

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

Jesse Lindenberg

From: Jamie Sechler <jls@dbfinc.com>
Sent: Wednesday, August 10, 2022 10:55 AM
To: Jesse Lindenberg
Subject: RE: Notice of Decision Letter for Red Mill Pond

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Jesse,

Timeline for Red Mill Amenity.

Clearing, rough grading and water and sewer connections	complete
Install subbase stone for parking lot and pickleball court	work underway complete by August 12
Parking lot curb and paving	August 31
Building foundation start	September 15
Framing / roof complete	November 15
Excavate pool / pool shell	April 2023
Mechanical trades	march 1 2023
Pave pickleball court	April 2023
Finish trades /furniture clubhouse	May 2023
Complete pool /landscape	May 2023
Opening	Memorial day

Jamie L. Sechler, P.E.

Principal/Sr. Civil Engineer
Davis, Bowen & Friedel, Inc.
Office: 302-424-1441 | Fax: 302-424-0430

From: Jesse Lindenberg <jesse.lindenberg@sussexcountyde.gov>
Sent: Tuesday, August 2, 2022 11:18 AM
To: Jamie Sechler <jls@dbfinc.com>
Subject: RE: Notice of Decision Letter for Red Mill Pond

Jamie,

Thank you for the updated letter. I've added it to the file. The request is scheduled for the August 11th Planning and Zoning Commission Meeting.

Best,

Jesse Lindenberg (they/he)

Planner I
Sussex County Government
Planning & Zoning Dept.
2 The Circle, PO Box 417
Georgetown, DE 19947
P: 302-855-7878

* There is a new fee schedule for FY2023. Please contact the office with any questions. *

From: Jamie Sechler <jls@dbfinc.com>
Sent: Tuesday, August 2, 2022 11:05 AM
To: Jesse Lindenberg <jesse.lindenberg@sussexcountyde.gov>
Subject: RE: Notice of Decision Letter for Red Mill Pond

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Jesse,

Please see attached updated letter to revise the Condition for Red Mill Amenity to 1 year from approval date.

Thanks,

Jamie L. Sechler, P.E.

Principal/Sr. Civil Engineer

Davis, Bowen & Friedel, Inc.

Office: 302-424-1441 | Fax: 302-424-0430

From: Jesse Lindenberg <jesse.lindenberg@sussexcountyde.gov>
Sent: Tuesday, July 19, 2022 11:09 AM
To: Jamie Sechler <jls@dbfinc.com>
Subject: Notice of Decision Letter for Red Mill Pond

Hello,

Attached please find the Notice of Decision Letter for The Villages at Red Mill Pond South Amenity Plan.

Best,

Jesse Lindenberg (they/he)

Planner I

Sussex County Government

Planning & Zoning Dept.

2 The Circle, PO Box 417

Georgetown, DE 19947

P: 302-855-7878

* There is a new fee schedule for FY2023. Please contact the office with any questions. *

Ralston Linn
36054 Calhoun Drive
Frankford, DE 19945
July 29, 2022
Phone 302-927-0469 Cell # 717-580-6755

Opposition
Exhibit

RECEIVED
AUG 04 2022
SUSSEX COUNTY
PLANNING & ZONING

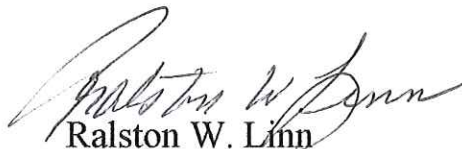
I am writing this letter in regards to Hunter Creek Subdivision

I first want to say, as it is now, I am not in favor of this project.

QUESTIONS.

1. Has there been any traffic studies down in this area?
2. Regarding this problem, as it stands now,, to approach RT. 26 from Omar Road it will be a nightmare by adding 95 homes as projected. I would be more than happy to show you the issues.
3. Will there be a buffer zone between the new project and Hickory Woods Development? Hickory Woods is a Homeowners Association and without a buffer zone, it will be a conflict.
4. By removing the forest, you are creating a problem for the wildlife. There are many deer and wildlife in this area, like nesting Hawks, deer, and all kinds of song birds, etc.

We keep adding housing developments just to receive more revenue for the county. We are heading into a recession and the cost of doing business is very high like, building roads, schools, water treatment plants, etc. These have almost double in the last couple of years. We need to take a break and slow down all this building and regroup and studying what is going on in our county.


Ralston W. Linn

From: Emily Boyle <emily.boyle@gfedaleroof.com>

Sent: Monday, August 8, 2022 1:32 PM

To: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>

Subject: Re: G. Fedale Roofing and Siding Public Hearing for 8/11 and 9/20

CU 2312

Applicant
Exhibit

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Good afternoon Jamie,

Adam asked me to send you the responses back to the questions you had suggested we cover beforehand. The answers to the questions are in blue. If this needs to be done or submitted in a different way please let me know.

- **Description of Use:** retail office/showroom for customers to stop by
- **Numbers of employees:** 7
- **Hours of business:** 7:30 - 4
- **What occurs inside and outside:** inside is office work, and a showroom. Outside is pretty quiet, we just redid the siding and roof and sign looks nice. We also redid the septic and parking lot because it needed it. Generally have 2-3 vehicles parked.
- **Any outside storage:** yes, (1) 2 - car garage
- **Fencing/Lighting:** no fencing, but yes we have soft lit soffits for ambience, and 1 flood light for the front of the building.
- **Number and location of parking spaces?** 10, 3 in front of the building (for guests visiting), 7 on the back (for employees) (Matt can you confirm this?)
- **Types of equipment used?** At customers' homes, we have a shingle loader (looks like a ladder with a small lawn mower motor), but at the shop we don't store equipment
- **Is there to be a sign advertising the location of the business?** yes (on the front of the building, was approved and installed last month), and in the front flower bed
- **Do customers attend the property – if so when?** yes, generally between 9 and 4
- **Are there deliveries of materials:** generally no. 99% of material delivery goes directly to our job sites

Thank you so much!

Emily

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



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

Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date August 11, 2022

Application: C/U 2313 John Ford

Owners: John Ford
18 Brinton Way
Elkton, MD 21921

Applicant: John Ford
18 Brinton Way
Elkton, MD 21921

Site Location: **1528 Savannah Road, Lewes**. The property is lying on the east side of Savannah Road (Route 9B) approximately 0.25 mile northeast of the intersection of Savannah Road (Route 9B) and Old Orchard Road (S.C.R. 269A).

Zoning: AR-1 (Agricultural Residential District)

Current Use: Residential

Proposed Use: Real Estate Office

Comprehensive Land Use Plan Reference: Commercial Area

Councilmatic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Public

Water: Private Well

Site Area: 0.57 ac. +/-

Tax Map ID.: 335-12.06-49.00



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



Arnell Creek Proposed Marina

Matt Madeksza
38 Marshall Road

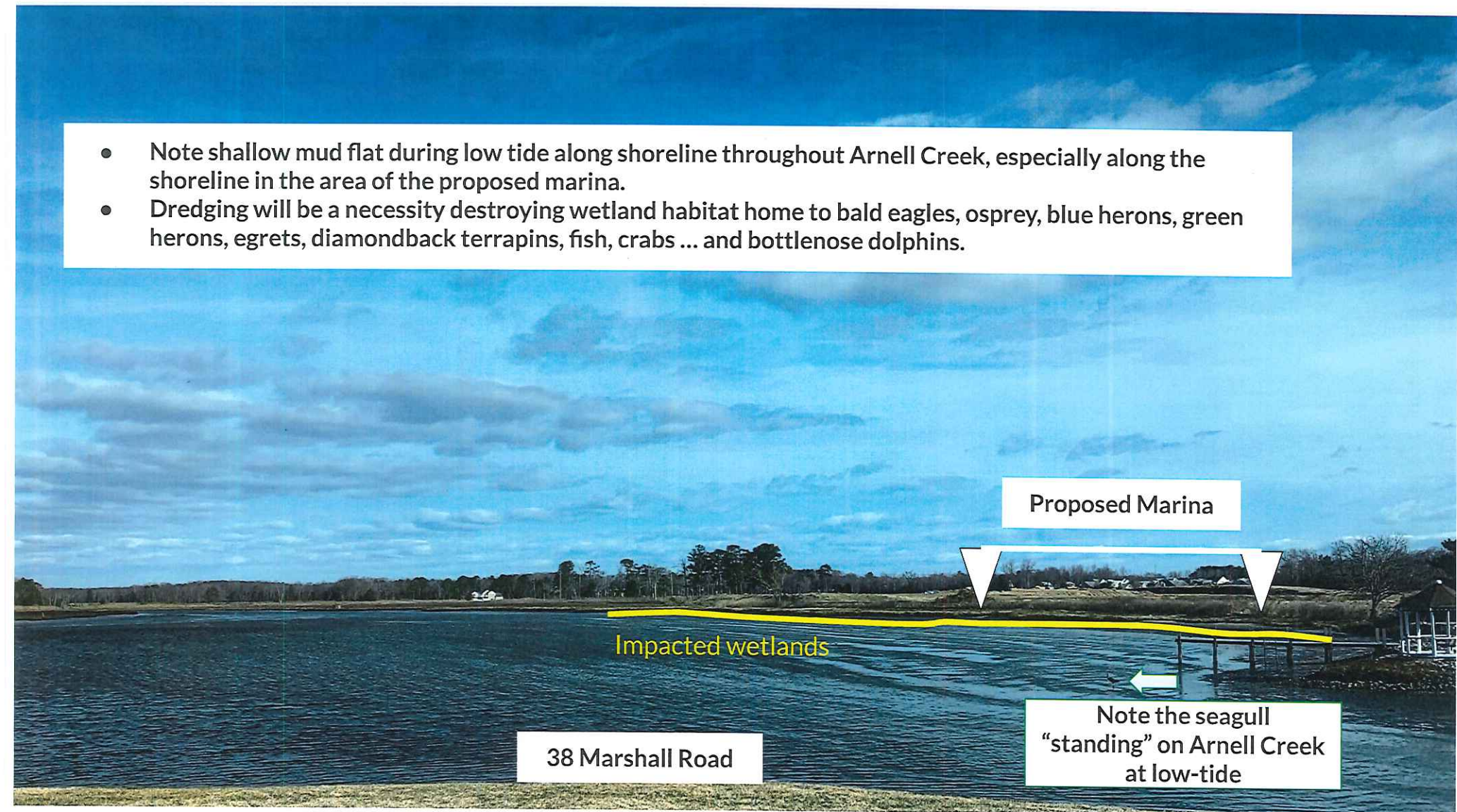
- Note shallow mud flat during low tide along shoreline throughout Arnell Creek, especially along the shoreline in the area of the proposed marina.
- Dredging will be a necessity destroying wetland habitat home to bald eagles, osprey, blue herons, green herons, egrets, diamondback terrapins, fish, crabs ... and bottlenose dolphins.

Proposed Marina

Impacted wetlands

38 Marshall Road

Note the seagull
"standing" on Arnell Creek
at low-tide





Bottlenose Dolphin Mother and Calf - June 12, 2022

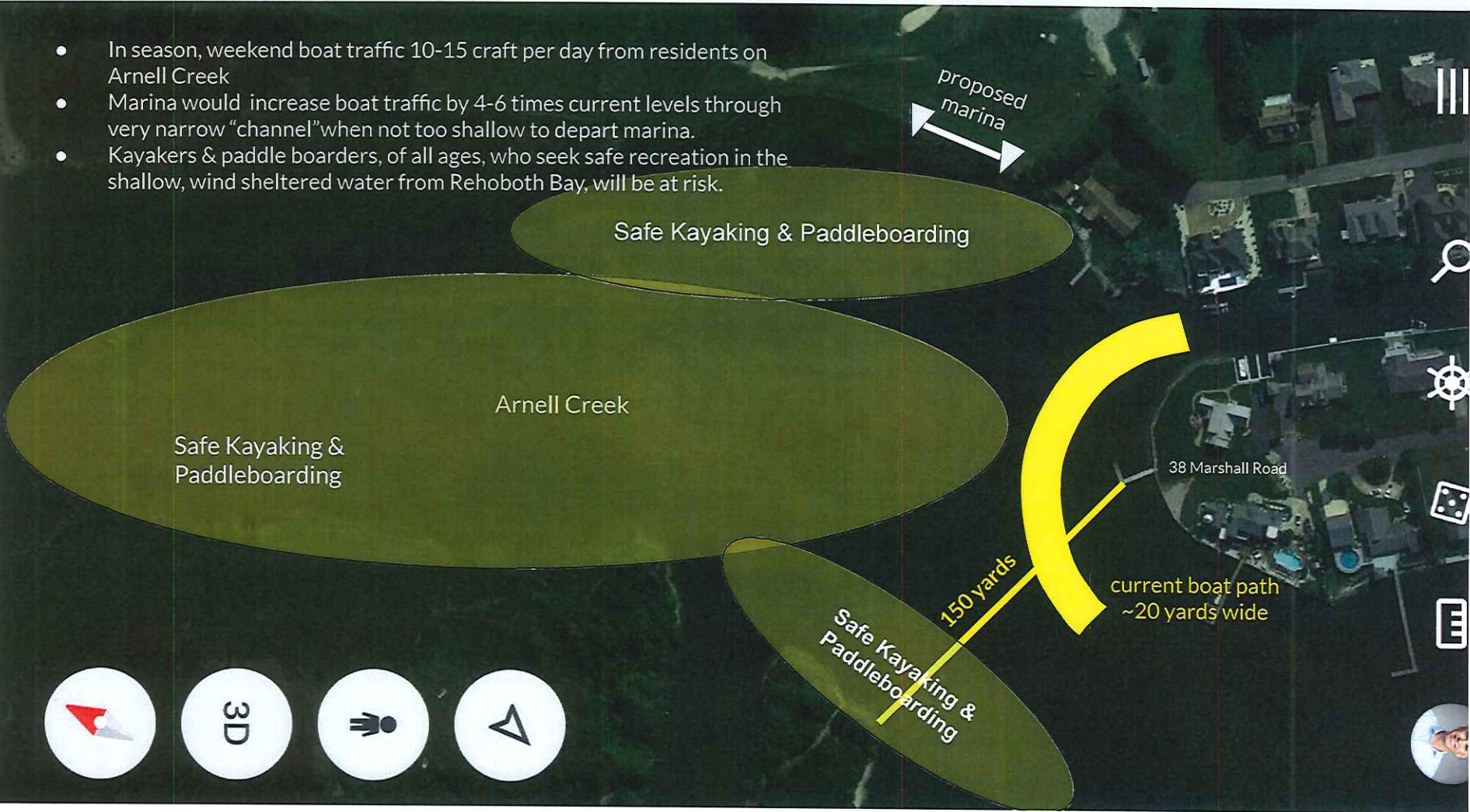
Arnell Creek

38 Marshall Road

Google

... "N 75° 08' 04" W) 3,706 ft

- In season, weekend boat traffic 10-15 craft per day from residents on Arnell Creek
- Marina would increase boat traffic by 4-6 times current levels through very narrow "channel" when not too shallow to depart marina.
- Kayakers & paddle boarders, of all ages, who seek safe recreation in the shallow, wind sheltered water from Rehoboth Bay, will be at risk.



Safe Kayaking & Paddleboarding

Arnell Creek

Safe Kayaking & Paddleboarding

proposed marina

38 Marshall Road

150 yards

current boat path
~20 yards wide

Safe Kayaking & Paddleboarding

Link to referenced Cape Gazette article on
July 8, 2022 by Robert Nadig of Rehoboth
Beach

Osprey Point marina must be rejected

Robert Nadig

July 8, 2022

<https://www.capegazette.com/article/osprey-point-marina-must-be-rejected/242768>

The following letter was sent to DNREC Secretary Shawn Garvin with a copy provided to the Cape Gazette for publication.

This letter is to provide comment to DNREC that it is both in the public's interest and a written meritorious objection to the NV Homes/Osprey Point LLC request for an Arnell Creek commercial marina, which will cause permanent harm, and must be rejected by DNREC. If not immediately rejected, there should be a public hearing after generous advance notice to the public and directly to the surrounding communities. There is no valid emergency or hardship basis for DNREC to rush approval of the request.

Arnell Creek and its surrounding wetlands and watershed are teeming with wildlife. The area serves as a source for Rehoboth Bay crabs and feeder fish, and as a nesting area for osprey and many other local and migratory birds. These natural resources are recreationally enjoyed for kayaking, paddleboarding and bird watching. A marina will bring excessive boat and Jet Ski traffic to the sensitive wetlands, and oil, gasoline and trash pollution from those watercraft. There will be noise, water wakes and churning with disruption of the creek bed, burying fragile habitats. A commercial marina will create a bottleneck for marine life such as crabs that begin life along Arnell Creek, journey into Rehoboth Bay, and then must return to start the cycle over. Motorized watercraft traffic also represents a safety hazard, blocking safe access to and from Arnell Creek for kayakers and paddleboarders. Boating recreation, both motorized and non-motorized, is a valuable and important use of natural resources; Rehoboth Bay and Indian River are suitable and safe locations for commercial marinas.

The above should be sufficient for DNREC rejection of the proposed commercial marina. DNREC cannot put blinders on to the circumstances and consequences of permitting this commercial marina. The Osprey Point community was granted zoning for residential development after a comprehensive evaluation. The developers are now seeking to rezone, expand and carve out a spot commercial zoning in a residential area for a commercial entertainment venture. Along with the DNREC commercial marina facility, Osprey Point LLC is also planning a restaurant and entertainment venue with a restaurant bar, an outdoor tiki bar, an outdoor swimming pool bar and a deck/boardwalk and beach, all where seating and consumption of alcohol is intended.

The proposed marina will not be minor for Arnell Creek and the surrounding wetlands. Boats and Jet Skis will be pulling up and leaving after brief visits, resulting in Arnell Creek watercraft traffic vastly greater than would be projected for a minor marina where boats are stored and serviced for owners, except for day trips. The marina will serve as a boat-in parking lot and a means for boaters to obtain and consume alcohol, creating a dangerous boating safety hazard. Boats will anchor in Arnell Creek in this party area creating more congestion. All of this will cause permanent harm in a residential, wetlands, watershed area.

Whatever DNREC regulations pertain to the permits being sought must not be interpreted to allow the request. The request thwarts responsible stewardship, conservation and preservation of natural resources for all of Delaware and for future generations. The request must be rejected.

Robert Nadig

Rehoboth Beach

Christin Scott

From: Bob Murray <murray2025@gmail.com>
Sent: Wednesday, August 10, 2022 3:14 PM
To: Planning and Zoning; Mark Schaeffer
Subject: C/Z 1973 Osprey Point Preserve, LLC

Categories: Mike

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.

Hello,

I am writing to voice my opposition to include 1.85 acres of land for a marina and restaurant amenity area for this project. This project is on the Planning and Zoning Commission meeting agenda for August 11th at 5pm.

I am not in favor of this amendment for Zone No. 1759 (Ordinance No. 2475) for the following reasons:

1. Disruption of natural wetlands in order to build a marina, boardwalk and beach as proposed. I am no scientist but this cannot be good for the natural ecosystem that currently exists.
2. Noise pollution from public outdoor restaurant, bar, beach and boating. Outdoor music would have a direct impact on the tranquility we now enjoy as nearby residents.
3. Increased traffic and safety issues. With these amenities being *open to the public* in addition to the 217 new residential homeowners the traffic along Old Landing Road will increase. It is now an already dangerous road with many cars speeding and crashing into fences and ponds. There is no dedicated bike or safe walking path along much of Old Landing Road. It is just a matter of time before someone is killed or injured along Old Landing Road. There are many blind and dangerous curves along Old Landing Road. Deer strikes are common along Old Landing Road. I've reported about 4 near our home since living here for the past 2 years.

I appreciate your consideration and request that you deny this application for a 1.85 acre marina and restaurant amenity area for Osprey Point. This residential area should not have a commercial entity.

Sincerely,
Bob

Bob Murray
35612 Marabella Lane (Sawgrass South)
Rehoboth Beach, DE 19971
717-991-3393

Opposition
Exhibit

RECEIVED

AUG 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Christin Scott

AUG 10 2022

From: Cindy Ran <4crans@gmail.com>
Sent: Wednesday, August 10, 2022 3:30 PM
To: Planning and Zoning
Subject: Fwd: Pending application for permitting by Osprey Point Preserves LLC for marina on Arnell Creek
Attachments: Arnell Creek Marina Permit.pdf

SUSSEX COUNTY
PLANNING & ZONING

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.

Dear Ms. Scott and members of the Sussex County Planning and Zoning Commission,

My name is Cindy Ran. My husband Matt Madeksza and I are owners of 38 Marshall Road in the Old Landing area of Rehoboth Beach. We, together with many residents of Marshall Road, are opposed to the proposed zoning change of Osprey Point Development to add a 25 slip boat-in marina and a 85 parking spot public restaurant. We believe this proposal to be problematic for the following reasons:

- 1) Arnell Creek is a very small and shallow area. It is currently used predominately by kayakers and paddle boarders. It is not of sufficient size to host a commercial 25 slip boat-in marina. A marina as proposed would cause irreparable harm to the fragile ecosystem of Arnell Creek.
- 2) Claims of sufficient depth in Arnell Creek by Osprey Point Preserves LLC are not consistent to the mud flats visible during low tide. (see picture attached - note the seagull standing in the mudflat at the bottom right of the picture)



3) A 25-slip boat-in marina with a public restaurant and pool would increase boat traffic significantly. The boat traffic will undoubtedly cause damage to the wetlands, increase noise and pollution, increase alcohol consumption causing increased risk to kayakers, paddle boarders and children.

4) According to Osprey Point LLC, "Bottom condition at the marina site is muck over sand. Inshore conditions are such that wading offshore is possible." In addition to the increase in traffic from 25-slip boat-in marina, boaters will anchor their boats in the lagoon area and wade in to the restaurant. This will only compound the problem of boating congestion and water sport safety, especially with people leaving the restaurant after consuming alcohol.
(reference: Site and Design Study For Expansion of Osprey Point Marina, Dec. 23, 2021)

5) Osprey Point was originally permitted and zoned to be a "Medium Density Planned Community". With this proposed revision, the large restaurant/bar with 85 parking spots, the 25-slip boat in marina, and wade-in lagoon will turn Arnell Creek into a commercial restaurant area similar to Paradise Grill or The Rusty Rudder in Dewey Beach.

Cindy Ran and Matt Madeksza

Begin forwarded message:

From: Matt Madeksza <matt.madeksza@gmail.com>

Subject: Pending application for permitting by Osprey Point Preserves LLC for marina on Arnell Creek

Date: July 10, 2022 at 5:38:51 PM EDT

To: Julie Molina <julie.molina@delaware.gov>, catherine.bronson@delaware.gov

Cc: Cindy Ran <4crans@gmail.com>, sbarbato@gmail.com

Dear Julie and Catherine,

Mr. Stephen Barbato of 16 Arnell Road in Rehoboth Beach, sent an email to DNREC representing the Old Landing Homeowners Association and other residents of Marshall Road, stating opposition to the proposed marina at Osprey Point on Arnell Creek. The text of Mr. Barbato's email is immediately below in **blue**.

Cindy Ran and myself, owners of 38 Marshall Road, are opposed to the proposal by Osprey Point Preserves LLC for a commercial marina and fully agree with Mr. Barbato points, as well as we fully agree with Mr. Robert Nadig, whose letter to the DNREC Secretary was published in the Cape Gazette on July 8th. **Additionally, I have attached a PDF file with photos of:**

1. a fully drained Arnell Creek at low tide
2. a mother dolphin and her calf feeding in Arnell Creek
3. a map giving perspective to the small area Arnell Creek occupies and the dangers a commercial marina would have on the environment and local residents.
4. Mr. Nadig's letter as published by the Cape Gazette (plus link)

We request the DNREC Secretary to hold a PUBLIC HEARING and deny the proposal of Osprey Point Preserves LLC for a commercial marina on Arnell Creek.

In summary:

- Arnell Creek is home to sensitive wet lands which are home to osprey, bald eagles, blue herons, green herons, egrets, diamondback terrapins, many species of fish and other birds. Arnell Creek serves as a place where bottlenose dolphins teach their calves to hunt (see picture attached).
- Due to its sheltered nature and shallow water, Arnell Creek is home to more kayakers and paddle boarders than power boaters. Today, it is a safe location for paddlers of all ages to enjoy the water.
- Power boats in Arnell Creek are almost exclusively from residents of Arnell and Marshall Roads. On an in-season weekend day, 10-15 watercraft pass my house at 38 Marshall Road and follow a narrow path out to the main Rehoboth Bay (see attached map).
- Arnell Creek is a VERY small and shallow area, and not of sufficient size to host a commercial marina.
- Arnell Creek is NOT OF SUFFICIENT DEPTH for a commercial marina. Claims of sufficient depth in Arnell Creek by Osprey Point Preserves LLC, are not consistent to the mud flats visible during low-tide (see picture attached).
- If permitting for the marina were granted by DNREC, dredging of Arnell Creek would be the next permit request from Osprey Point Preserves LLC.
- Dredging would be 100% necessary for any ongoing operation of a commercial marina.
- Dredging of Arnell Creek would destroy the natural habitat as outlined above, and would further increase boat traffic and the associated risks to current residents in the area.
- A commercial marina with a restaurant and pool and would increase boat traffic 4-6 times. With this increased traffic comes damage to the wetlands, increased noise and pollution, increased alcohol consumption and increased risk to kayakers, paddle boarders and children.

Again, Cindy Ran and I request a public hearing on this matter and a denial by DNREC for the permit of a commercial marina by Osprey Point Preserves LLC on Arnell Creek.

We look forward to your response.

Best regards,
Matt Madeksza
matt.madeksza@gmail.com
(215) 824-5493

Dear Catherine,

Thank you for sending the correspondence notice on the Osprey Point Preserves proposal to DNREC. The "Old Landing III Homeowners Association Northside" (Old Landing III) represents Arnell Road homeowners, and we are writing this reply and request representing this group of homeowners. These homes access the Canal between Arnell Road and Marshall Road. Please review our request and reply at your earliest convenience.

The construction of a new 25-slip commercial marina and kayak launch dock on the Eastern shore of Arnell Creek is a hazardous and worrisome proposal that will negatively affect the natural wetlands habitat and wildlife.

The Arnell/Marshall Canal access to the Bay is a complex balance between the natural environment and recreational usage. The impact to the Arnell/Marshall Canal and Arnell Creek area with access to the Rehoboth Bay is a challenging environmental issue that needs to be thoroughly researched prior to any movement forward with this proposed project. The addition of a new 25-slip commercial marina and kayak launch dock on the Eastern shore of Arnell Creek will add to this equation in multiple ways.

We agree wholeheartedly with the letter sent into the Cape Gazette on July 8, 2022 by Robert Nadig who is also a resident of Rehoboth Beach as he states:

“The area serves as a source for Rehoboth Bay crabs and feeder fish, and as a nesting area for osprey and many other local and migratory birds. These natural resources are recreationally enjoyed for kayaking, paddleboarding and bird watching. A marina will bring excessive boat and Jet Ski traffic to the sensitive wetlands, and oil, gasoline and trash pollution from those watercraft. There will be noise, water wakes and churning with disruption of the creek bed, burying fragile habitats. A commercial marina will create a bottleneck for marine life such as crabs that begin life along Arnell Creek, journey into Rehoboth Bay, and then must return to start the cycle over. Motorized watercraft traffic also represents a safety hazard, blocking safe access to and from Arnell Creek for kayakers and paddleboarders. Boating recreation, both motorized and non-motorized, is a valuable and important use of natural resources; Rehoboth Bay and Indian River are suitable and safe locations for commercial marinas.”

Additionally, Mr. Nadig conveyed and we agree that:

“The above should be sufficient for DNREC rejection of the proposed commercial marina. DNREC cannot put blinders on to the circumstances and consequences of permitting this commercial marina. The Osprey Point community was granted zoning for residential development after a comprehensive evaluation. The developers are now seeking to rezone, expand and carve out a spot commercial zoning in a residential area for a commercial entertainment venture. Along with the DNREC commercial marina facility, Osprey Point LLC is also planning a restaurant and entertainment venue with a restaurant bar, an outdoor tiki bar, an outdoor swimming pool bar and a deck/boardwalk and beach, all where seating and consumption of alcohol is intended.

The proposed marina will not be minor for Arnell Creek and the surrounding wetlands. Boats and Jet Skis will be pulling up and leaving after brief visits, resulting in Arnell Creek watercraft traffic vastly greater than would be projected for a minor marina where boats are stored and serviced for owners, except for day trips. The marina will serve as a boat-in parking lot and a means for boaters to obtain and consume alcohol, creating a dangerous boating safety hazard. Boats will anchor in Arnell Creek in this party area creating more congestion. All of this will cause permanent harm in a residential, wetlands, watershed area.

Whatever DNREC regulations pertain to the permits being sought must not be interpreted to allow the request. The request thwarts responsible stewardship, conservation and preservation of natural resources for all of Delaware and for future generations.”

A significant number of residents on both Arnell and Marshall roads have owned homes on the canal in Old Landing just South of the proposed marina since the 70's. This canal that feeds into Arnell Creek is often too shallow to navigate and Arnell Creek itself is many times too shallow in the approach to the canal. To build a marina further upstream in such shallow and sensitive wetlands seems like a needless destruction of a priceless and already pressured small creek. A modest kayak, canoe launch with no motorized boats or large dock construction should be the limit but even that has unthinkable potential for the demise of Arnell Creek as a healthy wetland [\[google.com\]](https://www.google.com)and tributary to Rehoboth Bay. Based on the imminent need for much

more in-depth and impartial research to identify all the impacts to the environment and existing residents in the area, we urge the authorities to fully and immediately reject the “Osprey Point Preserves Subaqueous and/or Wetlands Projects” proposal.

We would appreciate a reply at your earliest convenience and also an acknowledgement that this has been received and being reviewed for action. We thank you for your efforts and appreciate your oversight and assistance. You may contact me at any time using the information listed below. Thank you.

Sincerely,

Old Landing III Homeowners Association Northside and Residents of Arnell and Marshall Roads
Contact for Old Landing III Homeowners Association Northside:

Best regards, Steve

==_==_==_==_

Steven Barbato,
16 Arnell Road, Rehoboth Beach, DE 19971
38.68934715437796, -75.13115252718381
Mobile: 717-305-8493 | Email: sbarbato@gmail.com



Opposition
Exhibit

Old Landing Woods

Owners Association

Date: August 10, 2022
To: Sussex County Planning and Zoning Commission
Re: C/Z 1973 Osprey Point Preserve, LLC, August 11, 2022
Via Email pandz@sussexcountyde.gov
Sussex County Planning & Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RECEIVED

AUG 10 2022

SUSSEX COUNTY
PLANNING & ZONING

Dear Chairman Wheatley and Members of the Commission:

The Old Landing Woods Owners Association, OLWOA, opposes the application C/Z 1973 Osprey Point Preserve, LLC, for the high intensity commercialization re-zoning of the Osprey Point development. The basis for the opposition to the application is detailed in the accompanying pages, total five pages including this cover letter.

The Old Landing Woods Owners Association, OLWOA, also objects to the Planning and Zoning Commission Hearing scheduled for Thursday, August 11, 2022, based on deficient and fatally flawed notice, sufficient such that the hearing must be rescheduled to after the fatal flaws and deficiencies in the notice of the hearing are remedied. This is detailed on page two (2).

The Old Landing Woods residential community is directly adjacent and surrounds the Osprey Point development, except for portions to the east where Osprey Point borders Old Landing Road or The Landing community, or Arnell Creek to the west. Our community provided input into the original zoning of the Osprey Point development. The original Osprey Point zoning request was presented by the developer as a straight-forward "fill-in" amongst existing residential communities. Medium Density Residential Planned Community, RPC zoning was granted. The developer is now proposing re-zoning with new high intensity privileges and uses that do not meet the criteria for Sussex County Residential Planned Communities and are also inconsistent with and have a deleterious impact on the surrounding quiet residential communities and the adjacent Arnell Creek wildlife watershed.

On behalf of The Old Landing Woods Owners Association, OLWOA
Robert Nadig,
34 Clubhouse Drive
Rehoboth Beach, DE, 19971
outofcontext3@comcast.net
(302) 226-5225



Old Landing Woods

Owners Association

Sussex County Planning and Zoning Commission
C/Z 1973 Osprey Point Preserve, LLC, August 11, 2022
The Old Landing Woods Owners Association, OLWOA, opposes this application
Submitted August 10, 2022

The Old Landing Woods Owners Association, OLWOA, objects to the re-zoning hearing on Thursday, August 11, 2022, as follows:

Deficient Notice:

- a. The notice signage was a small placard at significant distance from the road inside the Osprey Point entrance and unreadable from the road and overwhelmed and hidden by much larger brightly colored banners, signs and flags for marketing and sales.
- b. Notice has no mention of outdoor party bars: Tiki Bar, Swimming Pool Bar, Deck Bars, "Beach Bars."
- c. The re-zoning notice does not include the word "commercial."
- d. Notice has no mention of entirely new site plan for the development.
Are there other site plan alterations with improper or deficient notice?

Therefore, the notice does not fully or sufficiently inform regarding the privileges and uses being sought. The deficient notice deprives Sussex County residents of proper notification of the impact of the developer's request on their quiet residential communities, neighborhoods and on their personal use and enjoyment of their properties. Consequently, the deficient notice deprives Sussex County residents of the proper opportunity to provide input and participation to protect their investments in Sussex County.



Sussex County Planning and Zoning Commission
C/Z 1973 Osprey Point Preserve, LLC, August 11, 2022
The Old Landing Woods Owners Association, OLWOA, opposes this application
Submitted August 10, 2022

The re-zoning application is to be rejected for the following reasons:

1. The re-zoning is not a necessity to the Osprey Point development and therefore does not meet the RPC criteria for commercial development. The proposed re-zoning is an amenity for the developer.
2. The re-zoning changes and degrades the general character of the approved Osprey Point Residential Planned Community development plan.
3. The re-zoning is inconsistent amongst the surrounding quiet residential communities. The re-zoning also has a substantially different deleterious effect on adjoining and surrounding properties. The developer is seeking high intensity Dewey-level commercial party privileges among quiet residential communities. Such uses are appropriate in already existing commercial zones on Route 1 or equivalent areas.
4. The re-zoning creates a substantial change with a new major external access point from Old Landing Road and a new access from Arnell Creek. The new commercial access requires easements through the residential section of Osprey Point. There will be trucks for supplies and customer cars to fill a seating capacity and activities for hundreds of visitors daily.
5. The commercial marina and outdoor party areas change the character and are inconsistent with the surrounding quiet communities and the Arnell Creek wildlife watershed.
6. The proposed commercial uses will also drastically exacerbate existing boating hazards for non-motorized and motorized watercraft on Arnell Creek.
7. The developer seeks party life, the developer does not seek to preserve Nature's Delaware wildlife.



Sussex County Planning and Zoning Commission
C/Z 1973 Osprey Point Preserve, LLC, August 11, 2022,
The Old Landing Woods Owners Association, OLWOA, opposes this application
Submitted August 10, 2022

The re-zoning application is to be rejected for the following reasons: continued

Specific activities and uses with undesirable impact to the surrounding quiet residential communities are:

1. Outdoor parties in the commercial areas, the commercial marina, and boat parties on the boats moored offshore, with nuisance noise from music and crowds preventing property enjoyment in surrounding residential neighborhoods.
2. Encouragement and facilitation of alcohol consumption and boating.
3. Takeover of Arnell Creek with an obstructing long wetlands walkway and accompanying 25 boat slips that each can accommodate several boats.
4. Attraction of watercraft, especially motorized watercraft into Arnell Creek, with watercraft and neighborhood safety hazards.
5. Motorized watercraft rental, also a watercraft safety hazard and wildlife hazard.
6. Overnight boat docking.
7. Offshore boat mooring and anchoring.
8. Gasoline, oil, and human waste pollution.
9. Expansion of commercial marina with:
 - a. fuel storage, fueling, repairs, lifts for boat storage
 - b. floating docks, boat launch, boat trailer parking

These above activities are not speculative, the activities and ramifications can be readily observed in existing commercial operations in Dewey or at Paradise Grill.



**Old Landing Woods
Owners Association**

Sussex County Planning and Zoning Commission
C/Z 1973 Osprey Point Preserve, LLC, August 11, 2022,
The Old Landing Woods Owners Association, OLWOA, opposes this application
Submitted August 10, 2022

Finally, the re-zoning application must independently be rejected for the undesirable precedent sought:

The zoning and use sought deviates from precedent for Sussex County Residential Planned Communities, RPCs. Instead of a maybe a private marina serving its community, the developer asks for outdoor bars, outdoor restaurant, and amplified outdoor music, along with a commercial marina with associated commercial activities, all focused on activities for the public and suited for existing commercial areas in Sussex County, not residential areas. If approved, amplified outdoor music and outdoor bars in residential planned communities can become the norm for all existing and new Sussex County RPCs. This is not a desirable outcome for Sussex County or for Sussex County residents.

Michael Lowrey

From: CAROL MULVANEY <cmulvaney10@verizon.net>
Sent: Wednesday, August 10, 2022 1:58 PM
To: Planning and Zoning
Subject: Osprey Point Hearing

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PLANNING & ZONING

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Hi -

I live in Sawgrass North and cannot attend the Hearing for Osprey Point.

There are several points that I want to bring up that are of great concern to me:

- 1). Since there is no Noise Ordinance in Sussex County, having the restaurant/bar open til 11 every day would eliminate the "quietness" around our area. Maybe if it was opened for a shorter time on weekdays and maybe just Friday and Saturday night til 11? Or maybe just for breakfast and lunch?
- 2). There have been several accidents on Old Landing Road over the past year and I am VERY concerned about the alcohol going to be served and the kinds of driving and accidents we will have to endure - notwithstanding the amount of traffic this will bring down this windy road.
- 3) The Marina is very shallow - How can one be opened with only "inches" for these boats to travel thru? Also, the pollution and again more noise that this will bring will be a nuisance to the area. What will this also do to the wildlife in that area.

I am very concerned about this Development bc of the "traffic" and "safety" for this area. We need to cut down on the development and the types of developments that are occurring as these developers come in and leave us with the remnants to have to deal with.

Thank you

Carol Mulvaney

Michael Lowrey

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From: Tim White <timt33@icloud.com>
Sent: Wednesday, August 10, 2022 1:26 PM
To: Planning and Zoning
Subject: RE: Opposition to Osprey Point Preserve, LLC Change of Zone Request Number C/Z 1973

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SUSSEX COUNTY
PLANNING & ZONING

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August 10, 2022

RE: Opposition to Osprey Point Preserve, LLC Change of Zone Request Number C/Z 1973

To: Mark Schaeffer, Sussex County Council; Sussex County Planning & Zoning Commission

As you know, Osprey Point Preserve LLC is seeking to modify the existing MR-RPC zoning to include a Marina and Restaurant/bar as per C/Z 1973 Osprey Point Preserve, LLC. The plan is to provide a place where boaters and local area residents and vacationers come for drinks, food and entertainment all within a community along Arnell Creek. Osprey Point is a new development being built upon the former Old Landing Road Golf Course. The county approved the rezoning from AR-1 to MR-RPC in 2016, at which time there was no commercial entity requested, only 217 single-family homes. This application presents a number of serious concerns for existing property and homeowners in adjacent communities.

Life-Safety and Traffic Concerns

Adding a restaurant and bar to this area will likely increase the number of serious accidents along this curvy section of Old Landing Road. This concern was presented during the initial hearings for Osprey Point and the number of accidents along this stretch has only increased since the opposition presentations in 2015, resulting in one death, multiple injuries and extensive property damage.

This section of Old Landing Road experiences ongoing high traffic and incidents of dangerous speeding and reckless driving by irresponsible drivers, resulting in arrests. The current development in Osprey Point will also increase the already high traffic levels on this section of Old Landing Road. Regardless, there are no improvements planned for this section of Old Landing Road. Old Landing Road is a narrow two-lane roadway, so when an accident occurs it typically shuts down the roadway in both directions for some time. If emergency vehicles need to address another incident in the area, they are challenged to get beyond the blockage.

Noise and Disrupting Quiet Enjoyment Concerns

Old Landing Road is a ~2.5-mile dead-end road, comprised of a number of residential communities, where residents are able to quietly enjoy their homes and properties away from the noise and activity on Route 1. There is no sound ordinance in Sussex County, so this request poses an immediate concern for nearby residents, with the compromise of the enjoyment of their homes due to uncontrollable and repeated significant noise emanating from a public bar/restaurant until 11pm. This is out-of-character with the surrounding residential communities and will deny existing residents the peaceful and quiet enjoyment of their homes. Additional noise will also be caused due to the vendors and services associated with operating the commercial business (e.g., suppliers, deliveries, trash removal, sound, etc.).

Alcohol will be served in the restaurant and bar in the proposed application and there will be amplified sound emitted from the location. C/Z 1973 requests addition of a restaurant, marina and tiki bar operating until 11pm. The amplified sound will also be supplemented with other noise emitted by patrons, boats and other private and commercial vehicles.

Environmental Concerns

C/Z 1759 was approved with a condition to maintain a non-disturbance buffer of twenty-five feet (25') from federal wetlands and fifty feet (50') from state wetlands. The C/Z 1973 request appears to violate this condition by building a beach area and marina along Arnell Creek. (Note: DNREC Wetlands and Subaqueous Lands Section is currently evaluating the Osprey Point Marina Application, Project Notice 14.22.)

Given the significant role Delaware Wetlands play in maintaining a healthy water quality in the inland bays, proper consideration should be provided for any request that seeks to reduce the vegetative buffers abutting wetlands, plus any other disturbances to those areas.

Currently, there is little recreation that occurs at the proposed site or the public launch area across the creek because the water near the shore is very shallow and also contains a significant amount of muck making the launching of any recreational device very difficult. Further, because potential swimming has been compromised due to the high bacteria level in the inland bays, DNREC has issued a permanent swimming advisory in these waters (see Inland Bays Swimming Advisory Caution at <https://dnrec.alpha.delaware.gov>).

The DNREC marina application failed to address the types and sizes of boats expected to use the marina. This lack of detail leads to the question of whether there is a plan to go back and request a dredging permit to allow motorized vessels safe passage to the marina. Any plans to dredge this area will cause additional irreparable harm and adverse environmental impacts that must be disclosed and considered before a decision is rendered. There is little margin for error to prevent grounding in the creek. Motorized boats present a significant hazard to the area, by inadvertently leaking oils and fuels, disturbing native wildlife and contributing to denigrating water quality. The proposed marina will remove vegetative borders along the shoreline, which will eliminate the current ability to naturally filter water from community and parking lot runoff. Further, the DNREC marina application states that boats may be washed and waxed and their interiors painted while at the docks, does not require that boaters use an oil sponge in the bilge pump area, plus provides a portable marina pump to pump out boat sewage while docked.

Feasibility Concerns

The Commission and Council should consider whether there is any added value to the surrounding area by providing the type of commercial entity embedded in an MR-RPC. The internal Osprey Point roads will be owned by the Osprey Point Homeowner's Association and it is unknown whether that Association will permit commercial traffic upon its owned roadways. It is unclear who will maintain these structures if the developer is unable to secure a permanent operator. Further, it is challenging to assume that people will travel nearly ~2.5 miles down a dead-end road to patronize a bar and restaurant when there are so many other excellent conveniently located choices in the area. Finally, it is unclear what the conclusion will be for the area if the proposed commercial venture does not succeed.

Request for Action

I request the Sussex County Planning & Zoning Commission reject C/Z 1973.

I appreciate your consideration and support.

Respectfully,

Tim White

Sawgrass South Resident & Property Owner

35594 Canell Bay Court

Rehoboth Beach, DE 19971

Michael Lowrey

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, August 10, 2022 1:29 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, August 10, 2022 - 1:28pm

Name: Patricia Dickinson
Email address: logopat@aol.com
Phone number: 3016514286
Subject: Osprey Point

Message:

As a resident of Old Landing Woods, I am writing to oppose the proposal for a marina, bar and restaurant at Osprey Point. The late hours..the environmental impact and the attractive nuisance that this presents is unacceptable.

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SUSSEX COUNTY
PLANNING & ZONING



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Opposition Exhibit

AUG 10 2022

Michael Lowrey

SUSSEX COUNTY
PLANNING & ZONING

From: Katherine Lawrence <klkona@aol.com>
Sent: Wednesday, August 10, 2022 12:58 PM
To: Planning and Zoning; Mark Schaeffer; Doug Hudson
Subject: Opposition to Osprey Point Preserve, LLC-Change of Zone Request Number C/Z 1973

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TO: Sussex County Commission and Sussex County Council

FROM: Katherine Lawrence, resident of Sawgrass South

DATE: August 10, 2022

SUBJECT: Opposition to Osprey Point Preserve, LLC.
(Change of zone request #C/Z 1973)

I wish to submit my concerns for the proposed Osprey Point LLC modification to C/Z 1973 requesting the addition of a restaurant, marina and tiki bar operating daily until 11pm. The proposed marina would be bordering the community along Arnell Creek.

Osprey Point is a new development being built upon the former 'Old Landing Golf Course' and directly across from Sawgrass South. The county approved the rezoning from AR-1 to MR-RPC in 2016, and at which time there was **no commercial entity or marina requested**, only 217 single family homes.

Old Landing Road is a two-lane 2.5-mile dead-end road that ends at Arnell Road. There are several communities along Old Landing Road where residents are able to enjoy a peaceful environment away from the bars/restaurant areas in Rehoboth and Dewey.

Traffic, life, and safety concerns were originally presented during the initial hearings for Osprey Point in 2015. Unfortunately, the number of accidents along this stretch has only increased since the opposition presentations in 2015, resulting in one death and multiple instances of property damage. There are no improvements planned for this section of Old Landing.

In addition to safety and noise concerns, there are several environmental concerns. Environmental Concerns C/Z 1759 was only approved with a condition to **maintain a non-disturbance buffer of 25' from federal wetlands and 50' from state wetlands**.

The new DNREC Marina application failed to address the types and sizes of boats expected to use the marina. This lack of detail leads to questions of whether there is a plan to go back and request a dredging permit to allow motorized vessels safe passage to the marina. Any plans to dredge this area will cause additional environmental impacts that should be disclosed before a decision is rendered. A

new marina would remove vegetative borders along the shoreline and wetlands resulting in DENREC issuing swimming advisories in these waters.

The C/Z 1973 request **appears to violate** this condition by building a beach area and marina along Arnell Creek. (Note: DNREC Wetlands and Sebaceous Lands Section is currently evaluating the Osprey Point Marina application, project notice 14.22

In conclusion, I request the Sussex County Commission reject C/Z 1973 for the all the reasons described above. Approval will devalue nearby properties and deny residents enjoyment of their homes that were purchased primarily because of the quiet untouched environment on Old Landing Road.

Respectfully,

Katherine Lawrence
21360 Catalina Circle
Rehoboth Beach, DE 19971
klkona@aol.com
302-344-4189



Michael Lowrey

From: robertarner06@comcast.net
Sent: Wednesday, August 10, 2022 8:49 AM
To: Planning and Zoning
Cc: Blaise DiFlorio
Subject: Osprey Point commercial additions

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SUSSEX COUNTY
PLANNING & ZONING

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To whom it may concern,

As a full time resident across the street from Osprey Point I would like to express my opposition to the commercial addition being requested for approval by this development. I don't understand why someone would put a commercial venue in the middle of a residential area. I moved to this area because of it's status as a residential area. Presently Old Landing has a ton of traffic in addition this development will add a lot more with out the addition of a commercial venue. It's been hard living next to this development as they have been moving dirt for almost three years I've been here with no barriers or water spray, our house is covered in dust. I feel like I live in an area gone crazy. Very unfair to the residents already here. This commercial area will also have an effect on property values, I would not have chosen this area if I knew this was being planned. The noise from this venue does not fit in this area. Pleas help us keep this from being approved. We welcome new neighbors but not noisy bar and marina that also will encroach on wet lands. This could be just the beginning of destruction of this area.

Thank You

Robert Arner

Blaise DiFlorio

35672 Kiawah Path

Rehoboth Beach

Sent from my iPhone

28 Clubhouse Drive
Rehoboth Beach, DE 19971
vpompo@comcast.net
(610) 836-2465

**Opposition
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SUSSEX COUNTY
PLANNING & ZONING

August 8, 2022

Via Email pnd@sussexcountyde.gov
Sussex County Planning & Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Re: **Application C/Z 1973 Osprey Point Preserve LLC**

Dear Chairman Wheatley and Members of the Commission:

I own properties within the Old Landing Woods Subdivision with addresses of 28 Clubhouse Drive and 17 Clubhouse Drive, Rehoboth Beach, Delaware. The properties are adjacent to the Osprey Point RPC. I received a postcard notice of the August 11, 2022 public hearing. I oppose the Application for the following reasons:

The Osprey Point development was approved by Ordinance under the then applicable RPC (Residential Planned Community District) zoning provisions found in Article XVI of the Zoning Ordinance. Section 115-119.B. permits commercial uses in the RPC as follows: "Commercial uses of convenience and necessity to the development as a whole". The application went through a long approval process, ultimately resulting in a low density community of 217 single family homes. The applicant at the time of the original approval did not request any commercial use as part of the original approval. The proposed commercial uses should have been considered in the context of the original approval. To obtain commercial use, the applicant must show the use is of convenience and necessity to the development as a whole. If the proposed commercial uses are of such convenience and necessity to the development today as the ordinance requires they be, they presumably were of such convenience and necessity when the original application was considered. Obviously a commercial, public restaurant and marina were not necessary to the development then, and are not necessary now. The Commission should discourage after-the-fact amendments which introduce new uses that could have and should have been considered as part of the original application for the development.

In addition to Section 115-119, since the application is treated as a new application, Article XVI, Section 115-125 of the RPC District provisions would also govern the application, which reads in part as follows:

§ 115-125 Review standards; conditions.

- A. The Planning and Zoning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan and recognized principles of civic

design, land use planning and landscape architecture.

- B. The Planning and Zoning Commission may impose conditions regarding the layout and design of the proposed development and, where applicable, shall require that appropriate deed restrictions be filed to assure compliance with the development plan.
- C. The Planning and Zoning Commission shall review the location of proposed ... commercial uses, where allowed, and shall determine the appropriate character of such uses.

As stated above, the Applicant cannot show that the proposed commercial uses are of convenience and necessity to the Osprey Point development as a whole. A commercial, public marina and a commercial, public restaurant are neither indispensable to nor needed by the future occupants of a 217-unit signal family development. Amenities such as a snack bar and kayak launch if they were for the convenience and necessity of this relatively small development, could be provided without them being commercial and open to the public.

The Applicant cannot show conformity to the Comprehensive Plan and recognized principals of civic design and land use planning. The proposal is not consistent with the land uses of the surrounding area. There is no other commercial use, open to the public along Old Landing Road. Approving these commercial uses will set a terrible precedent of entitling all future RPC applicants with projects as small as 200 or less units, commercial uses open to the public. In accordance with the Comprehensive Plan, commercial uses in this vicinity should remain along Coastal Highway and Route 24.

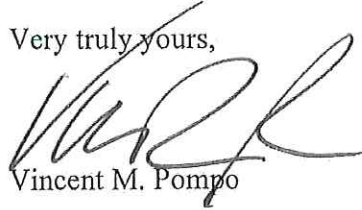
The Applicant cannot show that the character of the proposed commercial uses is consistent with their location. The proposed restaurant and marina are located on adjacent Arnell Creek. Noise from amplified sound and from motorized watercraft will adversely affect the adjacent residents and future new residents. The sound will also amplify along the water off-site, creating nuisance conditions for adjacent properties both upstream and downstream. The proposed restaurant and marina are located interior to the development, requiring the public to traverse internal, residential roads. This is inappropriate planning. Commercial signage will be required along Old Landing Road. There is no commercial signage along Old Landing Road.

Should the Commission find that the Applicant meets its burdens, I urge the Commission to impose the following minimum conditions to address the adverse impacts that would come with such uses, and to include such conditions in the ordinance and in deed restrictions:

- No amplified sound at the restaurant or on the watercraft allowed
- No motorized watercraft rental
- No boat repairs allowed
- No boat launch allowed
- No boat fueling station allowed
- No boat trailer parking allowed
- No overnight public docking allowed
- No offshore mooring allowed

Accordingly, I respectfully request that this Commission deny the Application. Alternatively, the Commission should attach the above conditions at a minimum in order to address future nuisance issues.

Very truly yours,

A handwritten signature in black ink, appearing to read 'V. Pompo', written in a cursive style.

Vincent M. Pompo

Ashley Paugh

From: Bill Dunne <wdunne2015@gmail.com>
Sent: Tuesday, August 9, 2022 9:02 AM
To: Planning and Zoning; Mark Schaeffer; Doug Hudson
Subject: opposition to CZ/1973 Osprey Point
Attachments: Letter to Sussex re Osprey Point.docx

**Opposition
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To Whom It May Concern,

Attached please find my wife's and my letter opposing approval of CZ/1973. Introduction of a restaurant marina with public access changes the entire character of the surrounding residential area. For the reasons in our letter we are asking you to reject the application.

Respectfully,
William and Paula Dunne

Sent from Mail for Windows

William and Paula Dunne
21149 Laguna Drive
Rehoboth Beach, DE 19971

Opposition
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August 8, 2022

AUG 09 2022

SUSSEX COUNTY
PLANNING & ZONING

TO: Sussex County Commission and Sussex City Council

RE: Opposition to Osprey Point Preserves, Change of Zone Request Number C/Z 1973

As you know, Osprey Point Preserves, LLC has applied to modify the previously approved MR-RPC, which approved 217 single family homes to be built on the property. C/Z1973, this application, seeks to introduce a restaurant, tiki bar and marina with 25 docks, into what heretofore has been essentially a completely residential area.

Approval of the commercial restaurant and public access marina introduces the numerous problems associated with allowing a business into a once quite residential area. Old Landing Road will not only have to support the additional traffic with 217 new homes, but now also the public access to a restaurant and marina. Old Landing Road already has been rated an F by DelDot without the additional traffic of this application. Traffic including restaurant deliveries, commercial trash removal, public boats and vehicle access will only serve to exacerbate the dangerous traffic conditions. At this point, there is one reason to use Old Landing Road, it is for residents and their visitors to get to their homes. Approval of this application increases the volume and detrimentally impacts the safety of traffic accessing Old Landing Road, particularly with the introduction of alcohol in the restaurant.

C/Z1973 seeks approval for a restaurant likely operating until 11:00 P.M., including sound amplification. This is totally out of character for the residential communities on Old Landing Road. When the property was a golf course, their restaurant operated solely during the daylight hours, had no sound amplification and served no alcohol. Since Sussex County has no sound ordinance, there is no way to control the hours and increased noise through which residents will have to suffer. This significantly impacts residents' ability to enjoy their homes peacefully and quietly.

Currently, there is little recreational use of the area proposed to be developed in the waterway. This raises significant environmental concerns that previously did not exist. Allowing boating access in this area also raises significant concern with increased boat traffic, leaking oil and gas from these boats, and the depth of the water could lead to boats grounded in the waterway. This negatively impacts the vegetation, wetlands and wildlife. The marina construction will remove vegetation currently contributing to the health of the surrounding areas and waterway. Additionally, with the uncaring public, this increases the opportunity for trash and other waste to be dumped in the waterway further deteriorating the health of the waterway.

The addition of this restaurant, tiki-bar and marina will only serve to increase the danger along Old Landing Road. This section of the road has many accidents resulting in death and property damage. When accidents happen along this stretch of Old Landing Road they typically shut down traffic going in both directions. This forces emergency vehicles to struggle to get through to any other emergency occurring in the area and this will lead to catastrophe.

For the above reasons set forth, the environmental concerns, denying homeowners quiet peaceful enjoyment of their homes, increasing traffic and the likelihood of tragedy, I request the Sussex County Commission reject CZ 1973.

Respectfully,

William and Paula R. Dunne.

Jesse Lindenberg

From: Doug Hudson
Sent: Monday, August 8, 2022 8:57 AM
To: Jamie Whitehouse
Subject: Fwd: Letter of Opposition to C/Z 1973 Osprey Point addition of Marina/Restaurant/Bar
Attachments: Change of Zone #1973 Osprey Point - Opposition Letter.pdf
Categories: Jesse

[Get Outlook for iOS](#)

From: Donna Voigt <dvoigt11@gmail.com>
Sent: Friday, August 5, 2022 5:44 PM
To: Doug Hudson
Subject: Letter of Opposition to C/Z 1973 Osprey Point addition of Marina/Restaurant/Bar

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Hi Doug,

I'm attaching a letter that I've sent to P&Z and also Mark Schaeffer post a convo I had with him on Wednesday.

I'm still in VA with my sister and trying to spend some time with my mother on her last days. Sadly my sister tested positive for Covid on Tuesday Morn. I'm staying with her, but as far away as possible. So far all good, but I know that can change in a minute. I plan to come home tomorrow.

Thanks again for your candor and willingness to discuss an array of topics. I appreciate all you have done and are continuing to do!

Tx,
Donna Voigt

To: Sussex County Commission and Sussex County Council
From: Donna Voigt, Sawgrass South Resident
Date: August 5, 2022
Subject: **Opposition to Osprey Point Preserve, LLC Change of Zone Request Number C/Z 1973**

Osprey Point Preserve LLC is seeking to modify the existing MR-RPC zoning to include a Marina and Restaurant/bar as per C/Z 1973. The plan is to provide a place where boaters and local area residents and vacationers come for drinks, food, and entertainment all within a community along Arnell Creek. Osprey Point is a new development being built upon the former Old Landing Road Golf Course. The county approved the rezoning from AR-1 to MR-RPC in 2016, at which time there was no commercial entity requested, only 217 single family homes. This application presents a number of serious concerns for existing homeowners in adjacent communities, as summarized below.

Noise Nuisance Concerns

The former golf course had a small clubhouse that offered a few breakfast and lunch options during the daytime. Many local residents periodically met there for breakfast or to pick-up a sandwich for lunch. The hours of operation were daytime only, no alcohol was served, and there was no amplified sound emitted from the location. C/Z 1973 requests addition of a restaurant, marina and tiki bar operating until 11pm, and includes amplified sound as well as noise emitted by patrons, and boats.

Old Landing Road is a 2.5-mile dead-end road, comprised of a number of residential communities, where residents are able to enjoy a peaceful and tranquil respite from the bars/restaurant areas in Rehoboth and Dewey. As you are aware, there is no sound ordinance in Sussex County, so this request poses an immediate concern for every nearby resident, that will be denied enjoyment of their home due to uncontrollable noise coming from a bar/restaurant until 11PM. This is out of character with the surrounding communities, and clearly will deny existing residents the peaceful enjoyment of their home. Additional noise will be caused due to all services associated with a commercial business (e.g., deliveries, trash removal, sound, etc.) typically occurring during early morning hours.

Environmental Concerns

C/Z 1759 was approved with a condition to maintain a non-disturbance buffer of 25' from federal wetlands and 50' from state wetlands. The C/Z 1973 request appears to violate this condition by building a beach area and marina along Arnell Creek. (Note: DNREC Wetlands and Subaqueous Lands Section is currently evaluating the Osprey Point Marina Application, Project Notice 14.22.)

Given the significant role Delaware Wetlands play in maintaining a healthy water quality in the inland bays, extra caution and consideration should be given to any request to reduce vegetative buffers abutting wetlands, as well as any disturbances to those areas. Today, there is little recreation that actually occurs at the proposed site or the public launch area across the creek. Once in a great while, someone may launch a small flatbed boat or kayak/paddle board from the public launch, but it's not often. The shore area consists of a deep muck that makes launching a kayak/paddleboard very difficult from the shore, and given the shallow depth (<2') only small or flat bottom vessels can even transit the area. Couple this with the high bacteria level in the inland bays, causing DNREC to issue a permanent

swimming advisory caution in these waters, (Inland Bays Swimming Advisory Caution - DNREC Alpha (delaware.gov)), and it becomes understandable why there is a lack of recreation in this specific area.

The DNREC Marina application failed to address the types and sizes of boats expected to use the marina. This lack of detail leads to questions of whether there is a plan to go back and request a dredging permit to allow motorized vessels safe passage to the marina. Any plans to dredge this area, will cause additional environmental impacts that should be disclosed before a decision is rendered. It may be possible to have an average Pontoon boat with a balanced load make it to the docks but it could prove risky and very challenging given the shallow depth (<2') and potential for unknown underwater hazards. There is little margin for error to prevent grounding in the creek. Motorized boats present a significant hazard to the area, by inadvertently leaking oils and fuels into this area, disturbing native wildlife, and adding to denigrating water quality. The marina removes vegetative borders along the shoreline, which could help filter water from community and parking lot runoff. In addition, the DNREC marina application states that boats may be washed and waxed and the interior painted while at the docks; **requests** (instead of mandating) that boaters use an oil sponge in the bilge pump area; and provides a portable marina pump to pump out boat sewage while docked.

Feasibility Concerns

The Commission and Council should consider whether there is any added value to the surrounding area by providing this type of commercial entity embedded in an MR-RPC. Has the developer successfully reached an agreement with a restaurant entity to establish a restaurant at this location? The internal Osprey Point roads will be owned by the Osprey Point Homeowner's Association – are they going to permit commercial traffic upon their roadways? Who will maintain these structures if the developer is unable to secure an operator? Is it reasonable to assume people will travel nearly 2.5 miles down a dead-end road to patronize a restaurant when there are so many other choices in the area?

Traffic/Life-safety Concern

Adding a restaurant/bar to this area is a recipe for increasing the number of accidents along this curvy section of Old Landing Road. This concern was presented during the initial hearings for Osprey Point, and sadly the number of accidents along this stretch has only increased since the opposition presentations in 2015, resulting in one death and multiple instances of property damage. There are no improvements planned for this section of Old Landing Road. Old Landing Road is a narrow 2 lane roadway, so when an accident occurs it typically shuts down the roadway in both directions for some time. If emergency vehicles need to address another incident, they are hard pressed to get past the blockage, which could be catastrophic.

Summary

I request the Sussex County Commission reject C/Z 1973 for the reasons described above. Approval will devalue nearby properties, deny current resident the peaceful enjoyment of their homes, fails to provide a needed service to the communities in the area, and poses significant environmental concerns.

Respectfully,

Donna Voigt
21058 Laguna Drive
Rehoboth Beach, DE 19971

Sent: Wednesday, August 3, 2022 11:31 AM

Subject: Contact Form: Opposition to the Commercialization/Rezoning of Osprey Point

Submitted on Wednesday, August 3, 2022 - 11:30am

Name: Bruce and Rita Connolly

Email address: ritaconnolly14@gmail.com

Phone number: 505-280-2010

Subject: Opposition to the Commercialization/Rezoning of Osprey Point **C/21973**

Message:

I am a concerned neighbor living in Old Landing Woods lobbying against the proposed marina and eventual rezoning of Osprey Point which would allow for a commercial marina and eventually other commercial entities. I understand that the developer of this property is seeking approval to build a marina first, then has plans to return to Planning and Zoning to seek modifications that will allow for other commercial development. As an effected neighbor and a concerned citizen who is interested in protecting wildlife and wetlands, I am against any further development in this area that is not residential. Commercial zoning presents many negative changes to our neighborhood, resident wildlife, wetlands watershed and well-provided drinking water. Along with many of my neighbors, I am against the developer's proposal; this developer has consistently shown little regard for existing neighborhoods and environs. One example is the cutting down of trees used by native Osprey that were initially slated for preservation, but in course of time were cut down to meet the greedy plans of the developer.

This developer's plans are detrimental to both human and wildlife. Please step up and reject plans for development beyond residential. Included in the developer's plans is a bar/restaurant that will be open until 11pm and include amplified music that will disrupt entire neighborhoods. It will also bring even more traffic to an already overburdened one way in, one way out, two-lane Old Landing Road.

Jesse Lindenberg

From: Fred Katz <fkatz3@jhu.edu>
Sent: Monday, August 8, 2022 10:26 AM
To: Planning and Zoning
Subject: Opposition to C/Z 1973 – Osprey Point Commercial addition
Attachments: PastedGraphic-1.tiff

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Good morning, Planning and Zoning Commission,

Opposition
Exhibit

We are writing to you in opposition to C/Z 1973 – Osprey Point Commercial addition.

As residents of Sawgrass South (35593 Canell Bay Court) we would like Planning and Zoning and the Sussex County Council to reject the addition of the marina/bar/restaurant proposition that is on your current agenda to review/reject/approve. Here are just some of the reasons we do not want it approved:

- It was not part of the original plan that took years to review and approve by the Council. Frankly, it is an entrepreneurial afterthought of the developer.
- Noise Concerns – This area is currently 100% residential area with no commercial establishments. Commercial restaurant/bar establishments are just five – ten minutes away. This proposed commercial establishment will have music/dancing/entertainment till 11 pm, not to mention alcohol consumption.
- DUI/ DWI/Safety Concerns – Old Landing Road is a two lane, curvy road with numerous accidents (both day and night) without a bar/restaurant nearby. Old Landing road is already overcrowded!
- Environmental Concerns – Pollution to the bay and protecting the wetlands due to very shallow water depth sets this land as NOT prime recreational marina area. Other areas for marina recreation have already been developed in Sussex County.

These are just some basic citizens based common-sense reasons not to approve the C/Z 1973 proposal.

I am sure there are many other detailed/technical reasons not to approve it. Please reject it and share constituents concerns with all Sussex council members.

Gerri & Fred Katz

35593 Canell Bay Court

Rehoboth Beach, De. 19971

301-641-4408

Fred A. Katz
Senior Professional Instructor
Johns Hopkins Carey Business School
100 International Drive
Baltimore, MD 21202
Phone: (410) 234-9324 (Debbie Boyd)
Cell: (301)641-4408
Email: Fred.Katz@jhu.edu
Web: carey.jhu.edu



JOHNS HOPKINS
CAREY BUSINESS SCHOOL

Jesse Lindenberg

From: Sandra Oropel <soropel44@gmail.com>
Sent: Sunday, August 7, 2022 2:43 PM
To: Mark Schaeffer
Cc: Planning and Zoning
Subject: Opposition to change of zone (CZ) 1973 - adding Commercial Entity to Osprey Point

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.

We live in Sawgrass South across the street from Osprey Point. We are writing this email to oppose any change of zoning for Osprey Point to allow a Marina and commercial restaurant.

The homes in the OP community will add sufficient traffic on Old Landing Road but adding a commercial restaurant and marina to the already busy road is unacceptable. There have been several accidents recently resulting in damage to fences and property in Sawgrass, more traffic on this single lane dead end curvy street is dangerous.

We are also very much opposed to adding a commercial Marina to allow motorized boats .

Motorized boats present a significant hazard to the area by inadvertently leaking oils and fuels, disturbing native wildlife, and adding to denigrating water quality.

In addition, a commercial restaurant with live music will be extremely noisy and have a bad impact on the quality of life for homeowners in the area.

We are requesting your consideration to deny this zoning change. We do not want another Paradise Grill on Old Landing Road.

Thank you

Opposition
Exhibit

Sandra Oropel & Linda Frese

21368 Catalina Circle, Sawgrass South

Jesse Lindenberg

From: Andrea Zaworski <andrea.zaworski@outlook.com>
Sent: Saturday, August 6, 2022 10:40 AM
To: Planning and Zoning
Subject: Opposition to Osprey Point Preserve, LLC Change of Zone Request Number C/Z 1973
Attachments: Change of Zone #1973 Osprey Point - Opposition Letter.pdf

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Dear Planning and Zoning Commission,

Please see my attached OPPOSITION to the proposed MARINA & BAR at Osprey Point Preserve (Old Landing Road) – Change of Zone Request Number C/Z 1973.

I ask that you vote to not approval the re-zoning request.

Thank you,
Andrea Zaworski
21143 Laguna Drive
Rehoboth Beach DE 19971
Sawgrass South

Opposition
Exhibit

//with permission the below is copied from Donna Voigt's letter submitted 8/05/2022. I agree with and have the same opinions as provided. As a Sawgrass resident of almost 10 years, I am opposed to the building of both the Marina and Bar at Osprey Point – permitting such will greatly affect our quality of life and the greatly impact the wetlands we work so hard to restore & preserve. I am asking you to follow the approved re-zoning AR-1 to MR-RPC in 2016, and maintain only 217 single family homes – NO Clubhouse, NO Marina.

*Sincerely,
Andrea Zaworski
21143 Laguna Drive, Rehoboth Beach DE 19971*



Osprey Point Preserve LLC is seeking to modify the existing MR-RPC zoning to include a Marina and Restaurant/bar as per C/Z 1973. The plan is to provide a place where boaters and local area residents and vacationers come for drinks, food, and entertainment all within a community along Arnell Creek. Osprey Point is a new development being built upon the former Old Landing Road Golf Course. The county approved the rezoning from AR-1 to MR-RPC in 2016, at which time there was no commercial entity requested, only 217 single family homes. This application presents a number of serious concerns for existing homeowners in adjacent communities, as summarized below.

Noise Nuisance Concerns

The former golf course had a small clubhouse that offered a few breakfast and lunch options during the daytime. Many local residents periodically met there for breakfast or to pick-up a sandwich for lunch. The hours of operation were daytime only, no alcohol was served, and there was no amplified sound emitted from the location. C/Z 1973 requests addition of a restaurant, marina and tiki bar operating until 11pm, and includes amplified sound as well as noise emitted by patrons, and boats.

Old Landing Road is a 2.5-mile dead-end road, comprised of a number of residential communities, where residents are able to enjoy a peaceful and tranquil respite from the bars/restaurant areas in Rehoboth and Dewey. As you are aware, there is no sound ordinance in Sussex County, so this request poses an immediate concern for every nearby resident, that will be denied enjoyment of their home due to uncontrollable noise coming from a bar/restaurant until 11PM. This is out of character with the surrounding communities, and clearly will deny existing residents the peaceful enjoyment of their home. Additional noise will be caused due to all services associated with a commercial business (e.g., deliveries, trash removal, sound, etc.) typically occurring during early morning hours.

Environmental Concerns

C/Z 1759 was approved with a condition to maintain a non-disturbance buffer of 25' from federal wetlands and 50' from state wetlands. The C/Z 1973 request appears to violate this condition by building a beach area and marina along Arnell Creek. (Note: DNREC Wetlands and Subaqueous Lands Section is currently evaluating the Osprey Point Marina Application, Project Notice 14.22.)

flatbed boat or kayak/paddle board from the public launch, but it's not often. The shore area consists of a deep muck that makes launching a kayak/paddleboard very difficult from the shore, and given the shallow depth (<2') only small or flat bottom vessels can even transit the area. Couple this with the high bacteria level in the inland bays, causing DNREC to issue a permanent swimming advisory caution in these waters, ([Inland Bays Swimming Advisory Caution - DNREC Alpha \(delaware.gov\)](https://delaware.gov)), and it becomes understandable why there is a lack of recreation in this specific area.

The DNREC Marina application failed to address the types and sizes of boats expected to use the marina. This lack of detail leads to questions of whether there is a plan to go back and request a dredging permit to allow motorized vessels safe passage to the marina. Any plans to dredge this area, will cause additional environmental impacts that should be disclosed before a decision is rendered. It may be possible to have an average Pontoon boat with a balanced load make it to the docks but it could prove risky and very challenging given the shallow depth (<2') and potential for unknown underwater hazards. There is little margin for error to prevent grounding in the creek. Motorized boats present a significant hazard to the area, by inadvertently leaking oils and fuels into this area, disturbing native wildlife, and adding to denigrating water quality. The marina removes vegetative borders along the shoreline, which could help filter water from community and parking lot runoff. In addition, the DNREC marina application states that boats may be washed and waxed and the interior painted while at the docks; **requests** (instead of mandating) that boaters use an oil sponge in the bilge pump area; and provides a portable marina pump to pump out boat sewage while docked.

Feasibility Concerns

The Commission and Council should consider whether there is any added value to the surrounding area by providing this type of commercial entity embedded in an MR-RPC. Has the developer successfully reached an agreement with a restaurant entity to establish a restaurant at this location? The internal Osprey Point roads will be owned by the Osprey Point Homeowner's Association – are they going to permit commercial traffic upon their roadways? Who will maintain these structures if the developer is unable to secure an operator? Is it reasonable to assume people will travel nearly 2.5 miles down a dead-end road to patronize a restaurant when there are so many other choices in the area?

Traffic/Life-safety Concern

Adding a restaurant/bar to this area is a recipe for increasing the number of accidents along this curvy section of Old Landing Road. This concern was presented during the initial hearings for Osprey Point, and sadly the number of accidents along this stretch has only increased since the opposition presentations in 2015, resulting in one death and multiple instances of property damage. There are no improvements planned for this section of Old Landing Road. Old Landing Road is a narrow 2 lane roadway, so when an accident occurs it typically shuts down the roadway in both directions for some time. If emergency vehicles need to address another incident, they are hard pressed to get past the blockage, which could be catastrophic.

Summary

I request the Sussex County Commission reject C/Z 1973 for the reasons described above. Approval will devalue nearby properties, deny current resident the peaceful enjoyment of their homes, fails to provide a needed service to the communities in the area, and poses significant environmental concerns.

Respectfully,

Donna Voigt

21058 Laguna Drive Rehoboth Beach, DE 19971

Jesse Lindenberg

From: Robert Mills <bobbymills5050@gmail.com>
Sent: Friday, August 5, 2022 9:59 PM
To: Planning and Zoning; mschaeffer@sussexcountyde.gov; Doug Hudson
Cc: Donna Voigt; Jo Hamilton
Subject: Proposed Osprey Point Commercial Restaurant/bar/Marina i
Attachments: Change of Zone #1973 Osprey Point - Opposition Letter(2).pdf

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**Opposition
Exhibit**

To the Commission and to our Sussex County Council Members:

I am Robert Mills, and I live full time at 35600 Goff Street in the Sawgrass community located adjacent to Old Landing Road and across Old Landing Road from the new Osprey Point development that is under construction. The purpose of this Memorandum is to join my friend and fellow Sawgrass neighbor, Ms. Donna Voigt in opposition to any approvals for the proposed marina/restaurant that is being sought to be developed within the Osprey Point community.

Ms. Voigt's detailed Memorandum that was submitted to you on August 5th provides significant, important detailed reasons why this marina/restaurant proposal is both ill-advised and precisely the kind of new plan that should be rejected at Osprey Point. I won't attempt to reiterate all of the important rationale for why the Commission and Council should reject C/Z 1973. I support all points contained within Ms. Voigt's Memorandum.

At the same time, I am most concerned about the serious, sustained threat that this proposed marina/restaurant project will have on safety along Old Landing Road, and to the perimeter properties within Sawgrass that are located along Old Landing Road. I am specifically deeply concerned about traffic issues and the clear undeniable prospect that having a restaurant where alcohol is served until late at night, will have on safety along Old Landing Road. Already, without Osprey Point under construction we have had several incidents of drunken drivers speeding on Old Landing Road, two of whom crashed into the perimeter fence surrounding properties along Old Landing Road. Most recently a drunk driver crashed through the perimeter fencing; careened through one of our neighbor's yards, destroying their back yard fence, destroying at least one mail box and severely damaging the yard and common areas within Sawgrass. Fortunately no one was out at that late hour or else individuals and their pets could have been severely injured or worse.

In another incident a motorcycle driver crashed into a pole on the Sawgrass perimeter on Old Landing Road and was severely injured and severely damaged the perimeter fence. Another car driving recklessly on Old Landing Road crashed into the fence near Ms. Voigt's residence and drove into one of the Sawgrass water management ponds.

And all of this occurred before the proposed marina/restaurant was proposed or in existence.

Add to this history of dangerous driving on Old Landing Road near the Osprey Point project, the spectre of patrons of the proposed restaurant, after an evening of drinking and now driving impaired out of Osprey Point and down Old Landing Road adjacent to our community and it is an iron clad prescription for accidents and injury to our residents and their properties.

For these reasons and those set forth in Ms. Voigt's Memorandum, I join Ms. Voigt in requesting that the Sussex County Commission reject C/Z 1973 for the reasons described above. I agree with her that approval will devalue nearby properties, deny current resident the peaceful enjoyment of our homes in Sawgrass. There are plenty of restaurants in Rehoboth Beach, Dewey and all along Coastal Highway; and boaters have multiple access points to launch their boats and enjoy their water recreation on the Bays and ocean. We don't need another one.

Thank you for your consideration of this Memo and for your good work in keeping communities safe along the Old Landing Road corridor.

Robert E. Mills
35600 Goff Street
Rehoboth Beach, DE 19971
(302) 212-5603

--
Robert E. Mills M.A., J.D.
35600 Goff Street
Rehoboth Beach, Delaware 19971
(302) 212-5603

To: Sussex County Commission and Sussex County Council
From: Donna Voigt, Sawgrass South Resident
Date: August 5, 2022
Subject: Opposition to Osprey Point Preserve, LLC Change of Zone Request Number C/Z 1973

Osprey Point Preserve LLC is seeking to modify the existing MR-RPC zoning to include a Marina and Restaurant/bar as per C/Z 1973. The plan is to provide a place where boaters and local area residents and vacationers come for drinks, food, and entertainment all within a community along Arnell Creek. Osprey Point is a new development being built upon the former Old Landing Road Golf Course. The county approved the rezoning from AR-1 to MR-RPC in 2016, at which time there was no commercial entity requested, only 217 single family homes. This application presents a number of serious concerns for existing homeowners in adjacent communities, as summarized below.

Noise Nuisance Concerns

The former golf course had a small clubhouse that offered a few breakfast and lunch options during the daytime. Many local residents periodically met there for breakfast or to pick-up a sandwich for lunch. The hours of operation were daytime only, no alcohol was served, and there was no amplified sound emitted from the location. C/Z 1973 requests addition of a restaurant, marina and tiki bar operating until 11pm, and includes amplified sound as well as noise emitted by patrons, and boats.

Old Landing Road is a 2.5-mile dead-end road, comprised of a number of residential communities, where residents are able to enjoy a peaceful and tranquil respite from the bars/restaurant areas in Rehoboth and Dewey. As you are aware, there is no sound ordinance in Sussex County, so this request poses an immediate concern for every nearby resident, that will be denied enjoyment of their home due to uncontrollable noise coming from a bar/restaurant until 11PM. This is out of character with the surrounding communities, and clearly will deny existing residents the peaceful enjoyment of their home. Additional noise will be caused due to all services associated with a commercial business (e.g., deliveries, trash removal, sound, etc.) typically occurring during early morning hours.

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Given the significant role Delaware Wetlands play in maintaining a healthy water quality in the inland bays, extra caution and consideration should be given to any request to reduce vegetative buffers abutting wetlands, as well as any disturbances to those areas. Today, there is little recreation that actually occurs at the proposed site or the public launch area across the creek. Once in a great while, someone may launch a small flatbed boat or kayak/paddle board from the public launch, but it's not often. The shore area consists of a deep muck that makes launching a kayak/paddleboard very difficult from the shore, and given the shallow depth (<2') only small or flat bottom vessels can even transit the area. Couple this with the high bacteria level in the inland bays, causing DNREC to issue a permanent

swimming advisory caution in these waters, ([Inland Bays Swimming Advisory Caution - DNREC Alpha \(delaware.gov\)](#)), and it becomes understandable why there is a lack of recreation in this specific area.

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Summary

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Respectfully,

Donna Voigt
21058 Laguna Drive
Rehoboth Beach, DE 19971

Jesse Lindenberg

From: Donna Voigt <dvoigt11@gmail.com>
Sent: Friday, August 5, 2022 4:53 PM
To: Planning and Zoning; Jamie Whitehouse
Cc: Gmail 2; Jo Hamilton
Subject: C/Z 1973 (Osprey Point Commercial Entity Addition) Opposition Letter
Attachments: Change of Zone #1973 Osprey Point - Opposition Letter.pdf

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Good Evening,

I wish to submit my written comments regarding C/Z 1973 to be discussed 8/11/2022 before the Sussex County Commission. I plan to attend the hearing and present my comments in person, but may not be able to do so, given impending death of an out-of-state close relative (mother). Therefore, I want to make sure my comments are included in the public record.

Please confirm receipt, and acknowledge this is the proper method for registering comments regarding this matter.

Respectfully,

Donna Voigt
21058 Laguna Drive
Rehoboth Beach, DE 19971

Opposition
Exhibit

Sent from Mail for Windows

To: Sussex County Commission and Sussex County Council
From: Donna Voigt, Sawgrass South Resident
Date: August 5, 2022
Subject: Opposition to Osprey Point Preserve, LLC Change of Zone Request Number C/Z 1973

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Respectfully,

Donna Voigt
21058 Laguna Drive
Rehoboth Beach, DE 19971

Jesse Lindenberg

From: Lee Matrachia <lmatrachia@yahoo.com>
Sent: Friday, August 5, 2022 6:21 PM
To: Planning and Zoning; Doug Hudson; mschaeffe@sussexcountyde.gov
Subject: Resturant at osprey

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I live across from osprey a resturant would be a noise problem for our community also a lunch and water craft rentals would cause a dangerous traffic condition on old landing road. We have a very quite community and would like to keep it that way. Liborio matrachia 35596 canell bay ct PLEASE HELP US KEEP OUR QUALITY OF LIFE

Sent from Yahoo Mail on Android

**Opposition
Exhibit**