



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

January 17, 2020

Jamie Whitehouse, AICP
Sussex County
Department of Planning and Zoning
P.O. Box 589
Georgetown, DE 19947

RE: PLUS review 2020-12-05; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on December 16, 2020 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This amendment would change the Future Land Use Map for several parcels from AR-1 to HI-1

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

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

- The office has concerns with the plan amendment because is within a Level 4 area according to the 2020 Strategies for State Policies and Spending. In Investment Level 4 Areas, the State's investments and policies should retain the rural landscape, preserve open spaces and farmlands, support farmland-related industries, and establish defined edges to more concentrated development.

With that said, we understand that Investment Level 4 Areas may be the location for certain uses that because of their specific requirements are not appropriate for location elsewhere. Such uses, expected to be limited in number, could involve public safety or other uses that require their location outside designated investment areas. Industrial activity would be limited, except where specific requirements of major employers may dictate an exception for a use, which, because of specific siting and potential conflicts with neighboring uses, should not be placed elsewhere. We saw this site plan in August and at that time expressed concerns about the storage space and stand-alone flex sites.

Because of its location in a Level 4 area but along the railway, the State would support this as an Ag Industrial Site and we urge the county to consider a conditional use for the balance of the site to ensure that the additional uses toward the front of the site relate to agriculture. Allowing stand alone uses such as retail sales, veterinary offices, etc. would be out of compliance with the Strategies for State Policies and Spending in a Level 4 area. We again urge the County to consider an Agricultural Zone to be used in the future to ensure that the land needed to move goods produced by farmer is available.

In addition, the state asks that the County consider creating a process to review comprehensive plan amendments on a scheduled basis, possible once or twice a year. While the state understands that the counties will, from time to time, have amendments that need to be considered we remind the County that this is a 10 year planning document that was adopted after a much input from municipalities, business, developers, and residents within the county. The plan that was ultimately adopted was intended to be a guide book to show the developers and residents of Sussex County how and where the County intends to grow. To amend the document sporadically can undermine that process.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT has no comments on the subject comprehensive plan amendment. In August 2020, in response to a PLUS application pertaining to the rezoning that the subject amendment would enable, DelDOT provided detailed comments. A copy of those comments is attached. Then, as now, however, DelDOT's comments are oriented primarily to the site plans that would follow if the County approves the amendment and rezoning.

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

- The parcels of interest are in Delaware State Strategies Level 4 lands, located directly west of Milton on Route 16 (Milton Ellendale Highway). The application indicates rezoning from Agricultural Residential (AR-1) Zoning District to Heavy Industrial Zoning District (HI-1). According to Sussex County Code § 115-109, "The purpose of this district is to provide for a variety of industrial operations but to restrict or prohibit those industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district. Certain potentially hazardous industries are permitted only after public hearings and review to assure protection of the public interest and surrounding property and persons. It is the intention of the district to preserve the land in the district for industrial use and to exclude new residential or commercial development, except for certain specified uses deemed appropriate adjuncts to industrial operations."

The 2019 comprehensive plan did not propose industrial development in this area. The rezoning to HI-1 represents a significant departure from the land use proposed for this area in the March 2019 Sussex County Comprehensive Development Plan. Heavy Industrial uses will require infrastructure such as roads, transit, water, and wastewater.

Rezoning should consider infrastructure development needs, which should also be addressed in the comprehensive plan or master plan. Please consider further collaboration and dialogue with other entities about the infrastructure investments that would be necessary to support industrial activities in this area. This includes the potential secondary effects of industrial development, as well as potential public transit needs, job centers, and pike paths/trails.

Likewise, existing neighborhoods are located immediately to the southeast of the area of interest. Local residents should be afforded opportunities to engage in designing the future uses of these areas in a robust and meaningful way. For this reason, rezoning of this area should be contemplated in the comprehensive development plan or a separate master planning process.

In summary, DNREC reviewers feel that additional planning efforts are necessary before proceeding with a rezoning of this area for the following reasons:

- Located in level 4
- Need to address such changes in the comp plan
- Lack of transportation options for employees
- Existing neighborhoods nearby

Wastewater Permitting – Small Systems

- Expired permits held with the DNREC Ground Water Discharges Section exist on the site. These systems must be abandoned properly if no longer in use. Notify DNREC Groundwater Discharges Section of any changes by reaching out to the Sussex County Branch at (302) 856-4561 (<https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>).

For any future permitting of Small Wastewater Systems, site evaluations must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions. A list of licensed Class D soil scientists can be found at the following website:

<http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/Class%20D%20list.pdf>

Expired permits:

- 235-13.00-29.00
 - Gravity system permit (Small Systems) is expired, dated January 27, 2001.
 - A site evaluation completed by a licensed Class D Soil Scientist expired on January 19, 2005.
- 235-13.00-29.01

- There is an active permit that will expire on January 24, 2021 for a capping filled pressure dosed system (Small Systems).
- The site evaluation will expire on January 2nd, 2023.
- 235-14.00-570.00
 - There are no existing permits or site evaluations under this tax parcel.

Natural Area Located Within Near Vicinity

- The Broadkill River Natural Area exists immediately to the south of the parcels of interest. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware. Should the parcels ultimately be rezoned, site design should reduce environmental impacts near Natural Areas by avoiding impacts to sensitive areas such as wetlands and forest habitat.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the town, please notify the office so we can update our records.

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

Sincerely,



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



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

January 17, 2020

Jamie Whitehouse, AICP
Sussex County
Department of Planning and Zoning
P.O. Box 589
Georgetown, DE 19947

RE: PLUS review 2020-12-07; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on December 16, 2020 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This amendment would change the Future Land Use Map for one parcel from Low Density to Commercial in anticipation of a zoning change from AR-1 to C-3. Per the application, Parcel 235-30.00-58.02 is the parcel which is seeking to have the back half changed from AR-1 to C-3.

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

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

- This parcel is within a Level 4 area according to the 2020 Strategies for State Policies and Spending. In Investment Level 4 Areas, the State's investments and policies should retain the rural landscape, preserve open spaces and farmlands, support farmland-related industries, and establish defined edges to more concentrated development. Your comprehensive plan was considered when the Strategy maps were completed and is, at least in part, why they are Level 4.

Currently the front portion of the lot is zoned C-1. It is also noted that this this parcel and parcel 235-30.00-58.07 were a part of a lot line revision that gave the back portion of 58.07 to 58.02, so 58.02 now extends all the way from Route 9 to the railroad tracks. Because of this recent change to add to the lot and because the front portion of this lot is already zoned commercial, bringing the entire parcel under commercial zoning may

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make sense; however, approval of the comprehensive plan amendment does not change our Strategy Level. The strategies are only updated every 5 years; the next update will be 2025.

If the back portion of this site is developed and reviewed through PLUS it will be evaluated based on the Investment Level at the time of the PLUS meeting and if the subject parcel is still within a Level 4 area, the state may not support new development.

- In addition, the state asks that the County consider creating a process to review comprehensive plan amendments on a scheduled basis, possible once or twice a year. While the state understands that the counties will, from time to time, have amendments that need to be considered we remind the County that this is a 10 year planning document that was adopted after a much input from municipalities, business, developers, and residents within the county. The plan that was ultimately adopted was intended to be a guide book to show the developers and residents of Sussex County how and where the County intends to grow. To amend the document sporadically can undermine that process.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT has no comments on the subject comprehensive plan amendment but offers the following comments as information about what DelDOT will require if the County approves the plan amendment and the rezoning and a developer subsequently submits a plan to change or replace the existing use.
 - The subject land is located within the control zone of a Delaware Scenic and Historic Byway (Historic Lewes Byway). Delaware State Code Title 17, Chapter 1, Sections 190-194 and Title 17, Chapter 11, Sections 1101-1120 with applicable amendments apply.
 - The site access on US Route 9 must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
 - As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT would require dedication of right-of-way along the site's frontage. By this regulation, this dedication is to provide a minimum of 50 feet of right-of-way from the physical centerline of US Route 9. The following right-of-way dedication note is required, "An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."
 - In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on US Route 9. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space

calculation for the site. The following note is required, “A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.”

- DelDOT is developing a rail-with-trail design for the segment of the Georgetown to Lewes rail line along which the subject land is situated. DelDOT has yet to determine on which side of the track the trail would be located in this area but if a compatible use is to be developed, DelDOT would like to plan for a connection to it. For updates on the location and design of the trail, the developer may contact DelDOT’s Bicycle and Pedestrian Coordinator, Mr. Anthony Aglio, at (302) 760-2509 or Anthony.Aglia@Delaware.gov.

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

The application indicates rezoning of this parcel, located in Delaware State Strategies Level 4 lands, from Agricultural Residential (AR-1) Zoning District to a Heavy Commercial Zoning District (C-3). The parcel of interest lies east of Route 5 and Harbeson, along Route 9 (south side of Lewes-Georgetown Highway). According to Sussex County Code § 115-83.17, C-3 Heavy Commercial Zoning District is “generally intended for larger scale auto-oriented retail and service businesses along major arterial roads that serve local and regional residents as well as the travelling public. In addition to most commercial uses found in this zone, automobile, truck, recreational vehicle and boat sales, rental and major repair facilities may also be located in this district.”

The 2019 comprehensive plan did not propose commercial development in this area. Rezoning to Heavy Commercial Zoning should also be addressed in the comprehensive plan or master plan. Please consider further collaboration and dialogue with other entities about the proposed zoning in Level 4 lands and infrastructure investments that would be necessary to support heavy commercial activities in this area. Please consider further discussion and collaboration about the infrastructure investments that would be necessary to support industrial activities in this area. This includes the potential secondary effects of industrial development, as well as potential public transit needs, job centers, and pike paths/trails.

Likewise, existing neighborhoods are located immediately to the north of the area of interest. Local residents should be afforded opportunities to engage in designing the future uses of these areas in a robust and meaningful way. For this reason, rezoning of this area should be contemplated in the comprehensive development plan or a separate master planning process.

In summary, DNREC reviewers feel that additional planning efforts are necessary before proceeding with a rezoning of this area for the following reasons:

- Located in level 4
- Need to address such changes in the comp plan
- Existing neighborhoods nearby

Wastewater Permitting – Small Systems

Expired permits held with the DNREC Ground Water Discharges Section exist on the site. There is an expired Gravity System permit and an expired Authorization to Connect permit on file with the Department. These systems must be abandoned properly if no longer in use. Notify DNREC Groundwater Discharges Section of any changes by reaching out to the Sussex County Branch at (302) 856-4561 (<https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>).

For any future permitting of Small Wastewater Systems, site evaluations must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions. A list of licensed Class D soil scientists can be found at the following website:

<http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/Class%20D%20list.pdf>

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the town, please notify the office so we can update our records.

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

Sincerely,



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

Jamie Whitehouse

From: Jeffrey Stone <trollingstone@comcast.net>
Sent: Wednesday, January 20, 2021 3:51 PM
To: Planning and Zoning
Subject: C/Z 1891 - Chappell Farm, LLC C/Z 1892 - Chappell Farm, LLC C/U 2193 - Chappell Farm, LLC
Attachments: Statement Regarding Chappell Farms Rezoning Application Final.doc

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Attached is a commentary from the Sussex Alliance for Responsible Growth regarding the public hearing on the above tomorrow. Would you please enter it into the record and distribute to the Commissioners.

Thank you.

Be well, stay safe.

Jeff Stone



SARG

Inform-Educate-Engage

January 21, 2021

To: Sussex County, DE Planning & Zoning Commission

Re: C/Z 1891 - Chappell Farm, LLC
C/Z 1892 - Chappell Farm, LLC
C/U 2193 - Chappell Farm, LLC

SUMMARY:

- SARG acknowledges that rezoning of this property is inevitable and may be desirable.
- Rezoning and development of this property at this time is problematic due to the number of critical intersections currently failing or near failing causing serious safety issues, especially the SR 1 Cave Neck Road intersection.
- Programmed road improvement projects will remedy virtually all of the traffic and safety issues, but not until 2026 at the earliest.
- The density of and lack of open space in the proposed development is not in character with the surrounding communities.
- This review provides the Planning and Zoning Commission the opportunity to consider the development of a Master Plan for the area surrounding the to be built interchange at SR 1 and Cave Neck Road.
- SARG would support the proposed rezoning with the condition that the highest proposed traffic generating development, the convenience store with gas, being postponed until the SR 1 Cave Neck Road Grade Separated Interchange project is completed in 2026.
- SARG would not support the proposed Conditional Use permitting increased density.

Chairman Wheatley, Members of the Sussex County Planning Commission:

The Sussex Alliance for Responsible Growth (SARG), as the name implies, supports policies and regulations that will enhance the economic growth and quality of life in Sussex County and development projects that will help achieve that goal.

Regarding the proposed rezoning and conditional use noted above, SARG recognizes where the property is located and that it cannot, and should not, remain underutilized, low density AR-1 property. It is inevitable that it will be rezoned.

SARG also recognizes that it could be sold off and rezoned piecemeal resulting in a number of unrelated, poorly designed developments that would add little to the quality of life of the residents or to the visitor experience. The fact that the property is controlled

by a local developer with a history of creating better-quality projects and managing them long term is a major plus. The plan they are currently proposing for the entire site, while not the subject of this hearing, is, with some reservations, realistic and compatible with the area. The efforts the developer has made to listen to and account for nearby communities concerns is commendable. However, there are several concerns that prevent SARG from fully supporting this development at this time, and the emphasis is on "at this time." Those concerns are traffic and safety; density and open space. The traffic and safety concern is specifically the intersection of SR 1 and Cave Neck Road.

As the Commission Members know and it has been repeated here tonight, this intersection is not a disaster waiting to happen, it is a disaster or near disaster that happens seemingly every week. As the opaque Traffic Impact Study Review Letter (TIRSL) points out, it fails every day at every peak time. The TIRSL does not provide a current Level of Service (LOS) as required in the recently adopted Memorandum of Understanding for Land Use Development (MOU), it uses the term "capacity constraints" without any definition of what that means. It is necessary to dig through the entire Traffic Impact Statement (TIS) to find the LOS. Shouldn't the TIRSL provide this information?

Anyone using that intersection intuitively knows it is an F, despite recent changes made by DelDOT. It is extremely unsafe, second only to Route 1 and Route 16 in the number of crashes. Interestingly, the Traffic Impact Statement Contains a "Crash Evaluation" for multiple intersections in the Route 1 and Cave Neck corridors, but does not present any data for Route 1 and Cave Neck Road. Just a few miles south on Route 1 is the Minos Conaway intersection, another failing intersection with an extremely high crash rate. If they don't get you at Route 16, you still have two more good chances to be involved in an accident before you reach Five Points. And the reverse is true as well. If residents seek to escape to the west, they must run the gauntlet of the Cave Neck, Hudson Road, Sweetbriar Road intersection, an intersection so dysfunctional and dangerous that Sussex County has agreed to front its own money in order to accelerate the needed improvements. As the TIS makes clear, unfortunately, Route 1 between Route 16 and Five Points and Cave Neck Road from Route 1 to Hudson Road is nothing but a series of failing intersections presenting significant safety hazards to anyone using those roads. From leaving your community to accessing Route 1, residents put themselves harms way at these intersections.

As stated earlier, the TIRSL and TIS for this project appears to be flawed and SARG respectfully requests that the Commission and staff review it very carefully and require clarifications and or changes where needed.

Just one example of these flaws is the base numbers used to calculate the additional trips caused by the development. The developer's presentation shows 128 residential units in four buildings, 32 per building, and another 28 units above the large commercial space. This totals 156 units but the TIS use 94 as the base number for its calculations. This is 60% less than the developers number, a not inconsequential difference. This could be

explained if the developer proposes to only build three residential buildings initially but that is not stated or inferred.

Bottom line is that only one of multiple traffic and development scenarios is presented, alternative 4c, described as:

“First Phase: 5,068 square-foot convenience store with gas pumps and apartment units. The following intersections would experience capacity constraints with the construction of only the 5,068 square-foot convenience store with gas and apartment units:

- Red Fox Lane intersection with Delaware Route 1
- Cave Neck Road intersection with Delaware Route 1
- Minos Conaway Road intersection with Delaware Route 1
- Nassau Road intersection with Delaware Route 1
- Eagles Crest Road/Oyster Rocks Road
- Hudson Road/Steamboat Landing Road intersection with Delaware Route 1
- Sweetbriar Road intersection with Cave Neck Road
- Hudson Road intersection with Cave Neck Road.”

As the TIRSL points out, these intersections experience “capacity constraints” today.

Is adding thousands more trips per day to an already deteriorating intersection really in the public interest? According to the MOU (8. b.) “b. If the existing Level of Service is below D prior to the impact of the proposed land use, in no event shall the existing Level of Service be degraded.” Here is one, admittedly worst case, scenario. Today, at the Route 1 Cave Neck Road intersection, the northbound left turn to westbound Cave Neck Road has a LOS of F with an average delay per vehicle of 65 seconds, just over a minute. Without further development, in 2023, that delay will become 356 seconds, or 6 minutes. In 2023, with the development of the 94 apartments and the convenience store with gas, the delay will be 527 seconds, or 9 minutes per vehicle. It remains an F but the actual operational LOS will be significantly degraded.

The TIRSL points this out “Delays of up to 527.2 seconds per vehicle are expected along the northbound Delaware Route 1 left turn during the Saturday peak hour under future conditions with the proposed development. However, the improvements proposed as part of the Delaware Route 1/Cave Neck Road grade-separated interchange project would eliminate this intersection.” But these improvement would not happen until at least 2026 and no interim improvements are proposed to mitigate this significant degradation of the LOS. Can the Commission in good conscience allow this to happen?

The bottom line is that there is no solution without the construction of the SR 1 Cave Neck Separated Grade Intersection project. There is no need to debate the minutia. The solution to all of the traffic and safety issues confronting the area in general

and the proposed development specifically is apparent. Time! DelDOT is actively pursuing projects up and down Route 1 and along Cave Neck, including the accelerated Cave Neck, Hudson and Sweetbriar Roads intersections. These cumulative projects, in particular the SR 1 Cave Neck Road Separated Grade Interchange and the Cave Neck, Hudson and Sweetbriar projects will resolve the negative impacts. But the timing of those projects and the developers desired timing do not coincide. The most critical project, the SR 1 Cave Neck Grade Separated Interchange will not be online until mid 2026 at the earliest. This means that if the development project is approved as proposed and completed in 2023, residents and visitors will have to endure at least 3 years, if not more, of an increasingly congested and unsafe intersection. This is unacceptable.

While DelDOT has suggested phasing the project as permitted under the MOU, the amount of development that phasing would allow is what causes the astronomical increase in delays and congestion at the Route 1 Cave Neck Road intersection. The Average Daily Traffic (ADT) increase for the first phase of the project is 4,917 trips per day. Of those, 4,247 are attributed to the convenience store with gas. The obvious and simplest solution to the traffic issues is to delay the convenience store portion of the project until the interchange is completed and proceed only with the 96 housing units. While this is probably the most lucrative piece of the entire development for the developer, is also creates the most negative impact.

A final phasing plan is not required until final site plan review, so there is time to explore a compromise that would reduce the negatives while allowing the developer to move forward. Under the Site Plan Coordination section of the MOU, "Sussex County, with the assistance of DelDOT, may impose conditions regarding phasing and the timing of building permits in conjunction with completion of necessary roadway improvements." The Commission has the ability to deny, delay or reduce the scale of the development until the needed improvements are in place as it did in the recent case of CZ 1882 Nassau DE Acquisitions Co., LLC. when the following condition was placed on the approval:

"D. No more than 90 dwelling units shall be constructed until the conversion of the northbound lanes of Route One into a service road is completed."

However a negotiated compromise would be most appropriate, particularly with the positive track record of this developer.

SARG recognizes that the statement above will raise concerns with some that such actions would be a step too far, a taking. While we don't want to digress from the issue before the Commission it is important to recognize that even before the US was the US, individual property rights were always subject to regulation to assure their use would not harm the broader public interests. Multiple Supreme Court cases have upheld the principle that an act by government to restrict the use of a property until the public

interest, safety and welfare is protected is not a violation of property rights or a taking, only a reasonable action to balance the interests of the public and the private sectors.

Regarding the interconnected issues of density and open space, despite the developers assertion, the density would not seem to be consistent with the surrounding communities, which appear to range from 1 unit per acre to approximately 8 units per acre. However, the proposed conditional use would allow up to 12 units per acre and the developers application states that the actual density would be 10.5 units per acre. While the difference between 8 and 10 units would seem small, it is consequential when the apparent lack of open space is considered. The only mention of open space is found in the applicants PLUS response and states:

“2g: Provisions for open space. Response: There will be open areas to include buffers and storm water.”

No calculation or designation of open space is apparent in the materials submitted with the application. Open space is necessary for the quality of life of residents. Other multi-use developments with similar densities include significant open and recreational space. Five Points comes to mind. The Green at Paynters Mill is another example of multi-use open space that should be present in every development, low, medium or high density. It would appear that the open space for this project would consist of landscaped buffers, sidewalks and storm water ponds.

Finally, SARG encourages the Commission to consider developing a Master Plan for future development in the area surrounding the upcoming SR 1 Cave Neck Grade Separated Interchange. The development of this site and the construction of the interchange will only increase the pressure to develop on both sides of SR 1, at least from Willow Creek Road north to the Broadkill River, if not further. It would behoove the County to prepare and plan for this in order to assure an orderly and consistent approach that preserves open space, creates economic opportunities, prevents overuse of current and future infrastructure, and complements existing communities.

In light of these issues, SARG would support the applications for rezoning with the condition that the largest traffic generating segments be postponed until the completion of the SR 1 Cave Neck Road Grade Separated Intersection. Without a decrease in density and increase in open space in the project SARG does oppose the conditional use. We leave it to the Commission to determine the best path forward to assure fairness to the developer while ensuring that the development does not detract from the safety and quality of life of Sussex residents.

SARG thanks you for the opportunity to present our views on this matter and look forward to the recommendation of the Commission.

Submitted on behalf of the Sussex Alliance for Responsible Growth
Jeff Stone

Milton, DE

* * *