

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
IRWIN G. BURTON III, VICE PRESIDENT
DOUGLAS B. HUDSON
JOHN L. RIELEY
SAMUEL R. WILSON JR.



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743 T
(302) 855-7749 F

SUSSEX COUNTY COUNCIL

A G E N D A

FEBRUARY 18, 2020

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Recognition of Retiree – Donna R. Stevenson
2. Administrator’s Report

Gina Jennings, Finance Director

1. First Quarter Employee Recognition Awards
2. Pension Committee Appointments

10:15 a.m. Public Hearing

Cherry Creek Valley Annexation

Bill Pfaff, Economic Development Director

1. Delaware Coastal Business Park – Jaykal LED Solution, Inc.
 - A. Lease Addendum



Hans Medlarz, County Engineer

1. EMS 200/Medic 110 Station, Project C19-08
 - A. Amendment 2 – Additional Design Services
2. Love Creek Woods, Master Plumber Services
 - A. Balancing Change Order and Substantial Completion

John Ashman, Director of Utility Planning

1. Use of Existing Infrastructure Agreements
 - A. Walden – Herring Creek Area
 - B. Villas at Walden – Herring Creek Area
 - C. Robert M. & Deborah A. Reed – West Rehoboth Area

Old Business

Change of Zone No. 1901 filed on behalf of Mary and Victor Rico

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED AND LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.927 ACRES, MORE OR LESS” (lying on the east side of Sunset Lane on the north side of John J. Williams Highway (Route 24) approximately 0.28 mile northeast of Camp Arrowhead Road) (Tax I.D. No. 234-7.00-100.00) (911 Address: 20797 Sunset Lane, Lewes)

Conditional Use No. 2200 filed on behalf of Mary and Victor Rico

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (7 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED AND LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.927 ACRES, MORE OR LESS” (lying on the east side of Sunset Lane on the north side of John J. Williams Highway (Route 24) approximately 0.28 mile northeast of Camp Arrowhead Road) (Tax I.D. No. 234-7.00-100.00) (911 Address: 20797 Sunset Lane, Lewes)

Conditional Use No. 2186 filed on behalf of Mountaire Farms of Delaware, Inc.
“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND GR GENERAL RESIDENTIAL DISTRICT FOR SLUDGE AND WASTEWATER SPRAY IRRIGATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 351.86 ACRES, MORE OR LESS” (lying on both sides of Mount Joy Road, approximately 52 feet west of Townsend Road, and being on both sides of Townsend Road, approximately 157 feet south of Mount Joy Road, and being on the southeast corner of Mount Joy Road and Townsend Road, the northeast corner of Maryland Camp Road and Townsend Road, and the southwest corner of Maryland Camp Road and William Street Road) (Tax I.D. No. 234-28.00-1.00, 2.00, and 3.00) (911 Address: None Available)

Grant Requests

1. Stronger After Cancer for free physical therapy for cancer survivors
2. Ocean View Historical Society for the Hall’s Store Visitors and Education Center

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

Executive Session – Personnel and Land Acquisition pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2205 filed on behalf of Frank Passwaters
“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTO-MOTORCYCLE REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.8711 ACRES, MORE OR LESS” (lying on the southwest side of Railroad Avenue and Greely Avenue) (Tax I.D. No. 230-6.00-1.02) (911 Address: 8870 Railroad Avenue, Lincoln)

Change of Zone No. 1902 filed on behalf of John C. Stamato c/o Ribera Development, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A CR-1 COMMERCIAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 15 ACRES, MORE OR LESS” (lying on the southeast corner of Lewes-Georgetown Highway (Route 9) and Steiner Road) (Tax I.D. No. 135-16.00-23.00 (portion of) (911 Address: Not Available)

Adjourn

Sussex County Council meetings can be monitored on the internet at www.sussexcountyde.gov.

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on February 11, 2020 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items may be considered out of sequence.

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PLANNING & ZONING COMMISSION

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



Sussex County

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302-855-7878 T
302-854-5079 F
JANELLE CORNWELL, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date January 9, 2020.

Application: (CU 2205) Frank Passwaters

Applicant: Frank A. Passwaters
8870 Railroad Avenue
Lincoln, DE 19960

Owner: Frank A. Passwaters
8870 Railroad Avenue
Lincoln, DE 19960

Site Location: Located at 8870 Railroad Avenue southwest of the intersection of
Greely Avenue and Railroad Avenue.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Auto-Motorcycle Shop

Comprehensive Land
Use Plan Reference: Low Density Area

Councilmatic
District: Mr. Wilson

School District: Milford School District

Fire District: Ellendale Fire District

Sewer: Private

Water: Private

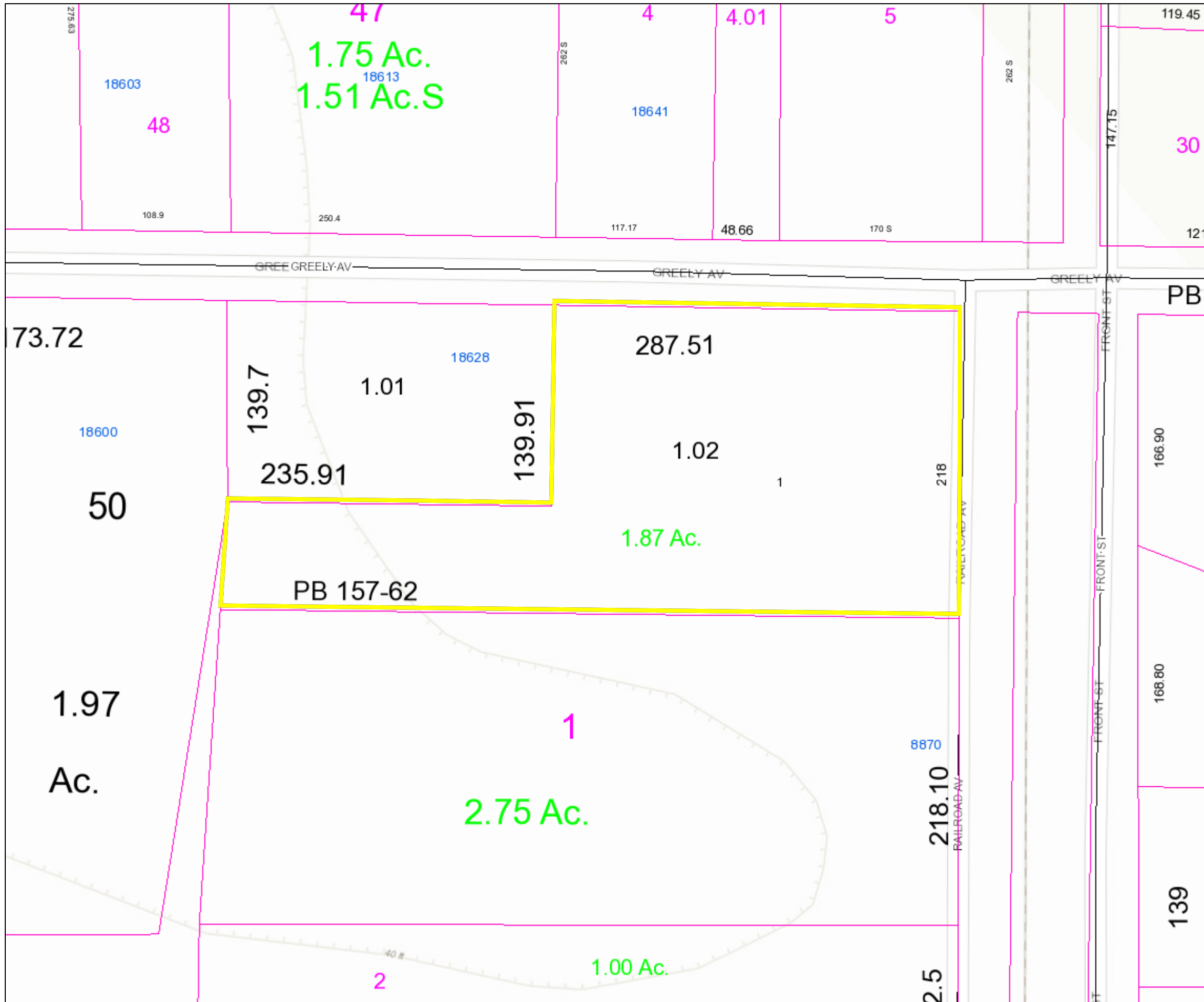
Site Area: 1.8711 acres +/-

Tax Map ID.: 230-6.00-1.02



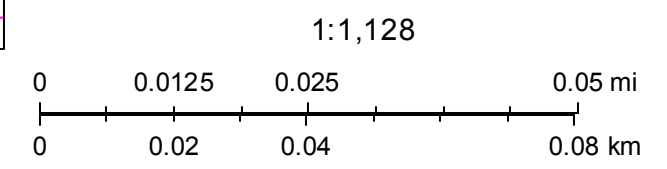


Sussex County



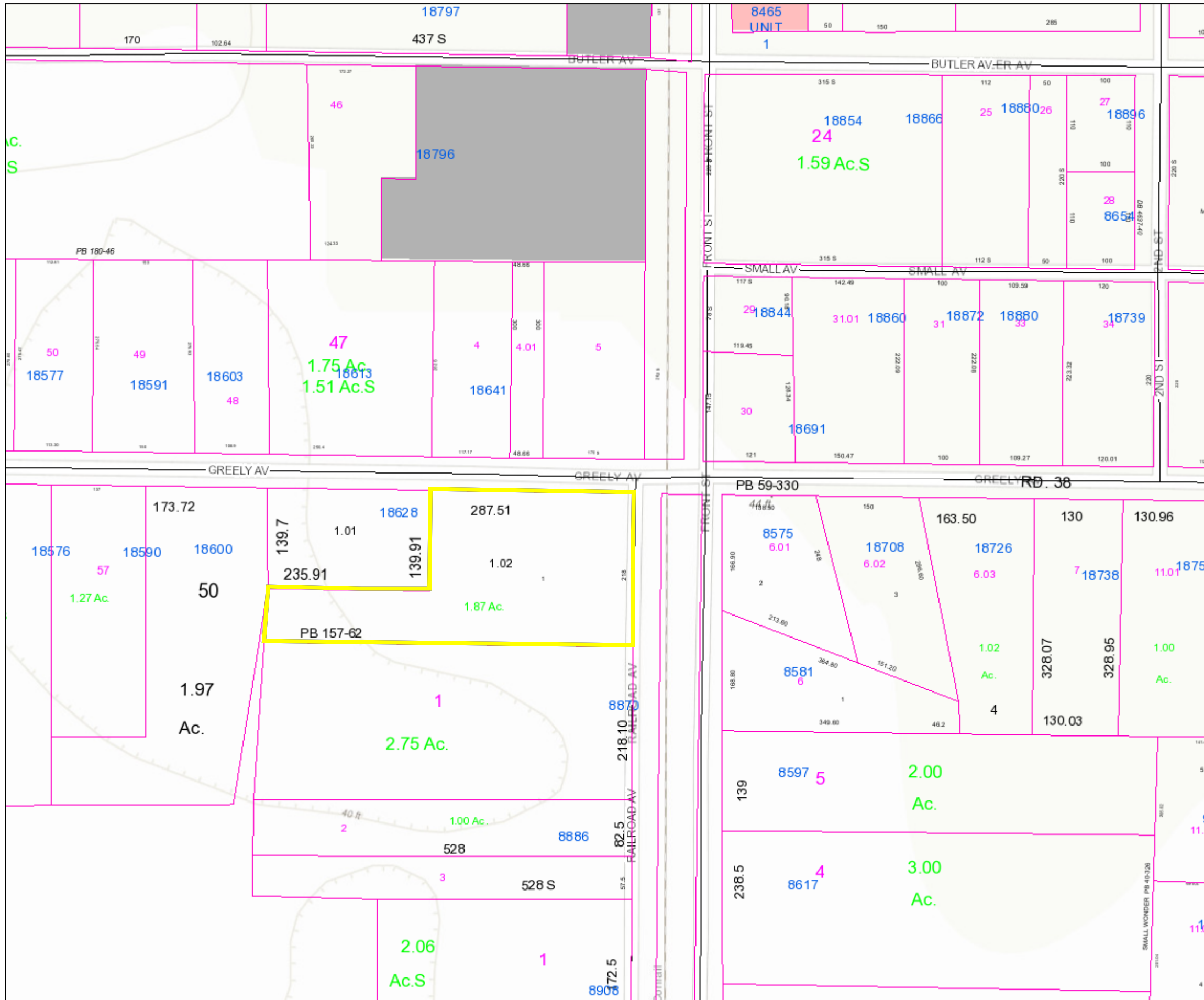
PIN:	230-6.00-1.02
Owner Name	PASSWATERS FRANK
Book	5001
Mailing Address	8870 RAILROAD AVE
City	LINCOLN
State	DE
Description	CRN/RD 38 38 A
Description 2	LOT 1
Description 3	N/A
Land Code	

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





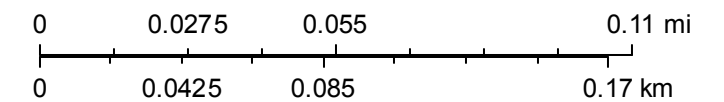
Sussex County



PIN:	230-6.00-1.02
Owner Name	PASSWATERS FRANK
Book	5001
Mailing Address	8870 RAILROAD AVE
City	LINCOLN
State	DE
Description	CRN/RD 38 38 A
Description 2	LOT 1
Description 3	N/A
Land Code	

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

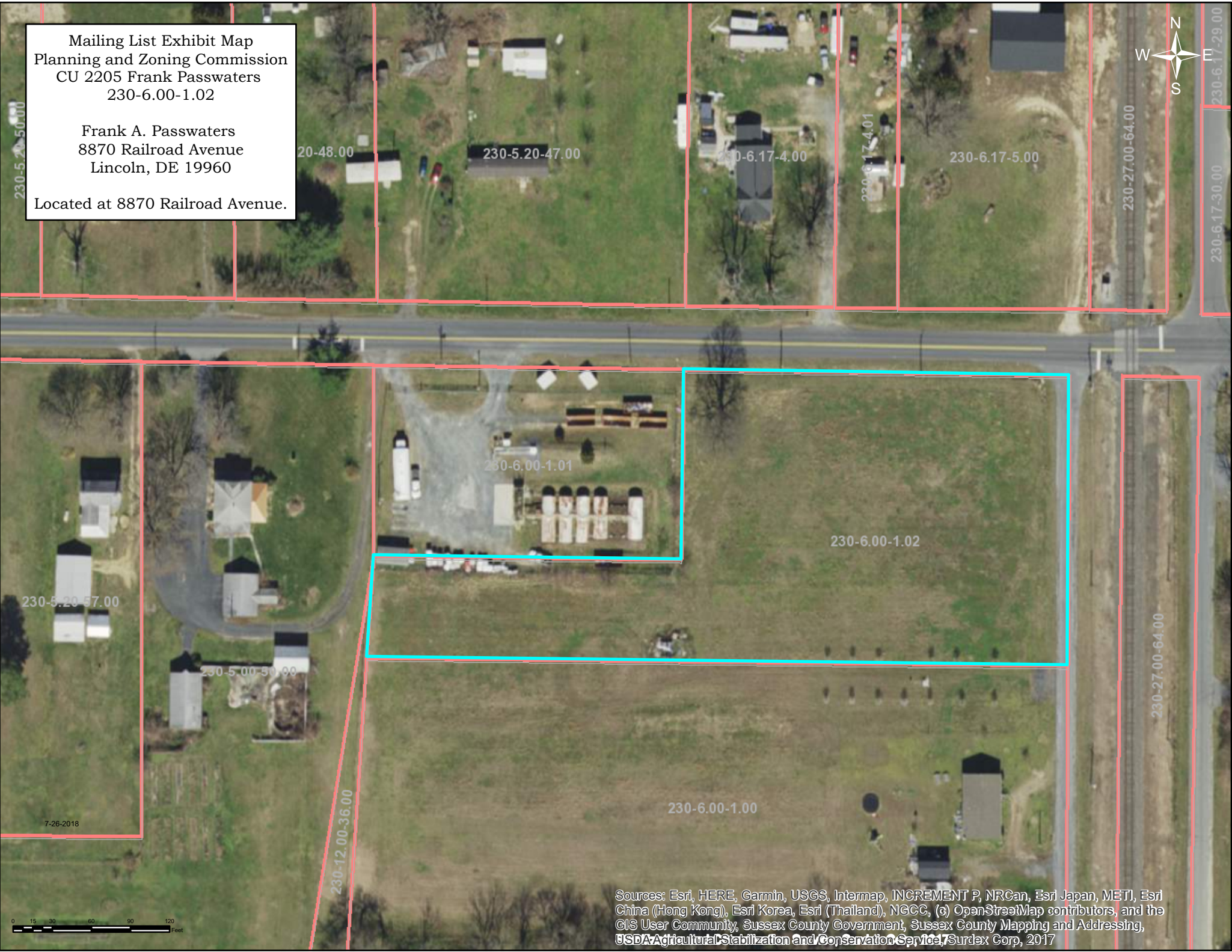
1:2,257



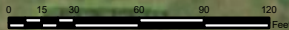
Mailing List Exhibit Map
Planning and Zoning Commission
CU 2205 Frank Passwaters
230-6.00-1.02

Frank A. Passwaters
8870 Railroad Avenue
Lincoln, DE 19960

Located at 8870 Railroad Avenue.



7-26-2018



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government, Sussex County Mapping and Addressing, USDA Agricultural Stabilization and Conservation Service, Surdex Corp, 2017

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

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Memorandum

To: Sussex County Planning Commission Members

From: Lauren DeVore, Planner III

CC: Vince Robertson, Assistant County Attorney and Applicant

Date: January 2, 2020

RE: Staff Analysis for CU 2205 Frank Passwaters

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2205 Frank Passwaters to be reviewed during the January 9, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for 230-6.00-1.02 to allow for an auto-motorcycle shop to be located at 8870 Railroad Avenue southwest of the intersection of Greely Avenue (S.C.R. 38) and Railroad Avenue (S.C.R. 38A) and consisting of 1.8711 acres +/-.

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

The surrounding parcels located to the north, south, east and west are all designated on the Future Land Use Map as "Low Density Areas." Primary uses in Low Density Areas are agricultural activities and homes. Business and development should be largely confined to those addressing industrial and agri-businesses that support or depend on agriculture. Commercial uses should be limited in their size and scope.

The property is zoned AR-1 (Agricultural Residential Zoning District.) The adjoining and surrounding parcels to the north, south, east and west are all zoned Agricultural Residential (AR-1). There is also a single parcel to the north zoned Light Industrial (LI-2).

Since 2011, there have been no Conditional Use approvals within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for the abovementioned use subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



File #: CU2205
201910402

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

8870 RAIL ROAD AVE

Type of Conditional Use Requested:

AUTO - MOTORCYCLE SHOP

Tax Map #: 2-30-6⁰⁰-1,02 Size of Parcel(s): 1.8711 ACRES

Current Zoning: A/R Proposed Zoning: ARI
CI Size of Building: 40x50

Land Use Classification: _____

Water Provider: well Sewer Provider: septic

Applicant Information

Applicant Name: FRANK A PASSWATERS
Applicant Address: 8870 RAILROAD AVE
City: LINCOLN State: DE Zip Code: 19960
Phone #: 302-535-5349 E-mail: PANDTCYCLESLLC@YAHOO.COM

Owner Information

Owner Name: FRANK A PASSWATERS
Owner Address: 8870 RAILROAD AVE
City: LINCOLN State: DE Zip Code: 19960
Phone #: 302-535-5349 E-mail: PANDTCYCLESLLC@YAHOO.COM

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____
Agent/Attorney/Engineer Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____



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

- o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- o Provide a PDF of Plans (may be e-mailed to a staff member)
- o Deed or Legal description

___ Provide Fee \$500.00

___ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

___ Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.

DeIDOT Service Level Evaluation Request Response

___ PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Date: 9-10-19

Signature of Owner

Date: 9-10-19

For office use only:

Date Submitted: 9/10/19

Fee: \$500.00 Check #: _____

Staff accepting application: SP

Application & Case #: 201910402

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

July 29, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request (SLER) for the **Frank A. Passwaters** conditional application, which we received on July 3, 2019. This application is for an approximately 2.70-acre parcel (Tax Parcel: 230-6.00-1.00). The subject land is located on the west side of Railroad Avenue (Sussex Road 38A), approximately 240 feet southwest of the intersection of Railroad Avenue and Greely Avenue (Sussex Road 38), in Lincoln. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to operate a 2,000 square-foot motorcycle and auto repair facility.

It is noted that on the subject application, the applicant specified “commercial” as the proposed zoning. However, after a phone conversation with the applicant on July 29, 2019, he informed the Department that his intention had always been to seek a conditional use for the subject parcel, not commercial. Therefore, the Department has reviewed this SLER as a conditional use application.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Railroad Avenue where the subject land is located, which is from N. Old State Road (Sussex Road 213) to Greely Avenue, is 47 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.



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

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

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

Sincerely,

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

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

P+Z

Comments on CU 2205 at Sussex P&Z Hearing
Keith Steck, Vice President Delaware Coalition for Open Government (DelCOG)
Jan 9 2020

Thank you for the opportunity to comment on this conditional use request.

I'd like to begin by asking what the Commission's legal analysis says regarding this case. There's nothing in the public record regarding what the Commission's attorney thinks about the request. I raise this issue because there is conflicting information in the public record about whether this case should be a conditional use request or should be filed as a change of zoning application.

First, the Sept. 9, 2019, application shows conflicting information. Specifically, the top right of the form shows both a conditional use number and an application number and that application number is also at the bottom right of the checklist page of the application. In addition, the "Conditional Use" box is checked as the top of application, but then there's two different zoning categories listed on the Proposed Zoning space on the application.

Second, the July 29, 2019, DeIDOT letter regarding this case raises the issue about the application being a zoning change to commercial zoning. It then notes the applicant intended it to be a conditional use request.

Third, in the record is the Jan. 2, 2020, P&Z memo to Commission members that cc's the attorney but nothing from the attorney. The memo notes that "Business and development should be largely confined to those addressing industrial and agri-businesses that support or depend on agriculture." The memo goes on to state ambiguously that the request "could be considered as being consistent with the land use, area zoning and surrounding uses."

FILE COPY

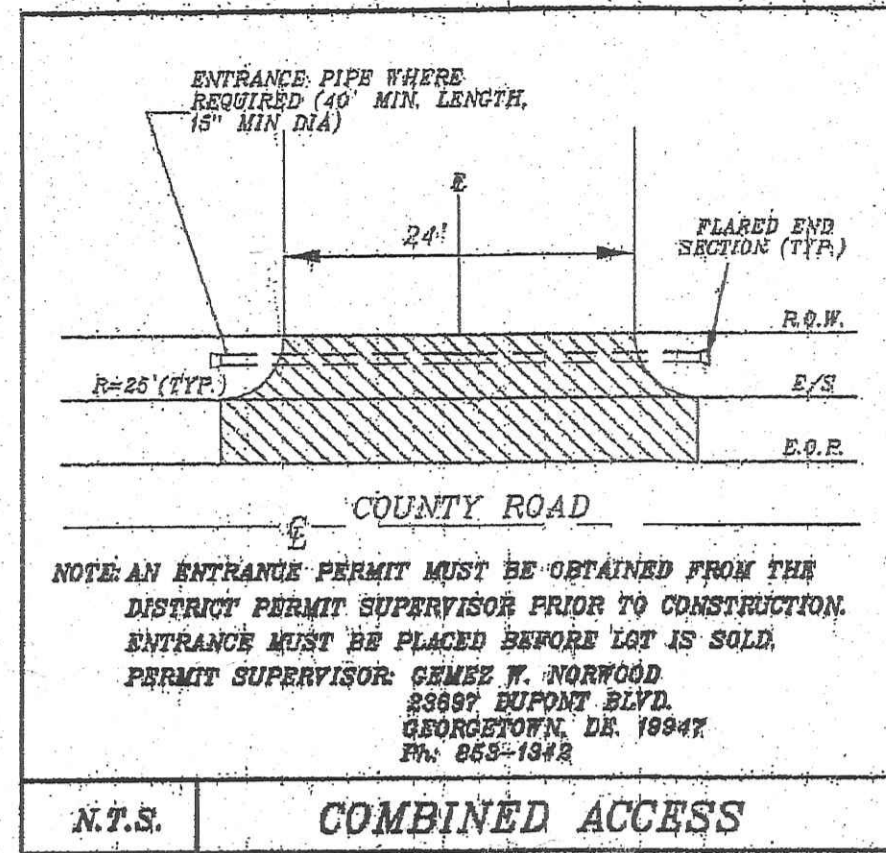
Opposition
Exhibit

Steck on CU 2205 1 of 2

CU2205

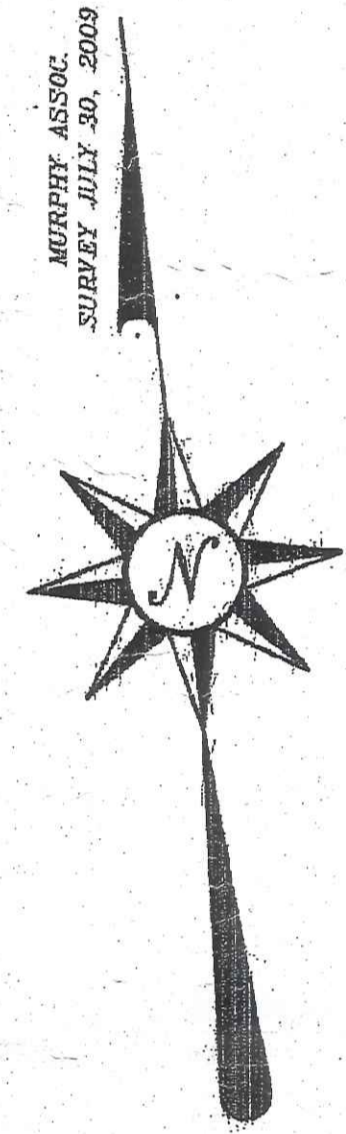
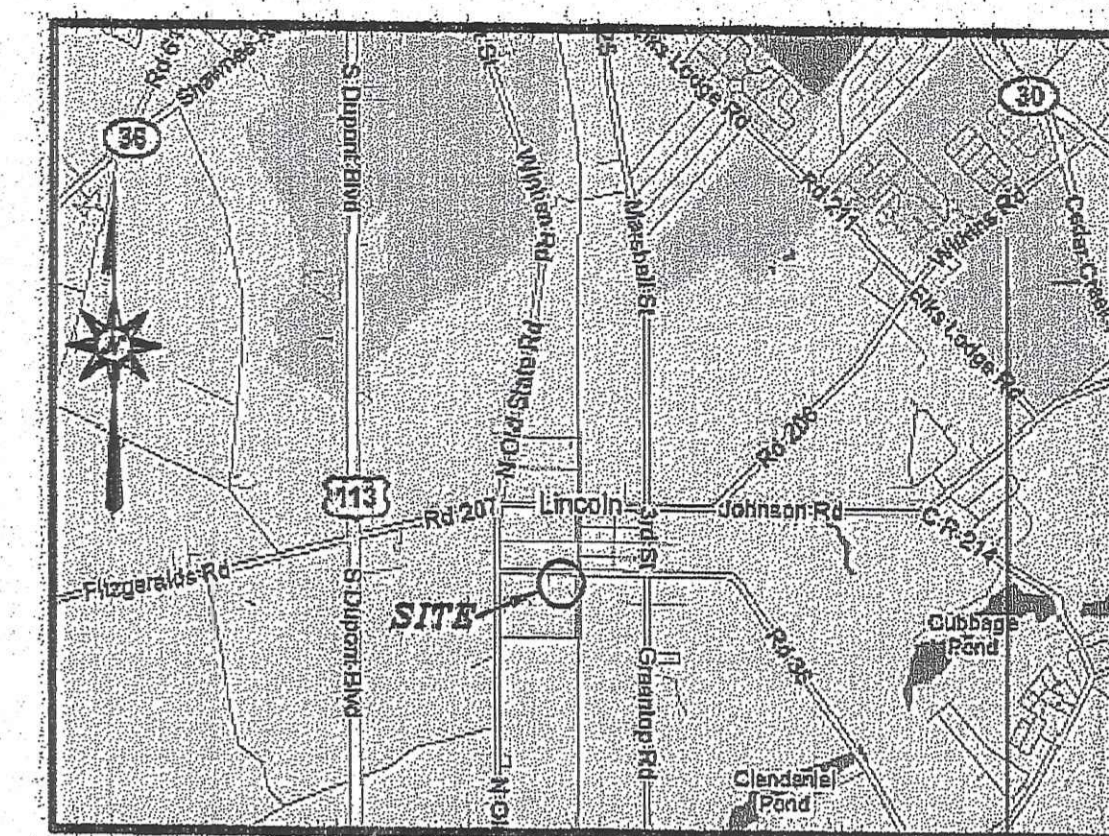
So, from the public record it looks like someone in the P&Z office changed the information on the application form. Who made the change and more importantly, did P&Z's attorney make a determination as to what type of request should this be--a zoning change or a conditional use? If that's the case, where's the memorandum documenting this? If the attorney did not weigh in, why not?

From a public records perspective, the file really should indicate who made the change and when and why--a notation on the application would be sufficient. More significantly, there should be some indication that the attorney reviewed or discussed this case and documented that and his decision about it.



ENTRANCE NOTES:

1. WHERE DRIVEWAY SERVES TWO ADJACENT RESIDENCES (COMBINED DRIVEWAY ACCESS) THE DRIVEWAY WIDTH AT THE RIGHT OF WAY LINE WILL BE 29 FEET.
2. DRIVEWAY WIDTHS MAY BE INCREASED WITH DIV. OF HWYS. APPROVAL FOR SPECIAL PURPOSE VEHICLES i.e. FARM VEHICLES, ETC.
3. ENTRANCE PIPE FURNISHED BY THE PROPERTY OWNER WILL BE INSTALLED BY THE DIVISION OF HIGHWAYS ON REQUEST.
4. MINIMUM RESIDENTIAL PAVEMENT SECTION - BITUMINOUS SURFACE TREATMENT ON 6" SELECT BORROW BASE COURSE.
5. ACCESS TO RESIDENTIAL LOTS SHALL BE LIMITED TO ONE ACCESS POINT.



LANDS N/F OF
ROGER W. BOYD &
CALVIN E. YODER
2257-244
T.M. #2-30-5-50

LANDS N/F OF
ELLEDALE VOLUNTEER
FIRE COMPANY
3771-104
T.M. #2-30-12-36

LANDS N/F OF
PENINSULA OIL COMPANY
1122-242
T.M. #2-30-6-1.01

RESIDUAL LANDS
2.7511 ACRES

LANDS N/F OF
RAYMOND A. &
MARY BETH WOLSKI
1751-148
T.M. #2-30-6-2

☐ OF GREELY AVE.
S.C.R. #38 (80' R/W)

BK: 157 PG: 62

☐ OF RAILROAD AVE.
S.C.R. #38A (30' R/W)

Recorder of Deeds
Scott Dailey
Apr 05, 2011 02:16P
Sussex County
Doc. Surcharge Paid

LEGEND

- IRON ROD (FOUND)
- IRON "PINCH" PIPE (FOUND)
- DISTURBED IRON PIPE (FOUND)
- IRON PIPE (SET)

NOTES:

- 1) LOT #1 AND RESIDUAL LANDS SHALL HAVE COMBINED ACCESS FROM S.C.R. #38A AS SHOWN ON THE MINOR SUBDIVISION PLAN. LOT #1 WILL NOT BE PERMITTED DIRECT ACCESS TO S.C.R. #38.
- 2) IF THE RESIDUAL LANDS OF EVA SANCHEZ & EUGENIA MARTINEZ ARE EVER DEVELOPED AS A SUBDIVISION THEN THIS LOT MAY BE REQUIRED TO HAVE ACCESS FROM AN INTERNAL SUBDIVISION STREET AND ANY DIRECT ACCESS TO S.C.R. #38A WILL BE ELIMINATED.
- 3) ALL ENTRANCES SHALL CONFORM TO DELDOT'S "STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS" AND SHALL BE SUBJECT TO ITS APPROVAL.

DATA COLUMN:

OWNER: EVA SANCHEZ & EUGENIA MARTINEZ
8870 RAILROAD AVE, LINCOLN, DE 19980
TAX PARCEL #: 2-30-6-1
ZONING: AGRICULTURAL/RESIDENTIAL
TOTAL # OF LOTS: 1
PRESENT USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL
EASEMENT: SEE PLAN
ROADWAY CLASSIFICATION: LOCAL
WATER AND SEWER: NO PUBLIC WATER AND SEWER SERVICES AVAILABLE ON THIS SITE.

APPROVED
@ Del DOT LGND
4-5-11 SA
SUSSEX COUNTY
PLANNING & ZONING COMMISSION

SIGHT DISTANCE
TRIANGLE (TYP)

**MINOR SUBDIVISION FOR
EVA SANCHEZ & EUGENIA MARTINEZ**

TOTAL AREA: 4.6222 ACRES

SUBURBAN SURVEY

NOTE: SHRUBBERY, PLANTINGS, SIGN AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHALL BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.

699 SQ. FT.
EASEMENT DETAIL
A 699 SQ. FT. SIGHT DISTANCE PERMANENT EASEMENT IS FROM EVA SANCHEZ & EUGENIA MARTINEZ AS PER THIS PLAN.

DATE	REVISION
3/15/11	DEL D.O.T. COMMENTS

MILLER LEWIS, INC.
LAND SURVEYING
34313 PEPPERS CORNER RD.
FRANKFORD, DELAWARE 19945
PHONE 802 541 5850
FAX 802 541 5851

SCALE: 1" = 50'

HUNDRED:	CEDAR CREEK	COUNTY:	SUSSEX
STATE:	DELAWARE	DRAWN BY:	K.R.K./D.A.M.
REF:	3829-40	DWG. NO.:	2-30-6-1

FEBRUARY 10, 2011

PLANNING & ZONING COMMISSION

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



Sussex County

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302-854-5079 F
JANELLE CORNWELL, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date January 9, 2020.

Application: (CZ 1902) John C. Stamato

Applicant: John C. Stamato – Ribera Development, LLC.
8684 Veterans Highway, Suite 203
Millersville, MD 21108

Owner: Harry Dale Parsons & Olda Keene Trustee
7 Vermont Avenue
Lewes, DE 19958

Site Location: Located on the south side of U.S. Route 9 (Lewes-Georgetown Highway) on the east side of Steiner Road, 550 feet east of Shingle Point Road, Georgetown Hundred.

Current Zoning: Commercial Residential (CR-1)

Proposed Zoning: Heavy Industrial (HI-1)

Comprehensive Land Use Plan Reference: Commercial Area

Councilmatic District: Mr. Wilson

School District: Indian River School District

Fire District: Georgetown Fire District

Sewer: Private

Water: Private

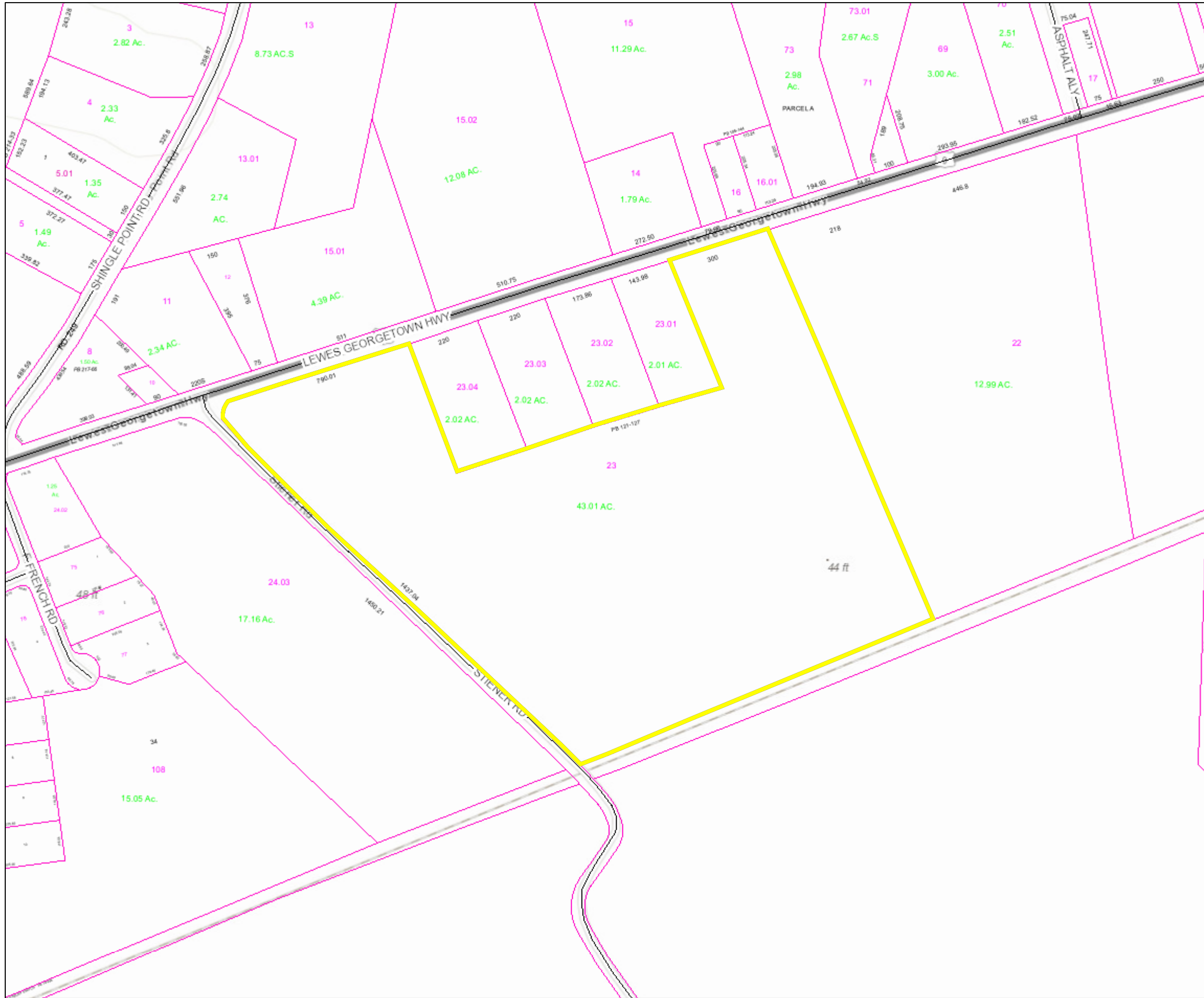
Site Area: 15.00 acres +/-

Tax Map ID.: 135-16.00-23.00 (part of)



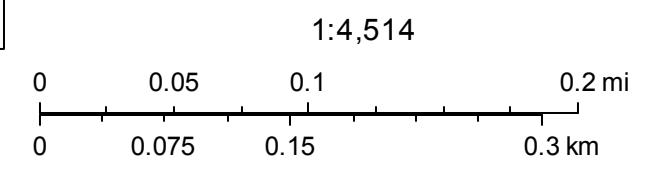


Sussex County



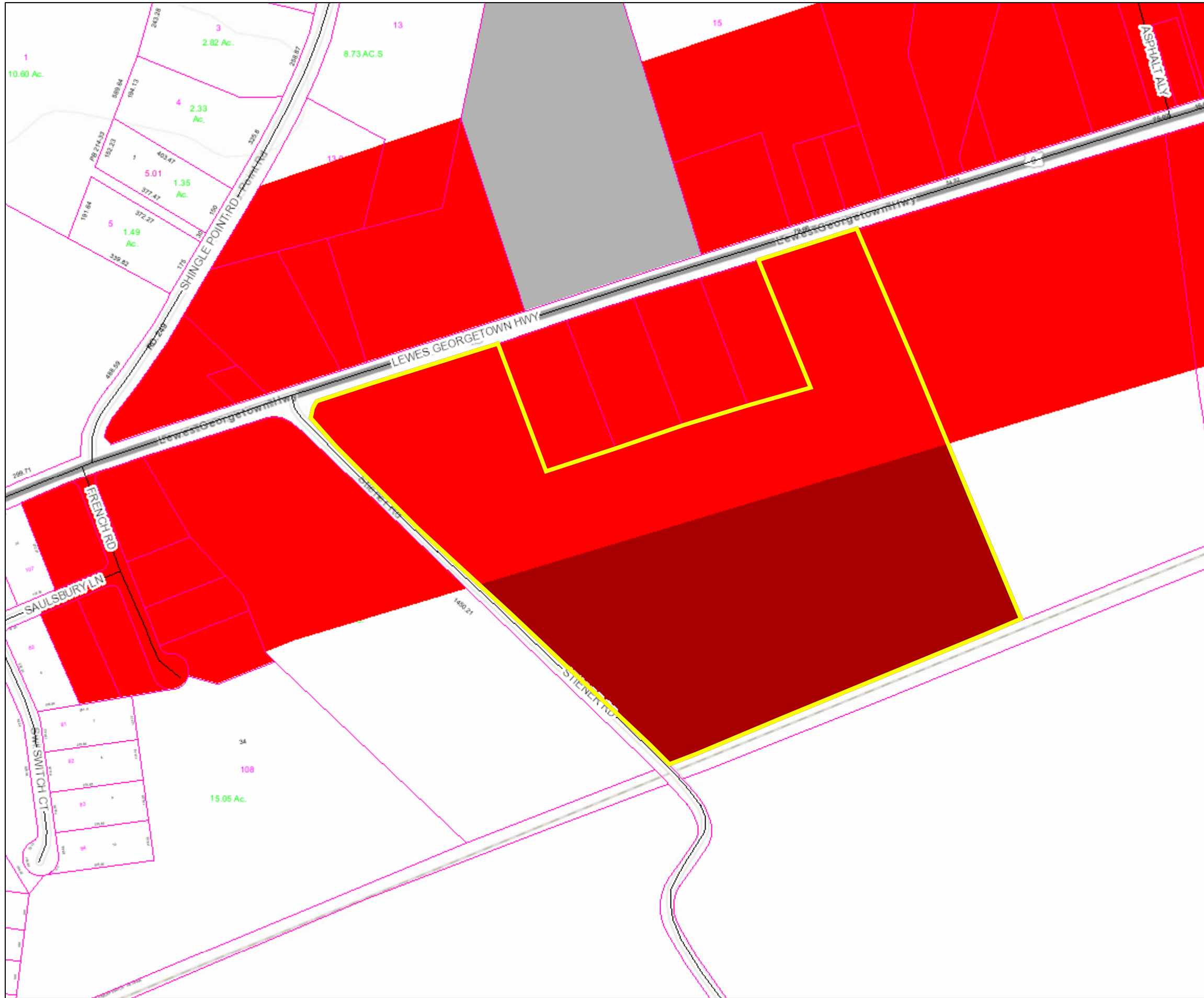
PIN:	135-16.00-23.00
Owner Name	PARSONS HARRY DALE TRUSTEE &
Book	2236
Mailing Address	7 VERMONT AVE
City	LEWES
State	DE
Description	SE/COR RD 320
Description 2	RT 9
Description 3	RESIDUAL LANDS
Land Code	

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





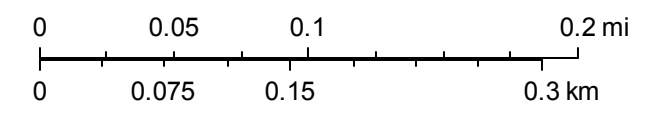
Sussex County



PIN:	135-16.00-23.00
Owner Name	PARSONS HARRY DALE TRUSTEE &
Book	2236
Mailing Address	7 VERMONT AVE
City	LEWES
State	DE
Description	SE/COR RD 320
Description 2	RT 9
Description 3	RESIDUAL LANDS
Land Code	

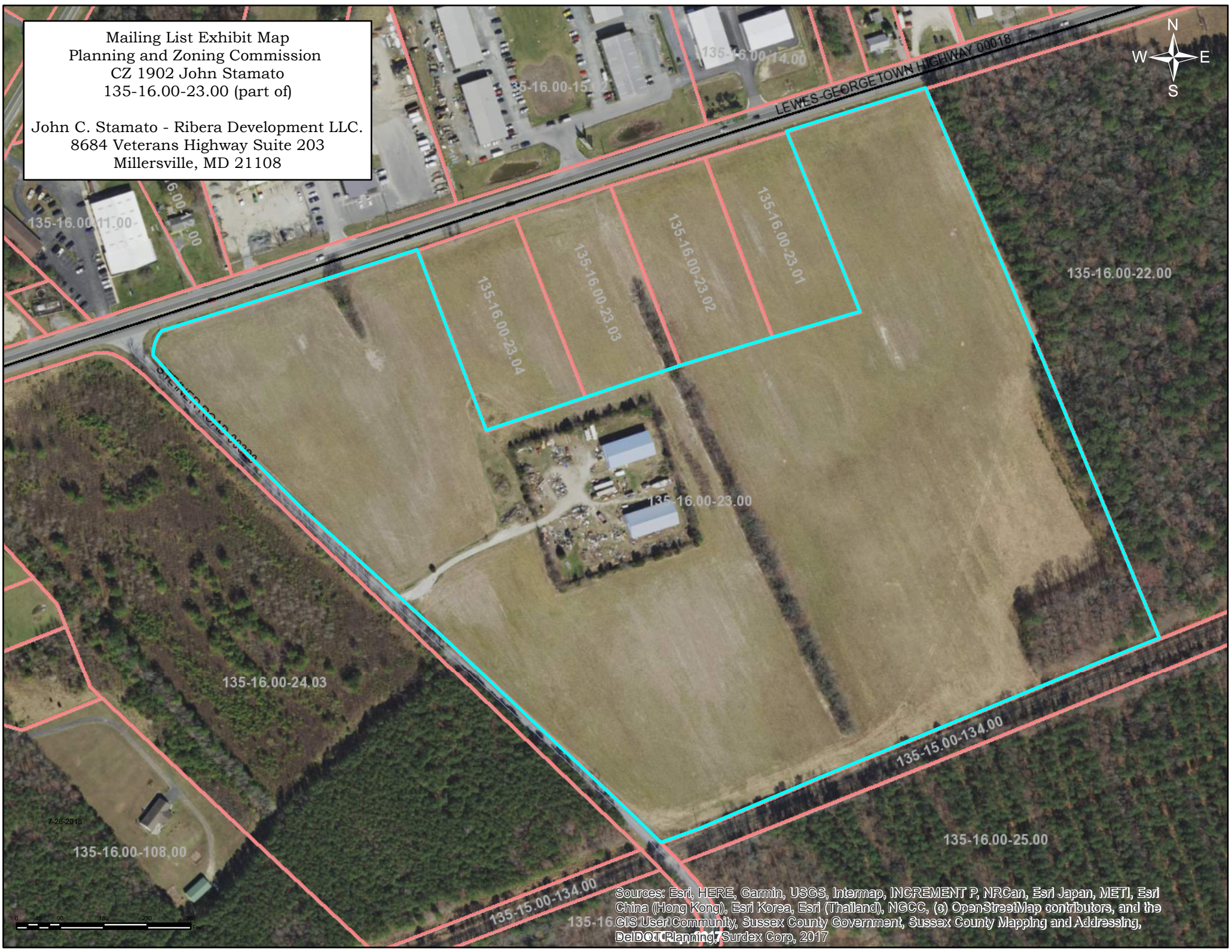
- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets

1:4,514



Mailing List Exhibit Map
Planning and Zoning Commission
CZ 1902 John Stamato
135-16.00-23.00 (part of)

John C. Stamato - Ribera Development LLC.
8684 Veterans Highway Suite 203
Millersville, MD 21108



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri
China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the
GIS User Community, Sussex County Government, Sussex County Mapping and Addressing,
DelDOT Planning, Sundex Corp, 2017

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members

From: Lauren DeVore, Planner III

CC: Vince Robertson, Assistant County Attorney and applicant

Date: January 2, 2020

RE: Staff Analysis for CZ 1902 John C. Stamato

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1902 John C. Stamato to be reviewed during the January 9, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for a portion of parcel 135-16.00-23.00 to facilitate a change from the Commercial Residential (CR-1) Zoning District to a Heavy Industrial (HI-1) Zoning District and is located on the southeast corner of Lewes-Georgetown Highway (Route 9) and Steiner Road (S.C.R. 320). The size of the property is 15.00 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of "Commercial Areas."

The areas to the north, east and west are also designated "Commercial Areas." "Commercial Areas" include concentrations of retail and service uses, commercial corridors, shopping centers, hotels, motels, car washes and auto dealers. This includes other medium and larger scale commercial uses as well as mixed-use buildings. There is a single parcel to the southwest designated as a "Developing Area." Additionally, there is one parcel to the north on the other side of Lewes-Georgetown Highway (Route 9) designated as an "Industrial Area." "Industrial Areas" are lands devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex spaces.

The Heavy Industrial Zoning District is not specifically listed as an applicable Zoning District in the Commercial Area under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan.

The property is split-zoned General Commercial (C-1) and Commercial Residential (CR-1). The property directly to the north of the application site is zoned Light Industrial (LI-2) Zoning District. Properties to the north, east and west are zoned General Commercial (C-1). The parcels to the southeast and southwest are zoned Agricultural Residential (AR-1).



Since 2011, there have been two Change of Zone applications within the vicinity of the application site: To the east is CZ 1838 to facilitate a change of zone from an Agricultural Residential (AR-1) Zoning District to a Neighborhood Business (B-1) Zoning District, which was approved by County Council on January 9th, 2018. The second application, to the west is CZ 1836 to facilitate a change of zone from an Agricultural residential (AR-1) Zoning District to a Commercial Residential (CR-1) Zoning District, which was approved by County Council on March 13th, 2018.

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Heavy Industrial (HI-1) subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: 121902
201910146

Planning & Zoning Commission Application Sussex County, Delaware

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

RECEIVED

SEP 10 2019

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

SOUTH SIDE OF US RT 9, LEWES GEORGETOWN HIGHWAY | EAST SIDE OF STEINER ROAD | 550 FEET EAST OF SHINGLE POINT ROAD | GEORGETOWN HUNDRED

Type of Conditional Use Requested:

Tax Map #: 135-16.00 PO PARCEL 23.00 **Size of Parcel(s):** 15.0 +/- AC

Current Zoning: CR-1 **Proposed Zoning:** HI-1 **Size of Building:** _____

Land Use Classification: DEVELOPING AREA

Water Provider: PRIVATE **Sewer Provider:** PRIVATE

Applicant Information

Applicant Name: JOHN C STAMATO | RIBERA DEVELOPMENT LLC
Applicant Address: 8684 VETERANS HIGHWAY SUITE 203
City: MILLERSVILLE State: MD ZipCode: 21108
Phone #: (302) 249-4711 E-mail: CAPTHD@ICLOUD.COM

Owner Information

Owner Name: HARRY DALE PARSONS & OLDA KEENE TRUSTEE
Owner Address: 7 VERMONT AVENUE
City: LEWES State: DE Zip Code: 19958
Phone #: (443) 871-0486 E-mail: JOHNSTAMATO@RIBERADEV.COM

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: MARK H DAVIDSON | PENNONI
Agent/Attorney/Engineer Address: 18072 DAVIDSON DRIVE
City: MILTON State: DE Zip Code: 19968
Phone #: (302) 684-8030 E-mail: MDAVIDSON@PENNONI.COM



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- ✓ **Completed Application**
- ✓ **Provide eight (8) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
- ✓ **Provide Fee \$500.00**
- **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ✓ **DeIDOT Service Level Evaluation Request Response**
- ✓ **PLUS Response Letter** (if required) **Have not received Response to submit later**

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: 8/26/2019

Signature of Owner



Date: 8/25/19

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: _____



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

JENNIFER COHAN
SECRETARY

July 29, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **John C. Stamato | Ribera Development, LLC** rezoning application, which we received on July 17, 2019. This application is for a 43.01-acre parcel (Tax Parcel 135-16.00-23.00). The subject land is located on the southeast corner of the intersection of US Route 9 and Stierer Road (Sussex Road 320), northeast of the Town of Georgetown. The subject land is currently zoned as CR-1 (Commercial Residential), and the applicant is seeking to rezone a 15-acre portion of the land to HI-1 (Heavy Industrial) to develop a variety of industrial "permitted uses adjacent to [the] existing railroad tracks with easy access to US Route 9."

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Stierer Road to Delaware Route 5, are 16,655 and 21,412 vehicles per day, respectively. As the subject land also has frontage on its west side along Stierer Road, the annual average daily traffic volume on that road segment, which is from Hollis Road (Sussex Road 295) to US Route 9, is 51 vehicles per day.

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

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



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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

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

FUQUA, WILLARD, STEVENS & SCHAB, P.A.

PAYNTER HOUSE
26 THE CIRCLE OR P.O. BOX 250
GEORGETOWN, DELAWARE 19947
PHONE 302-856-7777
FAX 302-856-2128
onthecircle@fwsslaw.com

JAMES A. FUQUA, JR.
WILLIAM SCHAB
TIMOTHY G. WILLARD
TASHA MARIE STEVENS
MELISSA S. LOFLAND
NORMAN C. BARNETT
www.fwsslaw.com

HART HOUSE
9 CHESTNUT STREET
GEORGETOWN, DELAWARE 19947
PHONE 302-856-9024
FAX 302-856-6360
realestate@fwsslaw.com

REHOBOTH OFFICE
20245 BAY VISTA ROAD, UNIT 203
REHOBOTH BEACH, DE 19971
PHONE 302-227-7727
FAX 302-227-2226

LEWES REAL ESTATE OFFICE
16698 KINGS HIGHWAY, SUITE B
LEWES, DELAWARE 19958
PHONE 302-645-6626
FAX 302-645-6620
realestate@fwsslaw.com

December 9, 2019

Janelle Cornwell, Director
Planning & Zoning Dept.
P.O. Box 417
Georgetown, DE 19947

**Re: C.Z. #1902
Stamato/Ribera Development, LLC**

RECEIVED
DEC 09 2019
SUSSEX COUNTY
PLANNING & ZONING

Dear Janelle:

I represent the Applicant in CZ# 1902, an application to rezone a 15 acre parcel near the Route 9 – Steiner Road intersection from CR-1 to HI-1. It is my understanding that the application will be scheduled for a public hearing before the Planning and Zoning Commission on January 9, 2020. It is also my understanding that an issue has been raised in a recent rezoning application as to the legal requirements for a requested change of zone to be in conformity with the Comprehensive Plan's Future Land Use Map and Regulations.

The land involved in CZ# 1902 is zoned CR-1 and is located in the "Commercial Area" under the "Growth Areas" designated in the 2019 Comprehensive Plan. (Page 4-17) The 15 acre site borders the eastern side of Steiner Road. The property bordering the western side of Steiner Road opposite our site is located in the "Developing Area" under the Plan. (Page 4-14)

The Comprehensive Plan contains Table 4-5-2, Zoning Districts Applicable to Future Land Use Categories, which the plan describes as "**a tool** for assisting with determining which zoning districts are applicable to each future land use category" and that "future rezonings should also **generally** be consistent with the Future Land Use Plan". (Page 4-24) The Plan further states that each land use proposal

Page 2

December 9, 2019

the County receives should be reviewed on its own merit to determine if the proposal is consistent with the Future Land Use Map and does not have a negative impact on the surrounding area or the County in general". (Page 4-26)

We believe our site, which is an area with existing C-1, CR-1 and LI-2 zoned parcels and existing commercial uses, has access to Route 9, the major arterial east-west roadway in Sussex County and is adjacent to the Delmarva Central Railroad line, is an appropriate site for HI-1 zoning on its own merits and is generally consistent with the Future Land Use Plan. However, a question is raised by table 4.5-2 which does not list HI-1 as an "Applicable Zoning District" in the "Commercial Area" although it does list HI-1 as an "Applicable Zoning District" in the "Development Area" which is the area directly opposite our site on the western side of Steiner Road.

We request your determination as to whether our application may proceed as filed, since the language of the Plan leaves room for interpretation or whether a request to amend the Future Land Use Map is required. In the event an amendment is required, please allow this letter to serve as a request to amend the Future Land Use Map to change the "growth area" of our site from "Commercial Area" to "Developing Area". We would also request that the Planning and Zoning Commission and County Council public hearings on the Future Land Use Map Amendment be advertised and held at the same time the rezoning hearings on CZ #1902. A PLUS Application would also need to be filed with the Delaware Office of State Planning Coordination for a Comprehensive Plan Amendment.

We believe the particular facts in our application (location, existing zoning and uses, proximity to a major arterial road and railroad line) support the requested HI-I rezoning and that the rezoning would be, at a minimum, "**generally**" consistent with the Future Land Use Plan, particularly since the purpose the plan is to serve as a guide for future development (Page 1-6) and table 4.5-2 is only identified as a "tool" to assist in making such a determination.

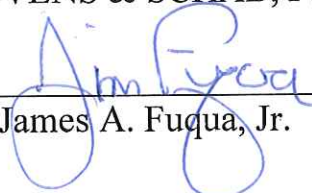
In any event, please advise as to the path forward for the rezoning and we will proceed as you direct.

Page 3
December 9, 2019

Thank you for your consideration.

Very truly yours,

FUQUA, WILLARD,
STEVENS & SCHAB, P.A.

By: 
James A. Fuqua, Jr.

JAF/jel
Pc: Vince Robertson, Esquire
Mr. John Stamato

existing scattered zoning areas that have no direct relation to their surrounding zoning and/or the Future Land Use Map.

The following guidelines apply to future growth in Existing Development Areas:

- Permitted Uses – The full range of housing types allowed in the existing underlying zoning districts are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units. Non-residential development consists of uses found in the neighborhood business districts and commercial districts. There is no intention to expand this land use classification.
- Densities – The current densities are whatever is permitted in the existing underlying zoning district of the property.
- Infrastructure – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, densities should be limited to two units per acre provided a separate permit can be approved.

6. Commercial Area

Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses primarily targeted to the residents of immediately adjacent residential areas. These more intensive uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas.

7. Industrial Area

Industrial Areas are lands devoted to concentrations of larger industrial uses including heavy industry, light industry, warehousing, and flex space. Appropriate development in these areas could take the form of conventional industrial parks or planned business parks with a unified design that incorporate a combination of light industry and other business uses. Large, medium-intensive stand-alone industrial uses should also be directed to these areas.

4.4.3 Rural Areas

As explained above, the various types of Growth Areas identified in this Plan are designed to accommodate concentrated levels of development. In contrast, Sussex County envisions



THE SUSSEX PLAN

- Infrastructure – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, densities should be limited to two units per acre.

Developing Area

The Developing Areas are 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.

The following guidelines should apply to future growth in the Developing Areas:

- Permitted Uses – A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.
- Densities –Sussex County's base density of 2 units per acre is appropriate throughout this classification; however, medium and higher density (4-12 units per acre) can be appropriate in certain locations. Medium and higher density could be supported in areas: where there is central water and sewer; near sufficient commercial uses and employment centers; where it is in keeping with the character of the area; where it is along a main road or at/or near a major intersection; where there is adequate Level of Service; or where other considerations exist that are relevant to the requested project and density. A clustering option permitting smaller lots and additional flexibility in dimensional standards is encouraged on tracts of a certain minimum size, provided significant permanent common open space is preserved and the development is connected to central water and sewer service.

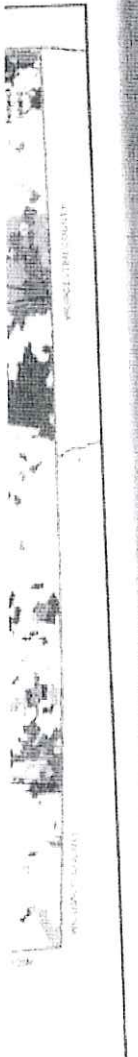
Specific regulations governing cluster developments are designated by zoning district. There currently is an option where density can be increased with optional density bonuses for certain zoning districts. Those optional bonuses may involve payment of fees that fund permanent land preservation elsewhere in the County, or other options. Master planning should be encouraged especially for large-scale developments on large parcels or groups of parcels, higher density and mixed-use developments to provide flexibility in site design. If central sewer and central water are not available 2 units per acre is appropriate. RPC's are encouraged to allow for a mix of housing types and to preserve open space.

Since the comprehensive plan is a guide for the future use of land, the County's official zoning must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. Table 4.5-2 is provided below to provide a tool for assisting with determining which zoning districts are applicable to each future land use category.

According to state law, the County must amend its official zoning map to be consistent with the Future Land Use Map within 18 months of the date of adoption of the Comprehensive Plan. Additionally, future rezonings should also generally be consistent with the Future Land Use Plan.

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories

FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
GROWTH AREAS	
Municipalities	N/A - town zoning applies
Town Center	Agricultural Residential District (AR-1) Medium Density Residential District (MR) General Residential District (GR) High Density Residential District (HR-1 & HR-2) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) Limited Industrial District (LI-1) Light Industrial District (LI-2) New Zoning Districts
Developing Area	Agricultural Residential District (AR-1) Medium Density Residential District (MR) General Residential District (GR) High Density Residential District (HR-1 & HR-2) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) Limited Industrial District (LI-1) Light Industrial District (LI-2) Heavy Industrial District (HI-1) New Zoning Districts



WILMINGTON COUNTY
SUSSEX COUNTY
NEWCASTLE COUNTY



McCORMICK
TAYLOR

Each land use proposal the County receives should be reviewed on its own merit to determine if the proposal is consistent with the Future Land Use Map and does not have a negative impact on the surrounding area or the County in general.

As described above, the Future Land Use Plan is not the County's official zoning map. The Future Land Use Map and all other aspects of this Comprehensive Plan will be considered primarily through ordinances and other programs that fulfill policy objectives.

4.6 IMPLEMENTATION OF THE FUTURE LAND USE PLAN THROUGH STRATEGIES

4.6.1 Well-Planned Growth and Conservation Strategy

The Future Land Use Plan along with the County's Zoning and Subdivision and Land Development Regulations provides a framework for balanced land use and critical investment in Sussex County. Indeed, the County already provides an attractive environment for land use development; therefore, the Future Land Use Plan should establish sensible growth principles and strategies. Many of the goals, objectives, and strategies for this Chapter outlined in Section 4.7 are focused on ways to improve decisions related to future land use.

To effectuate such improved decisions, the Future Land Use Plan has established Growth Areas where the County has signaled future growth is expected. In addition, while development is inevitable, a priority has been made to better preserve the rural character and natural resources of the County. To achieve these goals, the County should consider larger buffers in sensitive environmental areas, increased building height in select areas, density bonuses for open space planting, and stream-lining the process for voluntary downzoning to AR-1.

The majority of development in the County is new development, but the County recognizes the importance of redevelopment to breathe new life into an area with pre-existing uses. Redevelopment also reduces development pressure on undeveloped land. The County would like to encourage more redevelopment and infill development by determining if incentives can be established for developers that propose redevelopment, particularly redevelopment of brownfield areas.

4.6.2 Supporting Agricultural Land Use and Agricultural Land Preservation

The County strongly supports efforts by the State, conservation organizations, and local landowners to preserve farmland through voluntary purchases of development rights. This is described in more detail in Chapter 6 of this Comprehensive Plan. The County views the voluntary sale of farmland development rights to the Delaware Agricultural Lands Preservation Foundation as an important tool for preserving the County's rural character and supporting a viable agricultural economy. The description of Low Density planning areas included earlier in this chapter describes additional strategies Sussex County now uses to help preserve the County's agricultural heritage.

(AR-1)
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 & HR-2)
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1.3 OVERVIEW OF THE COMPREHENSIVE PLAN

The Sussex County Comprehensive Plan (The Sussex Plan) is the statutorily-authorized comprehensive plan for the unincorporated portions of the County. The Plan strives to set a foundation for decision-making and provide the County with a roadmap to a future that will maintain and enhance the quality of life all residents enjoy.

Sussex County, Delaware, has statutory authority to prepare and implement a comprehensive plan under Delaware Code, Title 9, Chapter 69. The Code requires Delaware counties and municipalities to update their comprehensive plans every ten years. This plan will cover a 27-year period to the year 2045. It contains the following chapters:

- Introduction
- Population and Demographics
- Planning Process
- Future Land Use
- Conservation
- Recreation and Open Space
- Utilities
- Housing
- Economic Development
- Historic Preservation
- Intergovernmental Coordination
- Community Design
- Mobility

1.4 PURPOSE OF THE COMPREHENSIVE PLAN

The Sussex Plan is the County's official policy guide for future development-related decisions. The Plan is long-range in nature and provides a framework for County residents and decision makers to conceptualize how the County should look and function through the year 2045. Implementation strategies are identified within each chapter of the Plan, all or a portion of which may be utilized to accomplish the goals and objectives for topic areas addressed in the Sussex Plan.

The major purposes of the Sussex Plan are to:

- Serve as a guide for future ordinances, development, redevelopment, and preservation of the County;
- Enhance the quality of life for residents by planning for the future;
- Provide a snapshot of existing conditions;

CZ# 1902

JOHN C. STAMATO C/O RIBERA DEVELOPMENT LLC

PROPOSED FINDINGS

1. This is an application to rezone a 15 acre parcel from CR-1(Commercial-Residential) to HI-1(Heavy Industrial).
2. The parcel is located on the east side of Steiner Road approximately 800 feet south of Route 9.
3. The site will be served with central water and sewer by Artesian Resources.
4. Stormwater management and erosion and sediment control will be designed and operated in accordance with applicable State and County requirements.
5. The site contains no wetlands and is located in Zone "X" under the FEMA Flood Maps, outside of any flood plains.
6. The site is located in close proximity to Route 9, which is a major arterial roadway as designated in the Sussex County Subdivision Ordinance and development of the site will comply with all DelDot entrance and roadway improvement requirements.
7. The site is adjacent to the rail line operated by the Delaware Central Railroad Co. which extends from Georgetown to Cool Springs and interconnects with other rail providers.
8. A spur line is proposed from the main track onto the property to enable future businesses on the site to utilize rail service.
9. Under the 2019 Sussex County Comprehensive Plan, the site is located in the Commercial Area which is one of the growth areas designated in the Comprehensive Plan.

Applicant
Exhibit

FILE COPY

CZ1902

10. The Comprehensive Plan notes (Sec. 13.2.2) that the bulk of freight in Sussex County moves by truck and there is a need to mitigate the impacts of truck traffic. One way is to shift more freight to rail, although opportunities to do so are limited. This rezoning is an opportunity to accomplish that goal at an appropriate location.
11. A large area of commercial zoned land exists along the north and south sides of Route 9 in the vicinity of the site as well as a 12 acre parcel on the north side of Route 9, zoned LI-2 (Light Industrial).
12. Based on the surrounding zoning and current uses, the rezoning will not have an adverse impact on the area in general and the Planning and Zoning Department's Staff Analysis concluded that "a change of zone to allow for a property zoned Heavy Industrial (HI-1) subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses".
13. The rezoning is in accordance with the Comprehensive Plan and promotes the health, safety, morale, convenience, order, prosperity and welfare of present and future residents of the County by establishing a HI-1 zoned parcel at an appropriate location with access to a major arterial road and rail service and will create customers for the rail service contributing to its economic sustainability.

P+Z

Comments on Sussex P&Z Case CZ 1902 for Heavy Industry (H-1)
Keith Steck, Vice President
Delaware Coalition for Open Government (DelCOG)
Jan 9, 2020

Thank you for the chance to comment on this. I'll begin by saying I oppose the proposed zoning change. The change to Heavy Industrial 1 is not consistent with the character of the area. Further, the public record regarding this application is insufficient to make a determination.

First, there is nothing in the public record to indicate that the attorney for the P&Z Department and this commission reviewed the application and what his opinion is regarding compliance with the relevant ordinances. Did he review the application and supporting documentation and agree--or disagree--that they meet the application requirements?

Second, the proposed zoning change to heavy industrial is inconsistent with the existing zoning and the nature and character of the surrounding area, which is a mix of commercial and residential with more of both on the books. To create a heavy industrial zone will be a fundamental and major change for this area. Moreover, the application indicates greater plans for more heavy industrial usage in the surrounding areas. The supporting documents highlight the existing rail line and how the area is ripe for development as an industrial park or center, which would be more consistent with other areas of the county. This heavy industrial development is not consistent with the immediate area, which is geared to commercial development.

The argument made in these documents comes across as if there are industrial customers ready to sign up for this property. If that is the case, then the applicant should inform the public and the commission about that so we all know what is coming. This can be done by identifying the nature of the customers--manufacturing, chemicals, food industry, etc.--without identifying the actual customers.

Opposition
Exhibit

FILE COPY
Steck on CZ 1902 1 of 2

CZ 1902

Further, the transit infrastructure is not fully discussed. While the applicant and DeIDOT provide information about the roads and the applicant highlights the railroad and even has the endorsement of the railroad owner, DeIDOT does not comment on the railroad, its condition, capacity, etc. Regarding road traffic, area residents are concerned about the already overburdened nature of Rte 9 and are concerned about heavy industrial traffic adding to the burden. DeIDOT says it cannot do a traffic impact study without additional information, but it should provide additional information about the existing traffic conditions, plans for expansion or other improvements, and related matters.

Further, there is no information provided to the public about long-term plans for the areas with respect to planned residential developments, the number of homes and occupants, and the like for the surrounding area such as within a 1-mile and 3-mile radius.

In summary, there is insufficient information available to approve this rezoning request. Until additional information is provided regarding actual or pending customers/clients, DeIDOT's input about the railroad, and approved residential and commercial development, this application should not be approved. Equally important, it is important that the public know what legal analysis has been done to determine whether the application and supporting documentation comply with relevant ordinances, regulations, and laws.

RIBERA DEVELOPMENT LLC JOHN C STAMATO

CASE NO. CZ1902

ZONING MAP AMENDMENT FROM CR-1 TO HI-1

OWNER:

HARRY DALE & OLDA KEENE PARSONS, TRUSTEES
 7 VERMONT AVENUE
 LEWES, DE 19958

DEVELOPER:

RIBERA DEVELOPMENT LLC
 JOHN C STAMATO
 8684 VETERANS HIGHWAY, SUITE 203
 MILLERSVILLE, MD 21108

LEGAL:

JAMES A. FUQUA, JR.
 FUQUA, YORI & WILLARD, P.A.
 26 THE CIRCLE
 GEORGETOWN, DE 19947

PLANNER/ENGINEER/SURVEYOR:

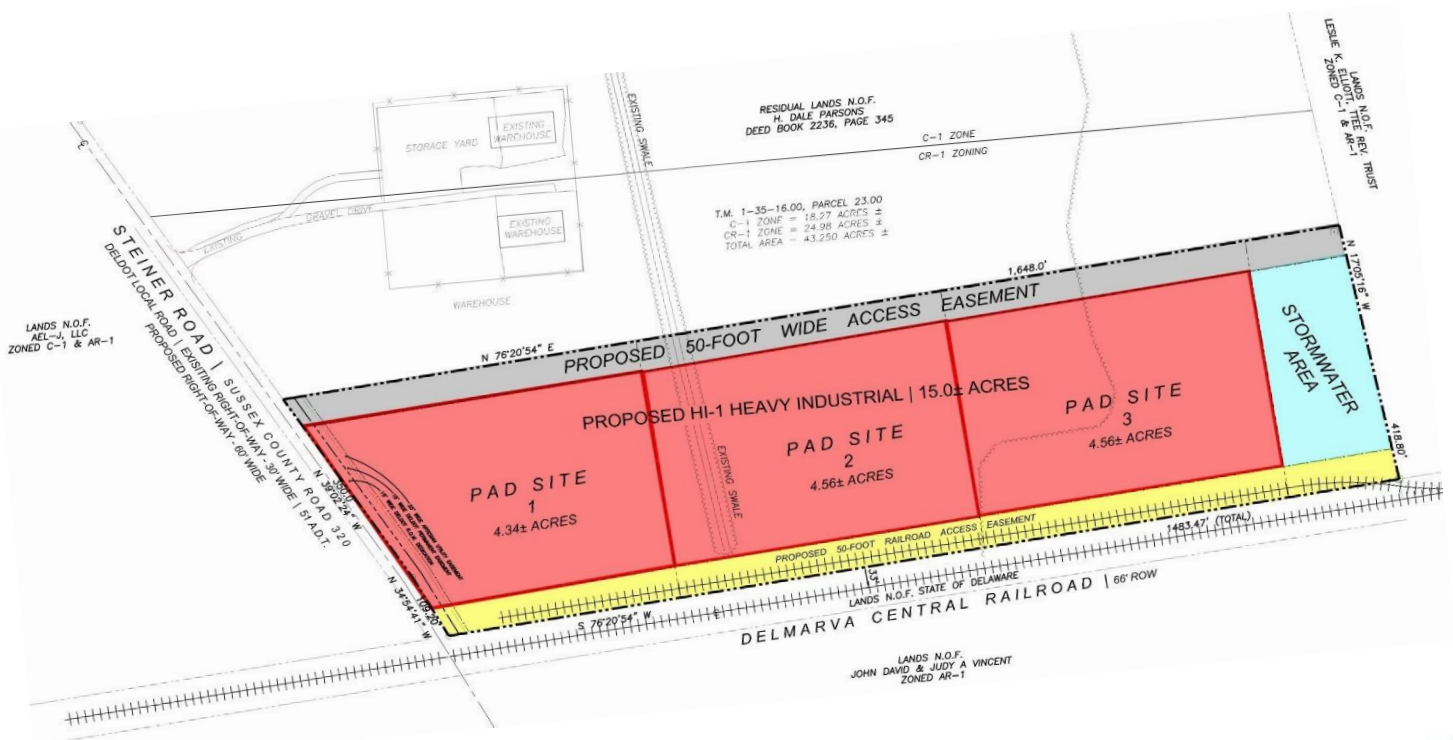
PENNONI
 18072 DAVIDSON DRIVE
 MILTON, DE 19968
 MARK H. DAVIDSON, PRINCIPAL LAND PLANNER
 ALAN DECKTOR, PE., ENV SP
 JOHN W. HAUPT, PLS

ENVIRONMENTAL:

KENNETH W. REDINGER ENV SERVICES
 PO BOX 479
 HORNTOWN, VIRGINIA 23395

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Mark H. Davidson / Vice President

Principal Land Planner/Office Director

EDUCATION

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

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

Land Planning, Institute for Public Administration (2006)

CERTIFICATIONS

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

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

DNREC Certified Construction Reviewer: DE (#1270)

Delaware Notary

TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware (2002)

Land Conservation and Historic Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni (2015)

PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling Association

Delaware Onsite Wastewater Recycling Association

American Planning Association

American Institute of Certified Planners

HONORS/AWARDS

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

Notable Networker Award, BNI (2013)

EXPERIENCE SUMMARY

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

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

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

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

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

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



**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

SOUTH SIDE OF US RT 9, LEWES GEORGETOWN HIGHWAY | EAST SIDE OF STEINER ROAD | 550 FEET EAST OF SHINGLE POINT ROAD | GEORGETOWN HUNDRED

Type of Conditional Use Requested:

Tax Map #: 135-16.00 PO PARCEL 23.00 **Size of Parcel(s):**

Current Zoning: **Proposed Zoning:** **Size of Building:**

Land Use Classification:

Water Provider: **Sewer Provider:**

Applicant Information

Applicant Name:
Applicant Address:
City: State: ZipCode:
Phone #: E-mail:

Owner Information

Owner Name:
Owner Address:
City: State: Zip Code:
Phone #: E-mail:

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name:
Agent/Attorney/Engineer Address:
City: State: Zip Code:
Phone #: E-mail:



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) **Have not received Response to submit later**

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: 8/26/2019

Signature of Owner



Date: 8/25/19

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

**A PORTION OF LANDS NOW
OR FORMERLY OF
HARRY DALE AND OLDA KEENE PARSONS**

TAX MAP 135-16.00-23.00

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

BEGINNING at a point, said point lying on the easterly right-of-way of Stienner Road and also being a corner for this Parcel and the Residual Lands now or formerly of Harry Dale and Olda Keene Parsons; thence by and with this Parcel and the Residual Lands now or formerly of Harry Dale and Olda Keene Parsons, **North 76 degrees, 20 minutes, 54 seconds East, 1648.05 feet** to a point, said point being a corner for this Parcel and the Residual Lands of Harry Dale and Olda Keene Parsons and also lying on the common boundary line with Lands now or formerly of John and Nancy B. Lingo, Co-Trustees; thence by and with this Parcel and Lands now or formerly of John and Nancy B. Lingo, Co-Trustees, **South 17 degrees, 05 minutes, 16 seconds East, 418.80 feet** to a concrete monument, said monument being a corner for this Parcel and the boundary line of The State of Delaware; thence by and with this Parcel and The State of Delaware, **South 76 degrees, 20 minutes, 54 seconds West, 1483.47 feet** to a found iron rod, said iron rod being a corner for this Parcel and the easterly right-of-way of Stienner Road; thence by and with the easterly right-of-way of Stienner Road the following (2) courses and distances:

- 1) **North 34 degrees, 54 minutes, 41 seconds West, 109.20 feet to an iron rod found,**
- 2) **North 39 degrees, 02 minutes, 24 seconds West, 350.04 feet to a point,**

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

This Parcel contains 653,111 square feet or 15 acres, more or less.



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

JENNIFER COHAN
SECRETARY

July 29, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **John C. Stamato | Ribera Development, LLC** rezoning application, which we received on July 17, 2019. This application is for a 43.01-acre parcel (Tax Parcel 135-16.00-23.00). The subject land is located on the southeast corner of the intersection of US Route 9 and Stiner Road (Sussex Road 320), northeast of the Town of Georgetown. The subject land is currently zoned as CR-1 (Commercial Residential), and the applicant is seeking to rezone a 15-acre portion of the land to HI-1 (Heavy Industrial) to develop a variety of industrial “permitted uses adjacent to [the] existing railroad tracks with easy access to US Route 9.”

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Stiner Road to Delaware Route 5, are 16,655 and 21,412 vehicles per day, respectively. As the subject land also has frontage on its west side along Stiner Road, the annual average daily traffic volume on that road segment, which is from Hollis Road (Sussex Road 295) to US Route 9, is 51 vehicles per day.

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

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



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

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

Sincerely,

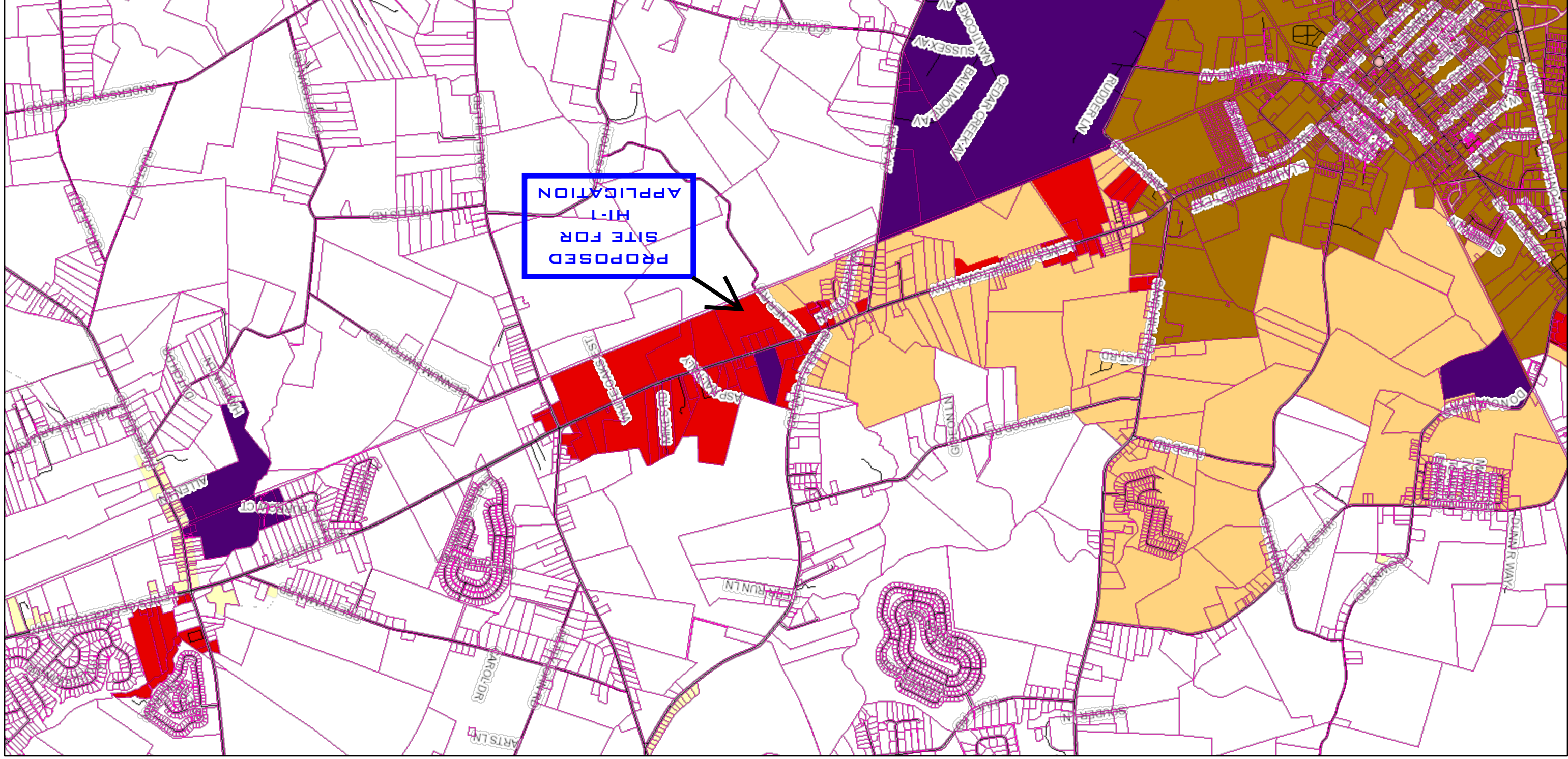


T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

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

Sussex County



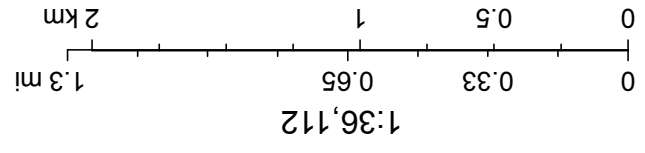
December 13, 2019

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

Sussex County
Comprehensive
Plan

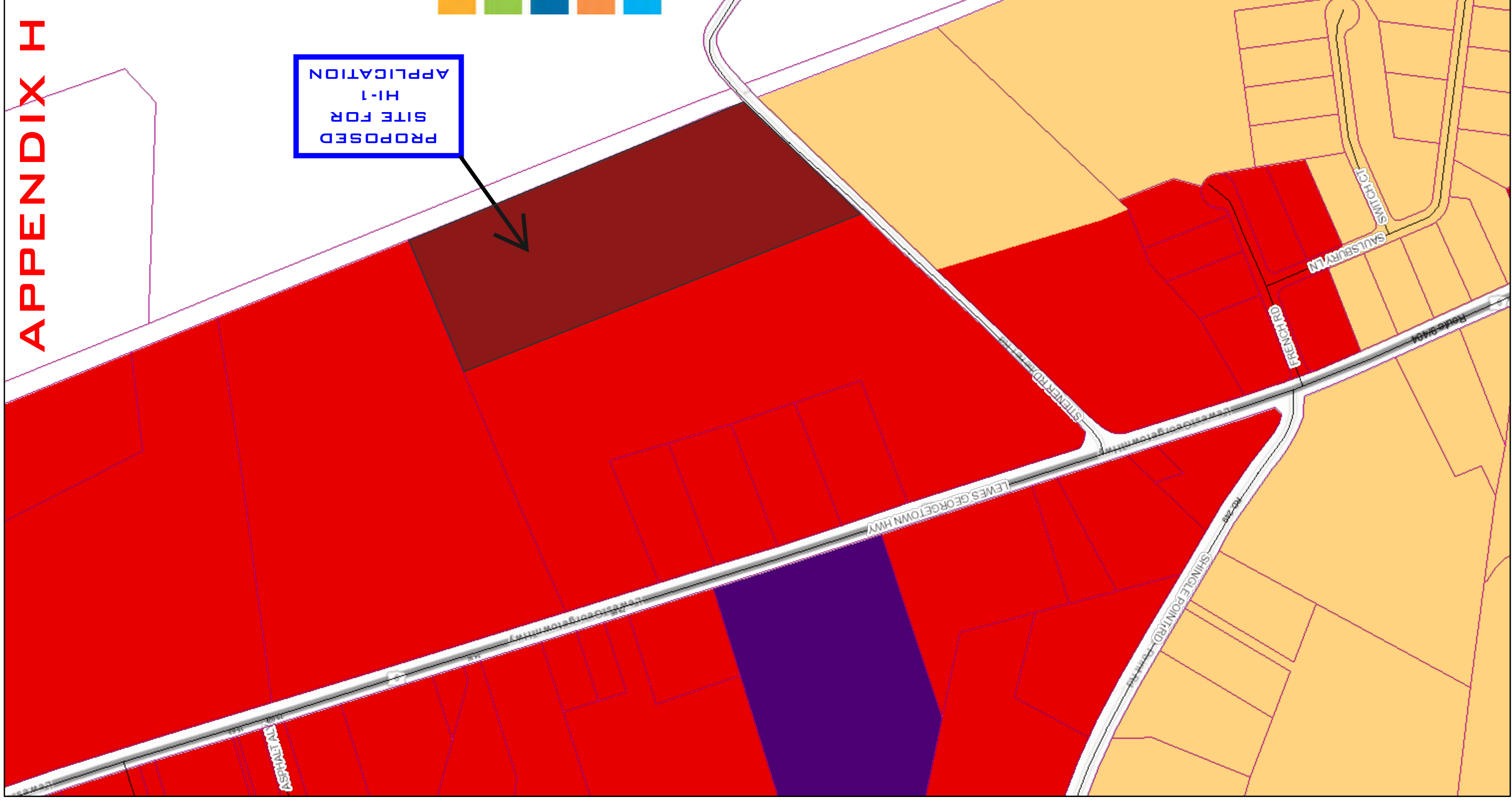


2045 Future Land Use Map



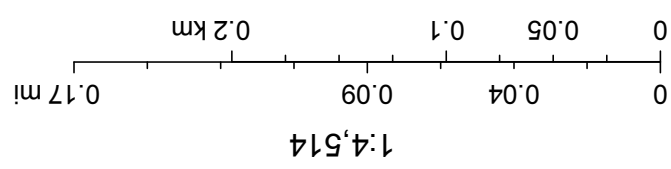
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government

Sussex County



November 30, 2019

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

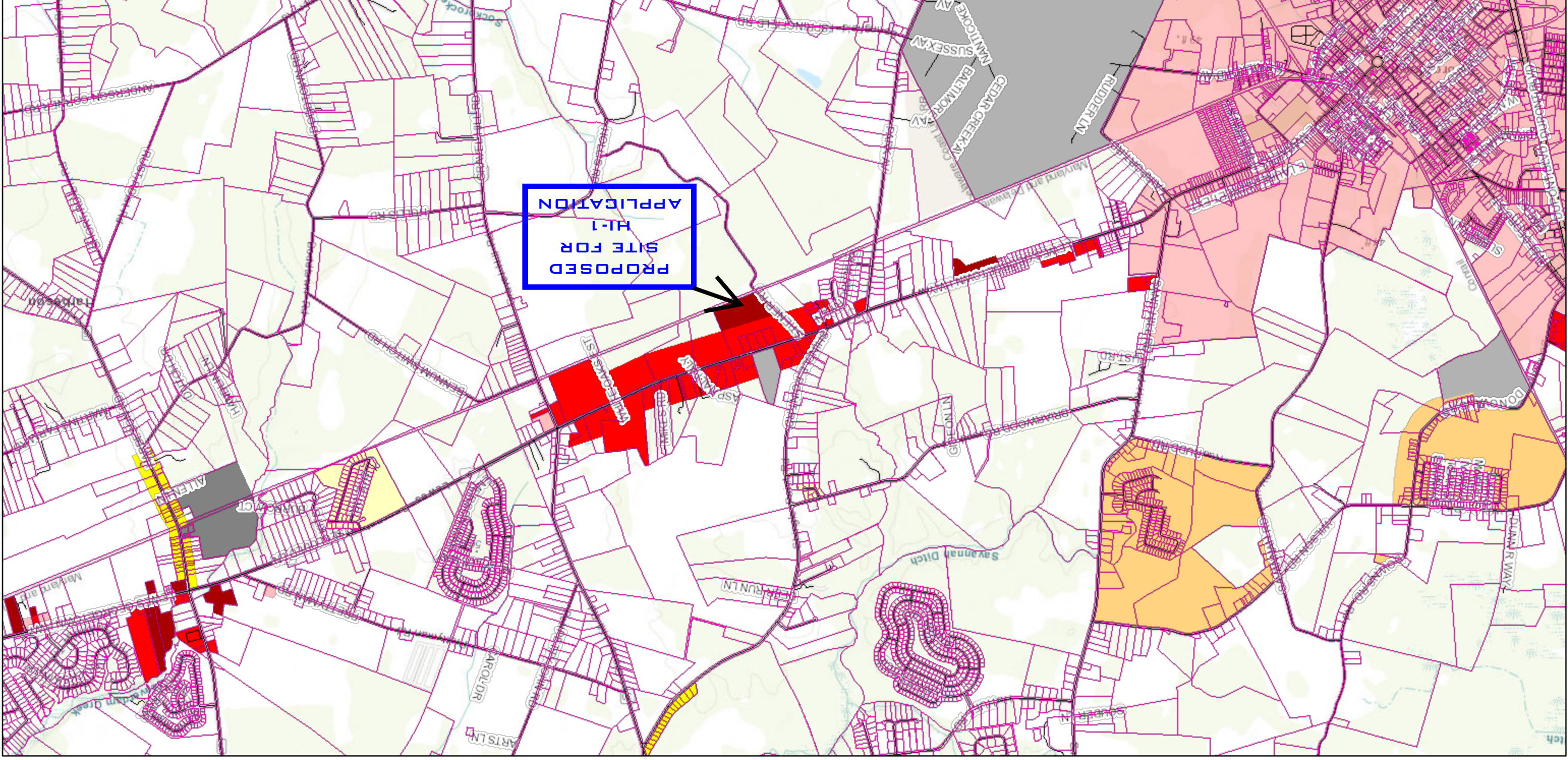


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APPENDIX H

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

Sussex County



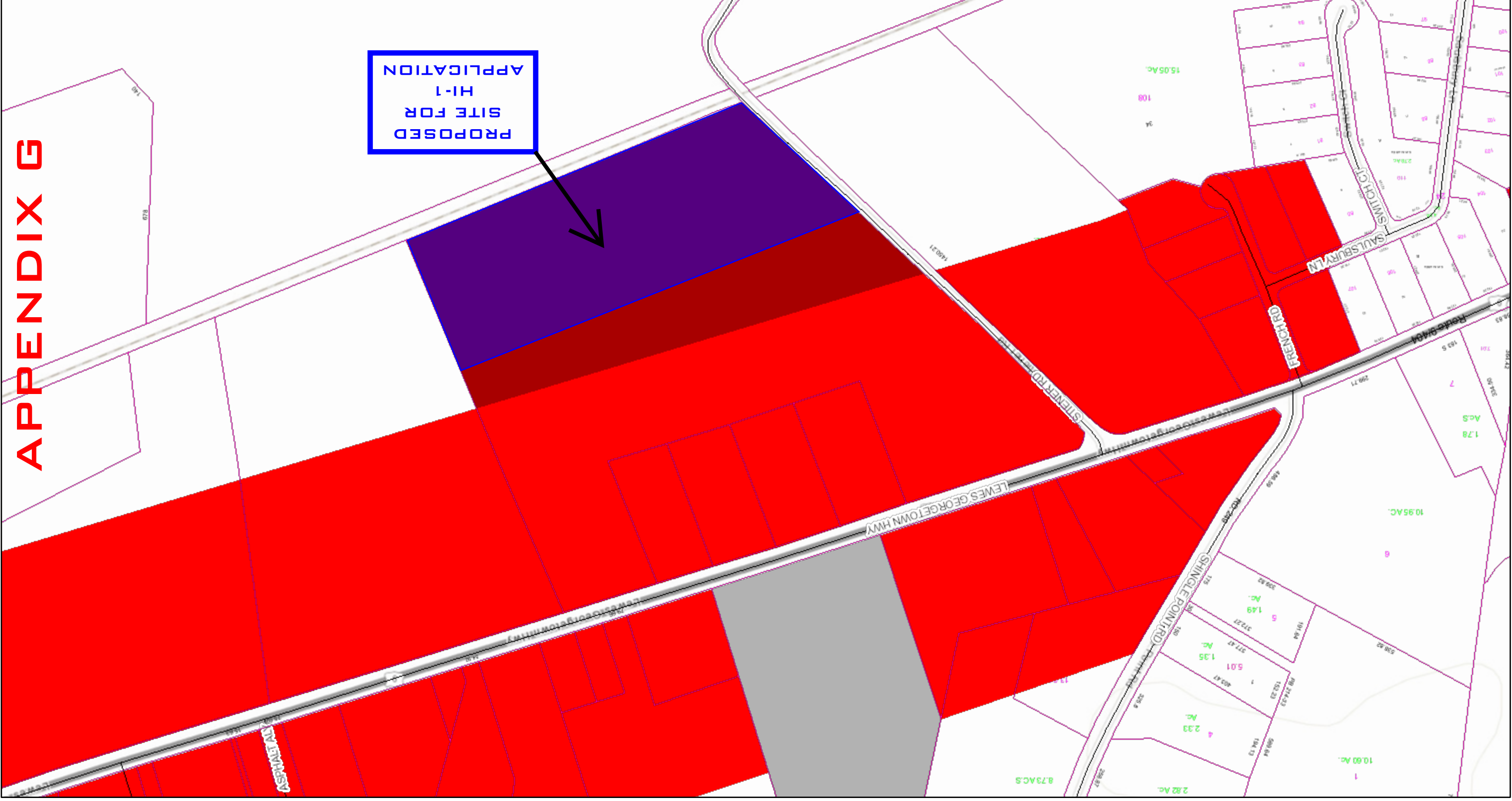
December 13, 2019

Zoning		Streets		Tax Parcels	
Agricultural Residential - AR-2	Light Yellow	Medium Residential - MR	Light Pink	Medium Residential - MR	Light Yellow
Agricultural Residential - AR-1	Orange	General Residential - GR	Light Orange	High Density Residential - HR-1	Red
High Density Residential - HR-2	Dark Orange	General Residential - GR	Light Orange	High Density Residential - HR-2	Red
General Commercial - C-3	Light Green	General Commercial - C-1	Light Red	General Commercial - C-2	Red
General Commercial - C-2	Dark Green	General Commercial - C-1	Light Red	General Commercial - C-3	Red
Institutional - I-1	Blue	Neighborhood Business - B-1	Light Pink	General Commercial - C-4	Light Red
Marine - M	Light Blue	Neighborhood Business - B-2	Light Pink	General Commercial - C-5	Light Red
Municipal Boundaries	Light Red	General Commercial - C-4	Light Pink	Limited Industrial - LI-1	Light Grey
County Boundaries	Yellow	General Commercial - C-5	Light Pink	Limited Industrial - LI-2	Grey
		Commercial Residential - CR-1	Light Pink	Heavy Industrial - HI-1	Dark Grey

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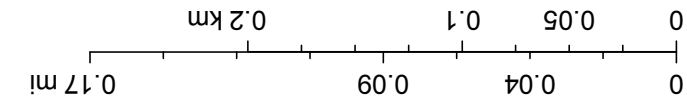
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government



November 30, 2019

Tax Parcels	Medium Residential - MR	Neighborhood Business - B-1	General Commercial - C-4	Limited Industrial - LI-1
Streets	General Residential - GR	Neighborhood Business - B-2	General Commercial - C-5	Limited Industrial - LI-2
Zoning	High Density Residential - HR-1	General Commercial - C-1	Commercial Residential - CR-1	Heavy Industrial - HI-1
Agricultural Residential - AR-1	High Density Residential - HR-2	General Commercial - C-2	Institutional - I-1	County Boundaries

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



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APPENDIX G



18072 Davidson Drive
Milton, DE 19968
T: 302-684-8030
F: 302-684-8054

www.pennoni.com

December 2019

**ENVIRONMENTAL ASSESSMENT REPORT
LANDS N/F OF HARRY DALE PARSONS & OLDA KEENE,
TRUSTEES**

**Tax Map #: 135-16.00 portion of Parcel 23.00
Ribera Development, LLC**

GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE

REPORT PREPARED FOR:
JOHN STAMATO – RIBERA DEVELOPMENT, LLC;
SUITE 203
8684 VETERANS HIGHWAY
MILLERSVILLE, MD 21108

REPORT PREPARED BY:
PENNONI ASSOCIATES INC.;
18072 DAVIDSON DRIVE,
MILTON, DE 19968
Phone: 302-684-8030
Fax: 302-684-8054

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I. INTRODUCTION

This report is intended to satisfy concerns of developing a heavy industrial site on a certain piece of property which is located within a Growth Area of Sussex County in regard to the environment and sustainable development. Designated as a Growth Area by the 2019 Sussex County Comprehensive Plan, the land involved in CZ# 1902 is an application to grant a rezoning of a portion of lands in a CR-1 Commercial Residential District located on 15.0 acres of land more or less in the Georgetown Hundred located on the east side of Steiner Road approximately 1,000; south of US route 9 to HI-1 Heavy Industrial.

The property is bordered on the north by other lands of Harry Dale and Olda Keene Parsons, Trustees currently zoned CR-1 and C-1; on the west by Steiner Road; on the south by an existing rail line owned and operated by Delmarva Central Railroad a subsidiary of Carload Express Inc.; and on the east by wooded lands that are currently dual zoned as C-1 and AR-1.

The purpose of the HI-1 District is to provide for a variety of industrial operations devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex space. Appropriate development in this district could take the form of a conventional industrial park or planned business park with a unified design that incorporate a combination of industry and other business uses. Large, more intensive stand-alone industrial uses could also be directed to this property that is deemed appropriate to industrial operations.

This report will address certain potential environmental issues this proposed rezoning will pose and it also attempts to establish a balance between the developer's need for straight-forward information upon which to base long-term financial decisions and community's need for protection of the environment.

Proposed Project Name: JOHN STAMATO – RIBERA DEVELOPMENT, LLC

Owner's Name: Harry Dale and Olda Keene Parsons, Trustees | 7 Vermont Avenue, Lewes, DE 19958

Developers Name: John Stamato – Ribera Development, LLC | Suite 203, 8684 Veterans Highway, Millerville, MD 21108

Report prepared by: Mark H. Davidson, Principal Land Planner | Pennoni Associates Inc.; 18072 Davidson Drive, Milton, DE 19968

Tax Map Number: 135-16.00 portion of Parcel 23.00

Report written on: December 2019;

II. SUMMARY

Pennoni Associates Inc. (Pennoni) has completed an Environmental Assessment Report (EAR) for Ribera Development, LLC, located on Steiner Road in Georgetown Hundred, Sussex County pursuant to the guidelines set forth by Sussex County and the State of Delaware.

This report summarizes the findings of this Environmental Site Assessment and Pennoni's conclusion and recommendations in regard to the environmental condition and development sustainability of the existing site.

Pennoni conducted this EAR by reviewing selected historical, geographical/geologic, environmental regulatory information pertaining to this Site and Adjacent lands, site visits, interviews and based on continued research and knowledge of this project.

Tax Map Number	135-16.00 portion of 23.00	
Total Area for Development	15.00± Acres	
Proposed Use	Industrial	
Proposed G.L.F.A.	TBD	
Flood Zone	Zone X	
Artesian Dedicated Utility Easement	0.26± Acres	
Wetland Area	See Appendix A	
Lands to be Dedicated to DelDOT	Right-Of-Way = 0.16± Acres	Permanent Easement = 0.16± Acres
Wooded Area	4.7± Acres	
Utilities	Water Service by Artesian.	
	Sewer Service by Artesian	

Wetland Evaluation (see appendix A) conducted by Pennoni and Kenneth W. Redinger Environmental indicates the absent of hydrology for regulated wetlands to exist on this property.

Mapping reviewed as part of this assessment indicates no limitations related to floodplains. (see FEMA Floodplain Map – Appendix B)

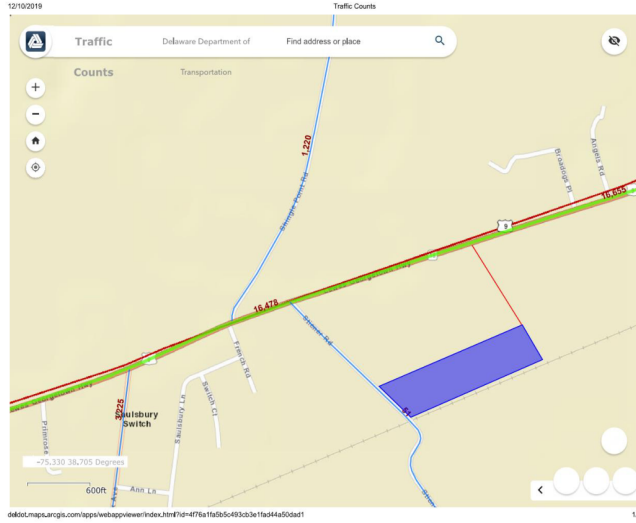
It is the stated goal of the project to provide in general, all Erosion & Sediment Control (ESC) and Stormwater Management (SWM) Best Management Practices (BMPs) which will comply with DNREC standards and specifications in accordance with current guidance documents and policies. Green Technologies and Pollution Control Strategies will be implemented to reduce nitrogen and phosphorus loads to their mandated levels.

Tax Ditch inquiries indicate no tax ditches exist on this property.

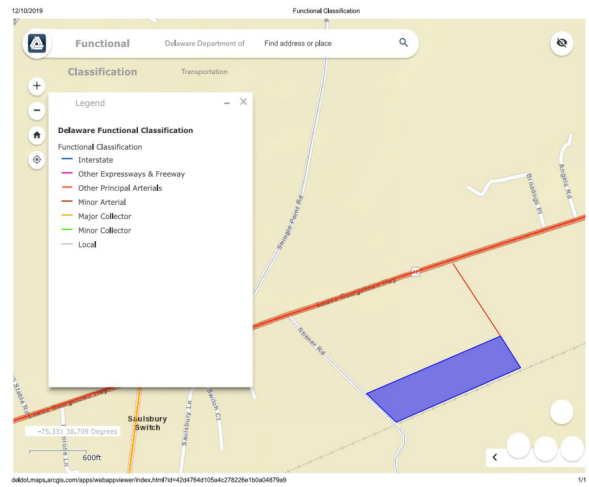
III. GENERAL CHARACTERISTICS OF SITE

A. SITE DESCRIPTION

This Property is located east side of Steiner Road (SCR 320) which is a DelDOT Local Road with an existing right-of-way of 30-feet and currently has an Average Daily Trip count of 51 vehicles per day. The property is located approximately 1000 feet south of Lewes Georgetown Highway (US Route 9) which is a DelDOT Principal Arterial Highway with an existing right-of-way of 60-feet and currently has an Average Daily Trip count of 16,655 vehicles per day.

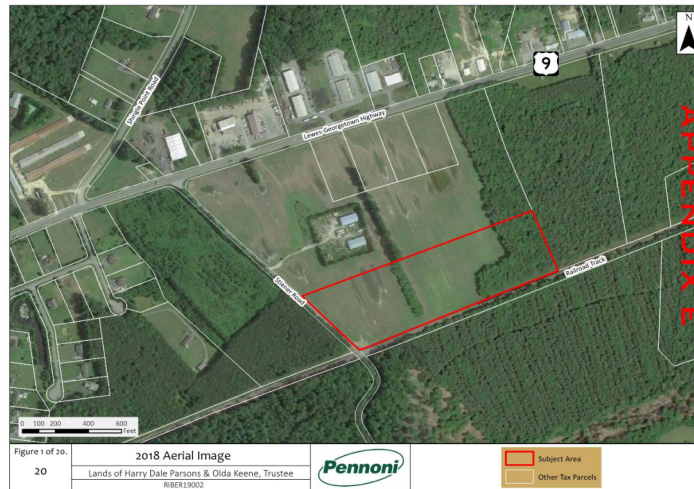


Appendix C

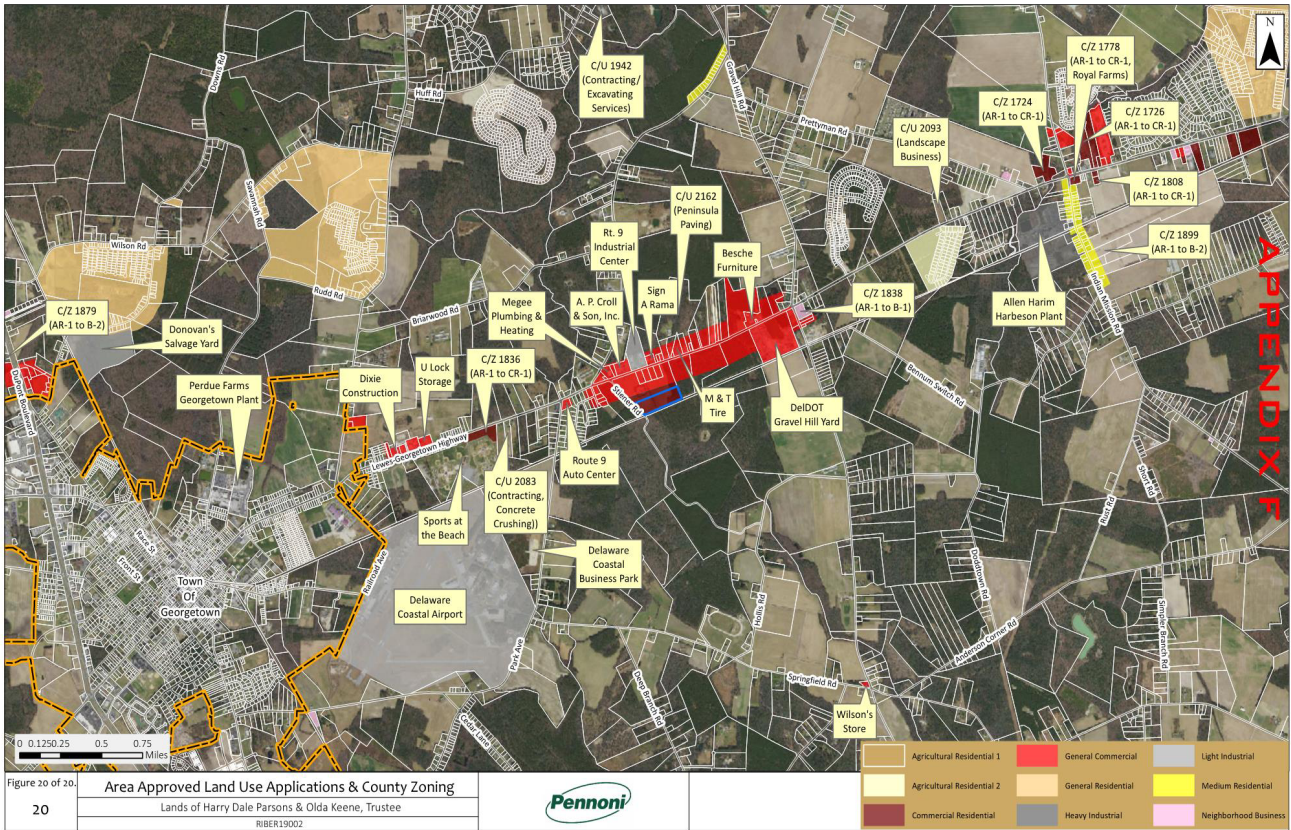


Appendix D

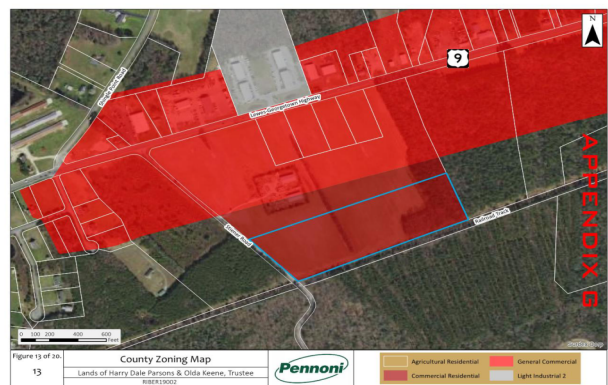
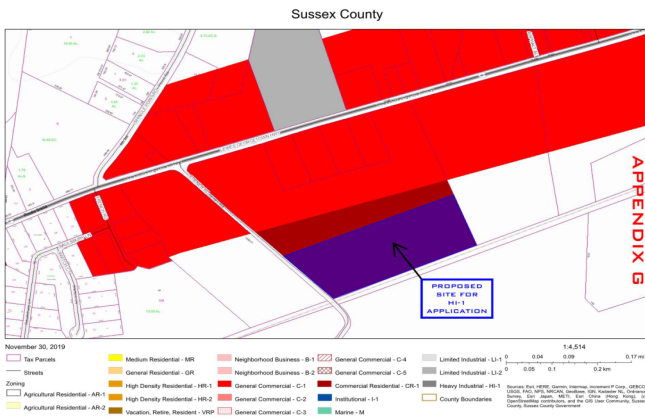
The project site was observed to be primarily flat farmland currently being farmed. The property also has two (2) existing warehouse/storage buildings that is being used by the current owner of the property. The subject 15-acre part of the property has approximately 4.7+/- acres of woods along with a wooded drainage swale within the open farmland.



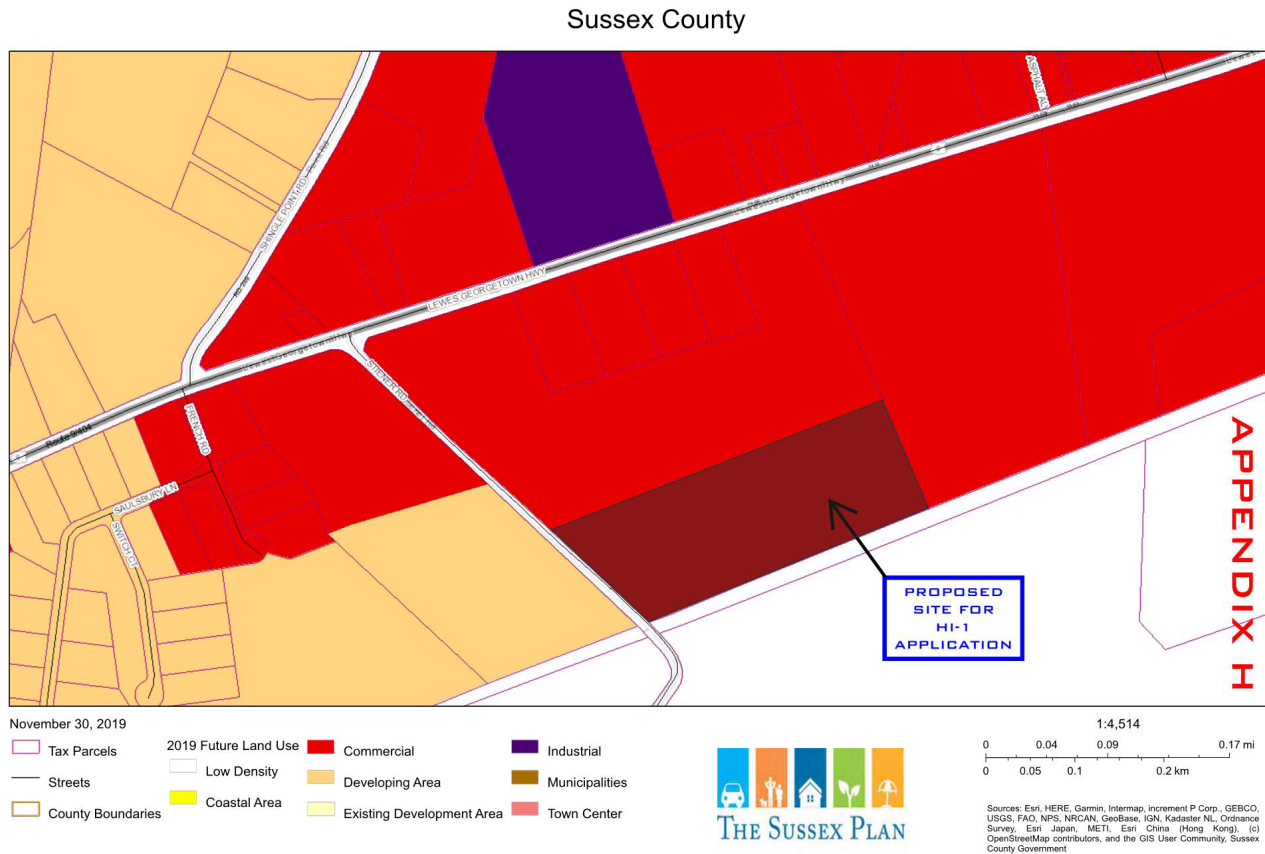
The property is located in a mixed agricultural, commercial and industrial area. The property is bordered on the north by other lands of Harry Dale and Oida Keene Parsons, Trustees currently zoned CR-1 and C-1; on the west by Steiner Road; on the south by an existing rail line owned and operated by Delmarva Central Railroad a subsidiary of Carload Express Inc.; and on the east by wooded lands that are currently dual zoned as C-1 and AR-1. The proposed rezoning to HI-1 is in the vicinity of other industrial and commercial properties and uses and will not diminish or impair property values within the neighborhood; will not create a public nuisance; or result in an increase in public expenditures.



The property is currently zoned commercial with two commercial zoning categories; C-1 and CR-1.



The property is located within a Growth Area as designated in the 2019 Comprehensive Plan (The Sussex Plan). The Sussex Plan is the County’s official policy guide for future development-related decisions. The Plan is long-range in nature and provides a framework for County residents and decision-makers to “conceptualize” how the County should look and function. While the Comprehensive plan acts as a policy guide for future development and decision-making, County Code regulates the use of land. The proposed rezoning of the 15-acre portion of the property is identified to be in a Commercial Area.



The Sussex Plan suggests that each application should be reviewed on its own merit and does not have a negative impact to the surrounding area or the county in general. Some of the stated goals within the Plan for this type of zoning:

- a. Promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth – [Artesian has already secured utility easements through the property for a sanitary sewer force main and has stated that water is located to the east of this property along US RT 9.]
- b. Promote development in designated commercial and industrial areas in a scale/intensity/distance appropriate to adjacent residential neighborhoods – [the closest residential dwelling to the property is over 800-feet to the west of the proposed project and the closest residential neighborhood is over 1200-feet west of the property.]
- c. Engage in planning that considers the efficient location of public services and infrastructure while establishing future public sewer service areas that will help preserve open space by

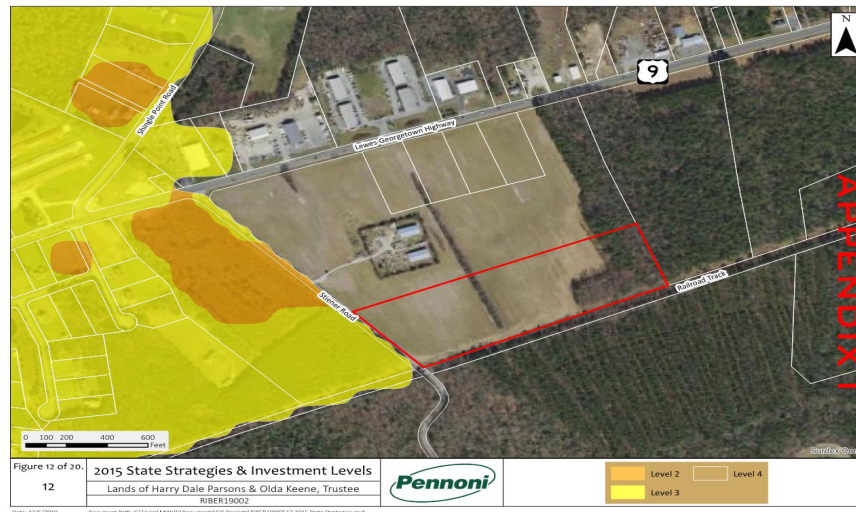
promoting orderly growth rather than unplanned sprawl – [this property is located east of Georgetown and is in the Sussex County Tier3 – Coordinated CPCN Area for sanitary sewer. The property has access to both Artesian water and sanitary sewer as well as access to a major roadway system that's east and west to Lewes and Georgetown. These properties in this location with an industrial zoning, will prohibit any unplanned sprawl that the Comprehensive Plan is discouraging]

- d. Coordinate with DeIDOT on road improvements and other transportation projects – [Although a TIS was not required as a part of this application, any future industrial project will have to provide future Transportation Improvements to the adjacent roadways during the future planning of the industrial development. In addition, future connection to the rails to trails pedestrian path along the existing railroad tracks along the rear of the property will be coordinated with DeIDOT. US 9 is a principal arterial and an important freight corridor. To allow for future capacity, additional right-of-way dedication along Steiner Road; permanent easements and additional stormwater management setbacks will be dedicated to the Public. US Route 9 and Steiner Road Intersection will be upgraded, and commercial entrances will be limited to reduce access points. Service roads through the properties will link adjacent properties for interconnectivity where similar uses may occur in the future. This would increase the aesthetic benefits to the community].

Consistent with the Comprehensive Plan's Future Land Use Chapter the County has considered the development along US 9 as a business corridor. Furthermore, the Sussex Plan promotes the US 9 vision to be tied to efforts to make the corridor multi-modal. Currently, the Georgetown to Lewes Rail Trail is being constructed by DeIDOT in phases. Once completed, the trail will provide a pedestrian and bicycle path that is separated from car traffic. The trail will serve as both a recreational asset and a transportation option for commuters. Businesses along the trail could see economic benefits from connecting to it.

US 9 is a principal arterial and an important freight corridor. The use of rail freight lines helps reduce the number of "motor freight" on the local roadway system by moving shipments of goods inbound and outbound from Sussex County. *"One means of reducing truck impacts is to shift more freight to rail..."* 2019 The Sussex Plan

The 2015 Strategies for State Policies and Spending Map identifies the area as Investment Level 4. This area is intermingled within a fast-growing area within the county and is adjacent to Level 2 and Level 3 areas. Investment Level 2 reflects area where growth is anticipated by local, county and state plans in the near-term future. State investments will support growth in these areas. The priorities in the Level 3 Areas are for DeIDOT to focus on regional movements between towns and other population centers. Investment Level 4 Areas may be the location for certain uses that require their location outside of designated investment areas that could include industrial activity where specific requirements may dictate an exception for the use. Developers and property owners will make local roadway improvements as development occurs. All infrastructure needs will be funded by the developer. Additional public infrastructure that will benefit the community, such as, road improvements and access improvements will be paid for by the developer.



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

Delmarva Power & Light Company has 3-phase electric mains across from these properties that serve the area and beyond.

These properties are within the 5-year growth area to have a natural gas transmission pipeline located along the property. It is owned and operated by Eastern Shore Natural Gas Company, a subsidiary of Chesapeake Utilities (Chesapeake).

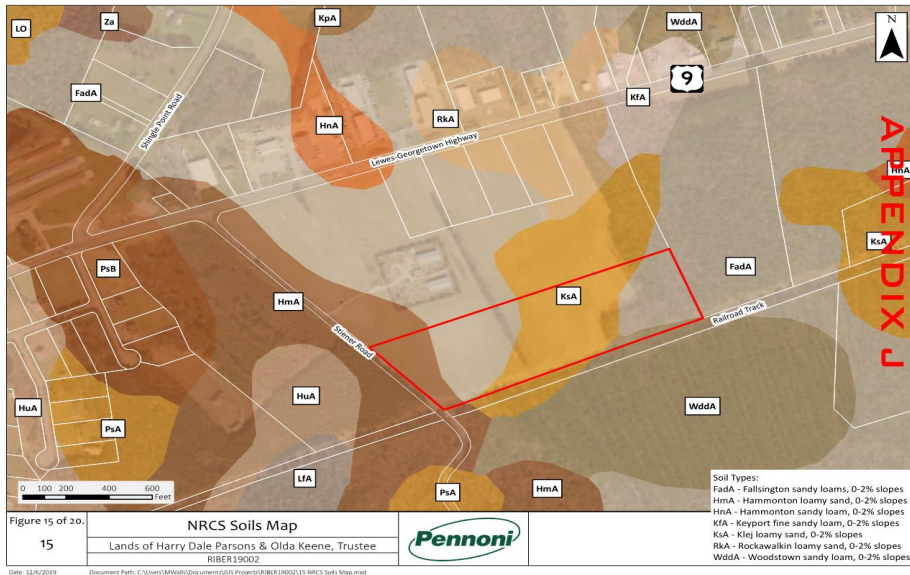
Verizon and Comcast are the main telecommunication providers operating in this service area.

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

B. SOILS

Pennoni reviewed the USDA-NRCS Web Soil Survey published by the United States Department of Agriculture Natural Resource Conservation Service and surveyed in 2012 (see Appendix J) to evaluate general soil conditions at the Property. Accent Environmental, LLC was retained to perform soil borings within the parcel. Soils mapped at the property include the following:

- 1) Fallsington Sandy Loam, with slopes ranging from 0-2 percent;
- 2) Hammonton Sandy Loam, with slopes ranging from 0-2 percent;
- 3) Klej loamy Sand, with slopes ranging from 0-2 percent;

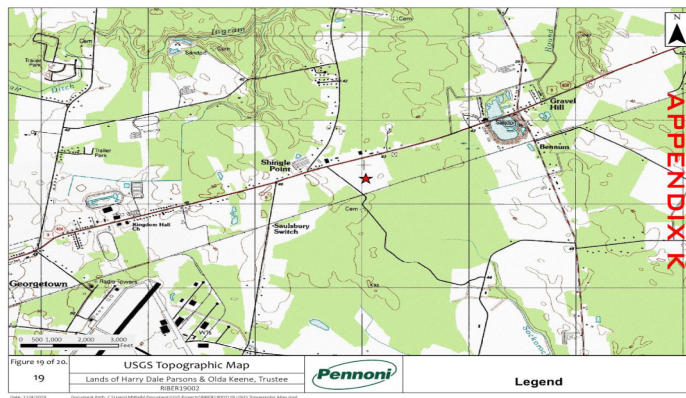


The soils encountered during this investigation correspond to the Woodstown sandy loam series. The estimated SHWT ranged from 30 to 32 inches and AVG also ranged from 30 to 32 inches within the proposed area. Free water levels ranged from 25 to 32 inches beneath the soil surface and were likely elevated due to recent, heavy precipitation events.

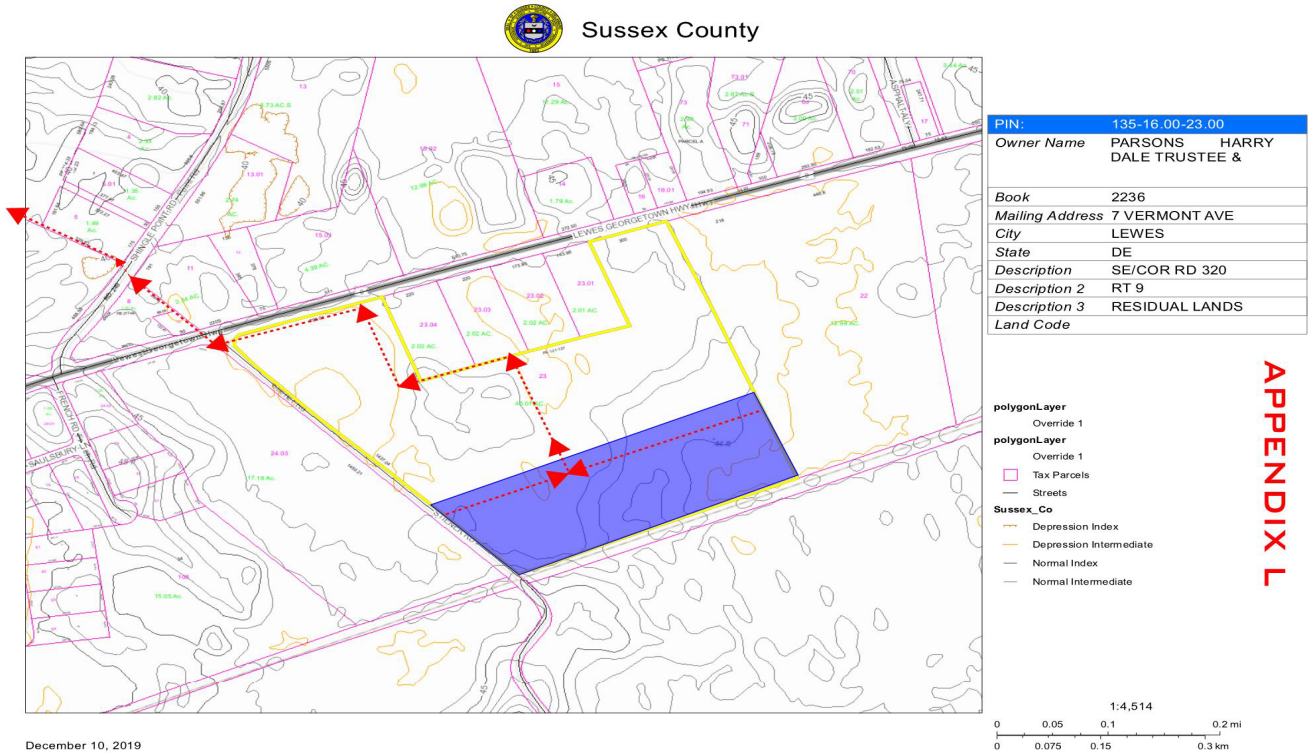
It should be noted that this information was interpreted from present site conditions. There are limitations to this type of investigation. The information is provided given normal precipitation patterns. As the site conditions change the hydrology may change and this cannot be estimated from the existing soil profiles. Groundwater and saturation levels may be shallower than estimated in this study during significant, single storm events and compound events.

C. SURFACE TOPOGRAPHY AND SITE DRAINAGE.

The subject property is located on the Harbeson, Delaware 7.5-minute USGS topographic quadrangle at an approximate elevation of 40 feet above mean sea level (see USGS Topographic Map – Appendix K)



Additional topography is outline in Appendix L. The site is relatively flat with minor slopes within the entire parcel with some existing depressions throughout. Future drainage for the property will most likely follow the existing drainage flow as shown on Appendix L.



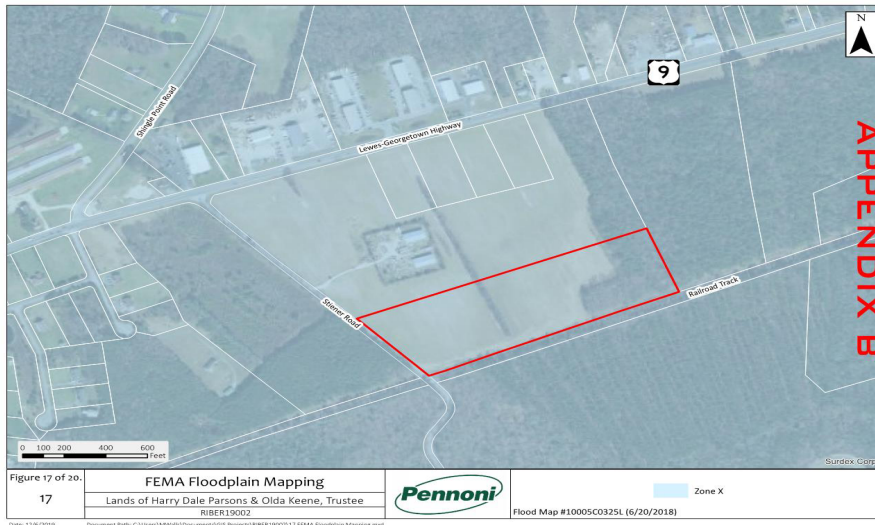
When grading or adjusting site topography, there will be a number of best management practices to ensure healthy landscapes. The project will strive to balance the soil cut and fill in order to limit hauling away or bringing in soil thereby saving money and reducing the environmental impact. Utilizing the existing field ditches will be used as part of the drainage system for the project and the field shall collect and intercept water and carry it to the existing outlet at the intersection of Steiner Road and US Route 9.

D. WETLANDS

No indicators of wetland hydrology were observed. Free water levels measured within unlined soil auger boring holes were greater than 48 inches below the soil surface in those areas. See Appendix A.

E. FLOOD ZONES

Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) dated June 20, 2018, Map Number 10005C0325L, the subject property is located in a Zone "X" unshaded, which is an area outside the 500-year floodplain, less than 0.2% annual probability of flood (see FEMA Floodplain Map – Appendix B).



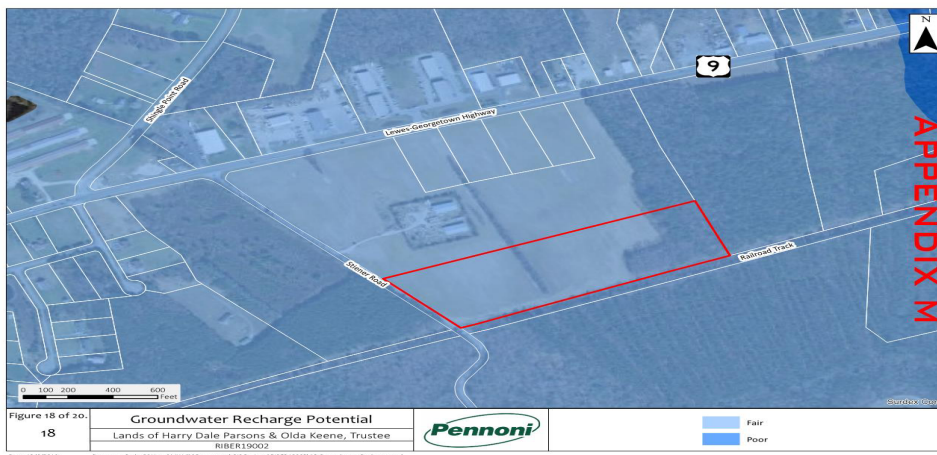
APPENDIX B

F. FORESTS

The Site consists of approximately 4.7+/- acres of woods within the property. Additional wooded areas along the field drainage areas are within the property. The total forest stand area along this corridor is approximately 80+/- acres which consists of adjacent parcels to the east. The total forest impact associated with the proposed project is approximately 4+/- acres, which constitutes 5% of the existing forest stand. In addition, the proposed impacts shall occur on the fringe of forest stand and not the larger contiguous stand.

G. GROUNDWATER RECHARGE POTENTIAL

The entire Site is located in a fair groundwater recharge area, based on Pennoni's review of available maps (see Ground Water Recharge – Appendix M). The site primarily has a general Hydrologic Soil Group (HSG) B rating with approximately 0-2 percent slope. Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.



APPENDIX M

IV. HISTORICAL INFORMATION

A. THE PROPERTY

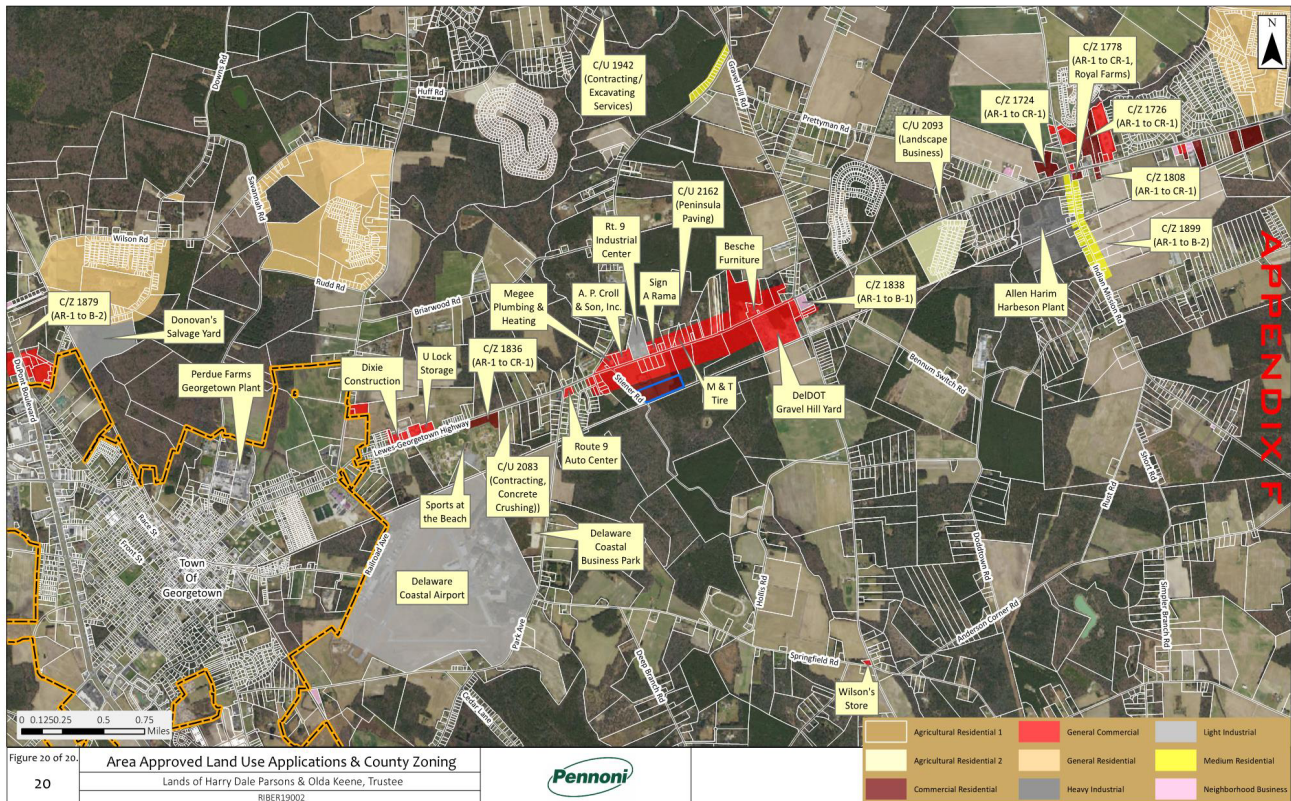
The property was purchased over 20-years ago, by Harry Dale and Olda Keene Parsons.

Pennoni reviewed available historical information for indications of past usage that may have had an environmental impact on the Site This historical review included aerial photographs of the Site and surrounding vicinity for year 1937, 1954, 1961, 1968, 1992, 1997, 2002, 2007, 2012, 2017 and 2018 (see Orthophotos – Appendix N - X). Information depicted on aerial photographs indicates active farming of the Property around 1937. Today the property is still being used for farming as well as 2 warehouse/storage buildings. The subject 15-acres is vacant.

According to the Division of Historical and Cultural Affairs, nothing is known within this parcel.

B. SURROUNDING NEIGHBORHOOD

The property is located in a mixed agricultural, commercial and industrial area. The property is bordered on the north by other lands of Harry Dale and Olda Keene Parsons, Trustees currently zoned CR-1 and C-1; on the west by Steiner Road; on the south by an existing rail line owned and operated by Delmarva Central Railroad a subsidiary of Carload Express Inc.; and on the east by wooded lands that are currently dual zoned as C-1 and AR-1. The proposed rezoning to HI-1 is in the vicinity of other industrial and commercial properties and uses and will not diminish or impair property values within the neighborhood; will not create a public nuisance; or result in an increase in public expenditures.



V. ANALYSIS OF REQUIRED INFORMATION

A. STORMWATER MANAGEMENT

Stormwater structures are very effective techniques for providing channel protection and pollutant removal prior to entering the existing streams. The importance of stormwater structures can be attributed to their proven ability to attenuate runoffs from design storm events. Stormwater structures, existing wooded vegetation and wetlands are common practices for treating stormwater runoffs.

It is the stated goal of the project to provide in general, all Erosion & Sediment Control (ESC) and Stormwater Management (SWM) Best Management Practices (BMPs) which will comply with DNREC standards and specifications in accordance with current guidance documents and policies. Green Technologies and Pollution Control Strategies will be implemented to reduce nitrogen and phosphorus loads to their mandated levels.

Stormwater design for this site will primarily be contained onsite within a wet pond and will channel its outfall through the sites existing outfall (See Appendix L). The entire Site is located in a fair groundwater recharge area, based on Pennoni's review of available maps (see Ground Water Recharge – Appendix M). The site primarily has a Hydrologic Soil Group (HSG) B rating. Group B soils have a moderate infiltration rate when thoroughly wet and have a moderate rate of water transmission.

According to the EPA...wet detention ponds are storm water control structures providing both retention and treatment of contaminated storm water runoff. Runoff from each rain event is detained and treated in the pond until it is displaced by runoff from the next storm. By capturing and retaining runoff during storm events, wet detention ponds control both storm water quantity and quality. The pond's natural physical, biological, and chemical processes then work to remove pollutants. Sedimentation processes remove particulates, organic matter, and metals, while dissolved metals and nutrients are removed through biological uptake. In general, a higher level of nutrient removal and better storm water quantity control can be achieved in wet detention ponds than can be achieved with other Best Management Practices (BMPs), such as infiltration systems.

During the design of the stormwater practices the designers and the developer have been and will continue to work with the Sussex Conservation District to achieve the best management practice for the development.

B. WATER SUPPLY

Artesian Water has a water supply line along US Route 9 just east of the subject property. Artesian has acquired a 25-foot utility easement from the current owner that runs along Route 9 and along the east side of Steiner Road. The utility easement will be used to provide the subject property with both fire and domestic water for the uses that will be planned for the property. See Appendix X.

DNREC Water Supply Permits will be executed if dewatering is necessary to install the infrastructure within the project area. Irrigation Wells will also be permitted and installed for the landscaping of the project.

As part of our preparation of site utility plans for approvals by the Fire Marshal Office and the Office of Drinking Water (Public Health), an approval by Artesian will be secured for this project.

C. WASTEWATER TREATMENT

As stated above, Artesian has acquired a 25-foot utility easement from the current owner that runs along Route 9 and along the east side of Steiner Road. The utility easement will be used to provide the subject property not only with both fire and domestic water but sanitary sewer for the uses that will be planned for the property. See Appendix X.

According to Artesian, in 2020 they will have installed a sanitary sewer force main from the Sussex County Industrial Park through our subject property which will then connect to their regional system line at DE Route 30 which is east of the property.

D. TRAFFIC

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Steiner Road to Delaware Route 5, are 16,655 and 21,412 vehicles per day, respectively. As the subject land also has frontage on its west side along Steiner Road, the annual average daily traffic volume on that road segment, which is from Hollis Road (Sussex Road 295) to US Route 9, is 51 vehicles per day.

US Route 9 (Lewes Georgetown Highway) is a Principal Arterial and a key east/west corridor that carries significant regional through traffic to and from the beaches. As a part of this project, intersection capacity improvements will be made that will increase safety capacity along this principal roadway.

Steiner Road (SCR 320) is a Local Road that will be the primary access for the industrial project. Roadway improvements in the form of widenings, reconstruction and shoulders will be increased to accommodate the additional capacity on the roadway.

Additional setbacks and right-of-way dedications along both roadways will be increased to allow for future capacity. Interconnectivity with adjacent properties will be considered during the planning of the industrial property.

The use of rail freight lines helps reduce the number of "motor freight" on the local roadway system by moving shipments of goods inbound and outbound from Sussex County. Oversize and overweight shipments are most economically shipped by rail and avoid many of the difficulties of an oversized truck shipment.

E. SPECIES AND HABITAT

No critical habitat was identified within the project area. See Appendix A.

F. WETLANDS

No indicators of wetland hydrology were observed. Free water levels measured within unlined soil auger boring holes were greater than 48 inches below the soil surface in those areas. See Appendix A.

G. FORESTS

The Site consists of approximately 4.7+/- acres of woods within the property. Additional wooded areas along the field drainage areas are within the property. The total forest stand area along this corridor is approximately 80+/-acres which consists of adjacent parcels to the east. The total forest impact associated with the proposed project is approximately 4+/- acres, which constitutes 5% of the existing forest stand. In addition, the proposed impacts shall occur on the fringe of forest stand and not the larger contiguous stand.

H. INFRASTRUCTURE

No matter the level of service, the developer is responsible for all infrastructure upgrades (roads, water, sewer, environment, etc.) on site and off-site that will increase safety and orderly growth which will not only meet the needs of the project but for the prosperity of the community.

I. HISTORIC AND CULTURAL RESOURCES

A search of this property on the Division of Historical and Cultural Affairs Office data base showed that Nothing is known within this parcel.

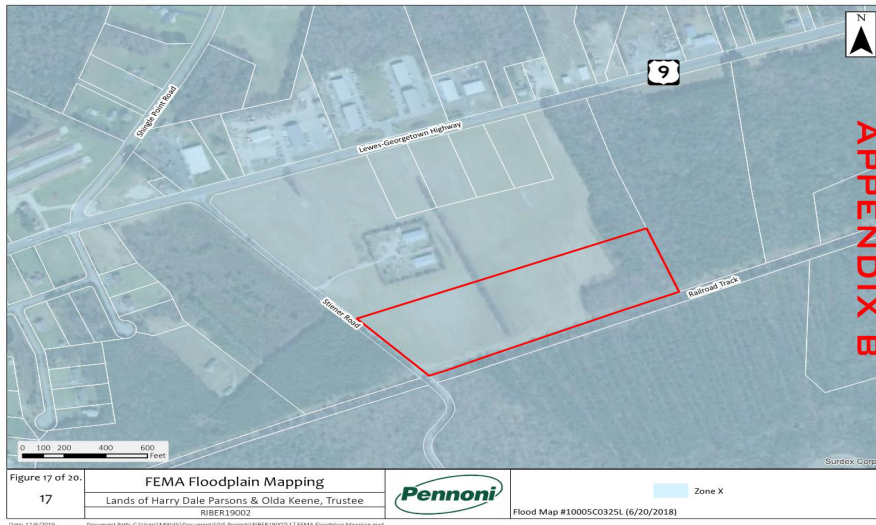
J. TMDLs

The site consists mainly of moderately drained soils in the hydrologic soil group B and is located on the Inland Bays Low Reduction Area Watershed, specifically on the Indian River Bay which mandates a 40% reduction in Total Nitrogen and Phosphorus concentrations to meet set Total Maximum Daily Load (TMDL) goals. It is the stated goal of the project to provide in general, all Erosion & Sediment Control (ESC) and Stormwater Management (SWM) Best Management Practices (BMPs) which will comply with DNREC standards and specifications in accordance with current guidance documents and policies. Green Technologies and Pollution Control Strategies will be implemented to reduce nitrogen and phosphorus loads to their mandated levels.

The site will connect into a public wastewater utility and therefore lessen the burden of pollutants entering the groundwater.

K. FLOODPLAINS

Based on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) dated June 20, 2018, Map Number 10005C0325L, the subject property is located in a Zone "X" unshaded, which is an area outside the 500-year floodplain, less than 0.2% annual probability of flood (see FEMA Floodplain Map – Appendix B).



L. OTHER RELATED TOPICS

LETTER OF SUPPORT FROM THE RAILROAD FOR THE PROJECT

December 10, 2019

Sussex County Planning & Zoning Commission
 2 The Circle
 Georgetown, DE 19947

**RE: CZ 1902 JOHN C STAMATO | RIBERA DEVELOPMENT, LLC
 TAX MAP 135-16.00-23.00 (PORTION OF) | 15.0+/- ACRES
 STEINER ROAD & US ROUTE 9 | GEORGETOWN HUNDRED
 SUSSEX COUNTY | DE**

Dear Commissioners:

The Delmarva Central Railroad Company (DCR), a subsidiary of Carload Express Inc. (CEI), operates 188 miles of rail line in Delaware, Maryland, and Virginia. Locally, the line runs from Harrington to Frankford with branches to Milton and Gravel Hill. DCR interchanges with Norfolk Southern, as well as the Maryland & Delaware Railroad in several locations on the Delmarva Peninsula. DCR is managed locally from offices in Harrington, Delaware. Freight operations are based out of Harrington, Dover, Seaford and Delmar.

Our railroads play a key role in bringing together potential new customers with property owners, local industrial development, and other key players in the industrial development process. Our railroads have helped bring multiple new customers to the region, providing valuable jobs to the communities we serve.

According to Sussex County's 2019 Comprehensive Plan, "The County's goods movement (freight) network is an integral component of the transportation network as well as the economy." However, "the main element of the freight network is the roadway system, which carries trucks (motor freight)." The use of rail freight lines

helps reduce the number of “motor freight” on the local roadway system by moving shipments of goods inbound and outbound from Sussex County. Oversize and overweight shipments are most economically shipped by rail and avoid many of the difficulties of an oversized truck shipment. This helps alleviate level of service concerns for the local roadway system.

“One means of reducing truck impacts is to shift more freight to rail...” 2019 The Sussex Plan

Ribera’s’ above referenced application to rezone to heavy industrial provides for a variety of industrial uses that will serve the community and will utilize DCR’s existing rail service which is well-situated on heavy commerce routes between the populous east coast and the industrial and agricultural heartlands of the USA. We support the rezoning application and ask that the County look favorable in their mission to provide economic opportunities within Sussex County.

Respectfully submitted,

Cliff Grunstra

Chief Marketing Officer



Allegheny Valley Railroad
Delmarva Central Railroad
Southwest Pennsylvania Railroad
Ohio Terminal Railway

Delmarva Central Railroad

101 Delaware Ave.
Harrington, DE 19952
Ph: (412) 780-7767

cliffgrunstra@carloadexpress.com

VI. REFERENCES

1. Adams-Kemp Boundary Survey
2. U.S. Department of Interior, Geological Survey, Topographic Map, Sussex County, Delaware
3. Federal Emergency Management Agency (FEMA), 2018. Flood Insurance Rate Map (FIRM), Sussex County, Delaware
4. U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, Sussex County
5. U.S. Department of Interior, Fish and Wildlife Service. National Wetlands Inventory, Sussex County, Delaware
6. U.S. Department of the Interior, fish and Wildlife Service, Threatened and Endangered Species List
7. Groundwater Recharge Potential, Sussex County, Delaware. Delaware Geological Survey
8. Wetland & Federal Listed Species Evaluation, Field Summary Kenneth W. Redinger Environmental Services
9. 2019 Sussex County Comprehensive Plan – The Sussex Plan
10. Delaware Department of Transportation Service Level Evaluation Request Review – July 29, 2019

APPENDIX A

Kenneth W. Redinger Environmental Services

P.O. Box 479 / Horntown, Virginia 23395

Phone: (757) 894-7032 / E-mail: kwredinger@gmail.com

December 13, 2019 - Via Email

Pennoni Associates, Inc.
18072 Davidson Drive
Milton, Delaware 19968

Attn: Mark Davidson, Vice President, Office Director

Re: Wetland & Federal Listed Species Evaluation - Riber Heavy Industrial Project
Parcel 2-35-16.00-23.00 (15-Acre Part), Steiner Road & Route 9
Georgetown, Sussex County, Delaware

Mr. Davidson,

At your request I have evaluated a 15 acre portion of the 34.72 acre subject property (Tax Map 2-35-16.00 Parcel 23.00) for wetlands and other Waters of the United States that may be regulated by the Philadelphia District U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. A review of federally listed species for the purposes of Section 7 of the Endangered Species Act was also conducted.

The area of investigation consisted of approximately 10.3 acres of agricultural land and 4.7 acres of mid-succession mixed hardwood and pine forest, as depicted on the attached site map with 2018 true-color aerial photography background.

A routine level on-site investigation was conducted on December 7, 2019 in accordance with the 1987 Corps of Engineers Wetland Delineation Manual in conjunction with the Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region; Version 2.0 (November 2010).

For the purposes of Section 404 of the CWA, wetlands are defined as those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Positive evidence of hydrophytic vegetation, hydric soils, and wetland hydrology is needed for an area to be classified as wetlands. The boundary between wetlands and non-wetlands is defined as the location where positive indicators of one of the three parameters are no longer present.

The presence of hydrophytic vegetation and hydric soils were confirmed throughout the existing forest. However, **no indicators of wetland hydrology were observed.** Free water levels measured within unlined soil auger boring holes were greater than 48 inches below the soil surface in those areas. No wetlands were identified within the project area based on observations made during the on-site investigation.

The U.S. Fish & Wildlife Service Information, Planning, and Consultation System was queried on December 9, 2019 to identify threatened, endangered, proposed and candidate species, as well as

Riber Heavy Industrial Project
December 13, 2019
Page 2 of 2

proposed and final designated critical habitat, that may occur within the area of investigation and/or may be affected by the proposed project. The query identified one threatened plant species, swamp pink (*Helonias bullata*) within the project area. **No critical habitat was identified within the project area.**

Habitat within the project area consists of agricultural land and mixed hardwood and pine forest, both being unsuitable for swamp pink which is only found in wetlands along streams and seepage areas in freshwater swamps.

Please contact me with any questions you may have concerning this project.

Sincerely,



Kenneth W. Redinger
Professional Wetland Scientist #2126

Attachments: Site Map with 2018 Aerial Background
USFWS Species List (December 9, 2019)



Figure 1 of 20.



20

2018 Aerial Image

Lands of Harry Dale Parsons & Olda Keene, Trustee

RIBER19002



	Subject Area
	Other Tax Parcels



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127

<http://www.fws.gov/chesapeakebay/>
<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:

December 09, 2019

Consultation Code: 05E2CB00-2020-SLI-0283

Event Code: 05E2CB00-2020-E-00748

Project Name: Steiner Road Industrial Project

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Wetlands
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

Project Summary

Consultation Code: 05E2CB00-2020-SLI-0283

Event Code: 05E2CB00-2020-E-00748

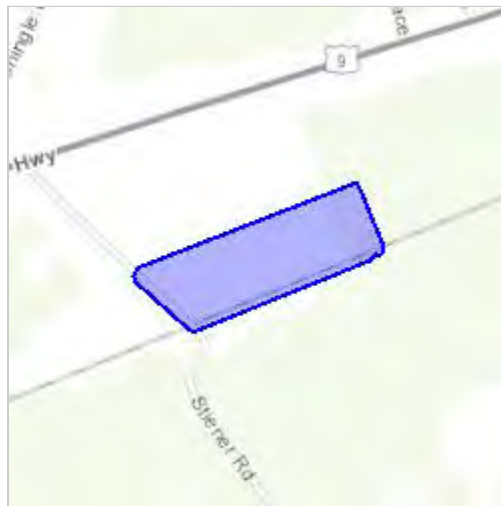
Project Name: Steiner Road Industrial Project

Project Type: DEVELOPMENT

Project Description: 15-acre parcel with Rail Access on SE corner of US RT 9 and Steiner Road outside of Georgetown

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.706397769852586N75.33150334747853W>



Counties: Sussex, DE

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Flowering Plants

NAME	STATUS
Swamp Pink <i>Helonias bullata</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4333	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

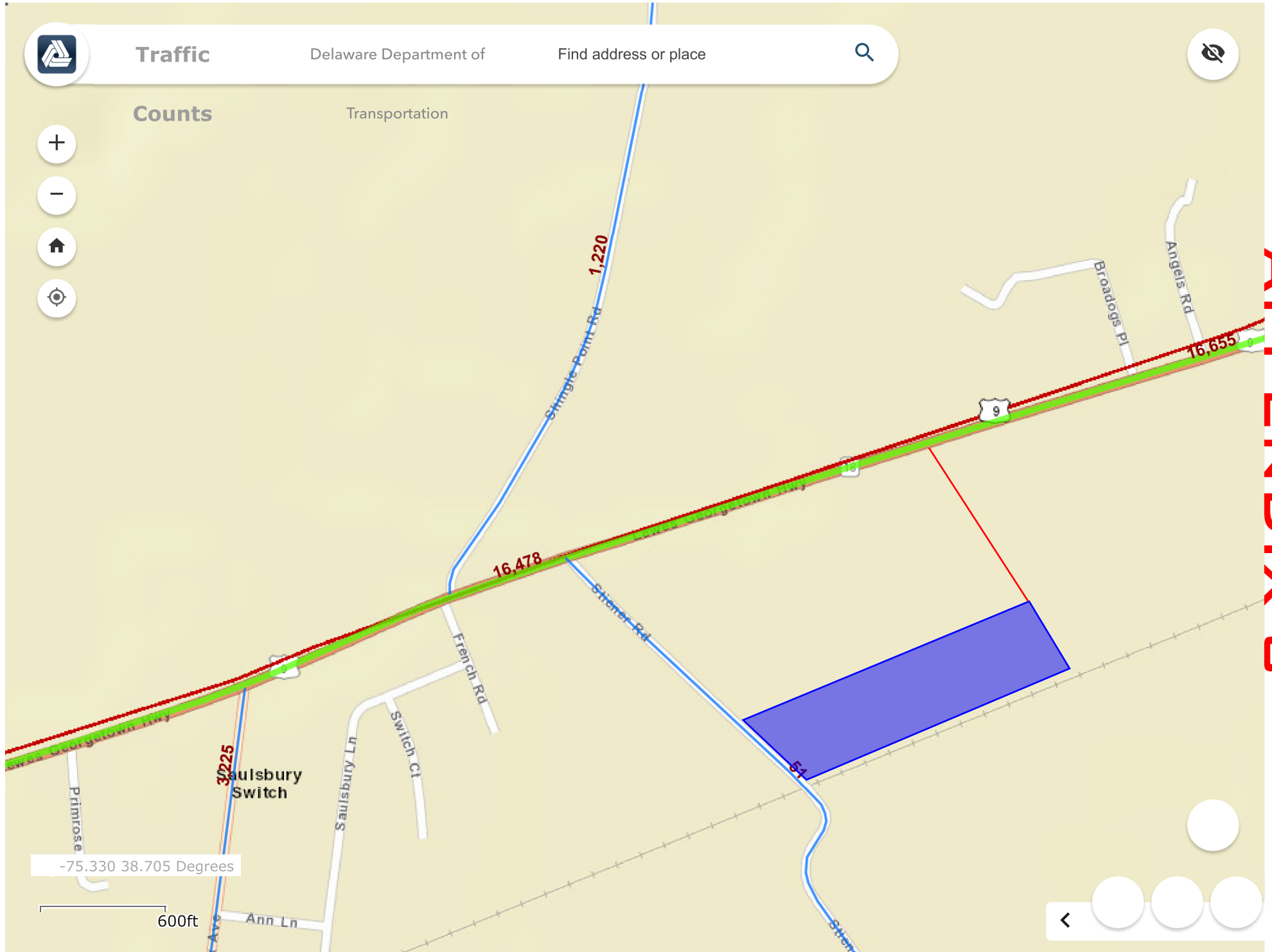
FRESHWATER FORESTED/SHRUB WETLAND

- [PFO1B](#)
-

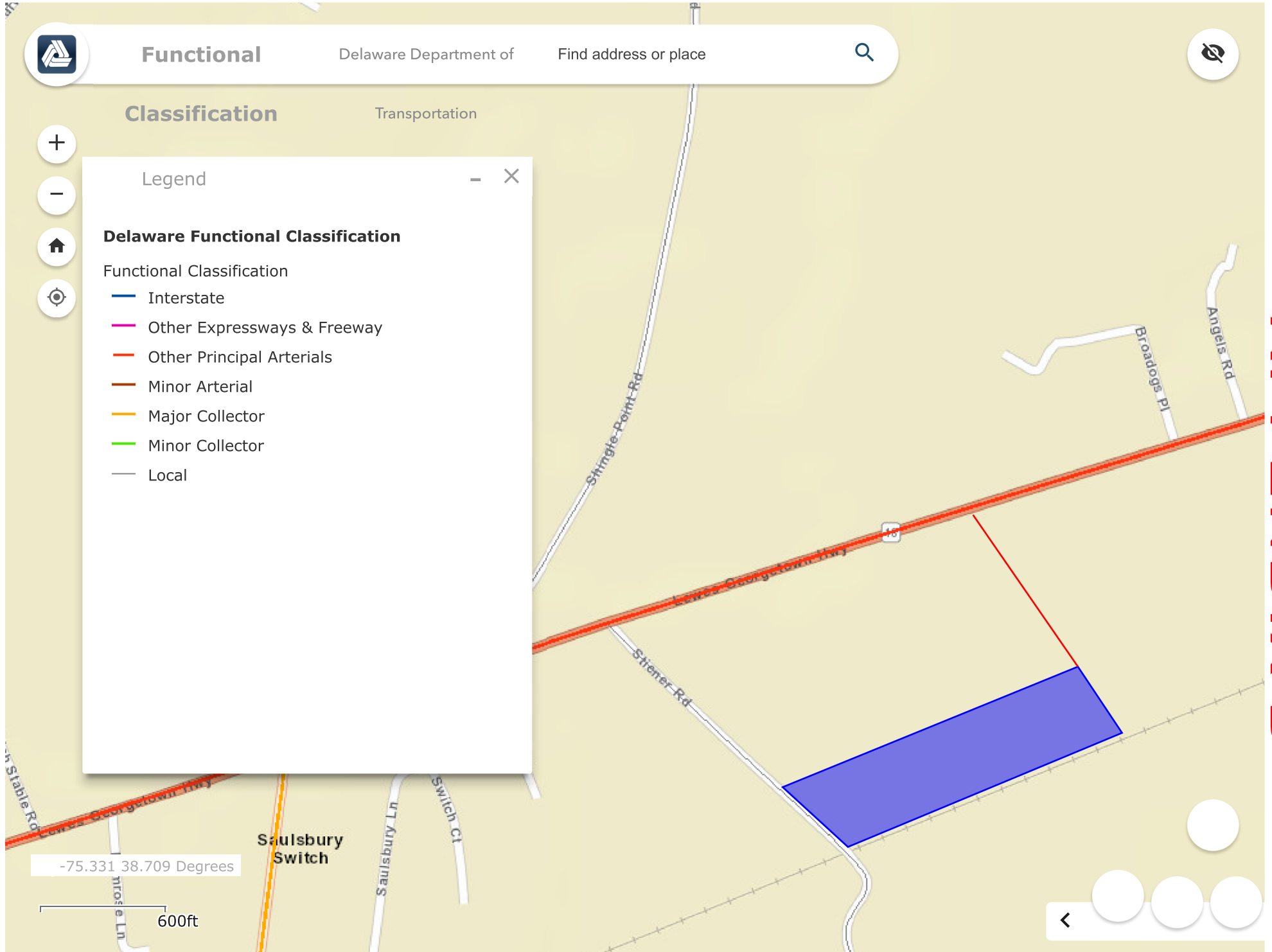


Surdex Corp

Figure 17 of 20. 17	FEMA Floodplain Mapping			Zone X
	Lands of Harry Dale Parsons & Olda Keene, Trustee			
	RIBER19002			
			Flood Map #10005C0325L (6/20/2018)	



APPENDIX G



APPENDIX D



APPENDIX E

Figure 1 of 20.



20

2018 Aerial Image

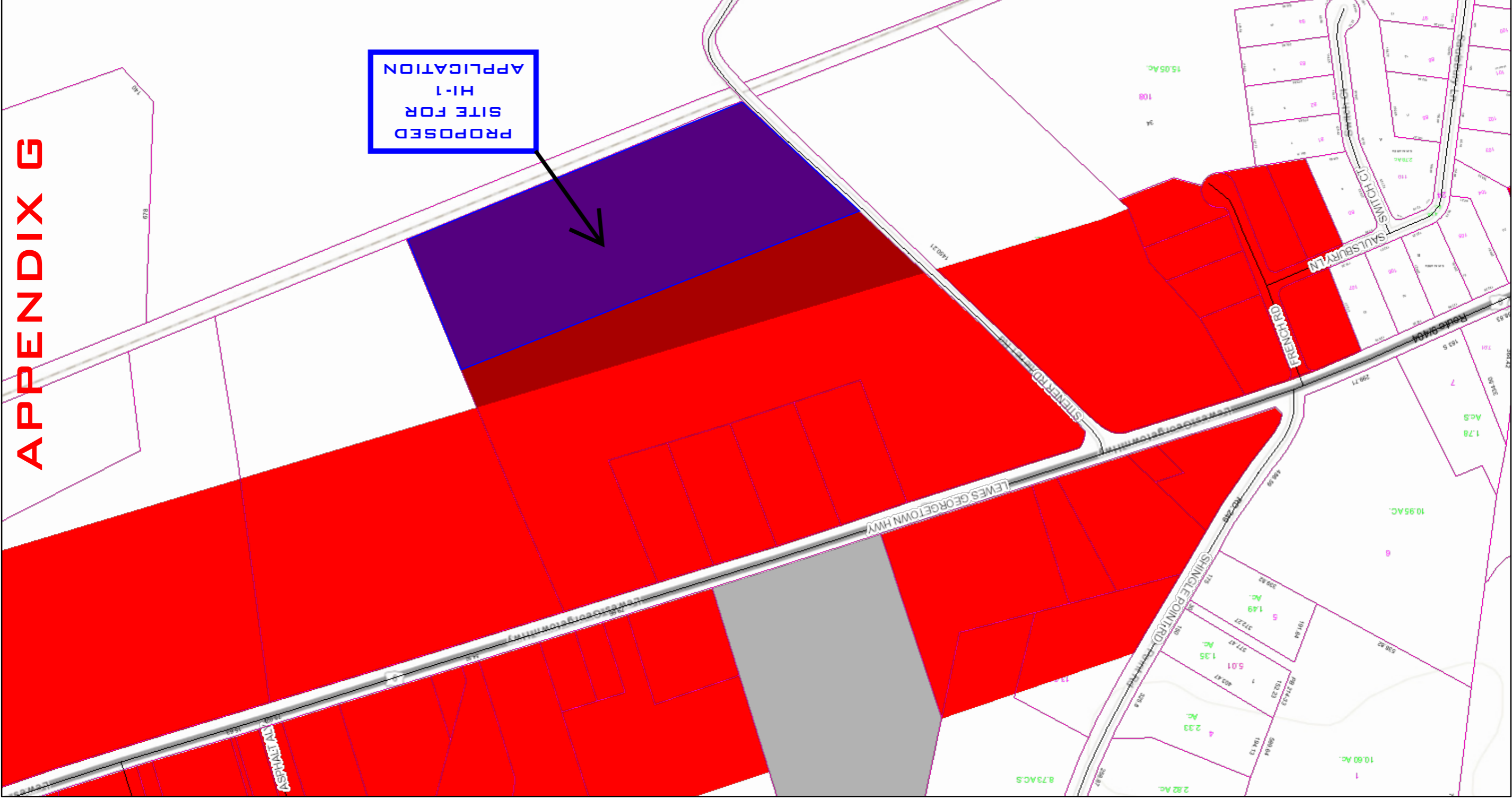
Lands of Harry Dale Parsons & Olda Keene, Trustee

RIBER19002

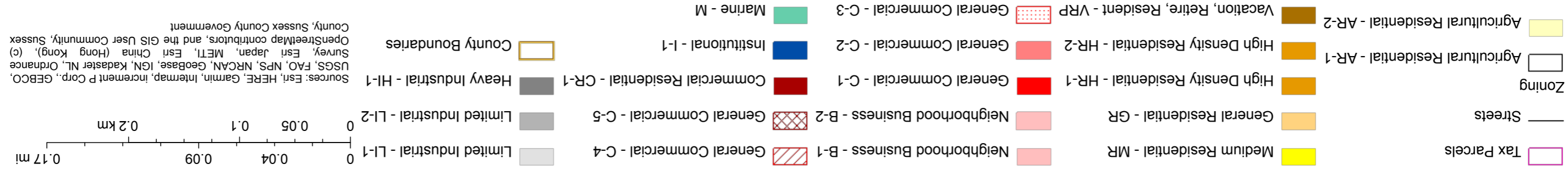


	Subject Area
	Other Tax Parcels

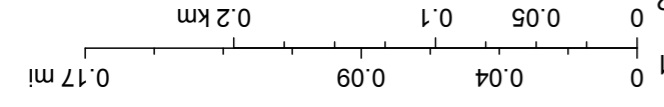
Sussex County



November 30, 2019



1:4,514



APPENDIX G

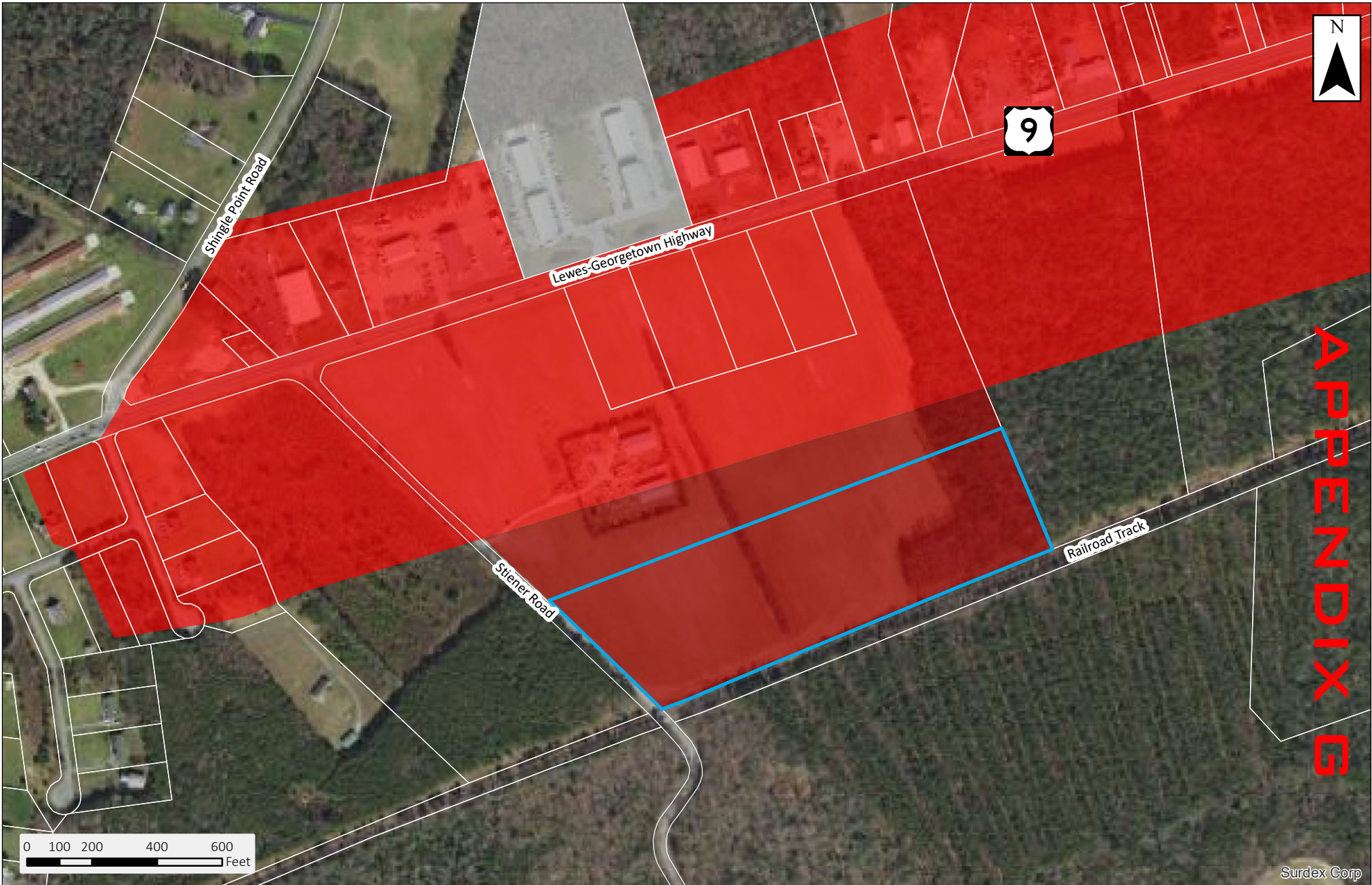


Figure 13 of 20.
13

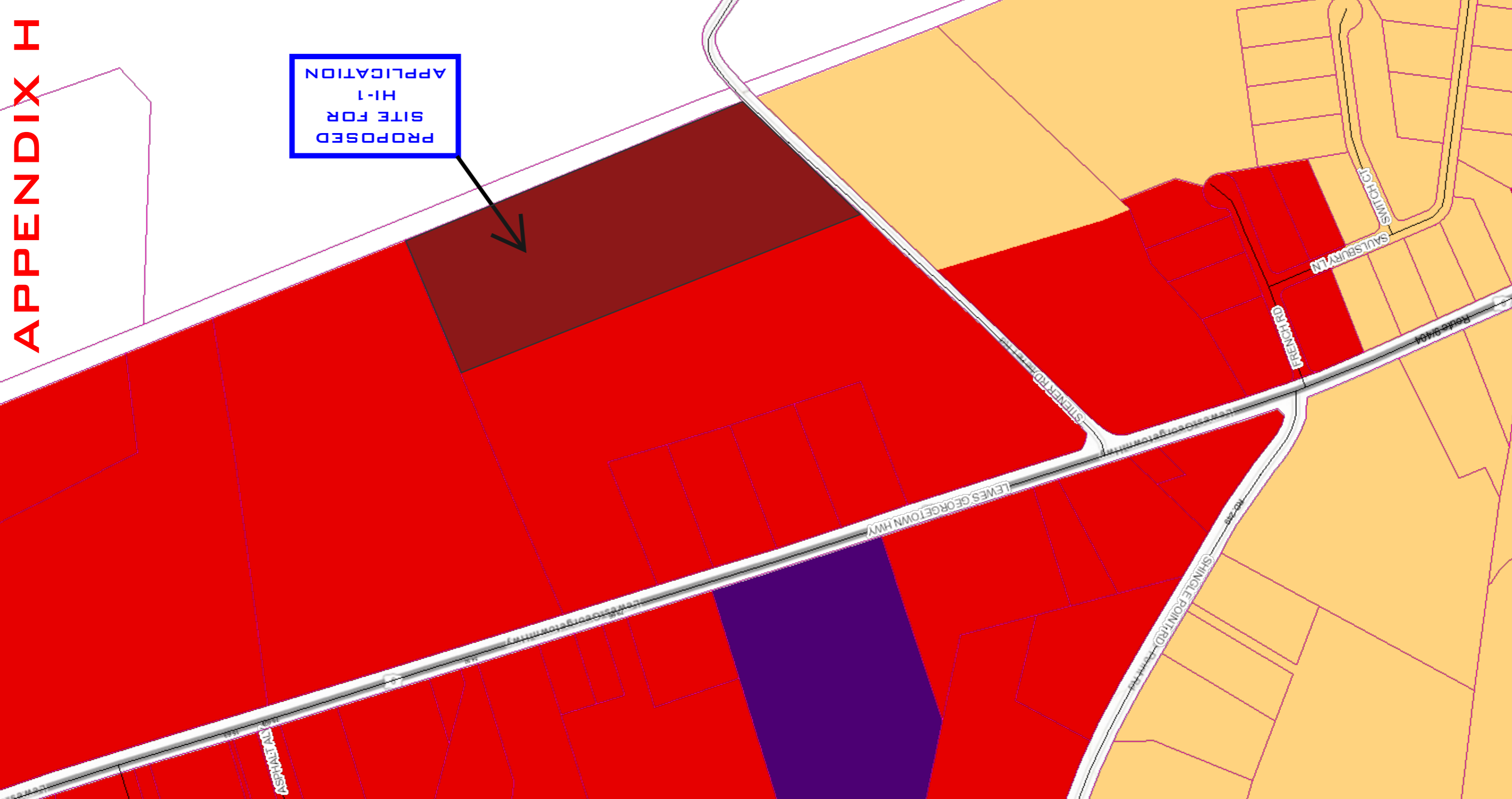
County Zoning Map

Lands of Harry Dale Parsons & Olda Keene, Trustee
RIBER19002



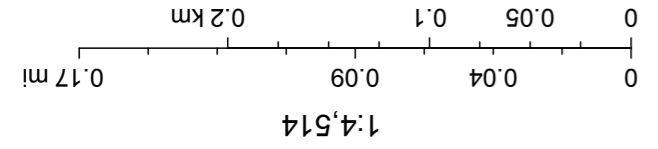
	Agricultural Residential		General Commercial
	Commercial Residential		Light Industrial 2

Sussex County



November 30, 2019

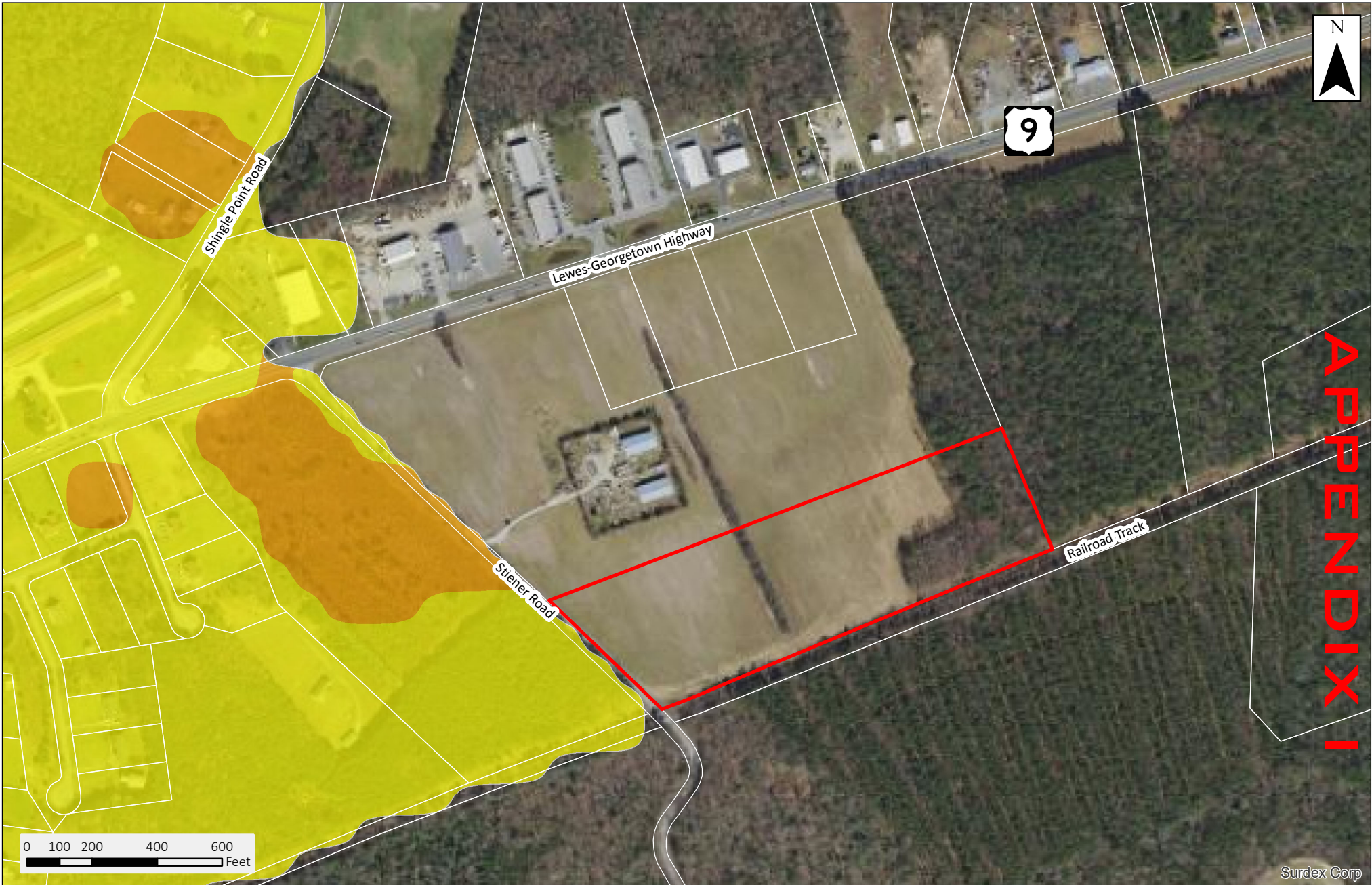
- County Boundaries
- Streets
- Tax Parcels
- 2019 Future Land Use
- Coastal Area
- Low Density
- Existing Development Area
- Commercial
- Developing Area
- Town Center
- Industrial
- Municipalities



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

APPENDIX H

PROPOSED
SITE FOR
HI-1
APPLICATION

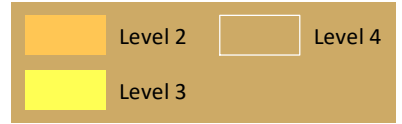


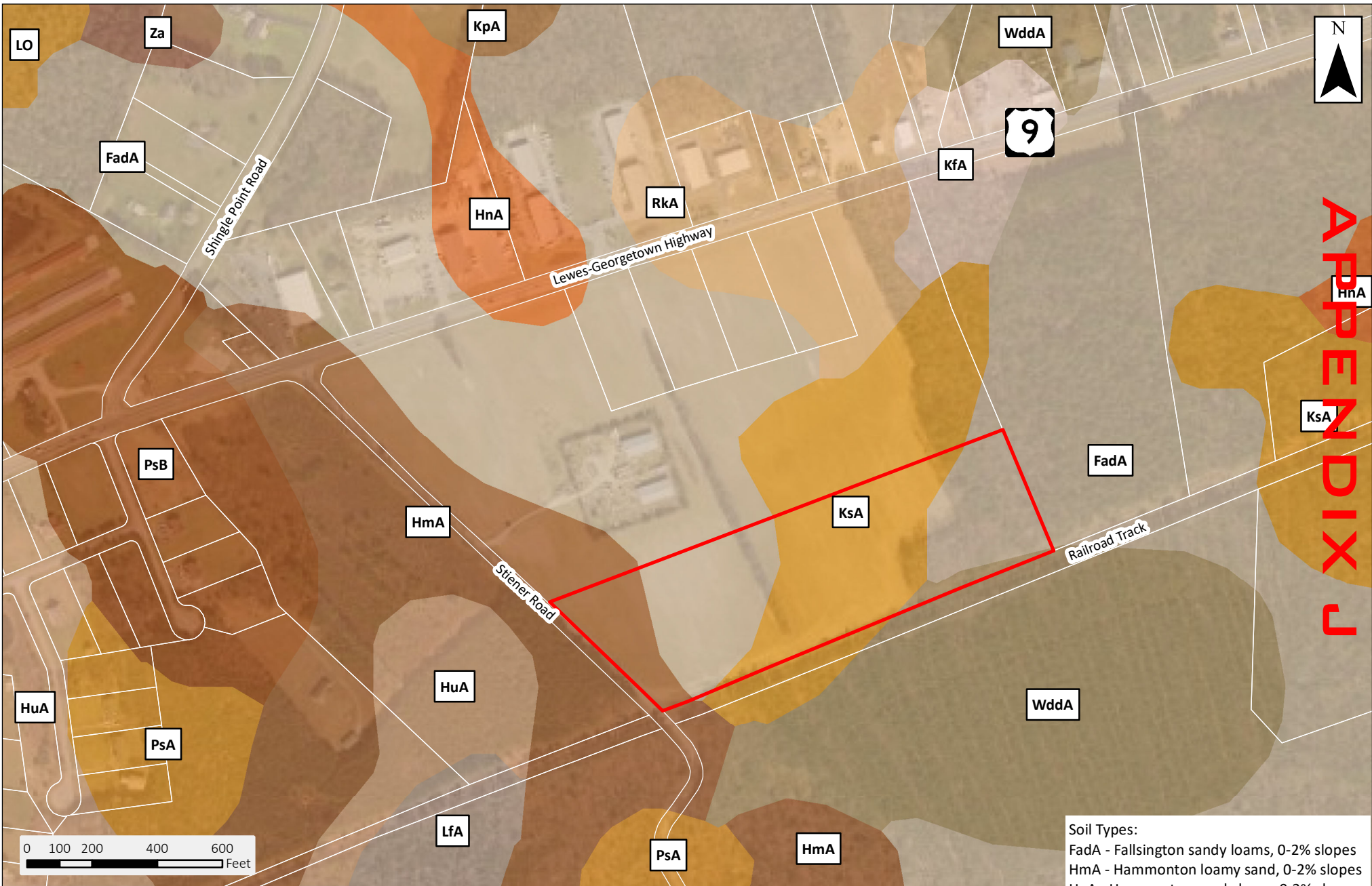
APPENDIX I

Surdex Corp

Figure 12 of 20.
12

2015 State Strategies & Investment Levels
Lands of Harry Dale Parsons & Olda Keene, Trustee
RIBER19002





APPENDIX J

Figure 15 of 20.

15

NRCS Soils Map

Lands of Harry Dale Parsons & Olda Keene, Trustee

RIBER19002



Soil Types:

- FadA - Fallsington sandy loams, 0-2% slopes
- HmA - Hammonton loamy sand, 0-2% slopes
- HnA - Hammonton sandy loam, 0-2% slopes
- KfA - Keyport fine sandy loam, 0-2% slopes
- KsA - Klej loamy sand, 0-2% slopes
- RkA - Rockawalkin loamy sand, 0-2% slopes
- WddA - Woodstown sandy loam, 0-2% slopes



APPENDIX K

Figure 19 of 20.

19

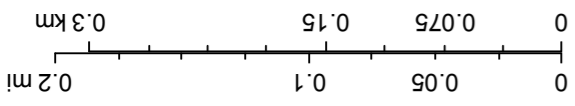
USGS Topographic Map

Lands of Harry Dale Parsons & Olda Keene, Trustee

RIBER19002



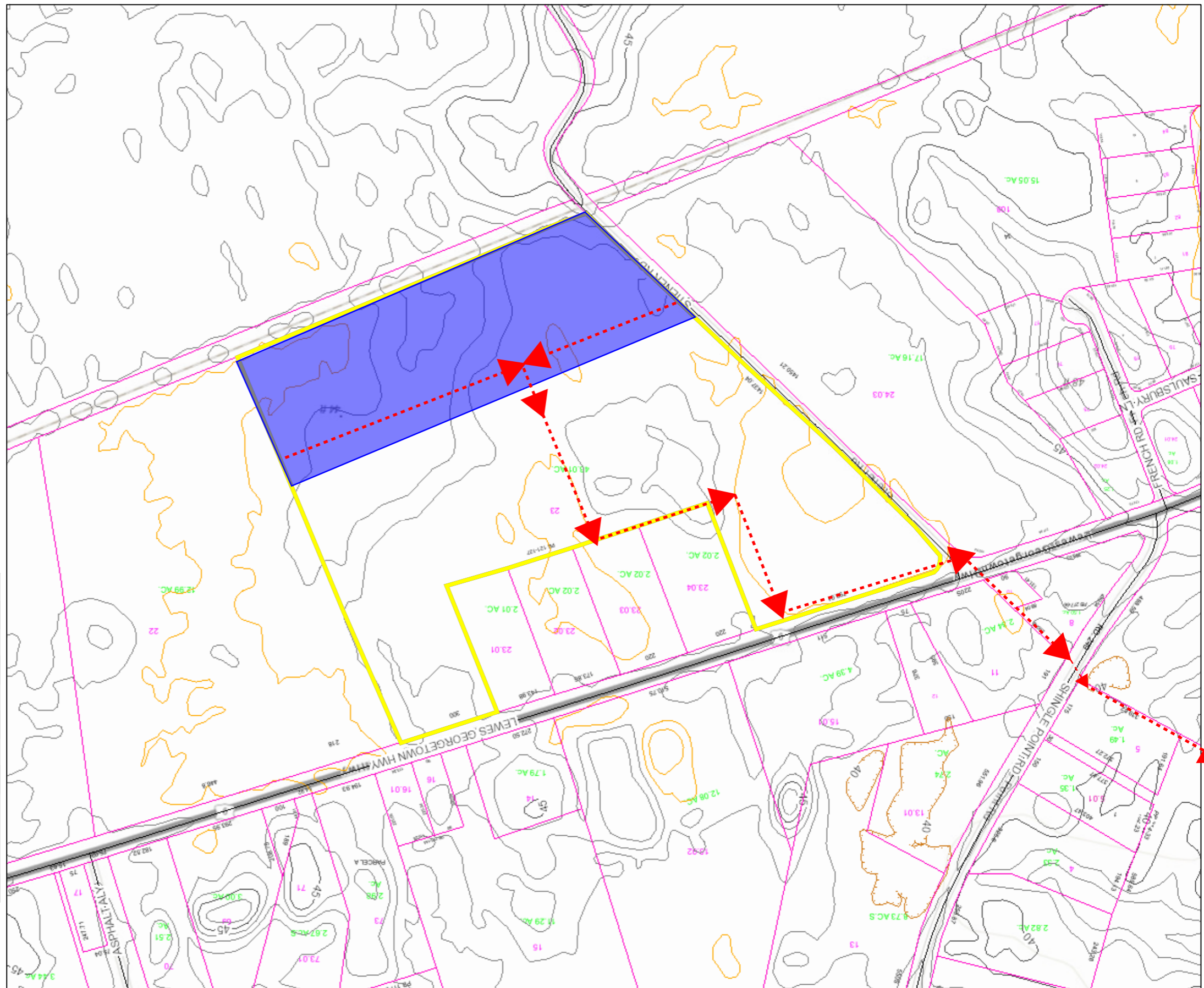
Legend



1:4,514

APPENDIX L

- polygonLayer Override 1
- polygonLayer Override 1
- Tax Parcels
- Streets
- Sussex_Co
- Depression Index
- Depression Intermediate
- Normal Index
- Normal Intermediate



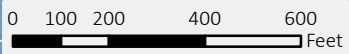
Owner Name	PARSONS HARRY DALE TRUSTEE &
Book	2236
Mailing Address	7 VERMONT AVE
City	LEWES
State	DE
Description	SE/COR RD 320
Description 2	RT 9
Description 3	RESIDUAL LANDS
Land Code	
PN:	135-16.00-23.00

Sussex County





APPENDIX M



Surdex Corp

Figure 18 of 20.
18

Groundwater Recharge Potential

Lands of Harry Dale Parsons & Olda Keene, Trustee
RIBER19002



- Fair
- Poor



USDA Agricultural Stabilization and Conservation Service

Figure 11 of 20.

11

1937 Orthophoto

Lands of Harry Dale Parsons & Olda Keene, Trustee

RIBER19002



	Subject Area
	Other Tax Parcels



APPENDIX O

Figure 10 of 20.

10

1954 Orthophoto

Lands of Harry Dale Parsons & Olda Keene, Trustee

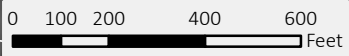
RIBER19002



	Subject Area
	Other Tax Parcels



APPENDIX P

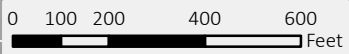


USDA Agricultural Stabilization and Conservation Service

Figure 9 of 20. 9	1961 Orthophoto		
	Lands of Harry Dale Parsons & Olda Keene, Trustee		
	RIBER19002		



APPENDIX Q



USDA Agricultural Stabilization and Conservation Service

Figure 8 of 20.



8

1968 Orthophoto

Lands of Harry Dale Parsons & Olda Keene, Trustee

RIBER19002



	Subject Area
	Other Tax Parcels



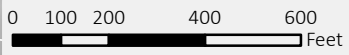
APPENDIX R

EarthData/PhotoScience Inc.

Figure 7 of 20. 7	1992 Orthophoto		<div style="border: 2px solid red; width: 20px; height: 10px; display: inline-block; margin-right: 5px;"></div> Subject Area <div style="border: 1px solid black; width: 20px; height: 10px; display: inline-block; margin-right: 5px;"></div> Other Tax Parcels
	Lands of Harry Dale Parsons & Olda Keene, Trustee		
	RIBER19002		



APPENDIX S



State of Delaware Department of Transportation and Earth Data

Figure 6 of 20.



6

1997 Orthophoto

Lands of Harry Dale Parsons & Olda Keene, Trustee

RIBER19002



	Subject Area
	Other Tax Parcels



APPENDIX T

Figure 5 of 20.

5

2002 Orthophoto

Lands of Harry Dale Parsons & Olda Keene, Trustee
RIBER19002



	Subject Area
	Other Tax Parcels



Figure 4 of 20.

4

2007 Orthophoto

Lands of Harry Dale Parsons & Olda Keene, Trustee

RIBER19002



	Subject Area
	Other Tax Parcels



APPENDIX V

Surdex Corp

Figure 2 of 20. 20	2017 Orthophoto		<div style="border: 2px solid red; width: 20px; height: 10px; display: inline-block; margin-right: 5px;"></div> Subject Area <div style="border: 1px solid black; width: 20px; height: 10px; display: inline-block; margin-right: 5px;"></div> Other Tax Parcels
	Lands of Harry Dale Parsons & Olda Keene, Trustee		
	RIBER19002		



Figure 1 of 20.



20

2018 Aerial Image

Lands of Harry Dale Parsons & Olda Keene, Trustee

RIBER19002



	Subject Area
	Other Tax Parcels

Tax Parcel Nos. 135-16.00-23.00,
135-16.00-23.01, 135-16.00-23.02,
135-16.00-23.03 and 135-16.00-23.04

Prepared By and Return To:

Legal Department
Artesian Water Company, Inc.
Artesian Wastewater Management, Inc.
664 Churchmans Road
Newark, Delaware 19702

**PERPETUAL UTILITY EASEMENT
AND RIGHT-OF-WAY AGREEMENT**

This PERPETUAL UTILITY EASEMENT AND RIGHT-OF-WAY AGREEMENT
("Agreement") is made as of this 28th day of October, 2019
by and between **HARRY DALE PARSONS, TRUSTEE UNDER REVOCABLE TRUST
AGREEMENT OF HARRY DALE PARSONS DATED 9/24/97** and **HARRY DALE
PARSONS, SUCCESSOR TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF
OLDA KEENE PARSONS DATED 9/24/97**, their successors and assigns ("Grantors"),
and **ARTESIAN WATER COMPANY, INC.** ("AWC") and **ARTESIAN WASTEWATER
MANAGEMENT, INC.** ("AWMI"), Delaware corporations, their respective successors and
assigns ("Grantees").

WITNESSETH:

That for and in consideration of **TEN and 00/100 DOLLARS (\$10.00)**, and
other good and valuable consideration, the receipt and sufficiency of which is hereby
acknowledged, Grantors hereby grant, bargain and convey to Grantees, their successors
and assigns, a non-exclusive, uninterrupted permanent and perpetual utility easement
and right-of-way (the "Easement") being a variable width 3,452 foot long permanent utility
easement over, under, through, in, upon, and across the lands of Grantors, known as Tax

Parcels Nos. 135-16.00-23.00, 135-16.00-23.01, 135-16.00-23.02, 135-16.00-23.03, and 135-16.00-23.04 (the "Properties"), as more fully depicted in Exhibit A hereto, which is incorporated herein by reference (the "Easement Area").

The Easement is granted for the purpose of performing any lawful action relating to or concerning Grantees' functions as public utilities, including but not limited to, accessing, constructing, installing, maintaining, improving, operating, inspecting, repairing, replacing, relocating and removing mains, lines, and facilities, together with all necessary and related accessories and appurtenances, including, but not limited to, pipes, valves, hydrants, shut-off boxes, tees and connectors (collectively, "Facilities"), as well as monitoring, testing and metering.

Grantors further grant Grantees, their employees, agents, contractors, subcontractors, invitees, successors and assigns the rights and privileges of free ingress, egress and regress to the Easement Area, when and as often as necessary for any lawful purpose relating to or concerning Grantees' activities as public utilities.

The foregoing grant of Easement is further subject to the following conditions, covenants and agreements of the parties hereto:

1. The Easement granted hereby shall apply to and run with the lands of Grantors and shall be binding upon Grantors, their successors and assigns, and may be released, extinguished or abandoned only by an appropriate instrument executed by Grantors and Grantees.
2. Grantees shall, as a condition for the continued use of the Easement, promptly repair, replace and restore as nearly as practicable to its immediately-preceding condition, any portion of the surface of the Easement Area, whether improved or unimproved, as may be disturbed by the activities of Grantees.
3. Grantees shall have the right from time to time to trim, cut and clear away any and all trees and bushes now or hereafter within the Easement Area as necessary in the opinion of Grantees for the construction, installation, maintenance,

improvement, operation, inspection, repair, replacement, renewal, or removal of Facilities, or which may be or become a hazard to the Facilities.

4. Grantors shall be permitted, upon written notice to and in reasonable consultation with Grantees, to install or have installed any electric, cable TV, wastewater, gas, water, storm water, or other utility plant, mains, lines, pipes, poles, facilities or appurtenances over, under, through, in, upon and across Grantees' Easement, subject, however, to the following: such installation shall be in accordance with applicable state, county and local engineering requirements and shall not (i) require a change in the ground elevation of the Easement Area; (ii) cause damage to Grantees' equipment and Facilities in the Easement Area; or (iii) adversely affect Grantees' rights hereunder.
5. Any Facilities in the Easement Area shall at all times be and remain the sole property of Grantees for use in their businesses and subject to removal by them at any time, and shall be deemed to be personal property and not permanently affixed to the realty in a manner that qualifies as fixtures.
6. Absent Grantors' prior consent, Grantees shall only have the right to assign the Easement or the rights granted to them hereby, or any portion thereof, to an affiliate by ownership or common control or a successor-in-interest by operation of law.
7. Grantees shall not require Grantors, their successors or assigns to connect to Grantees' Facilities, although such connections shall be an option for Grantors, their successors or assigns.
8. Grantee AWWMI agrees to install up to four (4) six-inch (6") wastewater service connection tees and associated shut off valves capable of providing service to the Properties, at locations to be determined by Grantee AWWMI, with up to two (2) of the connections located on Lewes-Georgetown Highway and up to another two (2) connections located on Steiner Road. The service connections shall be installed upon execution of wastewater service agreements for the Properties. Grantee AWWMI's provision of future services shall be subject to applicable federal, state and county regulations, approvals and permits and in accordance with Grantee AWWMI's then prevailing regulatory tariff, connection fees, construction standards and engineering requirements, all as amended from time to time.
9. All notices relating hereto shall be in writing and delivered by hand delivery, overnight delivery service with delivery confirmation, or certified mail with return receipt requested, directed to the following addresses:

If to Grantors:

Harry Dale Parsons, Trustee
Harry Dale Parsons, Successor Trustee
7 Vermont Avenue
Lewes, Delaware 19958

If to Grantees:

Artesian Water Company, Inc.
Artesian Wastewater Management, Inc.
Attention: Karl G. Randall, General Counsel
664 Churchmans Road
Newark, Delaware 19702

or to such other addresses or persons as the parties may from time to time direct by written notice.

10. Grantees hereby indemnify and save harmless Grantors, their successors and assigns from any liability or damage arising from any and all claims of property damage, personal injury or death, including the payment of reasonable attorneys' fees, as a result of Grantees' use and enjoyment of the Easement, including, but not limited to, their construction, use and maintenance of Facilities. Grantors, their successors and assigns shall not be liable for any damage or injury to Grantees, their officers, employees or agents, or to any third party entering upon the Easement Area in connection with Grantees' use thereof, or for any damage or injury to Grantees' goods, chattels or other property, unless caused by Grantors, their successors or assigns.
11. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
12. The parties intend that this Agreement constitutes a contract under seal.

[SIGNATURE PAGES FOLLOW]

ATTEST:

GRANTEE:
ARTESIAN WATER COMPANY, INC.,
a Delaware corporation

Joseph A. DiNunzio
Name: Joseph A. DiNunzio
Title: Secretary


By: *Nicholle R. Taylor* (SEAL)
Name: Nicholle R. Taylor
Title: Chief Operating Officer

STATE OF DELAWARE)
)
NEW CASTLE COUNTY)

Be it remembered that on this 23rd day of October, 2019, personally came before me, a notary public in and for the State and County aforesaid, Nicholle R. Taylor, known or satisfactorily proven to me to be the Chief Operating Officer of Artesian Water Company, Inc., party to the foregoing Agreement, who acknowledged that in that capacity she executed this Agreement in her own hand for the corporation.

As given under my hand and seal of office this day and year aforesaid.

Cassandra Ann Cheserone
Notary Public
Printed Name: Cassandra Ann Cheserone
My Commission Expires: 6/25/21



ATTEST:

GRANTEE:
**ARTESIAN WASTEWATER
MANAGEMENT, INC.,**
a Delaware corporation


Name: Joseph A. DiNunzio
Title: Secretary


By:  (SEAL)
Name: David B. Spacht
Title: President

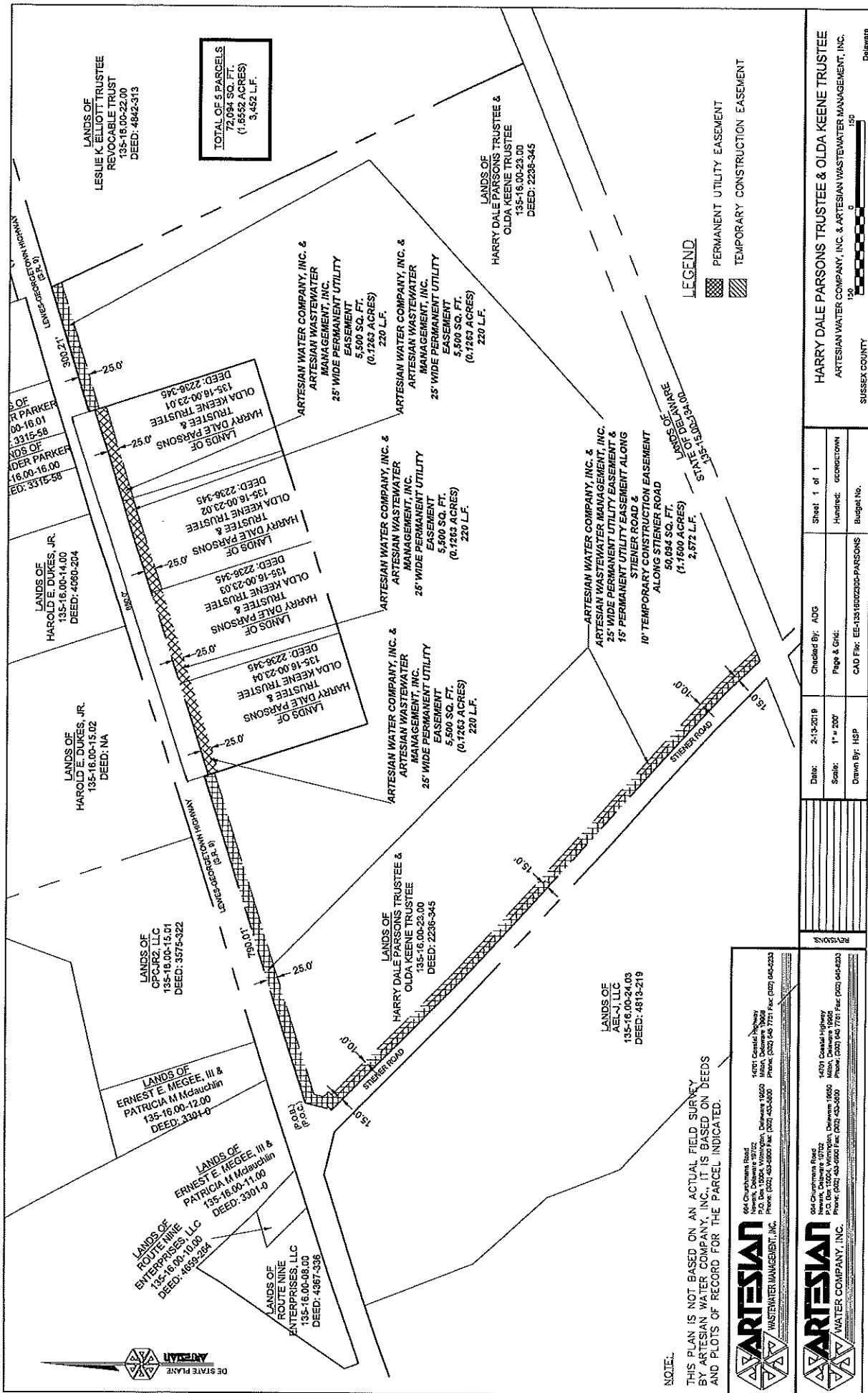
STATE OF DELAWARE)
NEW CASTLE COUNTY)

Be it remembered that on this 28th day of October, 2019, personally came before me, a notary public in and for the State and County aforesaid, David B. Spacht, known or satisfactorily proven to me to be the President of Artesian Wastewater Management, Inc., party to the foregoing Agreement, who acknowledged that in that capacity he executed this Agreement in his own hand for the corporation.

As given under my hand and seal of office this day and year aforesaid. _____




Notary Public
Printed Name: CASSANDRA Ann Cheserone
My Commission Expires: 6/25/21



TOTAL OF 6 PARCELS
72,094 SQ. FT.
(1,658.2 ACRES)
9,452 L.F.

LEGEND

- PERMANENT UTILITY EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT

NOTE.

THIS PLAN IS NOT BASED ON AN ACTUAL FIELD SURVEY BY ARTESIAN WATER COMPANY, INC. IT IS BASED ON DEEDS AND PLOTS OF RECORD FOR THE PARCEL INDICATED.

ARTESIAN
WASTEWATER MANAGEMENT, INC.

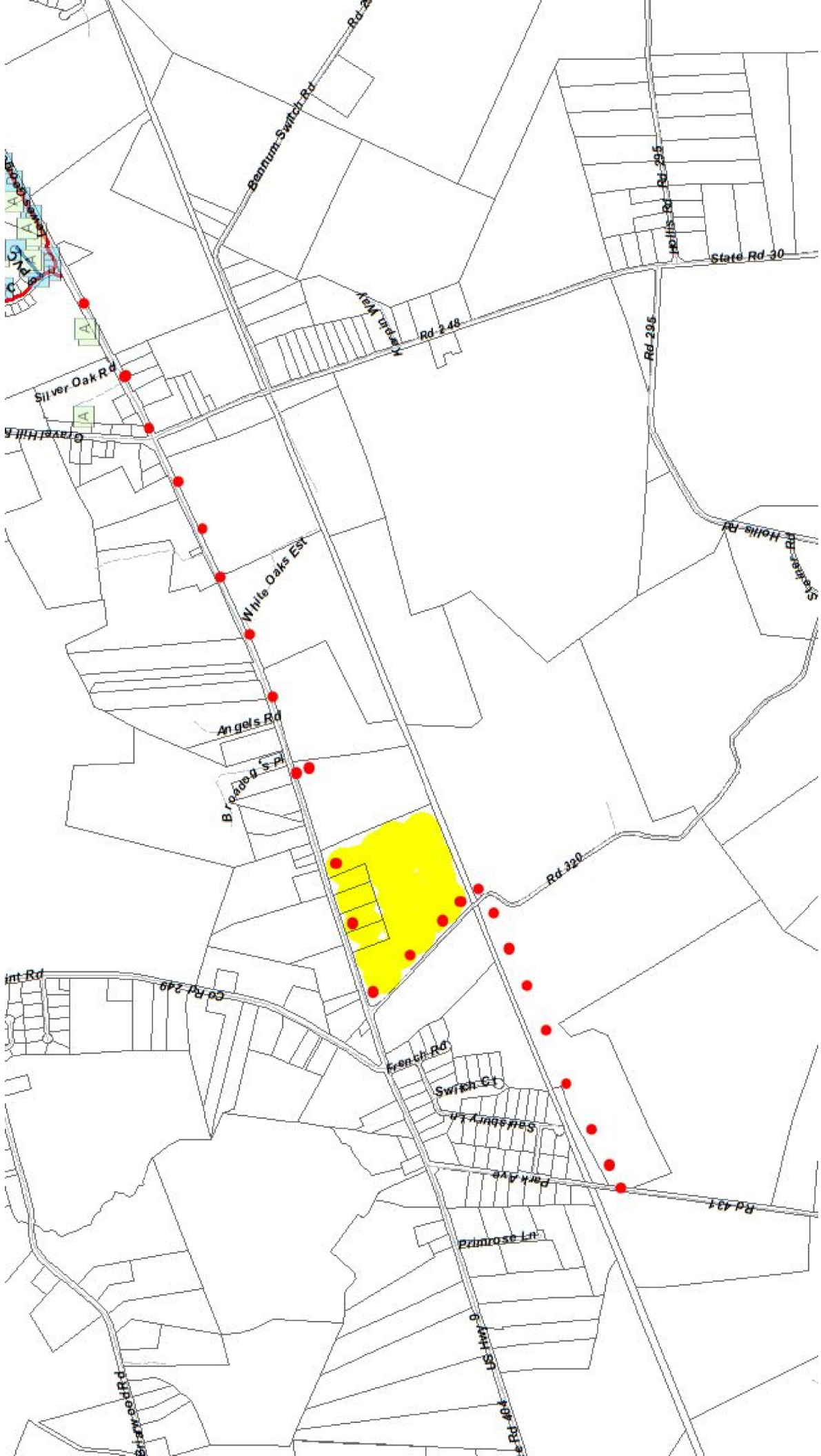
664 Churchman Road
Newark, Delaware 19702
P.O. Box 10054, Wilmington, Delaware 19800
Phone: (302) 462-6600 Fax: (302) 452-6600

ARTESIAN
WATER COMPANY, INC.

14701 Coastal Highway
Mills, Delaware 19965
Phone: (302) 462-6600 Fax: (302) 452-6600

DATE: 2-13-2019	CHECKED BY: ADG	SHEET 1 OF 1	HARRY DALE PARSONS TRUSTEE & OLDA KEENE TRUSTEE
SCALE: 1" = 200'	PAGES & SHEETS: 6 CONNECTION	ARTESIAN WATER COMPANY, INC. & ARTESIAN WASTEWATER MANAGEMENT, INC.	
DRAWN BY: HSP	CAD FILE: EA-131802030-PARSONS	SUSSEX COUNTY	
		BUDGET NO. 130	
		Delaware	

EXHIBIT A



December 10, 2019

Sussex County Planning & Zoning Commission
2 The Circle
Georgetown, DE 19947

**RE: CZ 1902 JOHN C STAMATO | RIBERA DEVELOPMENT, LLC
TAX MAP 135-16.00-23.00 (PORTION OF) | 15.0+/- ACRES
STEINER ROAD & US ROUTE 9 | GEORGETOWN HUNDRED
SUSSEX COUNTY | DE**

Dear Commissioners:

The Delmarva Central Railroad Company (DCR), a subsidiary of Carload Express Inc. (CEI), operates 188 miles of rail line in Delaware, Maryland, and Virginia. Locally, the line runs from Harrington to Frankford with branches to Milton and Gravel Hill. DCR interchanges with Norfolk Southern, as well as the Maryland & Delaware Railroad in several locations on the Delmarva Peninsula. DCR is managed locally from offices in Harrington, Delaware. Freight operations are based out of Harrington, Dover, Seaford and Delmar.

Our railroads play a key role in bringing together potential new customers with property owners, local industrial development, and other key players in the industrial development process. Our railroads have helped bring multiple new customers to the region, providing valuable jobs to the communities we serve.

According to Sussex County's 2019 Comprehensive Plan, *The County's goods movement (freight) network is an integral component of the transportation network as well as the economy. However, the main element of the freight network is the roadway system, which carries trucks (motor freight).* The use of rail freight lines helps reduce the number of "motor freight" on the local roadway system by moving shipments of goods inbound and outbound from Sussex County. Oversize and overweight shipments are most economically shipped by rail and avoid many of the difficulties of an oversized truck shipment. This helps alleviate level of service concerns for the local roadway system.

"One means of reducing truck impacts is to shift more freight to rail..." 2019 The Sussex Plan

Ribera's' above referenced application to rezone to heavy industrial provides for a variety of industrial uses that will serve the community and will utilize DCR's existing rail service which is well-situated on heavy commerce routes between the populous east coast and the industrial and agricultural heartlands of the USA. We support the rezoning application and ask that the County look favorable in their mission to provide economic opportunities within Sussex County.

Respectfully submitted,

CARLOAD EXPRESS, INC.



Cliff Grunstra
Chief Marketing Officer
Delmarva Central Railroad



OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Water Company

▲ Artesian Wastewater Management

▲ Artesian Utility Development

▲ Artesian Water Pennsylvania

▲ Artesian Water Maryland

▲ Artesian Wastewater Maryland

December 17, 2019

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

RE: Route 9 & Steiner Road Ability to Serve Letter

With reference to your request concerning Water and Wastewater Service (collectively, "Service") for the proposed Route 9 & Steiner Road Project in Georgetown Hundred, Sussex County, Delaware known as Tax Parcel Number 135-16.00-23.00, and 135-16.00-23.01 through 135-16.00-23.04 (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 signed petitions requesting service that Artesian could use to seek Certificates of Public Convenience and Necessity ("CPCNs") from the Delaware Public Service Commission (the "Commission") and Sussex County. CPCNs are necessary before Artesian can provide Service at the Property. If granted CPCNs, Artesian will provide Service in accordance with Artesian's Commission-approved tariffs, as amended from time to time.

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

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

Yours very truly,

ARTESIAN WATER COMPANY, INC.

A handwritten signature in blue ink, appearing to read "Adam Gould", is written over a light blue horizontal line.

Adam Gould
Manager of Systems Planning and Design



LEWES GEORGETOWN HIGHWAY | U.S. ROUTE 9
 DELDOT PRINCIPAL ARTERIAL | EXISTING RIGHT-OF-WAY - 60' WIDE | 16,655 A.D.T.
 PROPOSED RIGHT-OF-WAY - 100' WIDE

LOT ④ 2.020 ACRES ±
 LOT ③ 2.020 ACRES ±
 LOT ② 2.020 ACRES ±
 LOT ① 2.018 ACRES ±

RESIDUAL LANDS N.O.F.
 H. DALE PARSONS
 DEED BOOK 2236, PAGE 345

C-1 ZONE
 CR-1 ZONING

T.M. 1-35-16.00, PARCEL 23.00
 C-1 ZONE = 18.27 ACRES ±
 CR-1 ZONE = 24.98 ACRES ±
 TOTAL AREA = 43.250 ACRES ±

LANDS N.O.F.
 AEL-J, LLC
 ZONED C-1 & AR-1

LANDS N.O.F.
 LESLIE K. ELLIOTT, TRUST
 ZONED C-1 & AR-1

PROPOSED HI-1 HEAVY INDUSTRIAL | 15.0± ACRES

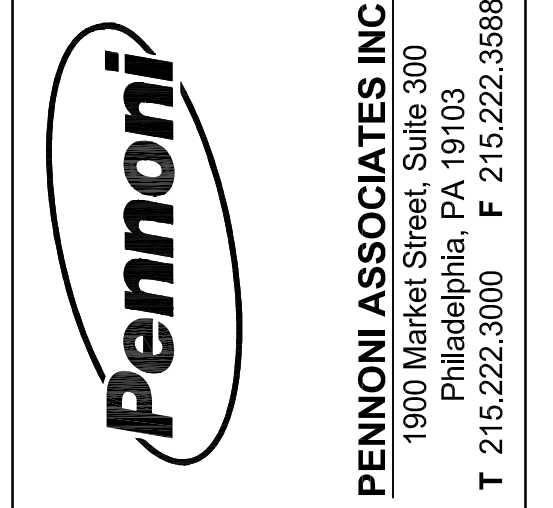
PAD SITE 1
 4.34± ACRES

PAD SITE 2
 4.56± ACRES

PAD SITE 3
 4.56± ACRES

DELMARVA CENTRAL RAILROAD | 66' ROW

LANDS N.O.F.
 JOHN DAVID & JUDY A VINCENT
 ZONED AR-1



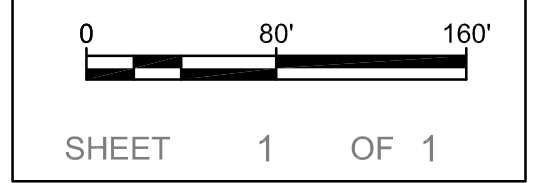
ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

LANDS N/O F OF HARRY DALE PARSONS & OLDA KEENE, TRUSTEE
 ROUTE 9 & STEINER ROAD
 SUSSEX COUNTY, GEORGETOWN, DELAWARE
PROPOSED HEAVY INDUSTRIAL ZONING
 TM: 135-16.00-P/O 23.00
 JOHN C. STAMATO | RIBERA DEVELOPMENT, LLC
 8684 VETERANS HIGHWAY
 MILLERSVILLE, MARYLAND 21108

NO.	DATE	REVISIONS	BY

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

PROJECT	RIBER19002
DATE	2019-12-13
DRAWING SCALE	1" = 80'
DRAWN BY	MHD
APPROVED BY	MHD



PLOTTED: 12/16/2019 10:21 AM BY: MARK H. DANBORN PLOTSTYLE: PENNONI\MLT019-03 PROJECT STATUS:
 I:\Automation\BIBER19002_Sheet\BIBER19002_C244_1_ZONE.dwg



Figure 1 of 20.
20

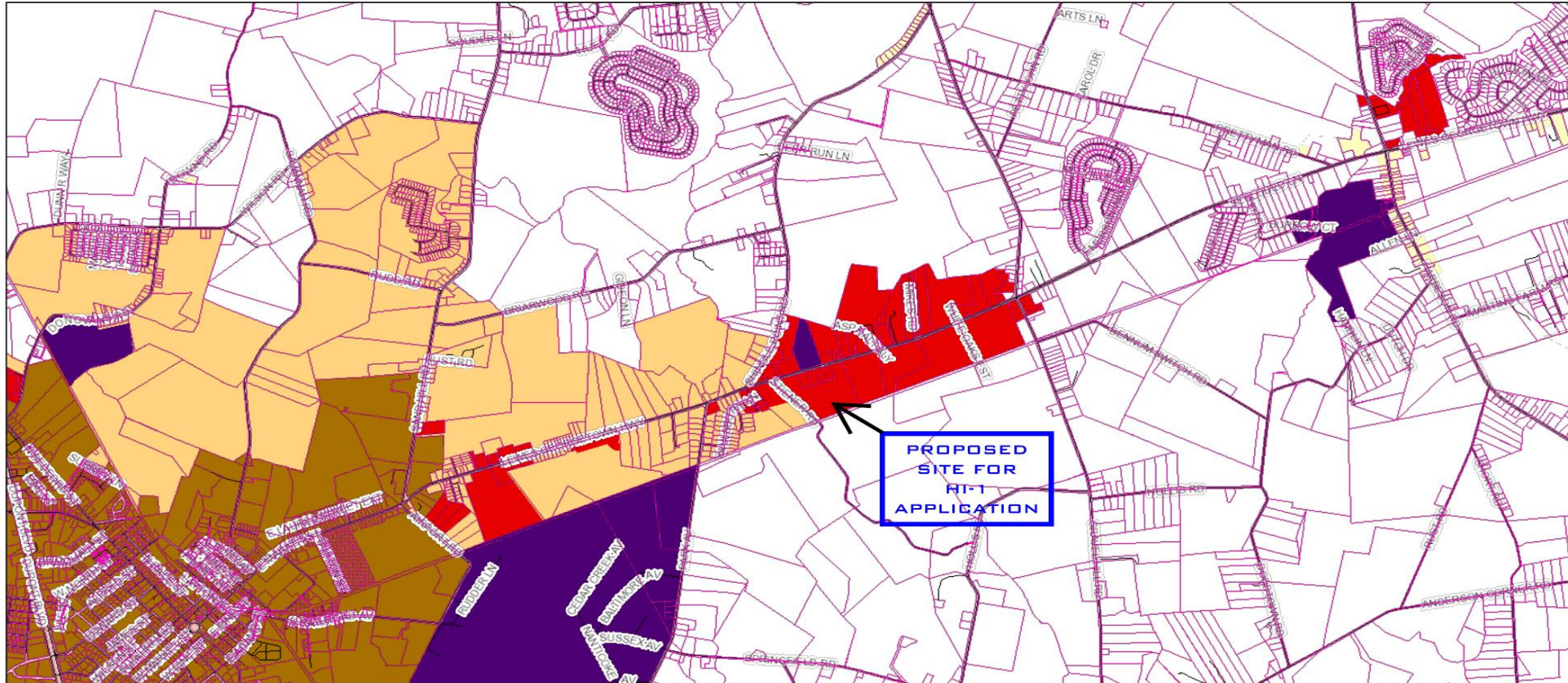
2018 Aerial Image
Lands of Harry Dale Parsons & Olda Keene, Trustee
RIBER19002



- Subject Area
- Other Tax Parcels



Sussex County



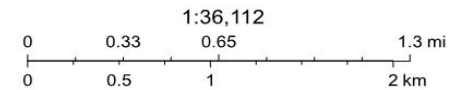
December 13, 2019

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



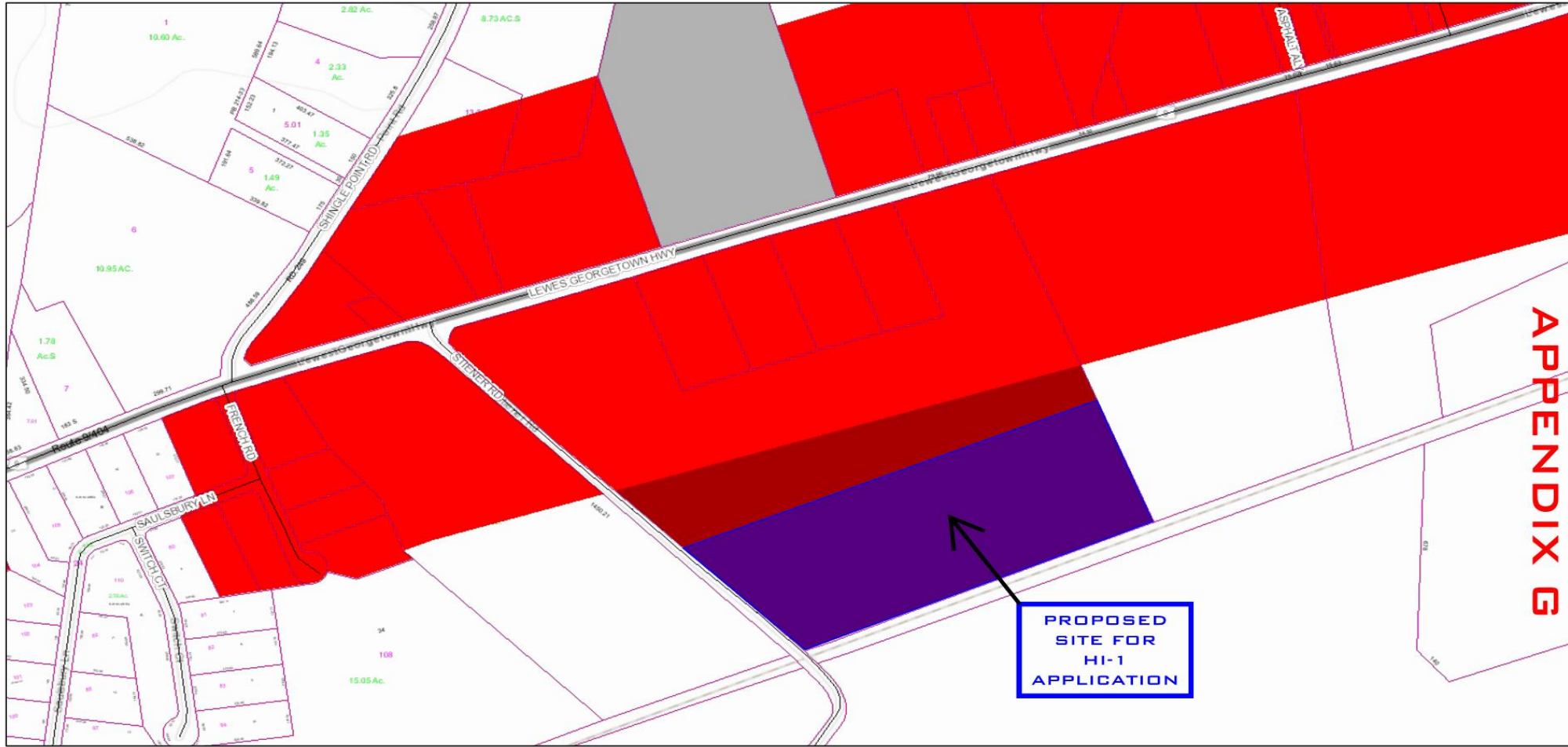
Sussex County
Comprehensive
Plan

**2045 Future
Land Use Map**



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

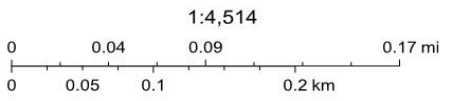
Sussex County



APPENDIX G

November 30, 2019

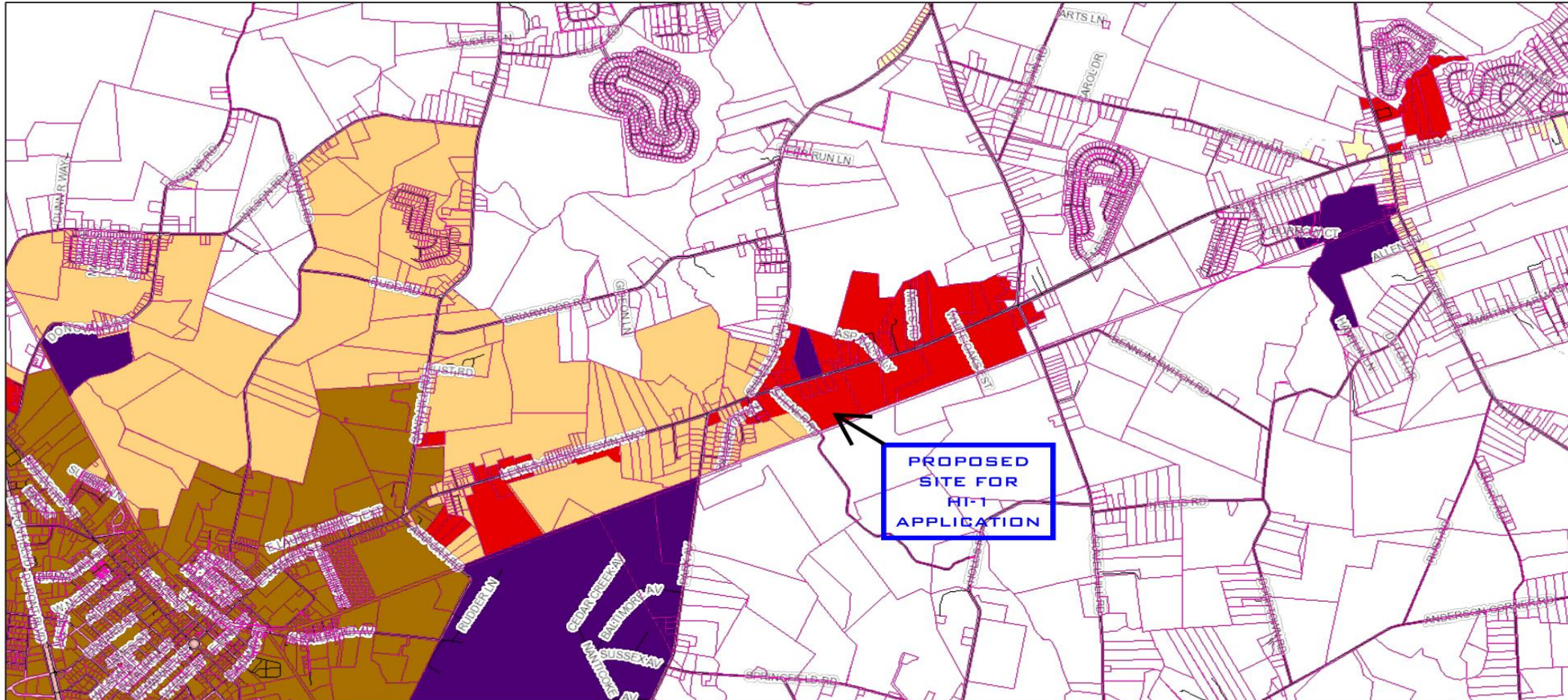
Tax Parcels	Medium Residential - MR	Neighborhood Business - B-1	General Commercial - C-1	Limited Industrial - LI-1
Streets	General Residential - GR	Neighborhood Business - B-2	General Commercial - C-2	Limited Industrial - LI-2
Zoning	High Density Residential - HR-1	General Commercial - C-3	Commercial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



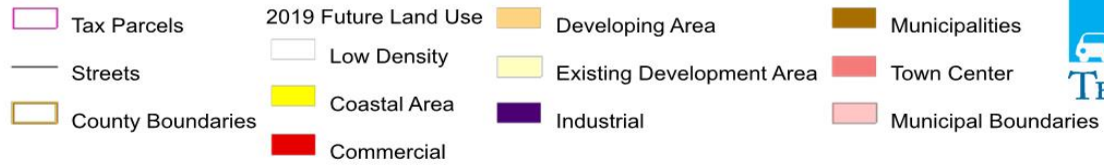
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government



Sussex County

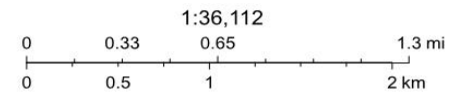


December 13, 2019



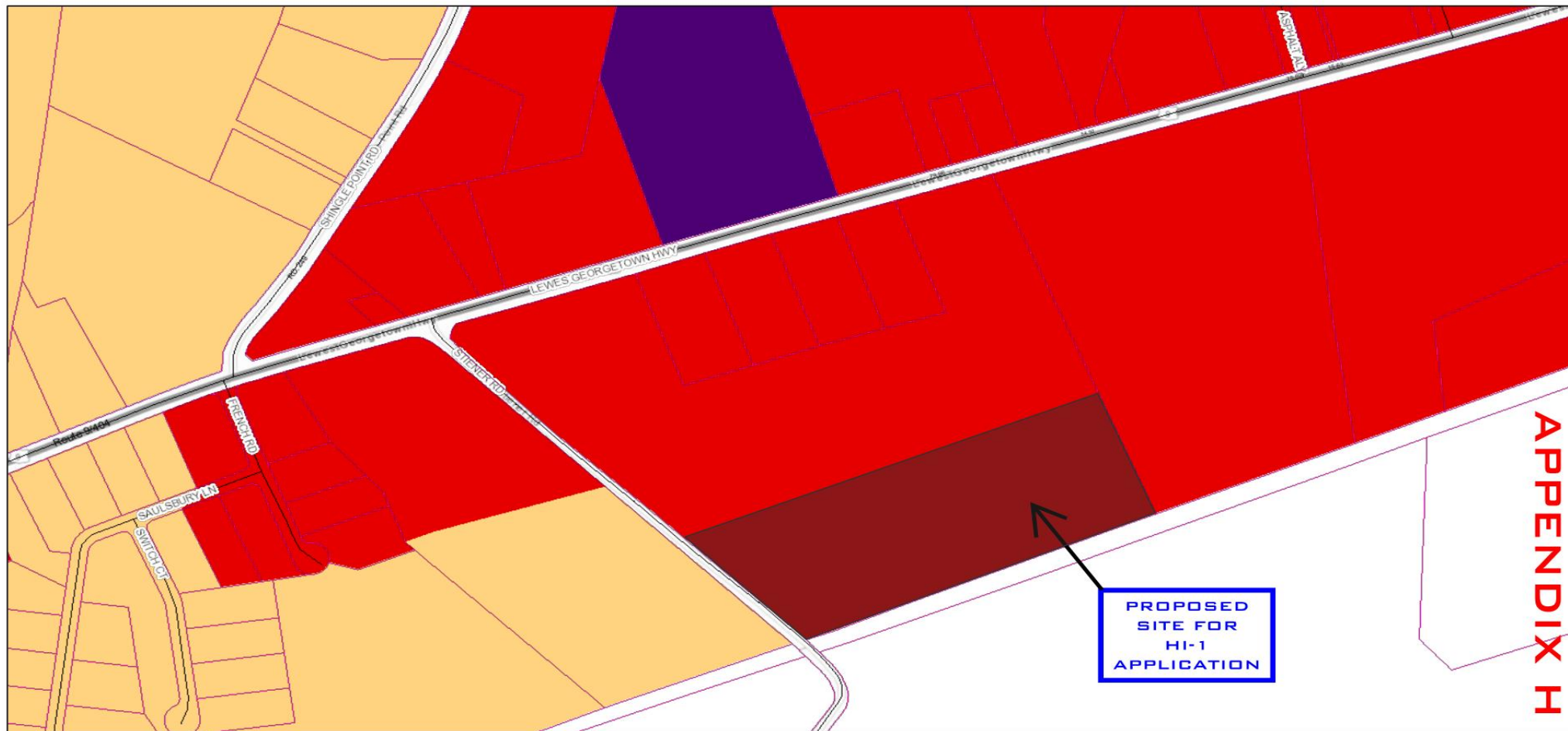
Sussex County
Comprehensive
Plan

**2045 Future
Land Use Map**



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

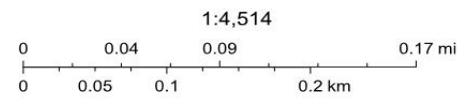
Sussex County



APPENDIX H

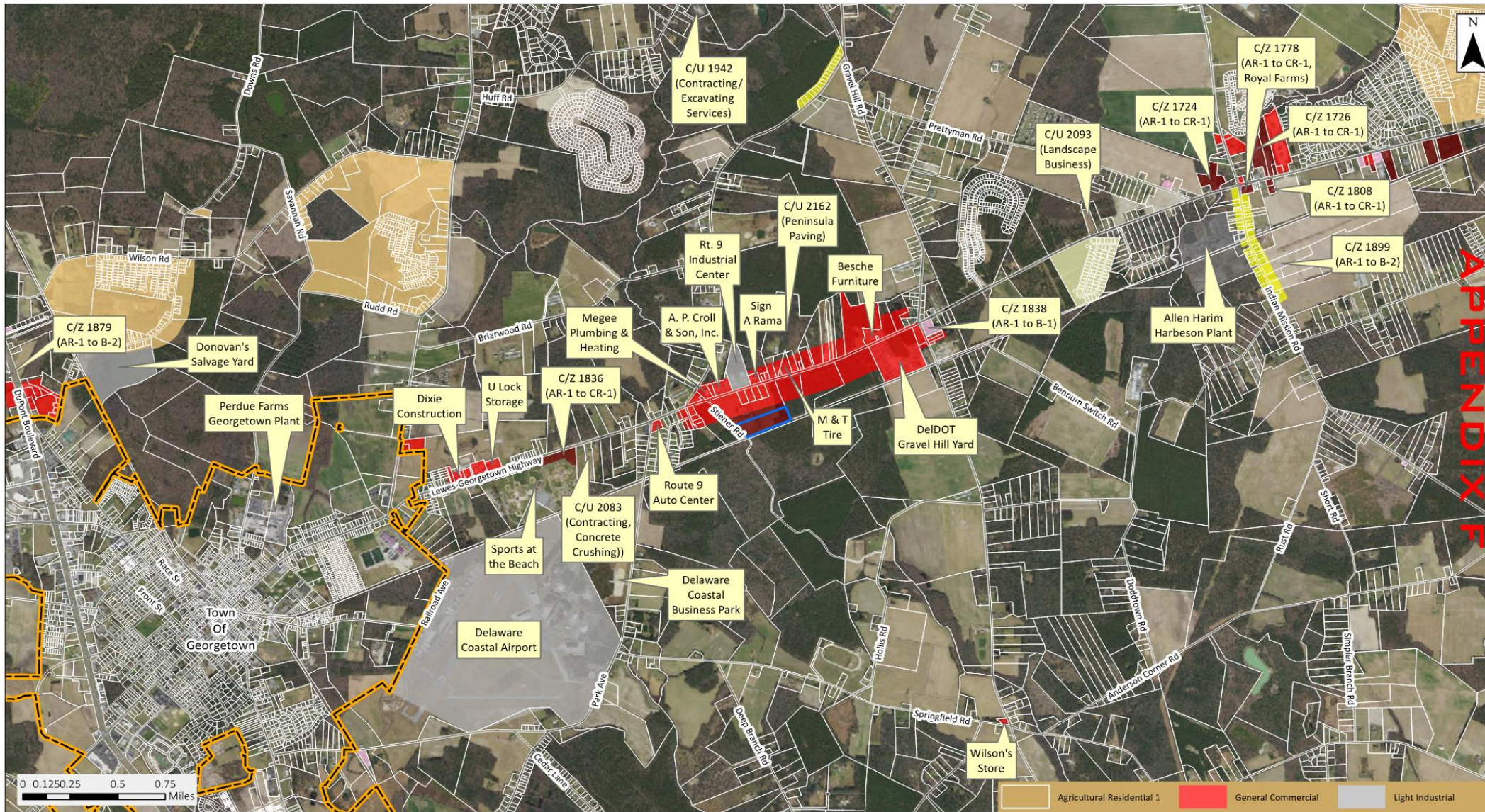
November 30, 2019

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



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





APPENDIX F

Figure 20 of 20. **Area Approved Land Use Applications & County Zoning**
 20 Lands of Harry Dale Parsons & Olda Keene, Trustee
 RIBER19002



	Agricultural Residential 1		General Commercial		Light Industrial
	Agricultural Residential 2		General Residential		Medium Residential
	Commercial Residential		Heavy Industrial		Neighborhood Business



