2021 10:15 AM BY: EWW PROJECT: PENNONI ASSOCIATES
 U:\Projects\WDRH21001\WDRH21001 - Aquitas Multi-Family Community\Permitted\PP1001.dwg

TAB 1

APPLICATION

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

18672 Harbeson Road, Harbeson, DE 19951

Type of Conditional Use Requested:

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

Current Zoning: AR1/MR **Proposed Zoning:** MR **Size of Building:** _____

Land Use Classification: Residential

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

Applicant Information

Applicant Name: Warren Munroe & David Rohrbaugh

Applicant Address: 18672 Harbeson Road

City: Harbeson State: DE Zip Code: 19951

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

Owner Information

Owner Name: Warren Munroe & David Rohrbaugh

Owner Address: 18672 Harbeson Road

City: Harbeson State: DE Zip Code: 19951

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

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Pennoni Associates

Agent/Attorney/Engineer Address: 18072 Davidson Drive

City: Milton State: DE Zip Code: 19968

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



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney



Date: 3/7/2022

Signature of Owner



Date: 3/5/2022

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____
Staff accepting application: _____ Application & Case #: _____
Location of property: _____

Subdivision: _____
Date of PC Hearing: _____ Recommendation of PC Commission: _____
Date of CC Hearing: _____ Decision of CC: _____

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)Conditional Use Zoning Map Amendment **Site Address of Conditional Use/Zoning Map Amendment**

18672 Harbeson Road, Harbeson, DE 19951

Type of Conditional Use Requested:

Multi-family buildings in MR

Tax Map #: 235-30.00-94.00

Size of Parcel(s): 4.54 acres

Current Zoning: ARI/MR

Proposed Zoning: MR

Size of Building: _____

Land Use Classification: Residential

Water Provider: Artesian

Sewer Provider: Artesian

Applicant Information

Applicant Name: Warren Munroe & David Rohrbaugh

Applicant Address: 1119 Fairmount Street NW

City: Washington

State: DC

Zip Code: 20009

Phone #: (202) 345-0781

E-mail: wmunroe64@gmail.com

Owner Information

Owner Name: Warren Munroe & David Rohrbaugh

Owner Address: 1119 Fairmount Street NW

City: Washington

State: DC

Zip Code: 20009

Phone #: (202) 345-0781

E-mail: wmunroe64@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Pennoni Associates

Agent/Attorney/Engineer Address: 18072 Davidson Drive

City: Milton

State: DE

Zip Code: 19968

Phone #: (302) 684-8030

E-mail: ewahl@pennoni.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney

Jim W. Wall (Pennoni)

Date: July 1, 2021

Signature of Owner

[Handwritten Signature]

Date: JULY 1, 2021

For office use only:

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

PARTICULAR DESCRIPTION

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

TAX MAP 235-30.00-94.00

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

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

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

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

PARTICULAR DESCRIPTION

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

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

BEGINNING FOR THE PURPOSE OF THIS DESCRIPTION AT AN IRON PIPE FOUND, SAID IRON PIPE SITUATED ON THE WESTERLY RIGHT-OF-WAY OF HARBESON ROAD AT A COMMON BOUNDARY CORNER BETWEEN THIS PARCEL AND LANDS NOW OR FORMERLY OF THOMAS AND BONNY SHILDT; THENCE BY AND WITH THE COMMON BOUNDARY LINE SOUTH 80 DEGREES, 10 MINUTES, 49 SECONDS WEST, 232.64 FEET TO AN IRON PIPE FOUND; THENCE BY AND WITH COMMON BOUNDARY LINE OF THIS PARCEL AND LANDS NOW OR FORMERLY OF THOMAS AND BONNY SHILDT AND LANDS NOW OR FORMERLY OF MARCO CICALA AND ROBERTA C. ANDERSON, SOUTH 09 DEGREES, 07 MINUTES, 27 SECONDS EAST, 104.97 FEET TO AN IRON PIPE FOUND, SAID IRON PIPE SITUATED ON A COMMON BOUNDARY CORNER BETWEEN THIS PARCEL AND OTHER LANDS NOW OR FORMERLY OF MARCO CICALA AND ROBERTA C. ANDERSON AND LANDS NOW OR FORMERLY OF MELSON H. PAGE, JR.; THENCE BY AND WITH COMMON BOUNDARY LINE OF THIS PARCEL AND LANDS NOW OR FORMERLY OF MELSON H. PAGE, JR., SOUTH 80 DEGREES, 10 MINUTES, 26 SECONDS WEST, 211.32 FEET TO AN IRON PIPE FOUND, SAID IRON PIPE SITUATED ON A COMMON BOUNDARY LINE BETWEEN THIS PARCEL AND LANDS NOW OR FORMERLY OF MELSON H. PAGE, JR. AND LANDS NOW OR FORMERLY OF ALLEN HARIM FOODS, LLC; THENCE BY AND WITH COMMON BOUNDARY LINE BETWEEN THIS PARCEL AND LANDS NOW OR FORMERLY OF ALLEN HARIM FOODS, LLC, SOUTH 79 DEGREES 27 MINUTES 52 SECONDS WEST, 655.47 FEET TO A POINT; SAID POINT SITUATED IN THE APPROXIMATE CENTER OF BEAVERDAM CREEK MARKING THE COMMON CORNER FOR THIS PARCEL AND LANDS NOW OR FORMERLY OF LULLABY PROPERTY MANAGEMENT, LLC AND LANDS NOW OR FORMERLY OF LULLABY PROPERTY MANAGEMENT, LLC; THENCE BY AND WITH THE COMMON BOUNDARY LINE BETWEEN THIS PARCEL AND LANDS NOW OR FORMERLY OF LULLABY PROPERTY MANAGEMENT, LLC, NORTH 57 DEGREES, 46 MINUTES, 35 SECONDS EAST, 81.88 FEET TO A POINT; SAID POINT SITUATED IN THE APPROXIMATE CENTER BEAVERDAM CREEK MARKING THE COMMON CORNER FOR THIS PARCEL, LANDS NOW OR FORMERLY OF LULLABY PROPERTY MANAGEMENT, LLC AND LANDS NOW OR FORMERLY OF BEAVER DAM METHODIST PROTESTANT CHURCH; THENCE BY AND WITH A COMMON BOUNDARY LINE BETWEEN THIS PARCEL AND LANDS NOW OR FORMERLY OF BEAVER DAM METHODIST PROTESTANT CHURCH, NORTH 80 DEGREES, 24 MINUTES, 21 SECONDS EAST, 841.06 FEET (PASSING THROUGH AN IRON PIPE FOUND ALONG THE COMMON BOUNDARY LINE AT 291.06 FEET AND THENCE PASSING THROUGH A CONCRETE MONUMENT FOUND 546.28 FEET) TO A POINT; SAID POINT SITUATED ON A COMMON BOUNDARY CORNER OF THIS PARCEL AND LANDS NOW OR FORMERLY OF BEAVER DAM METHODIST PROTESTANT CHURCH AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD; THENCE ALONG THE COMMON BOUNDARY LINE OF THIS PARCEL AND THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD, THENCE ALONG THE COMMON BOUNDARY LINE OF THIS PARCEL AND THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD, THENCE ALONG THE COMMON BOUNDARY LINE OF THIS PARCEL AND THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD, THENCE ALONG THE COMMON BOUNDARY LINE OF THIS PARCEL AND THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD, THENCE ALONG THE COMMON BOUNDARY LINE OF THIS PARCEL AND THE WESTERLY RIGHT-OF-WAY LINE OF HARBESON ROAD, SAID IRON PIPE BEING THE POINT OF BEGINNING FOR THIS DESCRIPTION.

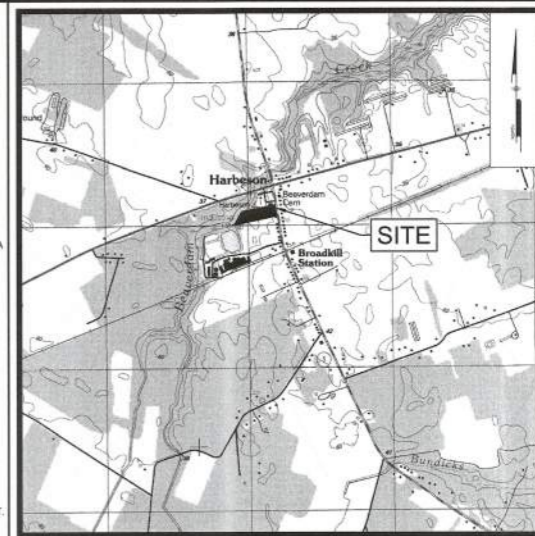
THIS PARCEL CONTAINS 4.54 ACRES OF LAND, MORE OR LESS.

GENERAL NOTES

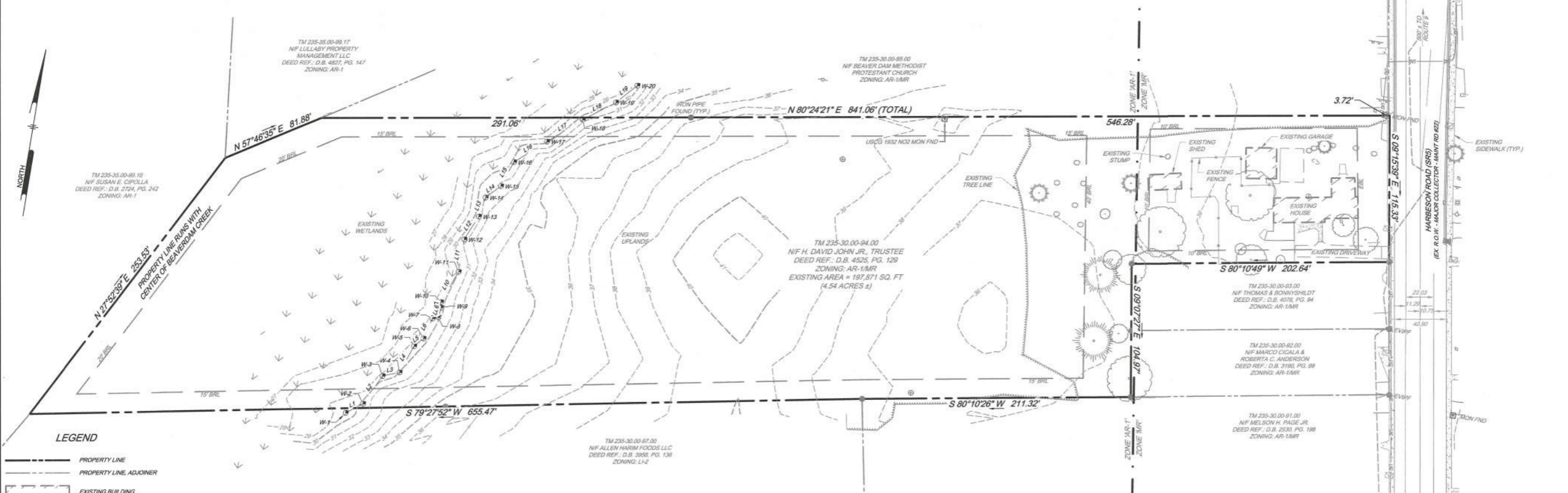
- THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD IN ADDITION TO AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES, INC. ON MARCH 17TH, 2020.
DEED REFERENCES:
-TM 235-30-00-94.00 DEED BOOK 928, PAGE 268
DEED BOOK 1038, PAGE 348
DEED BOOK 4525, PAGE 129
- THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT OF WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- SURVEY CLASSIFICATION: SUBURBAN.
- BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 10085C0310L, EFFECTIVE DATE 20 JUNE 2018, THIS SITE LIES IN FLOOD ZONE X; UNSHADED, AN AREA WHICH HAS BEEN DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN AND ZONE 'AE' WHICH HAS A BASE FLOOD ELEVATION OF 10 FEET. EXISTING FLOOD ZONE INFORMATION HAS NOT BEEN FIELD VERIFIED.
- ESTABLISHED BUILDING LINE (EBL) - ACCORDING TO SECTION 115-182.C. OF THE SUSSEX COUNTY ZONING CODE: ON A STREET OR ROAD WITH EXISTING BUILDINGS HAVING A FRONT YARD SETBACK THAT IS LESS THAN THAT REQUIRED IN THE DISTRICT, ANY BUILDING MAY HAVE A FRONT YARD SETBACK THAT IS EQUAL TO THE AVERAGE SETBACK OF THOSE EXISTING BUILDINGS LOCATED ON THE SAME SIDE OF THE STREET OR ROAD AND BEING WITH 300 FEET OF THE BUILDING. ANY VACANT LOT SHALL BE CALCULATED AS HAVING THE REQUIRED SETBACK FOR THE DISTRICT. NO FRONT YARD SETBACK REDUCED PURSUANT TO THIS SUBSECTION SHALL BE REDUCED TO LESS THAN FIVE FEET. THE PROVISION OF THIS SUBSECTION SHALL NOT APPLY TO ANY LOT IN A CLUSTER SUBDIVISION, COASTAL AREA CLUSTER SUBDIVISION OR RESIDENTIAL PLANNED COMMUNITY.

SITE DATA:

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



LOCATION MAP
Scale: 1" = 2000'



LEGEND

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

WETLANDS LINE TABLE

LINE #	BEARING	DISTANCE
L1	N 52°44'03" E	15.37'
L2	N 25°37'20" E	26.73'
L3	N 68°53'02" E	13.63'
L4	N 19°24'10" E	23.63'
L5	N 41°18'43" E	9.63'
L6	N 15°00'12" E	17.25'
L7	N 69°27'29" E	4.74'
L8	N 07°23'07" E	8.00'
L9	N 12°57'24" W	4.48'
L10	N 20°48'08" E	27.47'
L11	N 00°25'10" E	25.94'
L12	N 22°39'54" E	21.32'
L13	N 09°53'34" E	15.91'
L14	N 43°52'38" E	15.06'
L15	N 18°52'25" E	21.50'
L16	N 48°37'10" E	30.61'
L17	N 49°07'37" E	33.04'
L18	N 53°03'30" E	28.47'
L19	N 42°18'21" E	21.44'

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

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

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

SURVEY OF EXISTING CONDITIONS

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

NO.	DATE	REVISIONS	BY

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 RELIANCE BY OWNERS OR OTHERS ON THE EXTENSION OF THE PROJECT OR ON ANY OTHER PROJECT. ANY RELIANCE WITHOUT WRITTEN PERMISSION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPENSE TO PENNONI ASSOCIATES, AND OWNER SHALL HOLD PENNONI ASSOCIATES HARMLESS FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RELATING THEREFROM.

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

V-0001
SHEET 1 OF 1

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

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

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



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

NICOLE MAJESKI
SECRETARY

March 18, 2021

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

Dear Mr. Whitehouse:

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

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

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

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



Mr. Jamie Whitehouse

Page 2 of 2

March 18, 2021

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

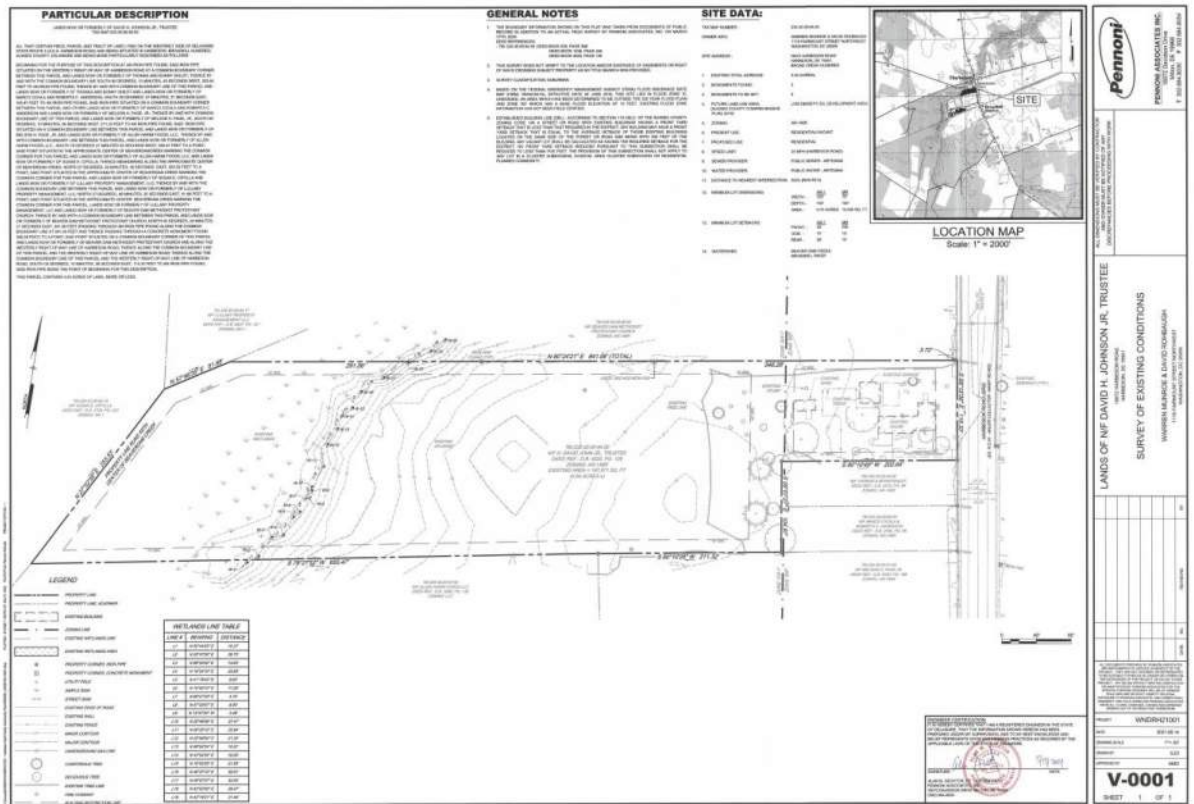
cc: Warren Munroe and David Rohrbaugh, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance &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

TAB 2

EXECUTIVE SUMMARY

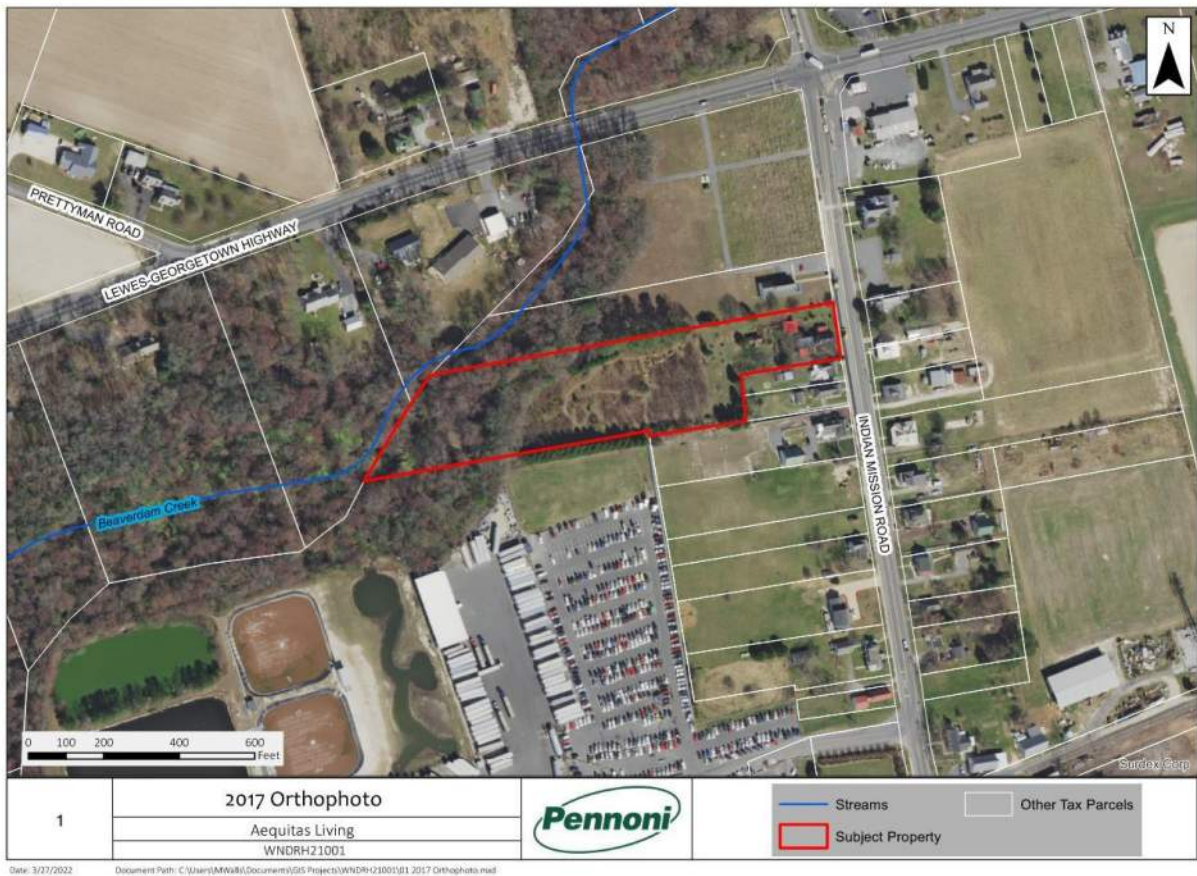
**AEQUITAS LIVING
CHANGE OF ZONE #1978
CONDITIONAL USE #2299
EXECUTIVE SUMMARY**

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

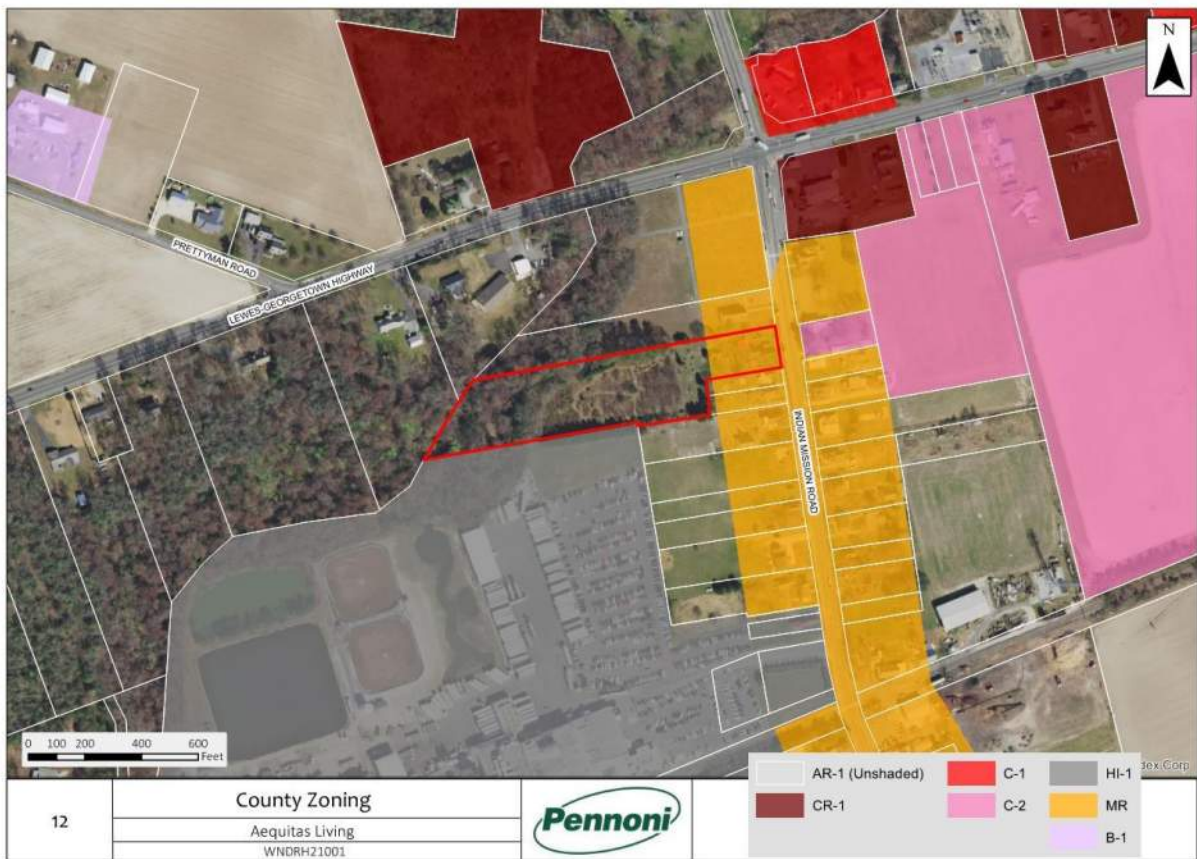


2. The applicants and property owners are Warren Munroe and David Rohrbaugh, living at the subject property, 18672 Harbeson Road, Harbeson, DE 19951.

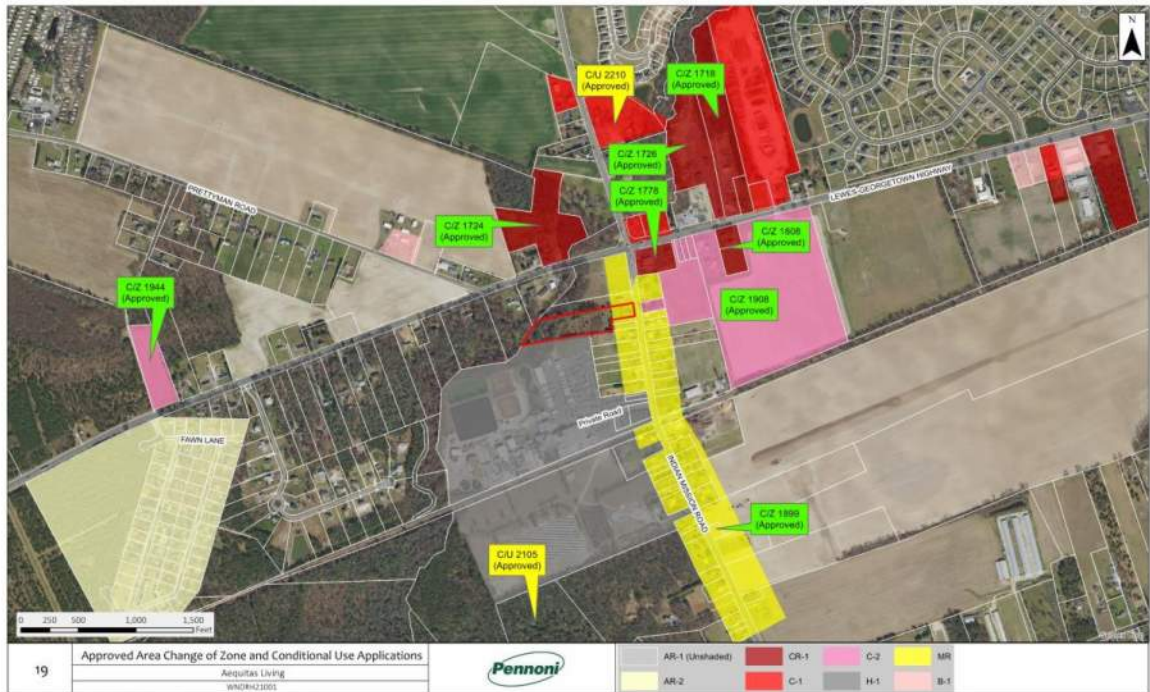
- The property is identified on the tax maps of the Sussex County Department of Finance as Tax Map No. 235-30.00-94.00.



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



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



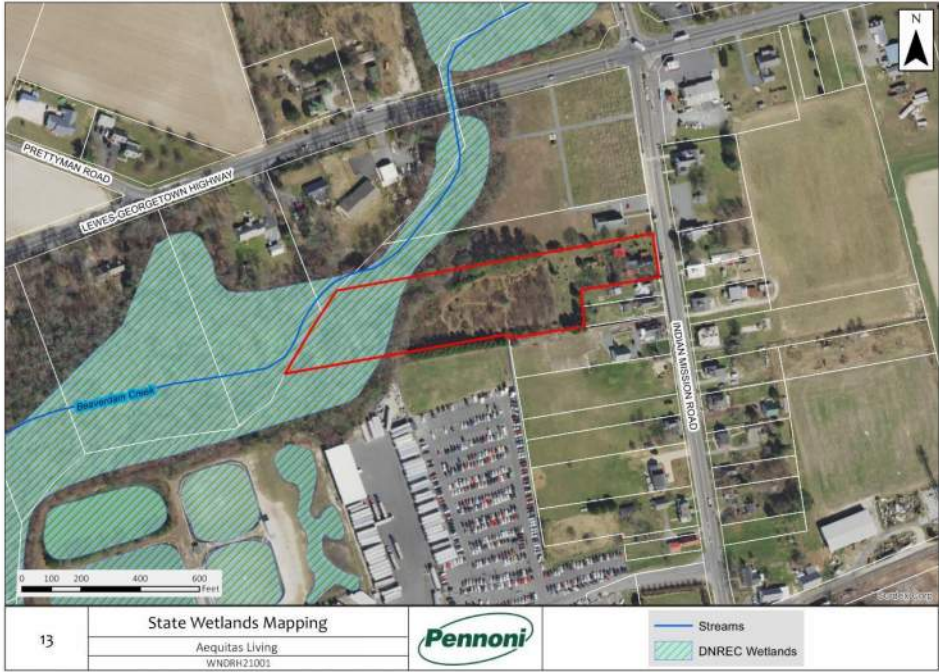
- In the 2019 Sussex County Comprehensive Plan – the subject property is located partially within the *Existing Development Area* classification. Since the comprehensive plan is a guide for the future use of land, the County’s official zoning map must be consistent with the uses and intensities of uses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

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

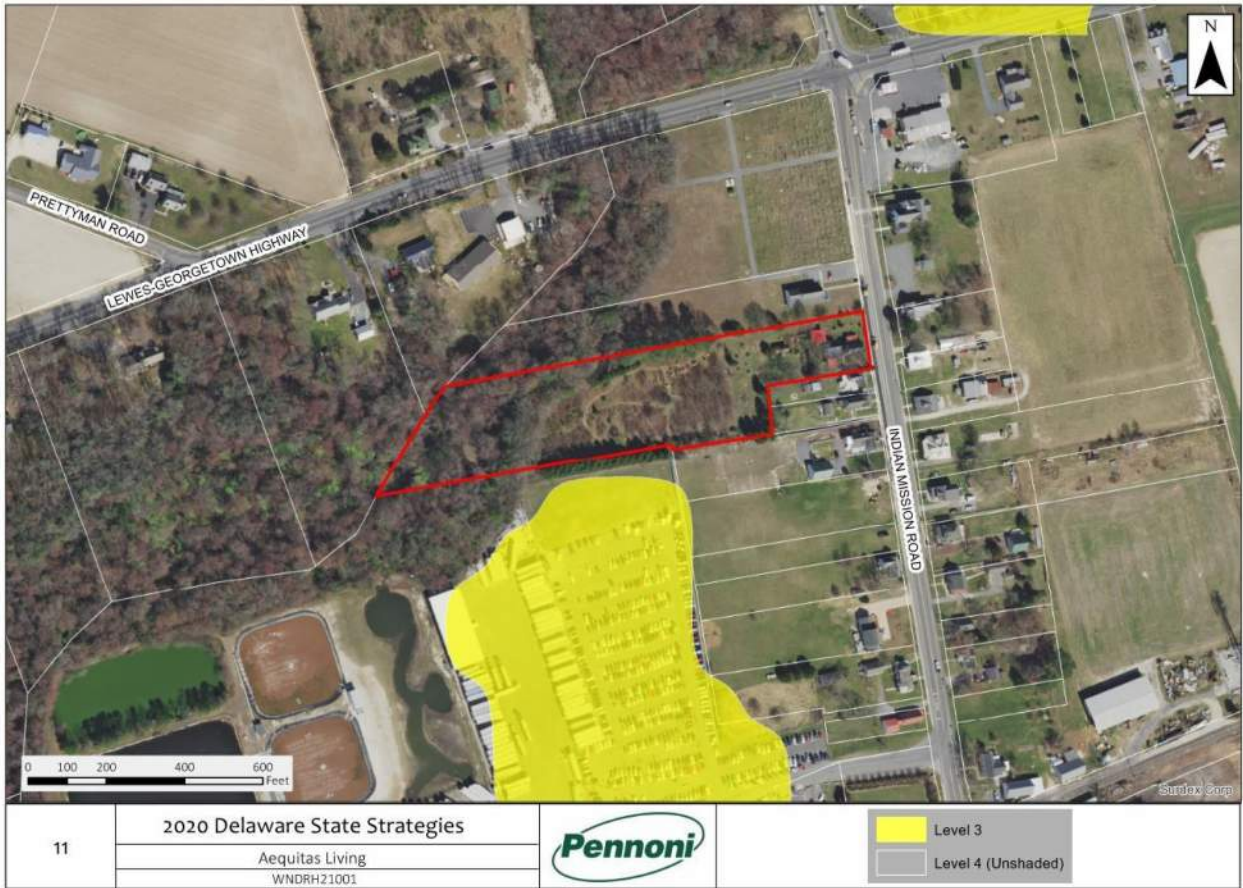
be available at the time of construction, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered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

8. The applicant proposes to create a multi-family neighborhood consisting of 4 garden-style apartment buildings with 6 units in each, a community garden, and a pool/exercise area adjacent to the existing dwelling that the applicants will be using to reside and to manage the property.

9. There are wetlands on the rear portion of the property; the property is located in a Flood Zone X Unshaded according to Flood Map 10005C0310L. The wetlands will not be impacted by any construction activity; stormwater management will occur onsite and use infiltration as its primary BMP for handling stormwater runoff; the property is located in a Groundwater Protection Zone (Wellhead Protection Area – well(s) located on Allen Harim property south of subject property); the property is served with public water and sewer service (Artesian.)



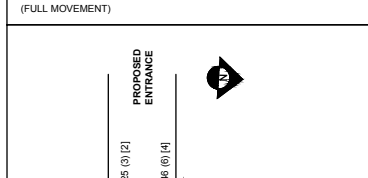
10. The 2020 Strategies for State Policies and Investment Levels Map identifies the area as being in Investment Level 4. These areas are designated rural areas where investments are lower in priority than Levels 1, 2, or 3.



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

TAB 3
EXHIBITS

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



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

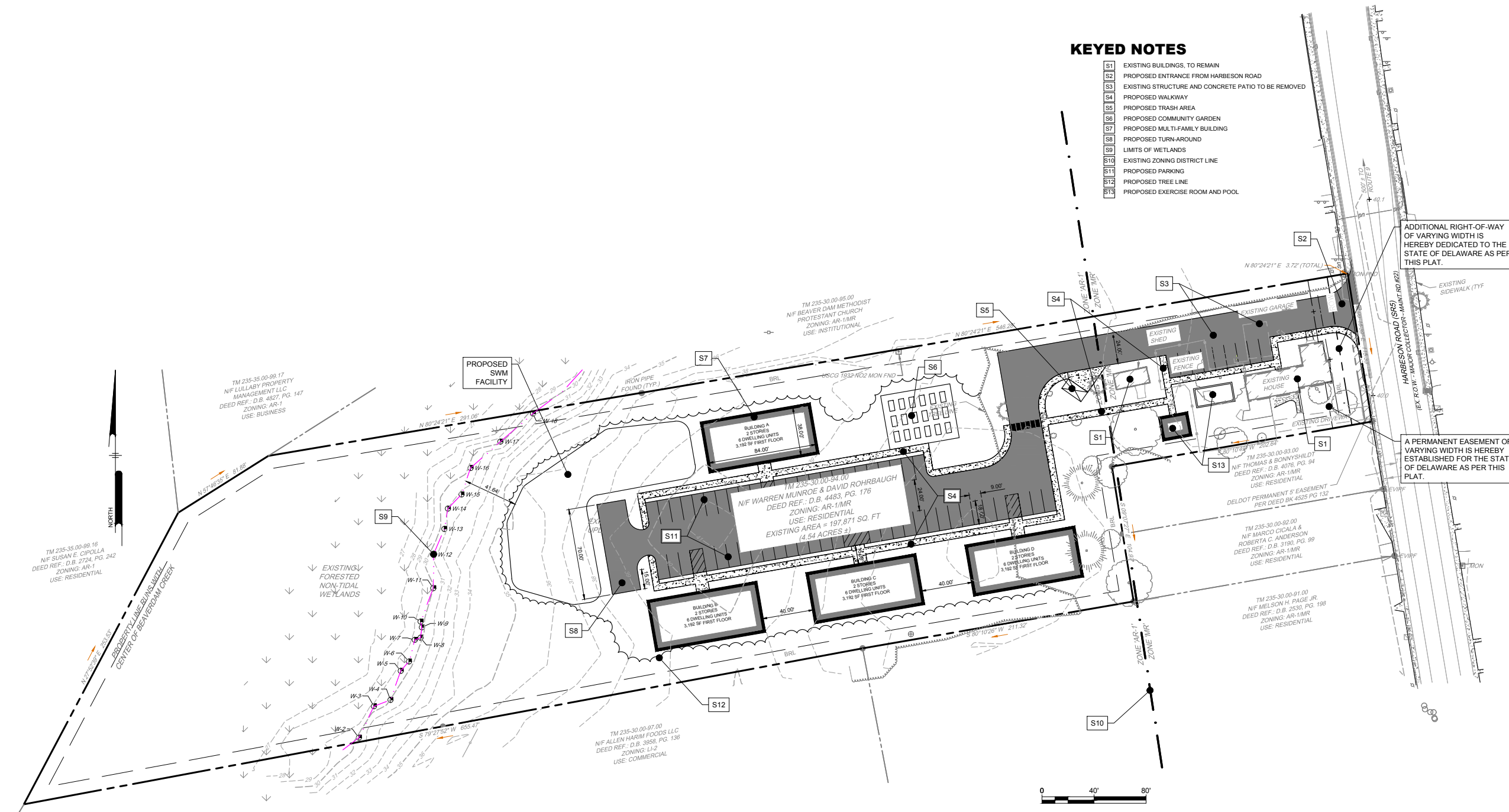
SITE TRAFFIC DATA:
SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION²
EXISTING LAND USE: VACANT FIELD
(1) DETACHED DWELLING = 10 TRIPS (TO BE RENOVATED AND BE USED PART OF THE 24 UNIT PROJECT)
PROPOSED LAND USE:
24 UNITS - MULTIFAMILY HOUSING - LOW RISE (ITE 220)
T=7.56 (X) -40.86 = 142 TRIPS (WEEKDAY) (71 ENTER / 71 EXIT)
PEAK HOUR OF ADJACENT STREET TRAFFIC:
AM: L_n(T)=0.95L_n(X)-0.51 = 12 TRIPS (WEEKDAY) [23% / 77%] (3 / 9)
PM: L_n(T)=0.89L_n(X)-0.02 = 17 TRIPS (WEEKDAY) [83% / 37%] (11 / 6)
DIRECTIONAL DISTRIBUTION:
66% TO AND FROM THE NORTH (92 TRIPS) (2) [7] ENTER & (6) [4] EXIT
33% TO AND FROM THE SOUTH (50 TRIPS) (1) [4] ENTER & (3) [2] EXIT
TOTAL NEW TRIPS = 142 ADT
SITE TRUCK TRAFFIC = 7 TRIPS (5%)

LEGEND

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

KEYED NOTES

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



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

AQUITAS LIVING
18672 HARBESON ROAD
SUSSEX COUNTY, DELAWARE

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

CONDITIONAL USE SITE PLAN

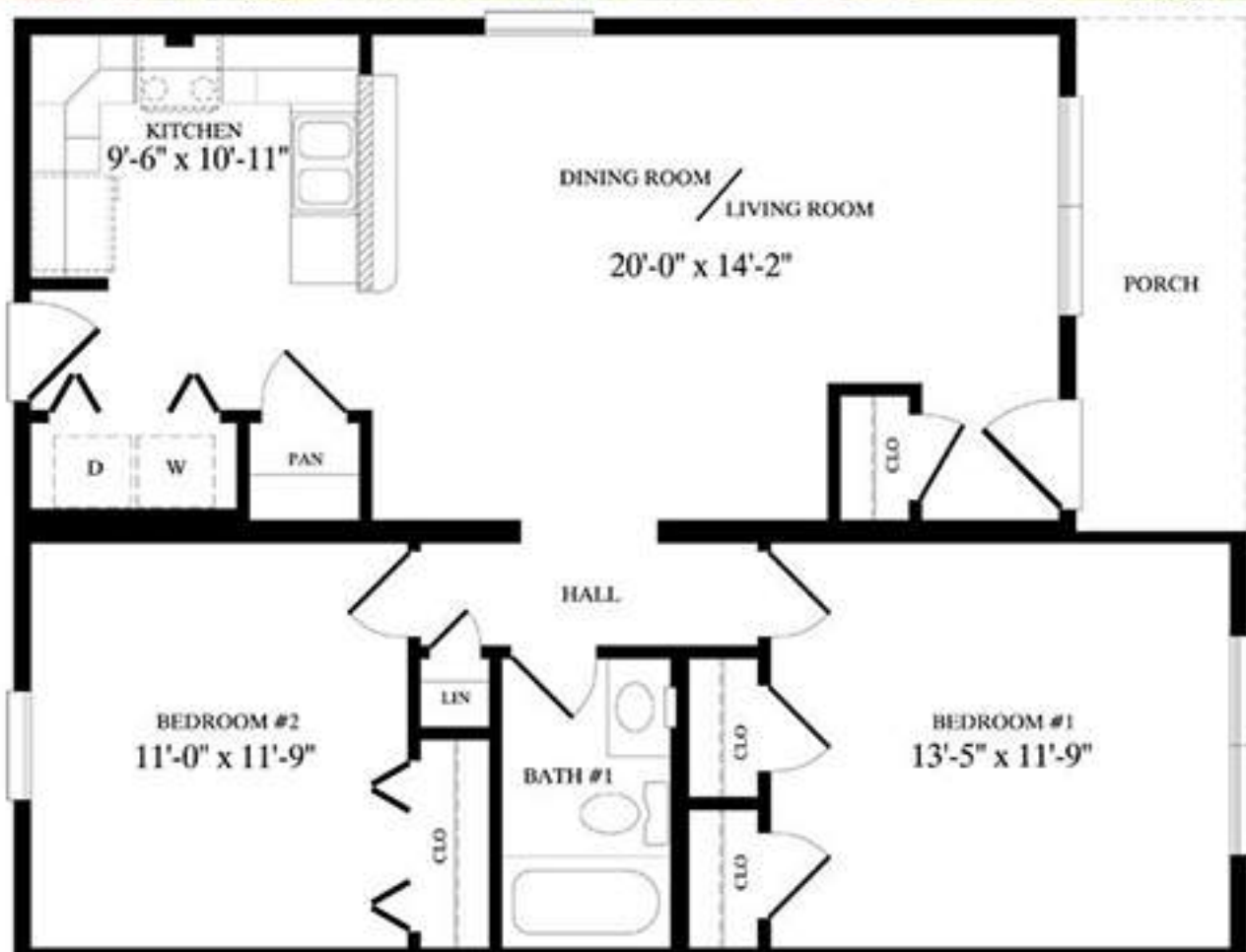
NO.	DATE	REVISIONS	BY

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

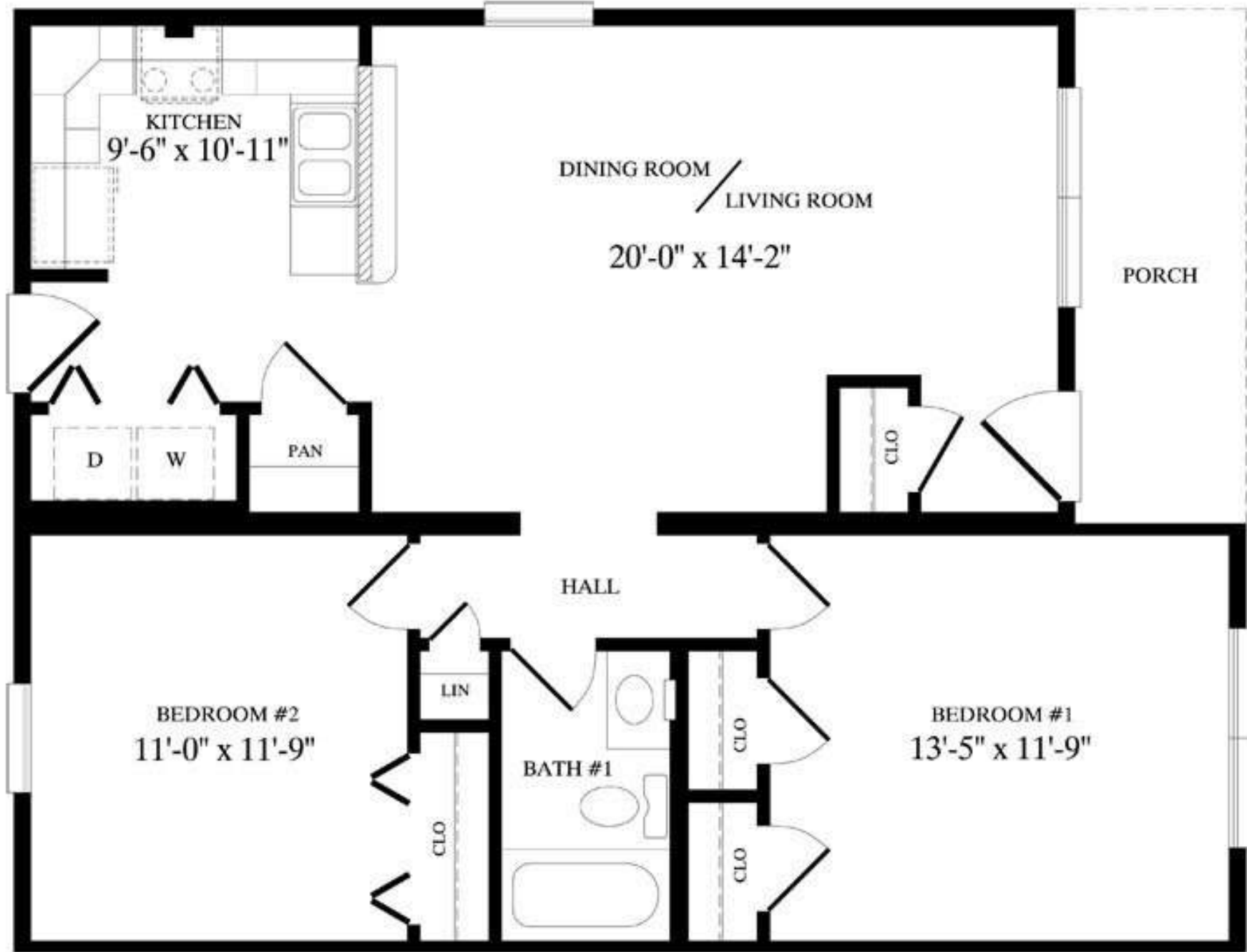
PP1001
SHEET 2 OF 2

PLOTTED: 7/6/2021 10:15 AM BY: RIC/RL/WH PROJECT: PENNONI - Aquitas Living
 U:\Accounting\WDRH\WDRH21001 - Harbeson Rd - Harbeson Community Redevelopment Authority - PENNONI - Aquitas Living.dwg





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



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

MAPPING & ADDRESSING

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



Sussex County
DELAWARE
sussexcountyde.gov

May 25, 2021

Pennonni

Attn: Alan M. Decktor, PE, ENV SP

RE: Proposed Subdivision Name(s)

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

AEQUITAS LIVING

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

Sincerely,

Terri L. Dukes

Terri L. Dukes
Addressing Technician II

CC: Christin Scott
Planning & Zoning



April 22, 2021
WNDRH21001

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

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

Attendees:

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

Items Discussed:

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

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

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

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



OVER 100 YEARS OF SUPERIOR SERVICE

April 1, 2022

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

RE: Aequitas Ability to Serve Letter

With reference to your request concerning Water and Wastewater Service (collectively, "Service") for the proposed Aequitas Project on Harbeson Road in Broadkill Hundred, Sussex County, Delaware known as Tax Parcel Number 235-30.00-94.00 (the "Property"), please be advised as follows:

Subject to the following conditions, Artesian Water Company, Inc. and Artesian Wastewater Management, Inc. (collectively, "Artesian") are willing and able to provide Service to the Property that meets all applicable State of Delaware, Delaware Department of Natural Resources and Environmental Control, and Sussex County standards. The property owner must provide Artesian with signed petitions requesting water and wastewater service that Artesian could use to seek application for CPCN approval from the Public Service Commission (the "Commission") for any parcels not currently in Artesian's territory. CPCN's are necessary before Artesian can provide Service at the Property. If granted the CPCN's, Artesian can provide Service in accordance with Artesian's Commission approved tariffs, as amended from time to time.

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

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

Yours very truly,

ARTESIAN WATER COMPANY, INC.

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

Adam Gould
Manager of Systems Planning and Design

TAB 4

FLUM-PLUS

Sussex County Comprehensive Plan Amendment Request Form

Sussex County, Delaware

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

☎ 302-855-7878

✉ pandz@sussexcountyde.gov

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

2045 Future Land Use Map Amendment

Supplemental

Year that Comprehensive Plan was Adopted:

March 2019

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

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

Tax Map #: 235-30.00-94.00

Total Acreage: 4.54

Applicant Information

Applicant Name: Warren Munroe & David Rohrbaugh

Applicant Address: 18672 Harbeson Road

City: Harbeson

State: DE

ZipCode: 19951

Phone #: (202) 345-0781

E-mail: wmunroe64@gmail.com

Developer Information

Developer Name: Same as applicant

Attorney Information (If Applicable)

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

Attorney Address: 107 W. Market Street

City: Georgetown

State: DE

ZipCode: 19958

Phone #: (302) 856-0018

E-mail: dhutt@morrisjames.com



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

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

Attachments:

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

Check List for Comprehensive Plan Amendment Request Applications

The following shall be submitted with any request

- Completed Application

- A scaled survey drawing is appended to this Application that clearly shows the location of all parcels to which the amendment request relates.

- The Applicant understands that Sussex County Council may submit a copy of this application, along with copies of all documents received, to the State of Delaware Office of Management and Budget for the purposes of any enabling the State of Delaware to review the requested revision.

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

Signature of Applicant/Attorney



For office use only:

Date Submitted: _____ Application & Case #: _____
Staff member receiving Application: _____

Location of property: _____

Date of Commission Hearing: _____ Recommendation: _____

Date of Council Hearing: _____



David C. Hutt
302.856.0018
dhutt@morrisjames.com

May 21, 2021

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

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

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

Dear Jamie,

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

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

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

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

Jamie Whitehouse

May 21, 2021

Page 2

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

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

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

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

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

Jamie Whitehouse
May 21, 2021
Page 3

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

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

Very Truly Yours,

MORRIS JAMES LLP

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

David C. Hutt, Esquire

SITE DATA:

1. TAX MAP NUMBER: 235-30-00-94-00, DEED BOOK 4483, PAGE 176

2. DEVELOPER NAME/ADDRESS: WARREN MUNROE & DAVID ROHRBAUGH, 1119 FAIRMOUNT STREET NW, WASHINGTON, DC 20009

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

3. ADDRESS LOCATION: 18672 HARBESON ROAD, HARBESON, DE 19951

HUNDRED: BROADKILL HUNDRED, COUNTY: SUSSEX

4. CURRENT ZONING: AR-1 (AGRICULTURAL/RESIDENTIAL) AND MR (MEDIUM RESIDENTIAL)

PROPOSED ZONING: MR/CONDITIONAL USE (ARTICLE V-§115-31)

PRESENT USE: RESIDENTIAL

PROPOSED USE: MULTIFAMILY DWELLING STRUCTURES, SUBJECT TO THE PROVISIONS OF ARTICLES IV THROUGH XX § 115-219 AND TABLE 2 (INCLUDED AT THE END OF THIS CHAPTER)

5. ARTICLE XXV: PROVISIONS IN ACCORDANCE WITH §115-188 E. 1) NO OVERALL OUTSIDE WALL DIMENSION OF A BUILDING EXCEEDS 155 FEET. 2) FOR THE PURPOSE OF MAINTAINING SETBACK BETWEEN BUILDINGS ON THE SAME SITE, THE DISTANCE BETWEEN BUILDINGS ARE GREATER THAN 40 FEET.

6. SETBACKS (MR ZONING) (SECTION 115-34): FRONT YARD: 24' EBL (ESTABLISHED BUILDING LINE); SIDE YARD: 10'; REAR YARD: 10'; MIN. LOT WIDTH: 75'; MIN. LOT DEPTH: 100'; MIN. LOT SIZE: 10,000 SF; BUILDING HEIGHT: 42' ALLOWED

7. PARKING (ARTICLE XXII OFF-STREET PARKING, CODE SECTION 115-152): 2 SPACES PER DWELLING UNIT (1.5 SPACES PER 1 BEDROOM UNIT) REQUIRED: 12 (2-BEDROOM) PLUS 12 (1 BEDROOM) UNITS PLUS EXISTING HOME = 44 SPACES PROVIDED: 62 PARKING SPACES

8. LOADING SPACES (SECTION 115-168 C.): PROVIDED 0 SPACES

9. SERVICES: WATER SUPPLIER: PUBLIC - ARTESIAN; SANITARY SEWER SUPPLIER: PUBLIC - ARTESIAN

10. SECTION 89-SOURCE WATER PROPERTY: A. SUBJECT PROPERTY IS WITHIN AN AREA OF 'GOOD' GROUNDWATER RECHARGE B. SUBJECT PROPERTY IS LOCATED IN WELLSHEAD PROTECTION AREA, (PROPOSED IMPERVIOUS COVER IS LESS THAN 35%)

11. STATE INVESTMENT AREA 2020: LEVEL 4

12. 2019 COMPREHENSIVE PLAN: EXISTING DEVELOPING AREA/LOW DENSITY

13. LATITUDE AND LONGITUDE STATE PLANE COORDINATES: LATITUDE: N 36° 43' 24.06" LONGITUDE: W 75° 17' 8.53"

14. WETLAND AREA: 56,514 SQ. FT. (1.3 ACRES (A))

WETLAND AREA IMPACTED: 0.00 SQ. FT.

15. PROPOSED DISCHARGE LOCATION: PROPOSED BMP CONVEYED TO EXISTING WETLANDS AND BEAVERDAM CREEK (ROUND POLE BRIDGE WATERSHED)

16. BASED UPON FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 10005C0310L, DATED JUNE 20, 2018, THE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS FLOOD ZONE 'X', UNSHADED

17. SITE AREA AND ACREAGE: 197,871 SQ. FT. (4.54 ACRES (A))

EXISTING FORESTED ACRES: 44,947 SQ. FT. (1.02 ACRES (REMOVED 2.57 AC))

GROSS ACREAGE/NET DEVELOPMENT AREA: GROSS 4.54 AC(A) NET 2.25 ACRES(A)

STRUCTURE, PARKING, IMPERVIOUS: EX 5,499 SF (3%) PR 54,048 SF (27%)

OPEN SPACE: EX 191,372 SF (97%) PR 143,823 SF (73%)

TOTAL: EX 197,871 SF (100%) PR 207,871 SF (100%)

18. OPEN SPACE (99-21 D): REQUIRED: 15% (6.88 ACRES) PROVIDED: 73% (3.3 ACRES)

19. PROPOSED LIMIT OF DISTURBANCE PER DISCHARGE LOCATION: 83,511 SQ. FT. (1.92 ACRES)

20. DATUM: HORIZONTAL = NAD83, VERTICAL = NAVD83

21. LOCAL GOVERNMENT RESPONSIBLE FOR LAND APPROVAL: SUSSEX COUNTY



SOILS MAP
Scale: 1" = 1000'

PREPARED BY:
PENNONI ASSOCIATES INC.

18072 Davidson Drive
Milton, DE 19968
T 302.684.8030
F 302.684.8054

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

AEQUITAS LIVING

CONDITIONAL USE SITE PLAN

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

PREPARED FOR:
OWNER/DEVELOPER

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

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

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

SURVEYOR
PENNONI ASSOCIATES INC.

LANDSCAPE ARCHITECT
PENNONI ASSOCIATES, INC.

SCHOOL DISTRICT
BROADKILL

FIRE DISTRICT
GEORGETOWN (77)

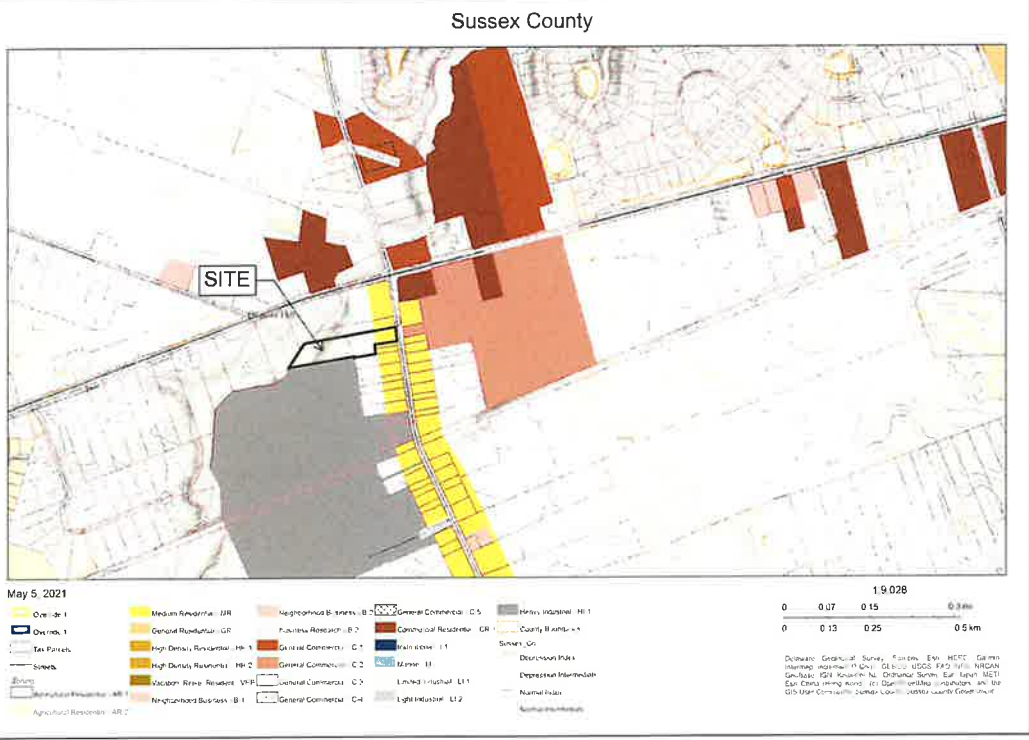
POSTAL DISTRICT
HARBESON (19951)

WATER UTILITY
ARTESIAN

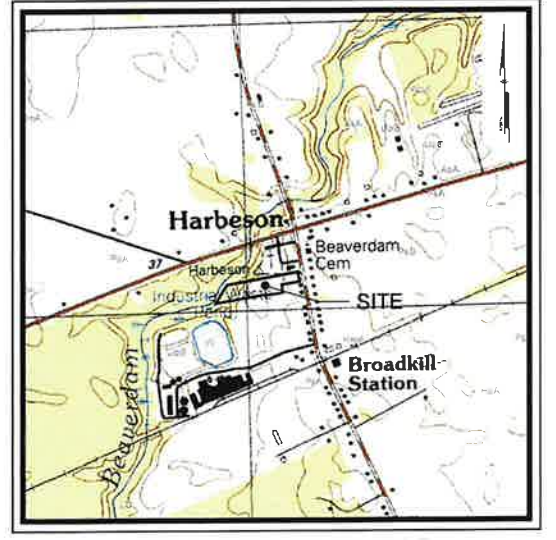
SEWER UTILITY
ARTESIAN

GENERAL NOTES:

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



Sussex County



LOCATION/USGS MAP
Scale: 1" = 1000'

SHEET LIST TABLE

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

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

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

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

SIGNATURE: _____ DATE: _____
KENNETH W. REDINGER, PROFESSIONAL WETLANDS SCIENTIST #2126
P.O. BOX 478 / HORTTOWN, VA 23085
(757) 884-7052 / EMAIL: KWREDINGER@GMAIL.COM

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

SIGNATURE: _____ DATE: _____
ALAN DECKTOR, PE (DE PE#11771)
PENNONI ASSOCIATES, INC.
18072 DAVIDSON DRIVE
MILTON, DE 19968
OFFICE (302) 684-8030 - FAX (202) 684-8054
ADECKTOR@PENNONI.COM

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

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

CONDITIONAL USE COVER SHEET

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

DATE	NO.	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INTENDED TO BE USED IN CONNECTION WITH THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE USED FOR ANY OTHER PURPOSE OR FOR ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR APPROVAL BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR COST. PENNONI ASSOCIATES AND OWNER SHALL BE RESPONSIBLE FOR ANY DAMAGE, LOSS OF PROFITS OR EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT: WNDRH21001
DATE: 05 JULY 2021
DRAWING SCALE: AS SHOWN
DRAWN BY: EWW
APPROVED BY: AMD

PP0001

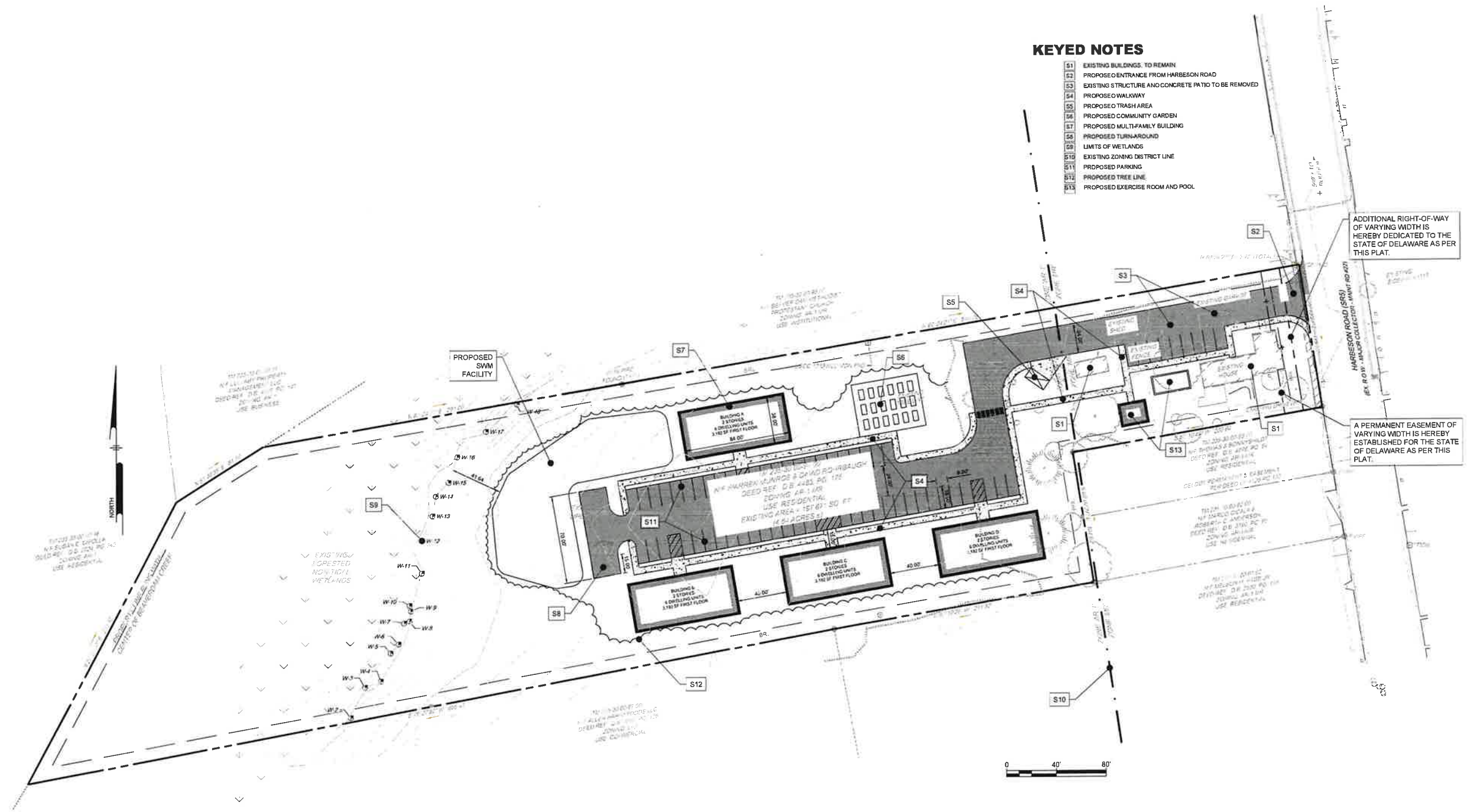
SHEET 1 OF 2

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

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

KEYED NOTES

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



Pennoni

PENNONI ASSOCIATES INC.
 18072 Davidson Drive
 Milton, DE 19868
 T 302.694.8030 F 302.694.8054

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

AQUITAS LIVING
 18072 HARBESON ROAD
 SUSSEX COUNTY, DELAWARE

CONDITIONAL USE SITE PLAN

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

NO.	DATE	REVISIONS	BY

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

PP1001

SHEET 2 OF 2

P:\Projects\2021\WDRH21001\Drawings\PP1001_SitePlan.dwg
 PLOTTED: 06/21/2021 10:30 AM BY: EWW
 PROJECT STATUS:



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

July 14, 2021

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

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

Dear Mr. Whitehouse:

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

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

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

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

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

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

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

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

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

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

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

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

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

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

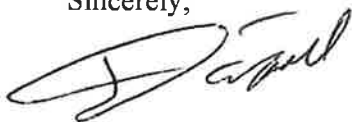
State Historic Preservation Office – Contact Carlton Hall 736-7400

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

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

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

Sincerely,



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

Attachment



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

NICOLE MAJESKI
SECRETARY

March 18, 2021

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

Dear Mr. Whitehouse:

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

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

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

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



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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

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

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

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

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

REQUESTED REVIEW: Check one

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

Comprehensive Plan or Update
Complete Sections 1 and 3 only

Comprehensive Plan Amendment
Complete Sections 1 and 2 only

Municipal Ordinance Review
Complete Sections 1 and 2 only

Date of most recently certified comprehensive plan:

Link to most recently certified comprehensive plan, if available:

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

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

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

SECTION 1: MUNICIPAL INFORMATION

Name of Municipality:	
Address:	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

Application prepared by:	
Address:	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

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

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

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

Please describe the submission.



Sussex County



May 21, 2021

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

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

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

Dear Jamie,

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

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

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

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

Jamie Whitehouse

May 21, 2021

Page 2

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

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

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

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

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

Jamie Whitehouse
May 21, 2021
Page 3

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

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

Very Truly Yours,

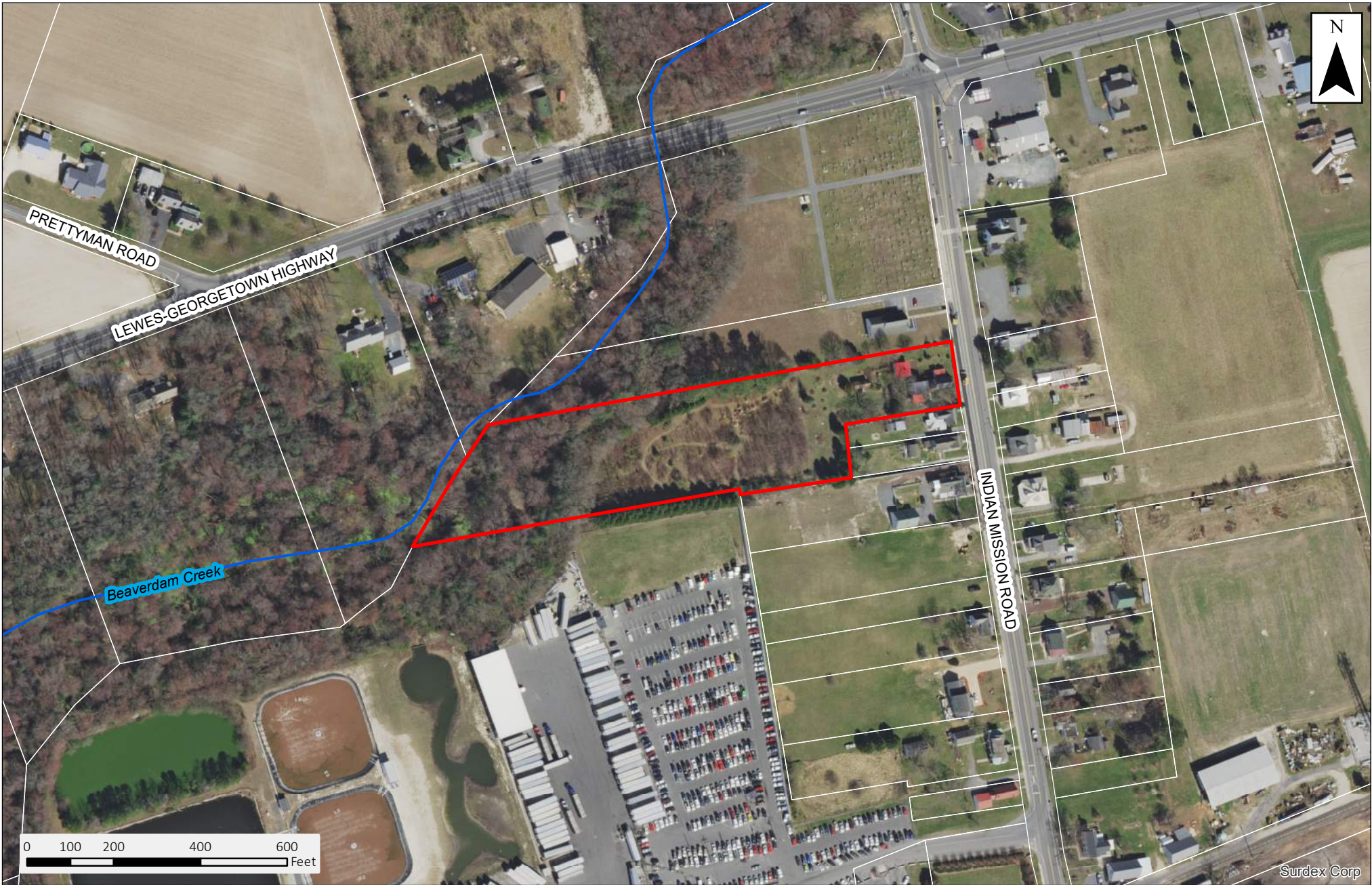
MORRIS JAMES LLP

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

David C. Hutt, Esquire

TAB 5

MAPS



1

2017 Orthophoto

Aequitas Living

WNRH21001



 Streams	 Other Tax Parcels
 Subject Property	



2

2012 Orthophoto
 Aequitas Living
 WNDRH21001



 Streams	 Other Tax Parcels
 Subject Property	



3

2007 Orthophoto

Aequitas Living

WNDRH21001



 Streams	 Other Tax Parcels
 Subject Property	

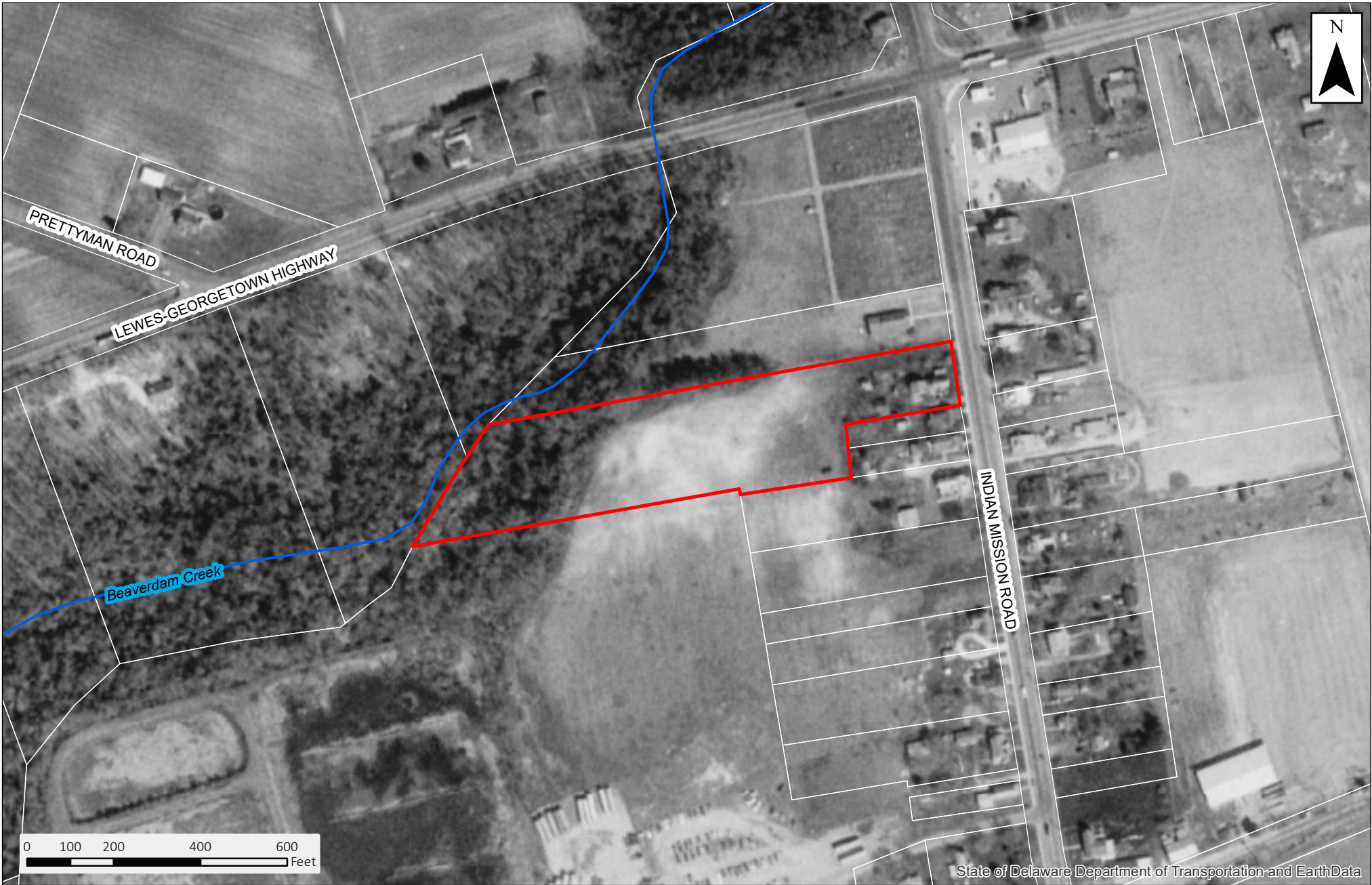


4

2002 Orthophoto
 Aequitas Living
 WNDRH21001



 Streams	 Other Tax Parcels
 Subject Property	





5

1997 Orthophoto

Aequitas Living

WNDRH21001



	Streams		Other Tax Parcels
	Subject Property		



EarthData/PhotoScience Inc.

6	1992 Orthophoto		
	Aequitas Living		
	WNDRH21001		



7	1968 Orthophoto		
	Aequitas Living		
	WNDRH21001		



8	1961 Orthophoto		
	Aequitas Living		
	WNDRH21001		



9

1954 Orthophoto
 Aequitas Living
 WNDRH21001

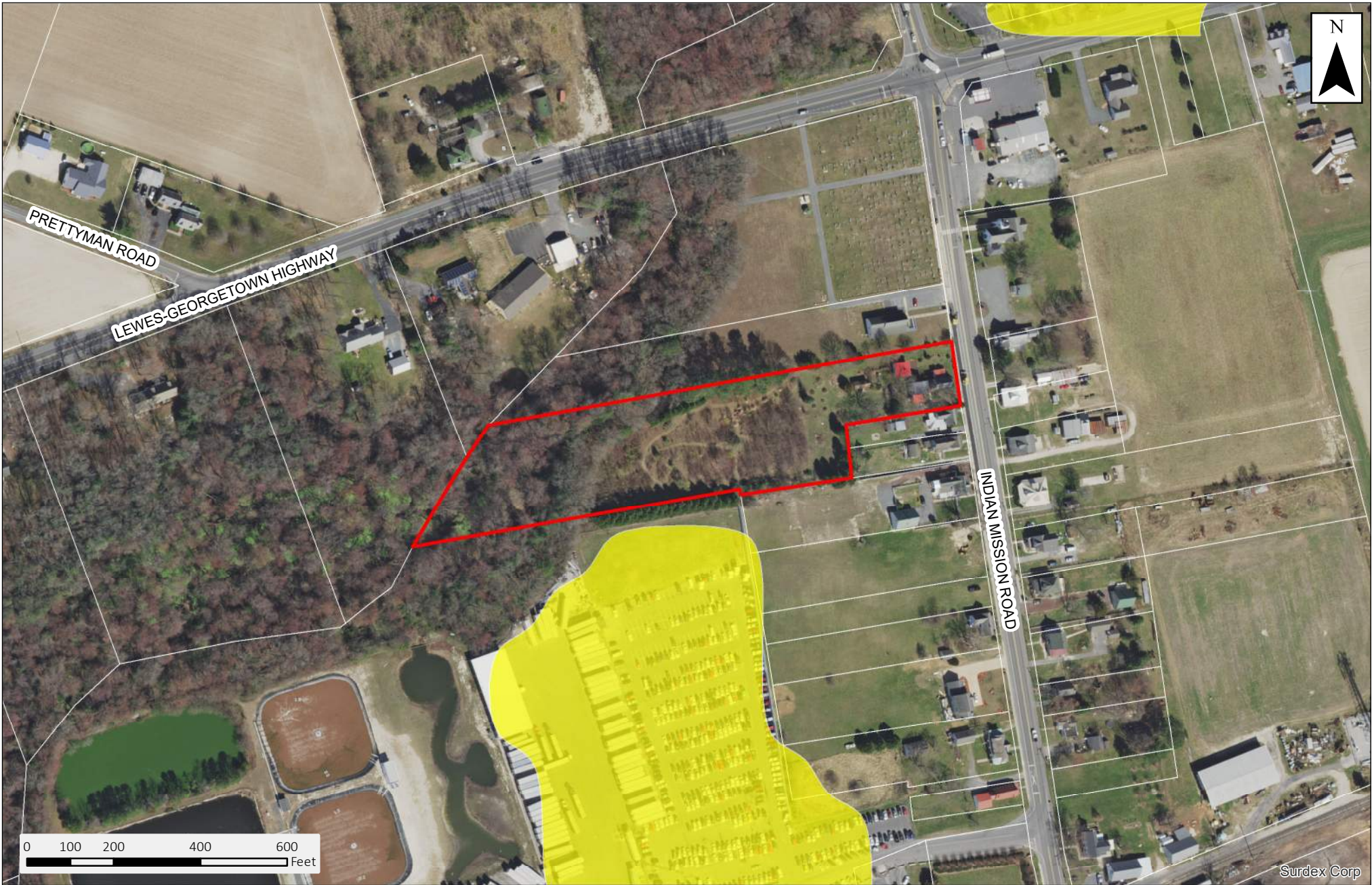


 Streams	 Other Tax Parcels
 Subject Property	



USDA Agricultural Stabilization and Conservation Service

10	1937 Orthophoto		
	Aequitas Living		
	WNDRH21001		



11

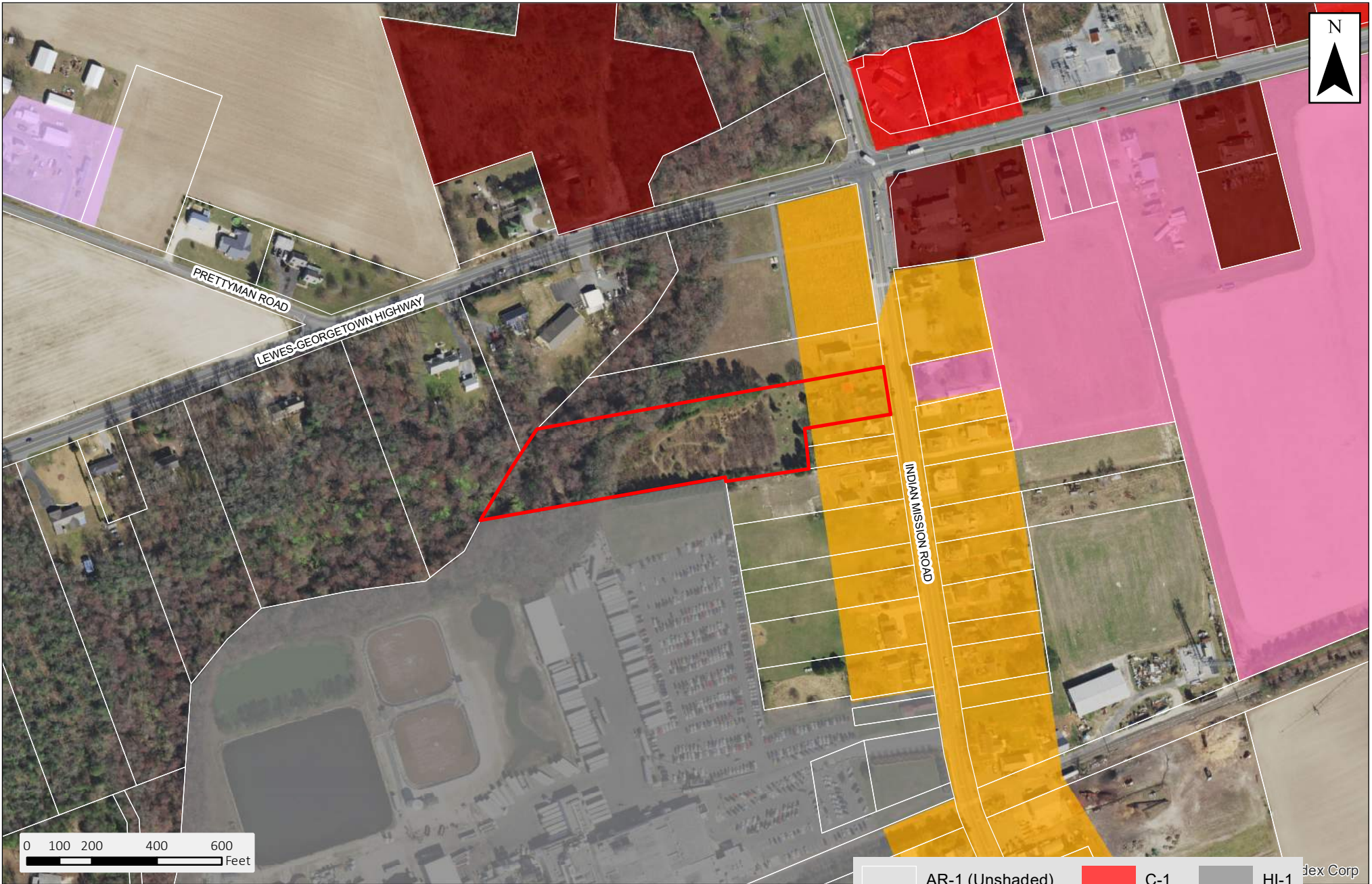
2020 Delaware State Strategies

Aequitas Living

WNDRH21001



	Level 3
	Level 4 (Unshaded)

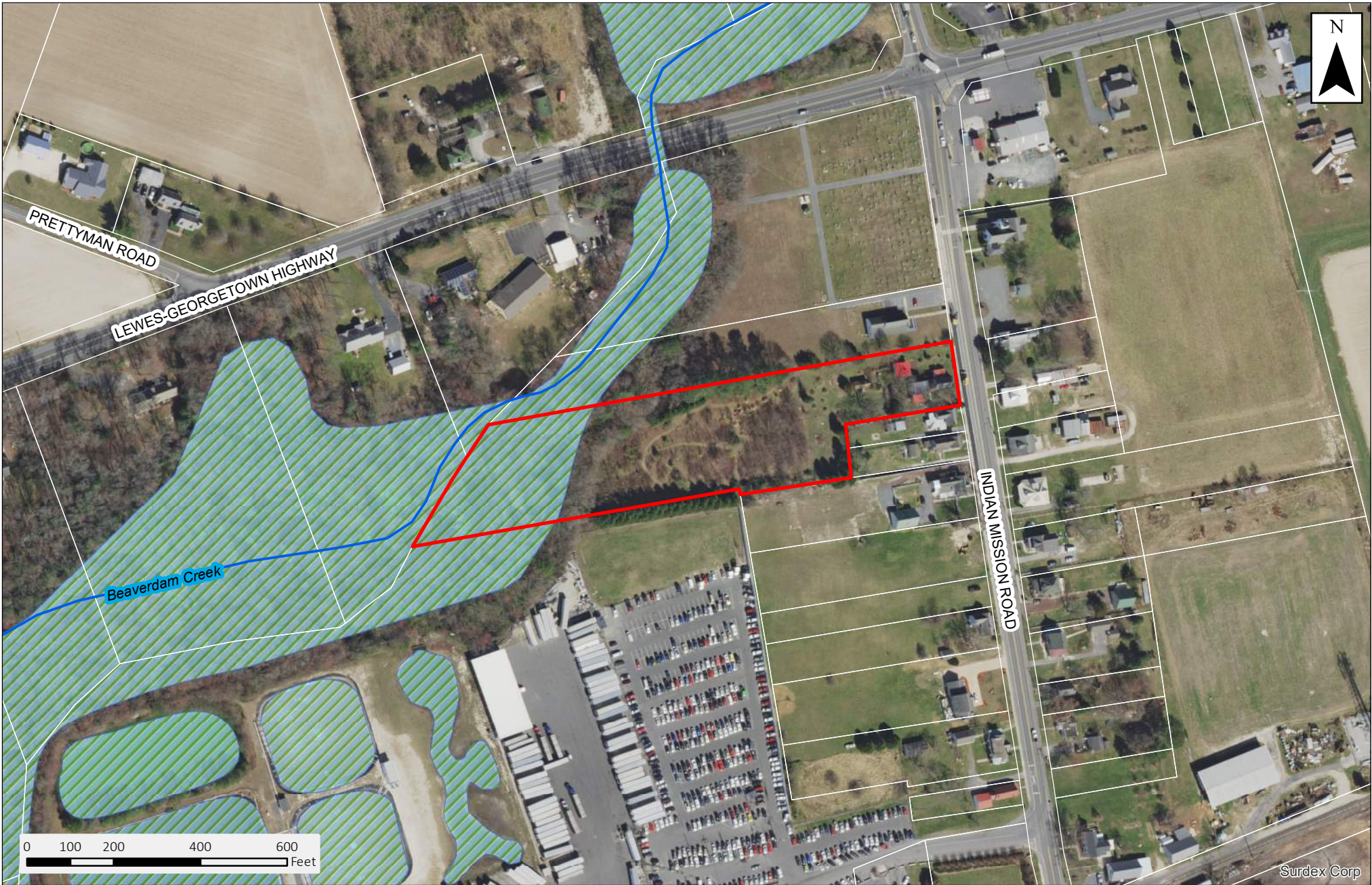


12

County Zoning
 Aequitas Living
 WNDRH21001

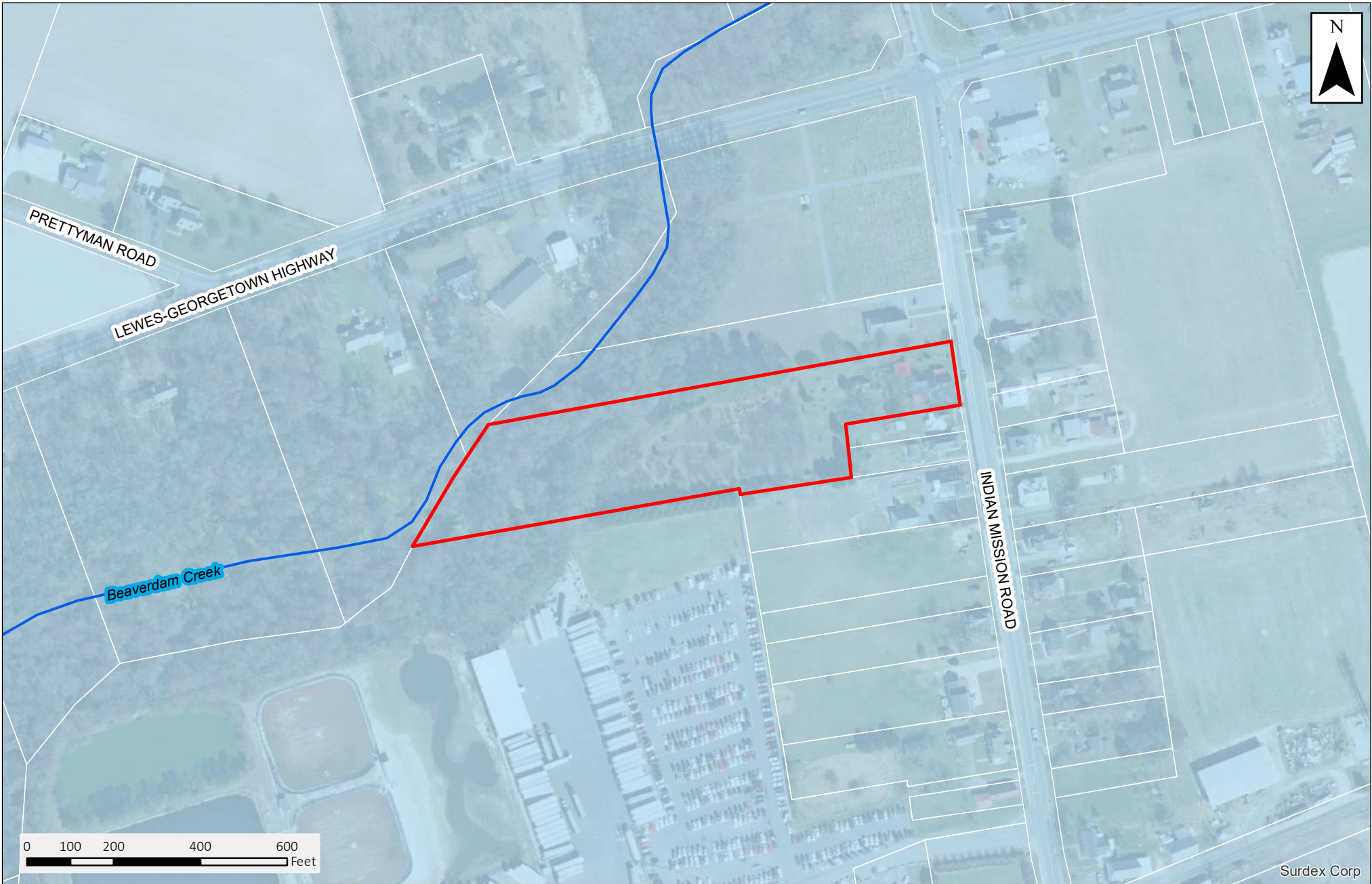


	AR-1 (Unshaded)		C-1		HI-1
	CR-1		C-2		MR
			B-1		



Surdex Corp

13	State Wetlands Mapping		
	Aequitas Living		
	WNDRH21001		



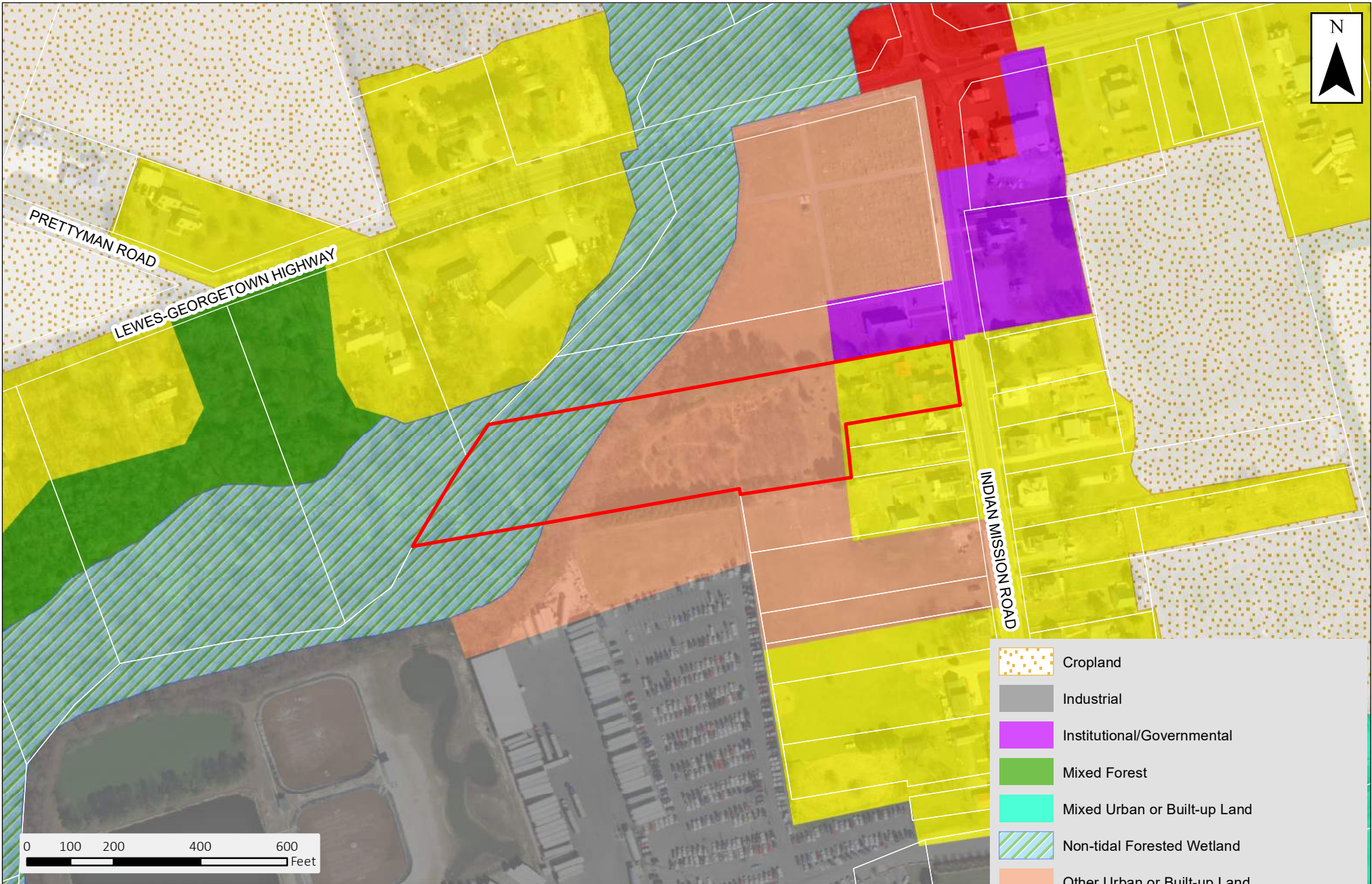
14

FEMA Floodplain Mapping
 Aequitas Living
 WNDRH21001












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

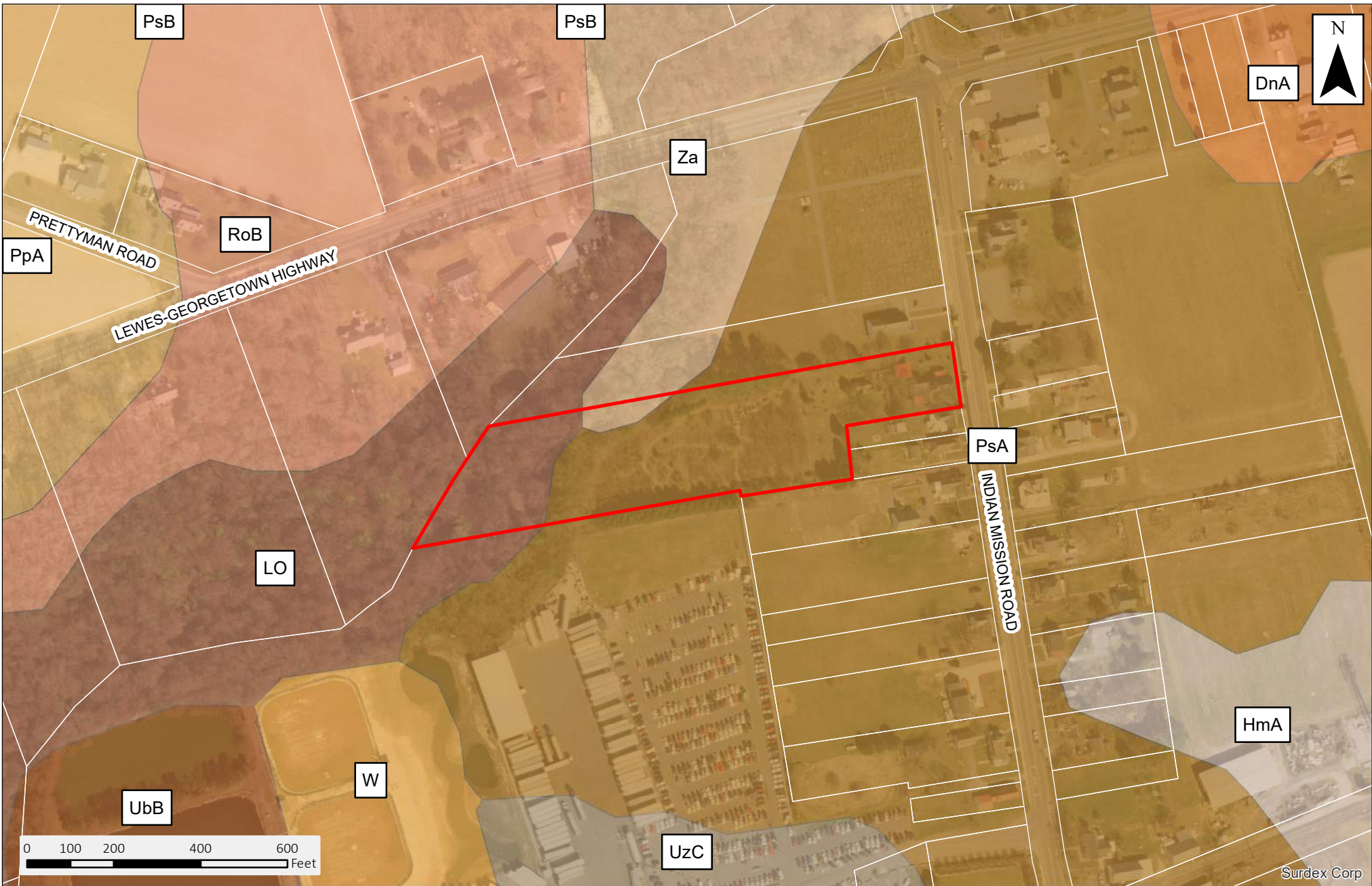
- Streams
- Zone X



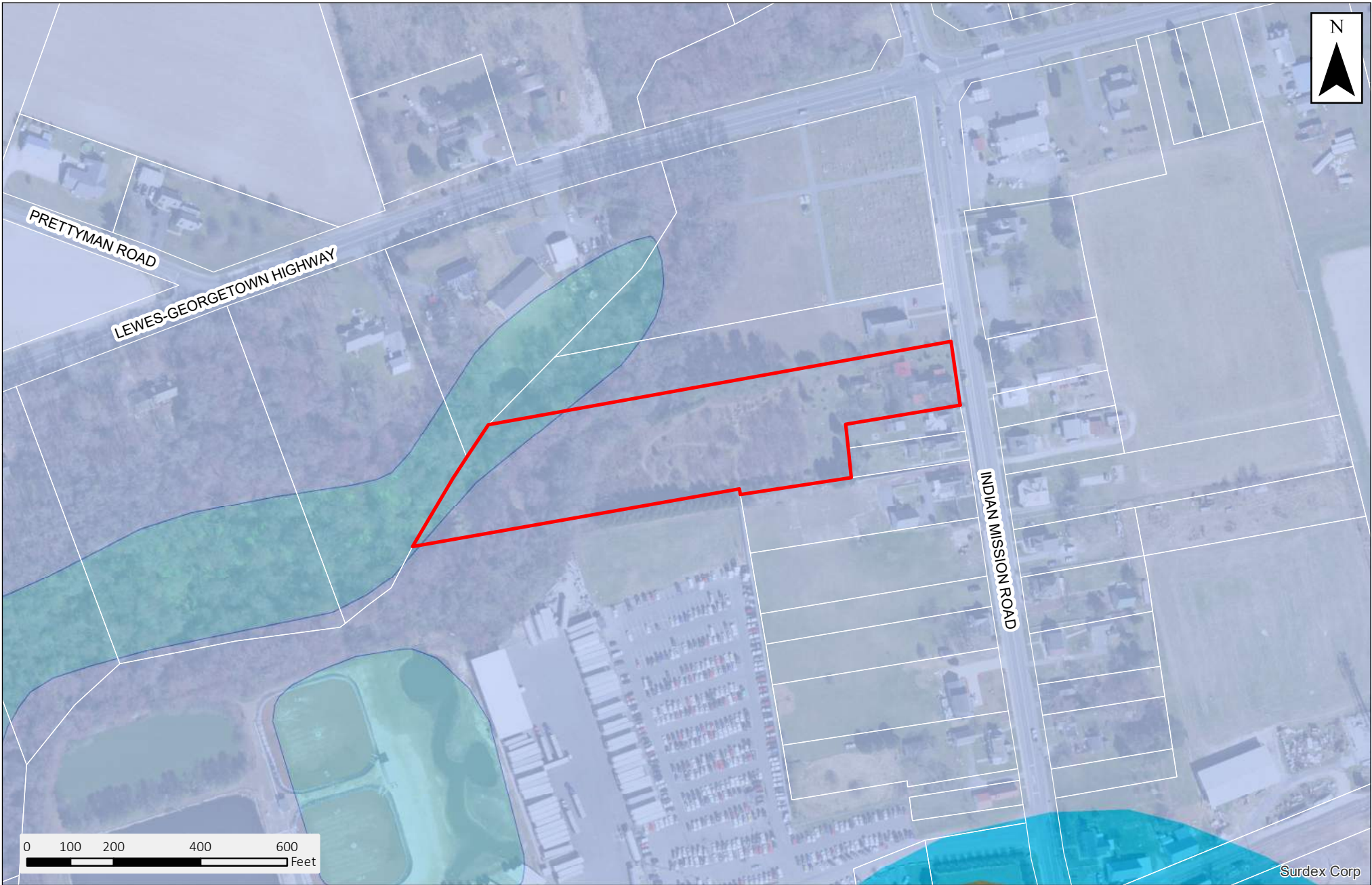
15	2020 Land Use Land Cover
	Aequitas Living
	WNDRH21001



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



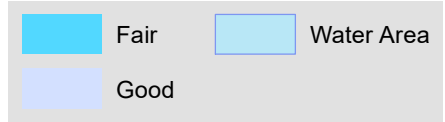
16	NRCS Soils Mapping		Soil Types: LO - Longmarsh and Indiantown, Group B/D PsA - Pepperbox-Rosedale complex, Group A Za - Zekiah sandy loam, Group B/D
	Aequitas Living		
	WNDRH21001		

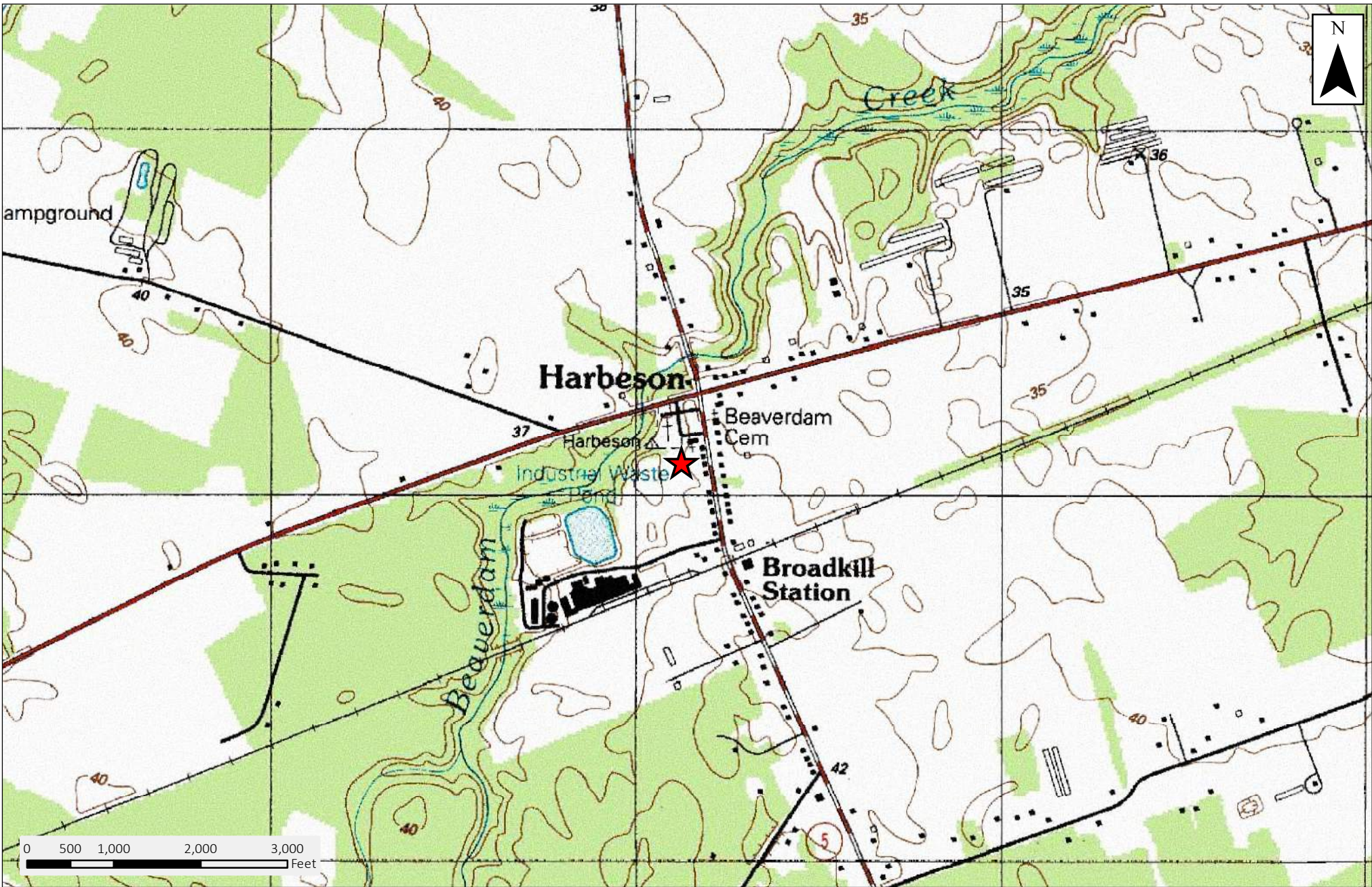


17

Groundwater Recharge Potential

Aequitas Living
WNDRH21001





18

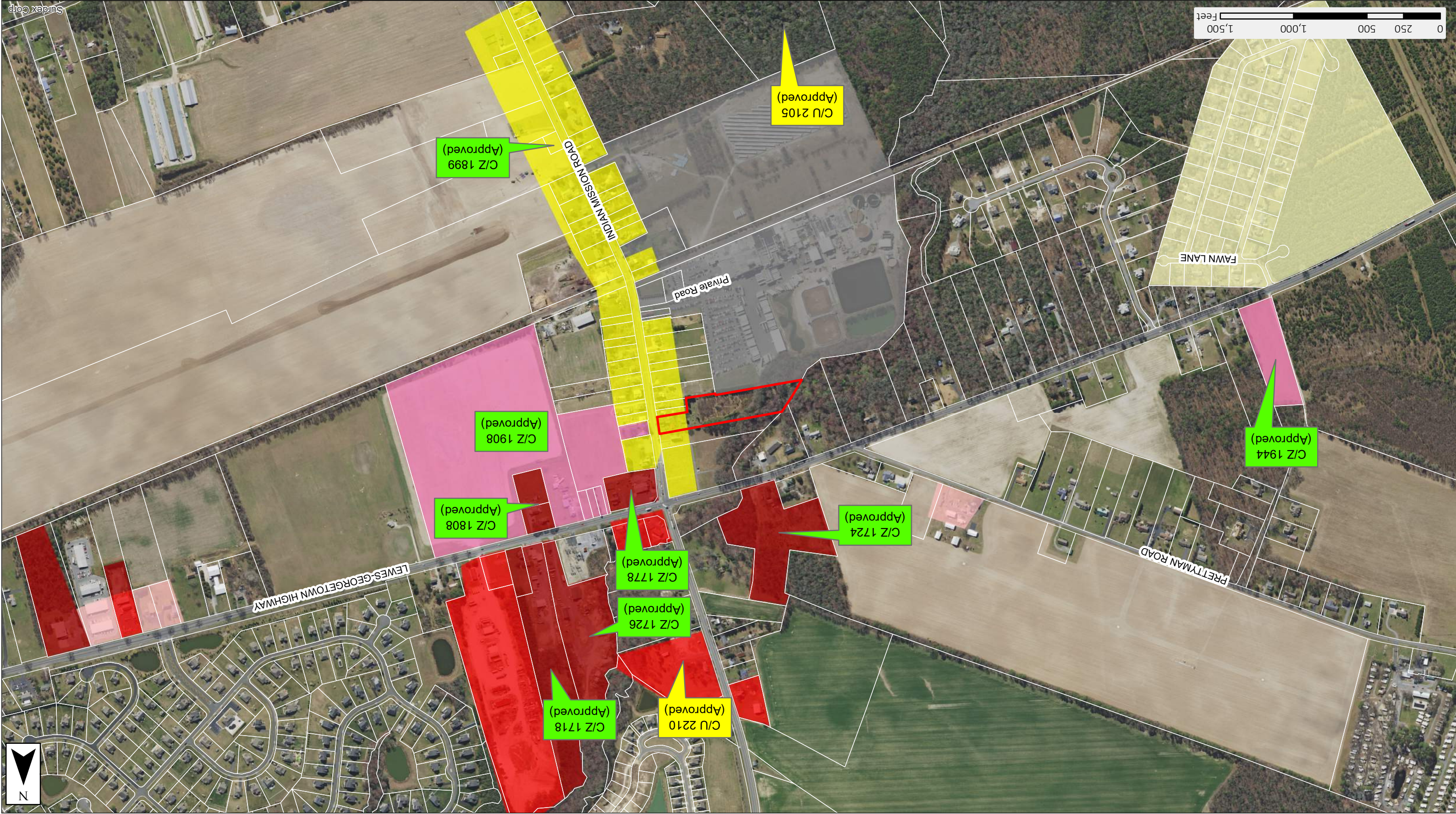
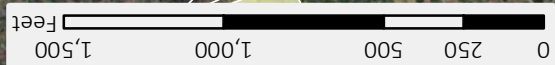
USGS Topographic Map

Aequitas Living
WDRH21001

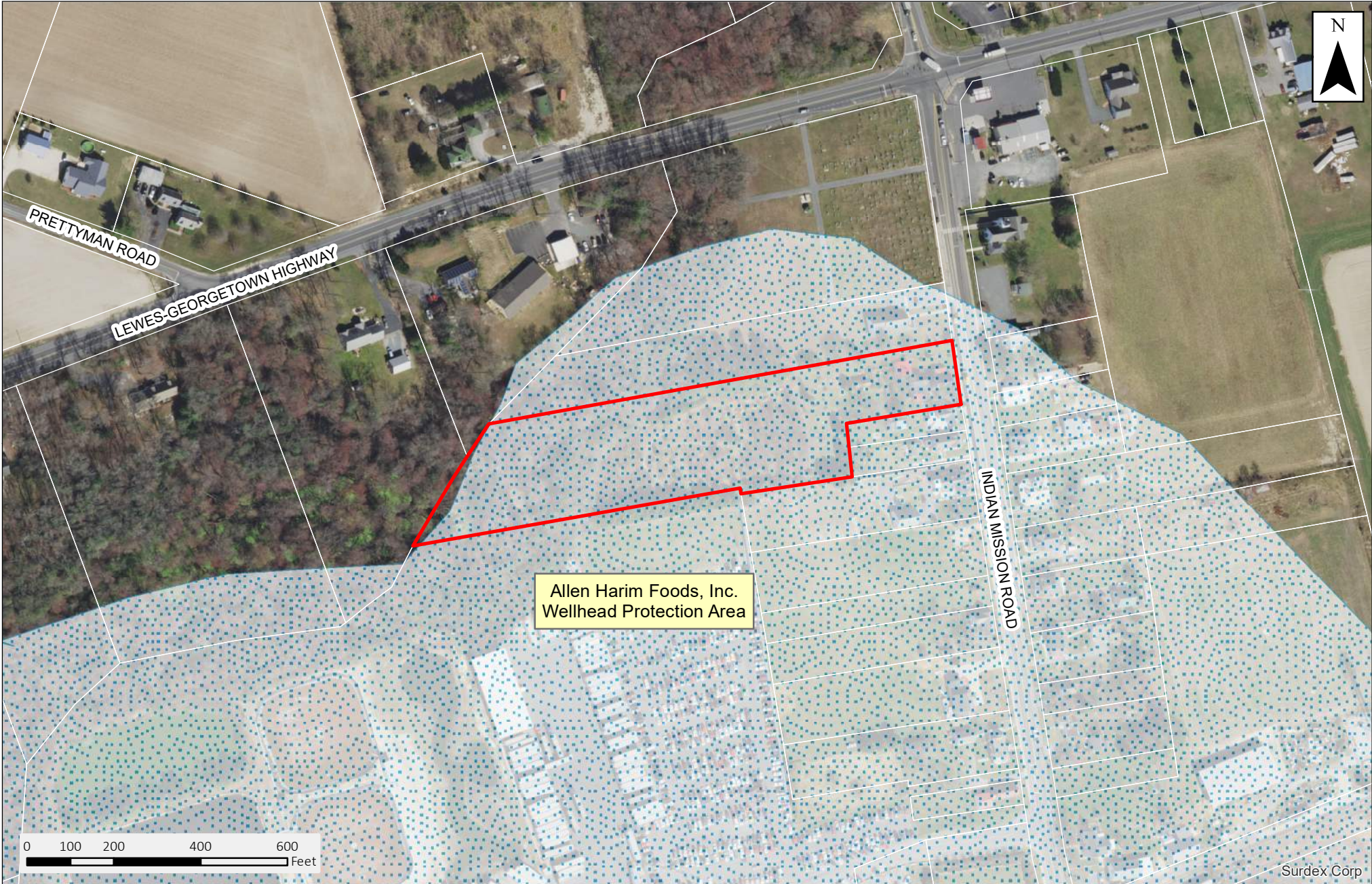




AR-2		AR-1 (Unshaded)	
C-1		CR-1	
H-1		C-2	
B-1		MR	



Surdex Corp



20	Wellhead Protection Areas		 WHPA
	Aequitas Living		
	WNDRH21001		



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

July 14, 2021

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

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

Dear Mr. Whitehouse:

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

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

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

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

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

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

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

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

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

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

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

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

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

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

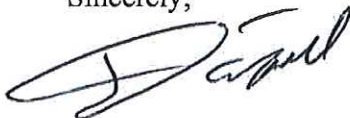
State Historic Preservation Office – Contact Carlton Hall 736-7400

- Prehistoric potential on the parcel is moderate to high. The highest potential would be on the high topographic location along the wood line, near the water and in well-drained soils. There does appear to be some ground disturbance throughout the parcel, but there may be intact sites near the wood line. Our office is recommending a Phase I survey prior to any further ground disturbance.
- Historic potential is low. Dwelling Complex S03533 on the eastern part of the parcel appears in the 1937 aerials and 1917 topos but otherwise there is no indication of a structure on the property. It was an agricultural field and woods, and there might be field scatter due to 19th century ag practices.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of 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

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

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

Sincerely,



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

Attachment



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

NICOLE MAJESKI
SECRETARY

March 18, 2021

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

Dear Mr. Whitehouse:

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

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

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

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



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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

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

CU 2299
C2 1978

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

RECEIVED

APR 07 2022

SUSSEX COUNTY
PLANNING & ZONING

27001 Redan Terrace
Milton, Delaware 19968

April 5, 2022

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

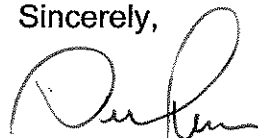
Dear Mr. Whitehouse,

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

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

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

Sincerely,



Dean Sherman
Harbeson Cemetery Committee, President

RECEIVED

MAR 28 2022

SUSSEX COUNTY
PLANNING & ZONING

March 23, 2022

C/U 2299 Warren Munroe + David Bohrbaugh

Dear Planning Board,

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


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

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

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

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

Sincerely,

 Bonnie Schildt
Thomas and Bonnie Schildt

18678 Harbeson Rd.

Harbeson, DE

717-460-6739