

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date August 12, 2021.

Application: CU 2261 (What Is Your Voice, Inc.)

Applicant: What Is Your Voice, Inc.  
17583 Shady Road, Lewes

Owner: What Is Your Voice, Inc.  
17583 Shady Road, Lewes

Site Location: Southeast of Shady Road (Rt. 276), approximately 1,000 feet south of Coastal Highway (Rt. 1)

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Storage units and offices

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County Sewer District

Water: Private Provider

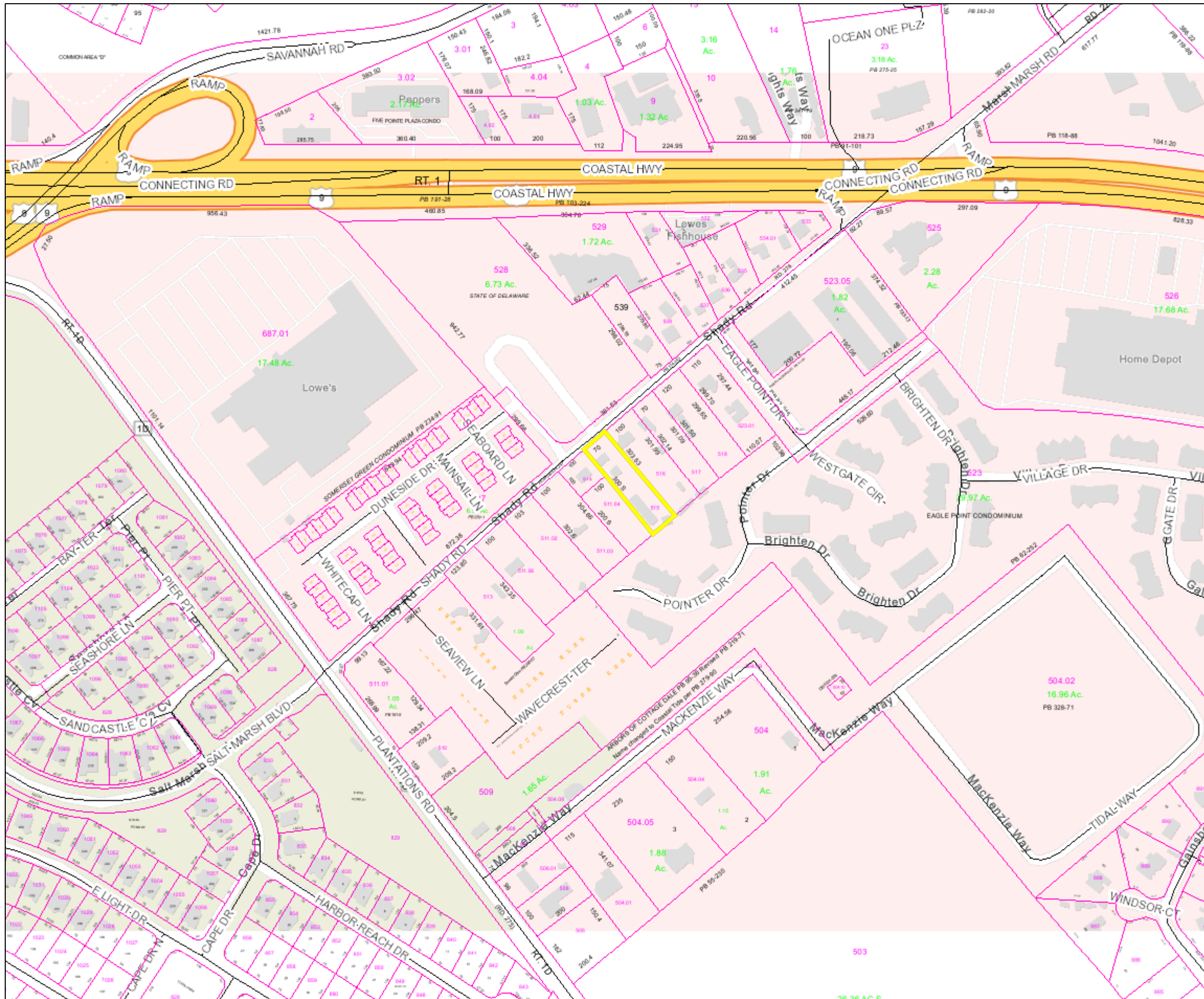
Site Area: 0.63 acre +/-

Tax Map ID.: 334-6.00-515.00





# Sussex County



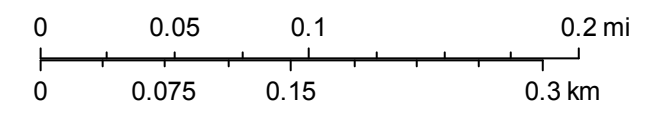
<b>PIN:</b>	334-6.00-515.00
<b>Owner Name</b>	WHAT IS YOUR VOICE INC
<b>Book</b>	5087
<b>Mailing Address</b>	30428 E BARRIER REEF BL
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	RD 276
<b>Description 2</b>	
<b>Description 3</b>	
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

  - Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514





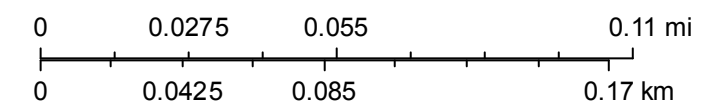
# Sussex County



<b>PIN:</b>	334-6.00-515.00
<b>Owner Name</b>	WHAT IS YOUR VOICE INC
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- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:2,257





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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 2<sup>nd</sup>, 2021  
RE: Staff Analysis for CU 2261 (What Is Your Voice, Inc.)

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This memo provides a background and an analysis for the Planning Commission to consider as a part of Conditional Use No. 2261 (What Is Your Voice, Inc.) to be reviewed during the August 12<sup>th</sup>, 2021, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The Conditional Use application (CU 2261), requests storage units and offices to be located on the southeastern side of Shady Road (S.C.R. Rt. 276), approximately 0.21 mile southwest of Coastal Highway (Route 1). The property consists of Tax Parcel 334-6.00-515.00, which contains 0.63 acres +/-.

The 2018 Sussex County Comprehensive Plan provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine the ways in which land uses should change over time. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area." The properties to the north, south and east of the subject property also have the land use designation of "Coastal Area." The properties, which exist on the opposite side of Shady Road, are designated to be a Commercial Area.

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are expected to accommodate residential and economic growth and protect and preserve environmentally sensitive areas. Specifically, the Comprehensive Plan states that a range of housing types, including townhomes and multi-family units, be permitted. Housing is permitted at a density of 2 units to the acre and medium densities (4-12 units per acre) may be appropriate in certain areas. It is envisioned that Coastal Areas encourage retail and offices uses; however, larger shopping centers and office parks could be confined to select locations. Lastly, the Coastal Area designation encourages the expansion of central water and sewer facilities as it is feasible.

The property is zoned Agricultural Residential (AR-1). The properties to the north, south, and east are all within the AR-1 Zoning District. All parcels to the west (i.e. southwest, west, and northwest) on the opposite side of Shady Road are within the C-1 Zoning District. The subject property is adjacent to the Eagle Point residential community (townhomes); and additionally, the Somerset Green residential community (townhomes) is on the opposite side of Shady Road near the site.

Since 1971, there have been 88 Conditional Use applications within a one-mile radius of CU 2261. Included within this analysis are each of the applications that are within 0.5 of a mile. Attached is



a table of the applications within 0.5 of a mile as a well a map that represents their corresponding location.

Based on the analysis provided, this Conditional Use application (CU 2261), to allow for offices and storage units, could be considered to be consistent with the surrounding land uses, zoning, and environment.

CU #	Tax Parcel #	APPLICANT	Zoning	Proposed Use	P&Z Decision	CC Decision Date	CC Decision	Ordinance
1150	335-12.05-7.00	John E. Spiekar, M.D.	AR-1	medical offices	Recommended Approval	4/16/1996	Approved	1085
1759	334-5.00-222.02	Bridle Ridge Properties LLC (AR-1)	AR-1	Multi-Family	Recommended Approval	8/5/2008	Approved	1989
1830	335-12.05-12.00	J & T Properties, LLC	AR-1	out-patient clinic	Recommended Approval	6/8/2010	Approved	2123
1243	335-12.05-5.00	H.L.M.M., LLC	AR-1	Amendment to CU 1028	Recommended Approval	6/2/1998	Approved	1238
152	334-6.00-503.02	William Thompson	AR-1	beauty shop	N/A	<Null>	Approved	<Null>
2261	334-6.00-515.00	What Is Your Voice, Inc.	AR-1	Subject Application 08/12/2021	<Null>	<Null>	<Null>	<Null>
1736	334-6.00-550.02	Matthew Weidman & Karen	AR-1	Towing Services & Vehicle/Boat Storage	Recommended Approval	12/2/2008	Approved	2009
1511	334-6.00-550.00	Anthony I. Freeman	AR-1	produce sales	Recommended Approval	12/16/2003	Approved	1649
1868	335-12.00-1.10	Old Towne Pointe, L.L.C.	AR-1	pharmacy/community service	Recommended Denial	5/24/2011	Approved	2196
1758	334-5.00-222.00	Bridle Ridge Properties LLC (MR)	MR	Multi-Family Dwelling	Recommended Approval	7/28/2008	Denied	<Null>
1680	334-6.00-511.06	Samir Ghabar	AR-1	business park	Recommended Denial	6/5/2007	Denied	<Null>
1490	334-6.00-526.00	Tidewater Utilites, Inc.	AR-1	elevated water storage tank	Recommended Approval	4/29/2003	Approved	1602
1820	334-6.00-511.01	Rheumatology Consultants of DE, PA	AR-1	professional offices	Recommended Approval	7/2/2010	Approved	2136
101	334-6.00-32.00	Joseph Weemstein	C-1	auto body repair shop	N/A	<Null>	Approved	<Null>
2034	334-5.00-215.00	Beachfire Brewery Co., LLC	AR-1	Restaurant and Brewery	Recommended Approval	3/8/2016	Approved	2438
1845	334-6.00-504.02	Rick Banning - Coastal Tide	MR	Multi-family	Recommended Approval	2/23/2010	Approved	2106
499	334-6.00-39.00	Charles West	AR-1	mobile home park	<Null>	<Null>	Withdrawn	<Null>
1428	334-6.00-687.01	Kyle W. Welsh	C-1	sales cart program	Recommended Approval	1/8/2002	Approved	1515
1434	334-6.00-523.00	Grady, Inc.	AR-1	multi-family	Recommended Approval	4/9/2002	Approved	1531
2190	334-5.00-212.00	Steven & Helene Falcone	AR-1	Office	Recommended Approval	1/7/2020	Approved	2699
2106	334-6.00-511.00	MDI Investment Group, LLC	MR	multi-family (52 townhouses)	Recommended Approval	3/20/2018	Approved	2566
	335-12.05-5.00	Dr. Harry J. Anagnostakos		Medical Offices				
1028			AR-1		Recommended Denial	4/27/1993	Approved	888
	334-6.00-550.02	Robert E. Mitchell		mechanics shop for auto & boat repair				
1068			AR-1		Recommended Approval	3/15/1994	Approved	957
	334-6.00-526.00	Rehoboth Home Builders, Inc.		multi-family				
1489			AR-1		Recommended Approval	6/24/2003	Approved	1619
472	335-12.05-12.00	Lydia Rawlings	AR-1	Garage sale	N/A	5/30/1978	Approved	<Null>
1100	335-12.05-7.00	Gordon Berl	AR-1	Multi-Family	Recommended Denial	<Null>	Withdrawn	<Null>
1522	334-6.00-504.02	SSEW LLC.	AR-1	Multi-Family	Recommended Approval	3/30/2004	Approved	1671
2281	334-12.00-7.00	Susan Riter	AR-1	Borrow Pit	Withdrawn	6/8/2021	Withdrawn	<Null>

# All Conditional Uses within 0.5 of a mile of CU 2261 (What Is Your Voice, Inc.)



0 0.07 0.15 0.3 Miles



All orange polygons represent Conditional Use applications. All green polygons represent subdivisions. This map may not contain all necessary elements and principles and should be utilized for general reference only.

Chase Phillips, Planner I



## Planning & Zoning Commission Application Sussex County, Delaware

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

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

Zoning Map Amendment \_\_\_\_\_

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

17583 Shady Rd., Lewes, DE 19958

**Type of Conditional Use Requested:**

Applicant seeks conditional use approval to use the existing garage for office uses and the one-story pole building for rental storage facilities (4 units) in connection with the Applicant's non-profit corporation.

Tax Map #: 334-6.00-515.00Size of Parcel(s): .63 acresCurrent Zoning: AR-1Proposed Zoning: CUSize of Building: 3,034 sq.ft.Land Use Classification: Coastal AreaWater Provider: private wellSewer Provider: Sussex County**Applicant Information**Applicant Name: What Is Your Voice, Inc.Applicant Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751City: GeorgetownState: DEZip Code: 19947Phone #: (302) 855-1260E-mail: shannonb@sussexattorney.com**Owner Information**Owner Name: What Is Your Voice, Inc.Owner Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751City: GeorgetownState: DEZip Code: 19947Phone #: (302) 855-1260E-mail: shannonb@sussexattorney.com**Agent/Attorney/Engineer Information**Agent/Attorney/Engineer Name: Shannon Carmean Burton, EsquireAgent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751City: GeorgetownState: DEZip Code: 19947Phone #: (302) 855-1260E-mail: shannonb@sussexattorney.com

# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

**Signature of Applicant/Agent/Attorney**

Shannon Carmean Burton, Esquire Digitally signed by Shannon Carmean Burton, Esquire  
Date: 2020.11.09 09:29:34 -05'00'

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

**Signature of Owner**



Date: 1/6/2021

**For office use only:**

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

Subdivision: \_\_\_\_\_  
 Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
 Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_



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

January 5, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **What is Your Voice, Inc.** conditional use application, which we received on December 2, 2020. This application is for an approximately 0.63-acre parcel (Tax Parcel: 334-6.00-515.00). The subject land is located on the southeast side of Shady Road (Sussex Road 276), approximately 1,000 feet southwest of the intersection of Delaware Route 1 and Shady Road, southwest of Lewes. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the facility as a pole barn storage facility (four units) and an office.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Shady Road where the subject land is located are 5,159 and 6,640 vehicles per day, respectively.

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

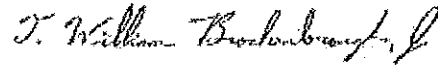
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
January 5, 2021

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: What is Your Voice, Inc., Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

**WRITTEN SUBMISSION**  
**OF**  
**WHAT IS YOUR VOICE, INC.**

**C/U NO. 2261**

**August 12, 2021**

**Shannon Carmean Burton, Esquire**  
**Sergovic Carmean Weidman**  
**McCartney & Owens, P.A.**  
**25 Chestnut St.**  
**P.O. Box 751**  
**Georgetown, DE 19947**  
**(302) 855-1260**

**INDEX**  
**WHAT IS YOUR VOICE, INC.**  
**APPLICATION FOR CONDITIONAL USE NO. 2261**

1. Copy of the Application without exhibits
2. Deed of the lands seeking a conditional use
3. Conditional Use Boundary and Location Plan prepared by Scaled.  
Engineering
4. DelDOT Response Letter to Service Level Evaluation Request
5. Approval Letter for Administrative Variance
6. Letters in Support of Application
7. Google Earth Aerial Image of Property
8. Photographs of the Property
9. Excerpt from the Sussex County Tax Map
10. Statement of Sergovic Carmean Weidman McCartney & Owens, P.A.  
explaining the Application and its compliance with the Comprehensive Plan  
and Zoning Code
11. Proposed Findings of Fact and Conditions

# EXHIBIT "1"

File #: CU 2261

202100823

## Planning & Zoning Commission Application Sussex County, Delaware

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

RECEIVED

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SUSSEX COUNTY  
PLANNING & ZONING

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

Conditional Use   
Zoning Map Amendment

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

17583 Shady Rd., Lewes, DE 19958

**Type of Conditional Use Requested:**

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Tax Map #: 334-6.00-515.00

Size of Parcel(s): .63 acres

Current Zoning: AR-1

Proposed Zoning: CU

Size of Building: 3,034 sq.ft.

Land Use Classification: Coastal Area

Water Provider: private well

Sewer Provider: Sussex County

**Applicant Information**

Applicant Name: What Is Your Voice, Inc.

Applicant Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: shannonb@sussexattorney.com

**Owner Information**

Owner Name: What Is Your Voice, Inc.

Owner Address: c/o Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: shannonb@sussexattorney.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Shannon Carmean Burton, Esquire

Agent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, P.A., PO Box 751

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: shannonb@sussexattorney.com





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  - Deed or Legal description
- Provide Fee \$500.00**
- Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.)** If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
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- DeIDOT Service Level Evaluation Request Response**
- PLUS Response Letter (if required)**

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

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

**Signature of Applicant/Agent/Attorney**

Shannon Carmean Burton, Esquire  
Digitally signed by Shannon Carmean Burton, Esquire  
Date: 2020.11.09 09:29:34 -05'00'

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

**Signature of Owner**

Date: 1/6/2021

**For office use only:**

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

# EXHIBIT “2”

**Electronically Recorded Document# 2019000024565 BK: 5087 PG: 328**  
**Recorder of Deeds, Scott Dailey On 7/11/2019 at 8:50:10 AM Sussex County, DE**  
**Consideration: \$325,000.00 County/Town: \$4,875.00 State: \$8,125.00 Total: \$13,000.00**  
**Doc Surcharge Paid Town: SUSSEX COUNTY**

TAX MAP AND PARCEL #: 3-34-6.00-515.00

PREPARED BY & RETURN TO:  
Wolfe & Associates, LLC  
122 Sandhill Drive, Suite 203  
Middletown, DE 19709  
File No. 19-0082/Jellis

**THIS DEED**, made this 30th day of May, 2019,

- BETWEEN -

**POINT CROSSING LLC**, a Delaware limited liability company, party of the first part,

- AND -

**WHAT IS YOUR VOICE, INC.**, a corporation of the State of Delaware, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of **TEN and 00/100 Dollars (\$10.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

**ALL** that certain lot, piece or parcel of Land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, lying on the southerly side of County Route 276, being more particularly described as follows, to wit:

**BEGINNING** at an iron pipe set on the southerly side of the aforesaid County Route 276, then running with the right of way line of Route 276, South 59 degrees 58 minutes 12 seconds West 70.00 feet to an iron pipe found; then, tuning and running with lands now or formerly of Robert J. Gooch, et.ux, and lands now or formerly of Robert I. Harmon, et.ux, South 28 degrees 36 minutes 45 seconds East 304.47 feet to an iron pipe set; then, turning and running with lands now or formerly of Harry H. Norwood, et.ux, North 58 degrees 58 minutes 26

Document# 2019000024565 BK: 5087 PG: 329

Recorder of Deeds, Scott Dailey On 7/11/2019 at 8:50:10 AM Sussex County, DE

Doc Surcharge Paid

seconds East 70.00 feet to an iron pipe set; then, turning and running with lands now or formerly of Colon Works, et.ux, North 28 degrees 36 minutes 17 seconds West 303.26 feet to the place of Beginning.

BEING the same lands and premises which George C Coverdale, by Deed dated 12/21/07 and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Record 3534, Page 49 granted and conveyed unto Point Crossing LLC, in fee.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Lewes, Sussex County, Delaware.

IN WITNESS WHEREOF, the said Point Crossing LLC, a Delaware limited liability company, has caused its name to be hereunto set under seal by David E. Moon, Jr., Member of Point Crossing LLC, the day and year first above written.

POINT CROSSING LLC

By: David E. Moon, Jr., Member (SEAL)  
David E. Moon, Jr., Member

\_\_\_\_\_  
Witness

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 30th day of May, A.D. 2019, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, David E. Moon, Jr., Member of Point Crossing LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said limited liability company; that the signature of the Member is in his own proper handwriting and by his authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

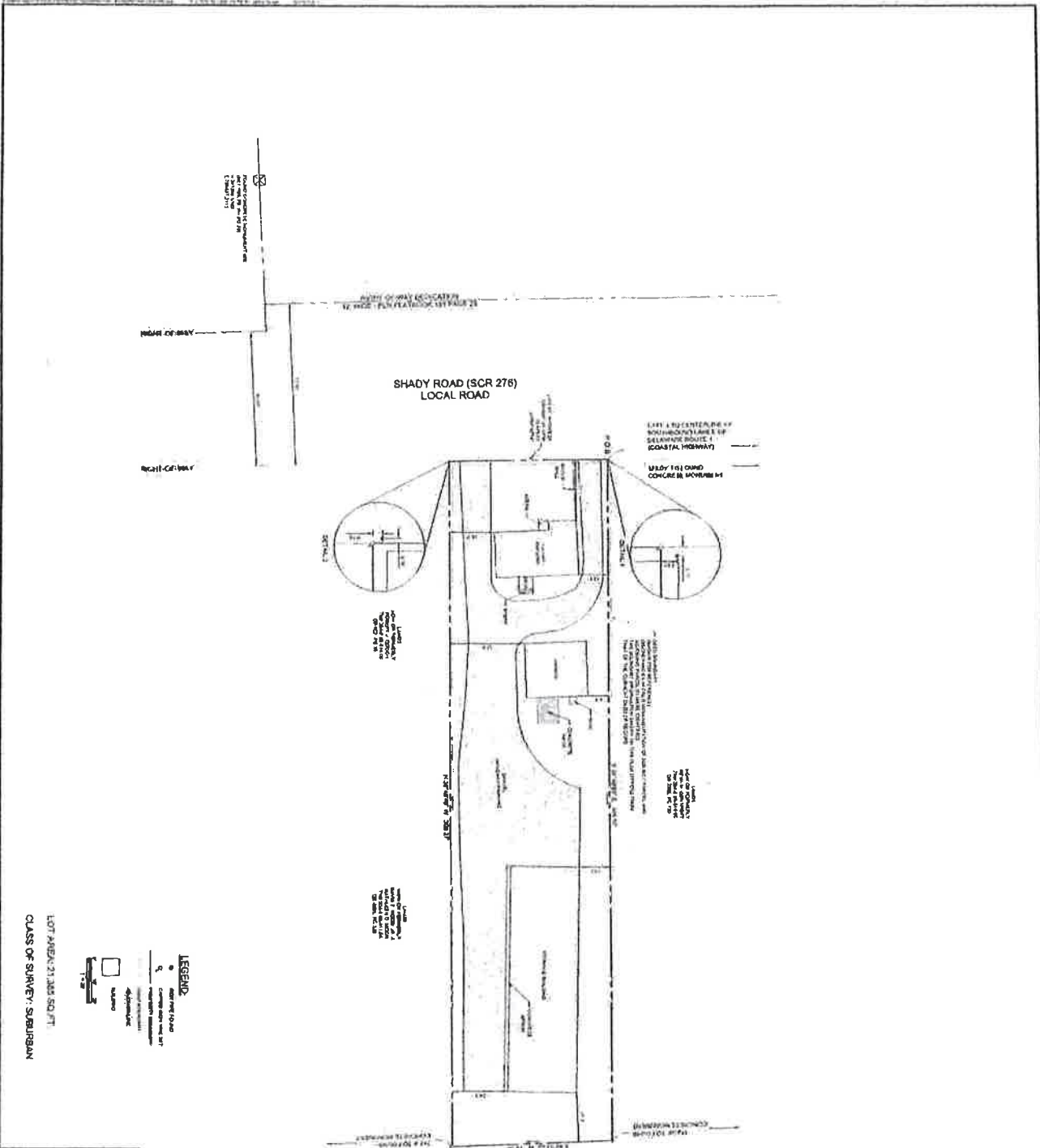
GIVEN under my Hand and Seal of Office the day and year aforesaid.

Colette M. Monaghan  
Notary Public  
My Commission Expires: 11/2

COLETTE M. MONAGHAN  
#6567  
ATTORNEY AT LAW  
NOTARY PUBLIC  
STATE OF DELAWARE  
Pursuant to  
29 Del. C. 4323 (a)(3)

Grantee's Address:  
PO Box 657  
Georgetown, DE 19947

# EXHIBIT “3”



**NOTES:**

This plan is the result of an actual field survey conducted on the property shown hereon. The survey was conducted in accordance with the Delaware Statutes and the rules and regulations of the Delaware Department of Transportation. The survey was conducted on the property shown hereon and the results of the survey are shown on this plan. The survey was conducted on the property shown hereon and the results of the survey are shown on this plan. The survey was conducted on the property shown hereon and the results of the survey are shown on this plan.

**LEGEND:**

- Surveyed Line
- Corner and Lot
- Proposed Addition
- Other

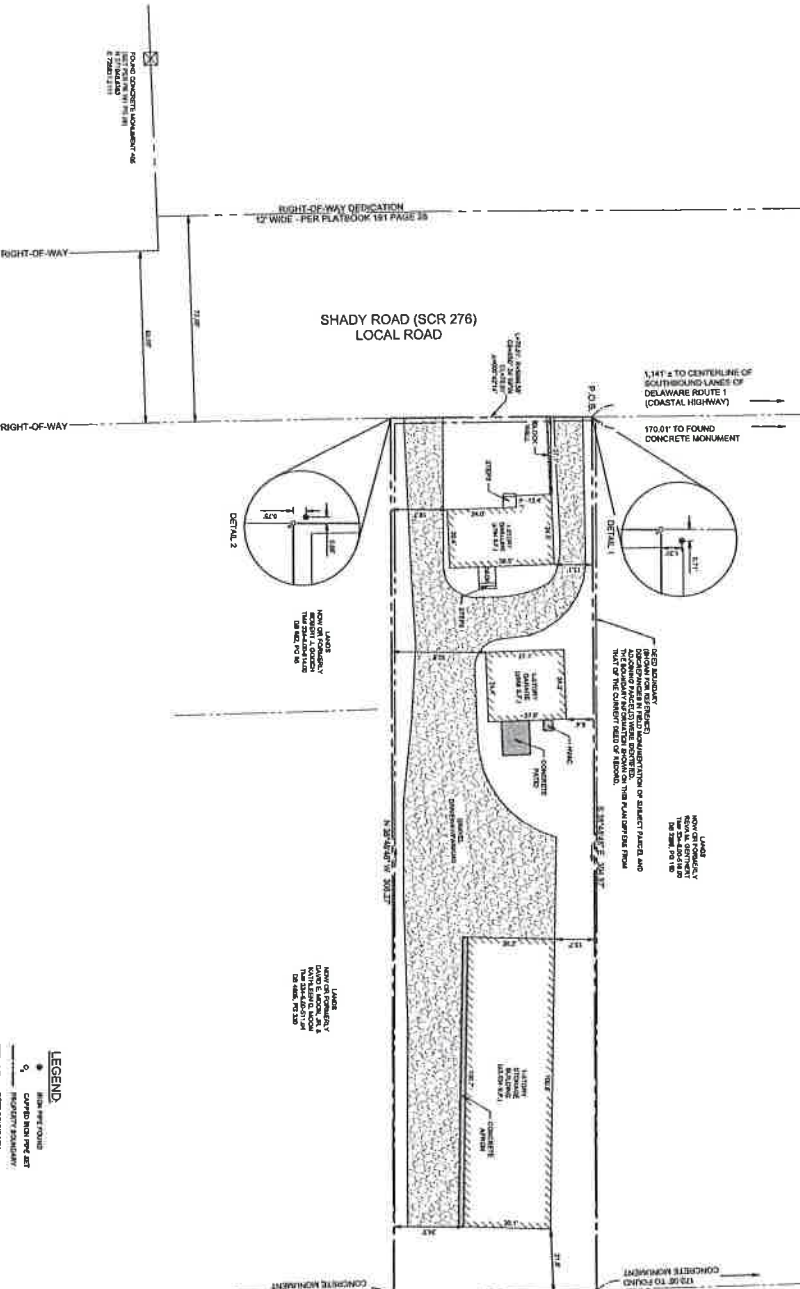
**LOT AREA: 21,305 SQ. FT.**

**CLASS OF SURVEY: SUBURBAN**

PREPARED FOR:  
**WHAT IS YOUR VOICE, INC.**  
 FOR PROPERTY KNOW AS:  
 17501 SHADY ROAD LEWES, DELAWARE 19958  
 TAX MAP: 34-4 01 515.00  
 LEWES AND REMOOTH HUNDRED, SUSSEX COUNTY, DELAWARE

**SCALED ENGINEERING**  
 Survey Engineering  
 2714 Coastal Highway  
 Lewes, Delaware 19958  
 Phone: 302.398.8888

**BOUNDARY AND LOCATION SURVEY PLAN**



**LEGEND**

- CONCRETE MONUMENT
- IRON PIPE
- CAST IRON PIPE
- ALUMINUM PIPE
- GALVANIZED PIPE
- IRON ROD
- PROPERTY BOUNDARY
- RIGHT-OF-WAY
- RIGHT-OF-WAY DEDICATION

LOT AREA: 21,365 SQ. FT.  
 CLASS OF SURVEY: SUBURBAN



**NOTES:**

THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED ON 05/20/2014 BY SCALED ENGINEERING, INC. NEARLY ALL INFORMATION SHOWN ON THIS PLAN WAS OBTAINED BY FIELD SURVEYING METHODS. THE SURVEY RECORD, DEEDS, AND RECORDED INSTRUMENTS, OTHER RECORDS OF PUBLIC RECORD, AND FIELD NOTES HAVE BEEN REVIEWED. ANY DISCREPANCIES IDENTIFIED IN THIS SURVEY HAVE BEEN NOTED TO DELAWARE STATE PLANNING BOARD.

THIS PLAN DOES NOT VERIFY THE LOCATION, DISTANCE, ANGLE, OR OTHER DATA FROM ANY DEEDS OR INSTRUMENTS ON RECORD OR THE SUBJECT PROPERTY.

THIS PLAN DOES NOT VERIFY THE EXISTENCE AND/OR NON-EXISTENCE OF UTILITIES UNDER OR NEAR ANY SUBJECT PROPERTY.

THIS PLAN DOES NOT VERIFY UTILITIES OR ANY OTHER SUBSURFACE OBJECTS.

ALL SETTINGS MUST BE VERIFIED BY THE HOME OWNER, CONTRACTOR, AND HOMEOWNERS ASSOCIATION PRIOR TO ANY CONSTRUCTION.

**DISCLAIMER:**

I, CHRISTOPHER R. SAWYER, PE, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE. I HAVE REVIEWED AND CONFIRMED THE ACCURACY AND COMPLETENESS OF THE INFORMATION CONTAINED HEREON. I HAVE ALSO REVIEWED AND CONFIRMED THE ACCURACY AND COMPLETENESS OF THE INFORMATION CONTAINED IN THE ATTACHED SURVEY REPORT AND FIELD NOTES. I HAVE ALSO REVIEWED AND CONFIRMED THE ACCURACY AND COMPLETENESS OF THE INFORMATION CONTAINED IN THE ATTACHED SURVEY REPORT AND FIELD NOTES. I HAVE ALSO REVIEWED AND CONFIRMED THE ACCURACY AND COMPLETENESS OF THE INFORMATION CONTAINED IN THE ATTACHED SURVEY REPORT AND FIELD NOTES.

PREPARED FOR:

**WHAT IS YOUR VOICE, INC.**

FOR PROPERTY KNOW AS:

17583 SHADY ROAD LEWES, DELAWARE 19958

TAX MAP: 334-6.00-515.00

LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

**SCALED ENGINEERING**

Coastal Engineering Inc.  
 20248 Coastal Highway  
 Rehoboth Beach, DE 19971  
 Phone: (410) 328-3900

BOUNDARY AND LOCATION SURVEY PLAN

<p>DATE: _____</p> <p style="font-size: small;">CARTOGRAPHIC SCALE AS SHOWN ON PLAT</p>	<p>1</p>
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THIS DRAWING INCLUDES BOUNDARY AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING, INC. AND SHOULD NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2014

# EXHIBIT “4”





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

January 5, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **What is Your Voice, Inc.** conditional use application, which we received on December 2, 2020. This application is for an approximately 0.63-acre parcel (Tax Parcel: 334-6.00-515.00). The subject land is located on the southeast side of Shady Road (Sussex Road 276), approximately 1,000 feet southwest of the intersection of Delaware Route 1 and Shady Road, southwest of Lewes. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the facility as a pole barn storage facility (four units) and an office.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Shady Road where the subject land is located are 5,159 and 6,640 vehicles per day, respectively.

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

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



Mr. Jamie Whitehouse  
Page 2 of 2  
January 5, 2021

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: What is Your Voice, Inc., Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

# EXHIBIT “5”

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



# Sussex County

DELAWARE  
sussexcountyde.gov

November 6, 2020

Sergovic, Carmean, Weidman, McCartney & Owens, P.A.  
Shannon Carmean Burton  
PO Box 751  
Georgetown, DE 19947  
By email to: [shannonb@sussexattorney.com](mailto:shannonb@sussexattorney.com)

RE: Approval Letter for Administrative Variance for Lands of What Is Your Voice, Inc. located at 17583 Shady Rd. (AV-20-06)  
Tax Parcel: 334-6.00-515.00

Dear Ms. Burton:

The request for the Administrative Variance (Section 115-181(E)) for a 0.6-foot variance from the required 10-ft side yard setback requirement for an existing detached garage (Section 115-25(C)) has been approved. The side yard setback distance for the existing detached garage is 9.4-ft.

The documentation presented and found provides a basis for granting of said Administrative Variance. Based on the criteria for the granting of an Administrative Variance it has been determined that:

- The survey submitted with your application established that the lot is unique in shape as it is a narrow and deep lot.
- The property is in an AR-1 (Agricultural Residential District) and has a lot width of less than 100-ft.
- The variance will allow for reasonable use of the property.
- The need for the variance was not created by the applicant. The detached garage was constructed in 1982. The applicant purchased the property in 2019.
- The requested variance is the minimum variance to afford relief and would not alter the essential character of the neighborhood, since the garage has been in its current location for 38-years.
- The Planning Office did not receive any objection to the requested variance.

Please forward Signed and Sealed copies of the survey by Scaled Engineering or another surveying firm, showing the placement of the existing detached garage, to this Department so that the plat/survey can be stamped indicating approval of the Administrative Variance.

The plat/survey must be recorded indicating that the Administrative Variance was granted. Please feel free to contact me with any questions during business hours 8:30am – 4:30pm Monday through Friday at 302-855-7878.



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

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Norwood".

Jennifer Norwood  
Planning and Zoning Manager

# EXHIBIT “6”

Kathleen D. Moon  
32642 Sand Dune Dr.  
Lewes, DE 19958

Sussex County Planning and Zoning  
Sussex County Council

To Whom It May Concern

I am responding to a notice I received for C/U 2261 What is Your Voice, Inc. Located at 17583 Shady Road, Lewes. Tax Parcel # 334-6.00-515.00

I own the property next to this, Tax Parcel # 334-6.00-511.04

I understand that What is Your Voice is applying for Conditional Use of Land in an AR-1 Agricultural Residential district. I support the application and I believe it is an appropriate use of the property. I understand that What is Your Voice is essential to services in the Sussex County area and is a non-profit 501 (c) (3) Corporation. The use of the property will not have an impact on my property or the neighborhood. I strongly recommend approval of the Conditional Use.

I can be reached at the above address for any further notice. I made note of the upcoming public hearings and will attend.

Thank you for allowing me to respond to the notice.

*Kathleen D. Moon*

Kathleen D. Moon

7/27/2021

ERNESTO B. LOPEZ  
STATE SENATOR  
6<sup>th</sup> District



SENATE  
STATE OF DELAWARE  
411 LEGISLATIVE AVENUE  
DOVER, DELAWARE 19901

COMMITTEES  
Education  
Elections & Government Affairs  
Finance  
Transportation

July 28, 2021

RE: Conditional Use No.2261/What is Your Voice, Inc.

Thank you for allowing this important application to come before you for consideration. What is Your Voice, Inc., is an important non-profit 501(c)(3) corporation providing critically needed services to vulnerable populations in Sussex County.

As the Senator from the 6<sup>th</sup> District and, also a neighbor, as the location is in close proximity to my home, I am in full support of their request and the application. Advocating on behalf of this non-profit, has been a tenet of my time in office and their request is more than appropriate within the coastal area in accordance to the Sussex County Comprehensive Plan.

In addition, their use of the property will have no detrimental impact on neighboring properties or roadways. If anything, due to the challenges we are seeing in social service and health related areas, the value of organizations like What is Your Voice, Inc., will continue to grow and the importance placed by government in ensuring they have a place to serve those in need, will enhance the quality of life in our county.

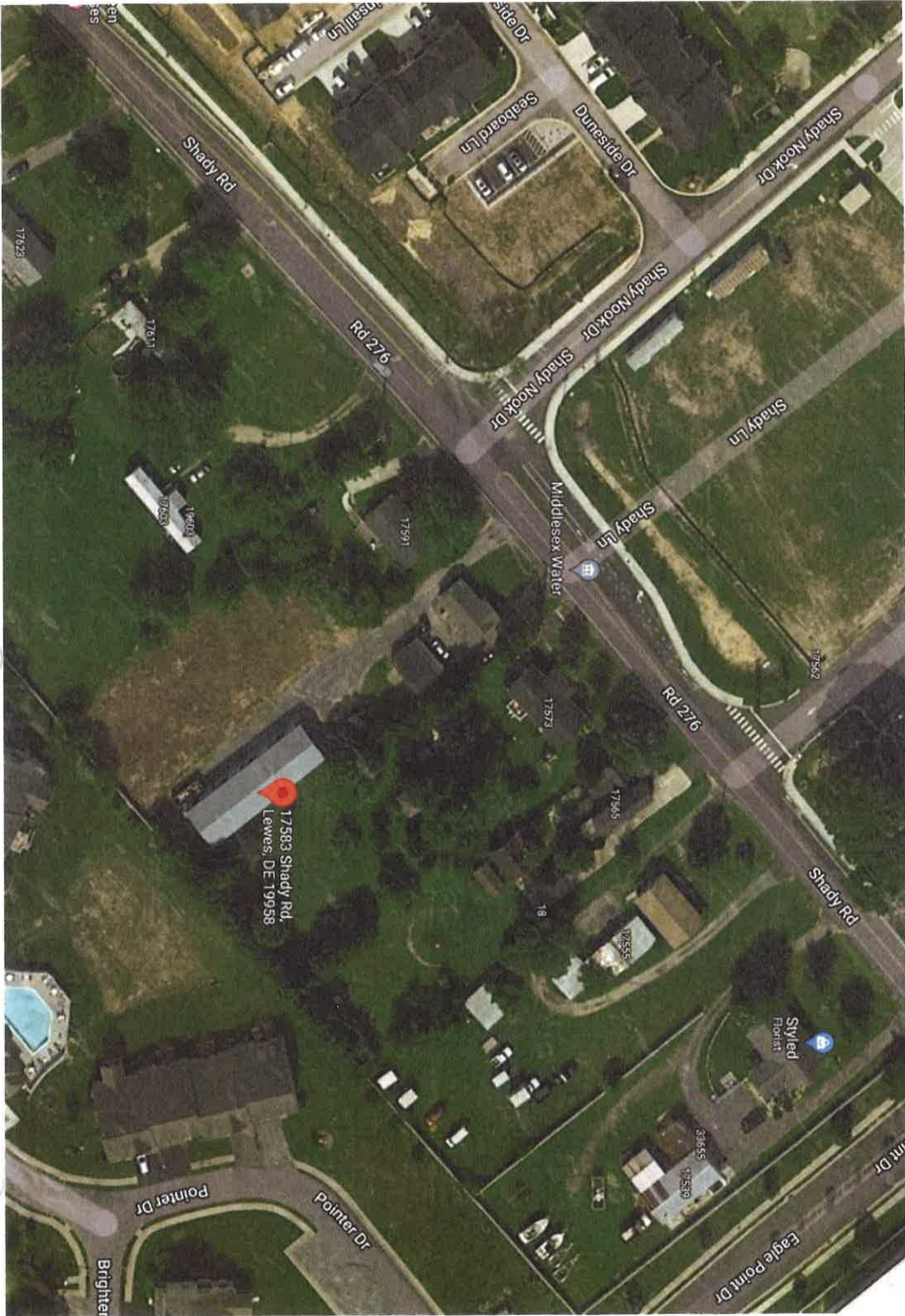
Very truly yours,

A handwritten signature in black ink, appearing to read "Ernie B. Lopez".

Dr. Ernesto B. "Ernie" López  
Senator, District 6  
Lewes



# EXHIBIT "7"



17583 Shady Rd,  
Lewes, DE 19958

Styled  
Floors

Pointer Dr

Pointer Dr

Brighter

Eagle Point Dr

Shady Rd

Rd 276

Duneside Dr

Shady Nook Dr

Shady Nook Dr

Shady Nook Dr

Shady Ln

Shady Ln

Middlesex Water

Rd 276

Shady Rd

Point Dr

en  
85

17623

17611

17603

17603

17591

17573

17565

17555

18

33655

17539

17562

# EXHIBIT “8”





CALL  
BRUNER AT 781-234-1234  
OR VISIT  
WWW.BRUNER.COM

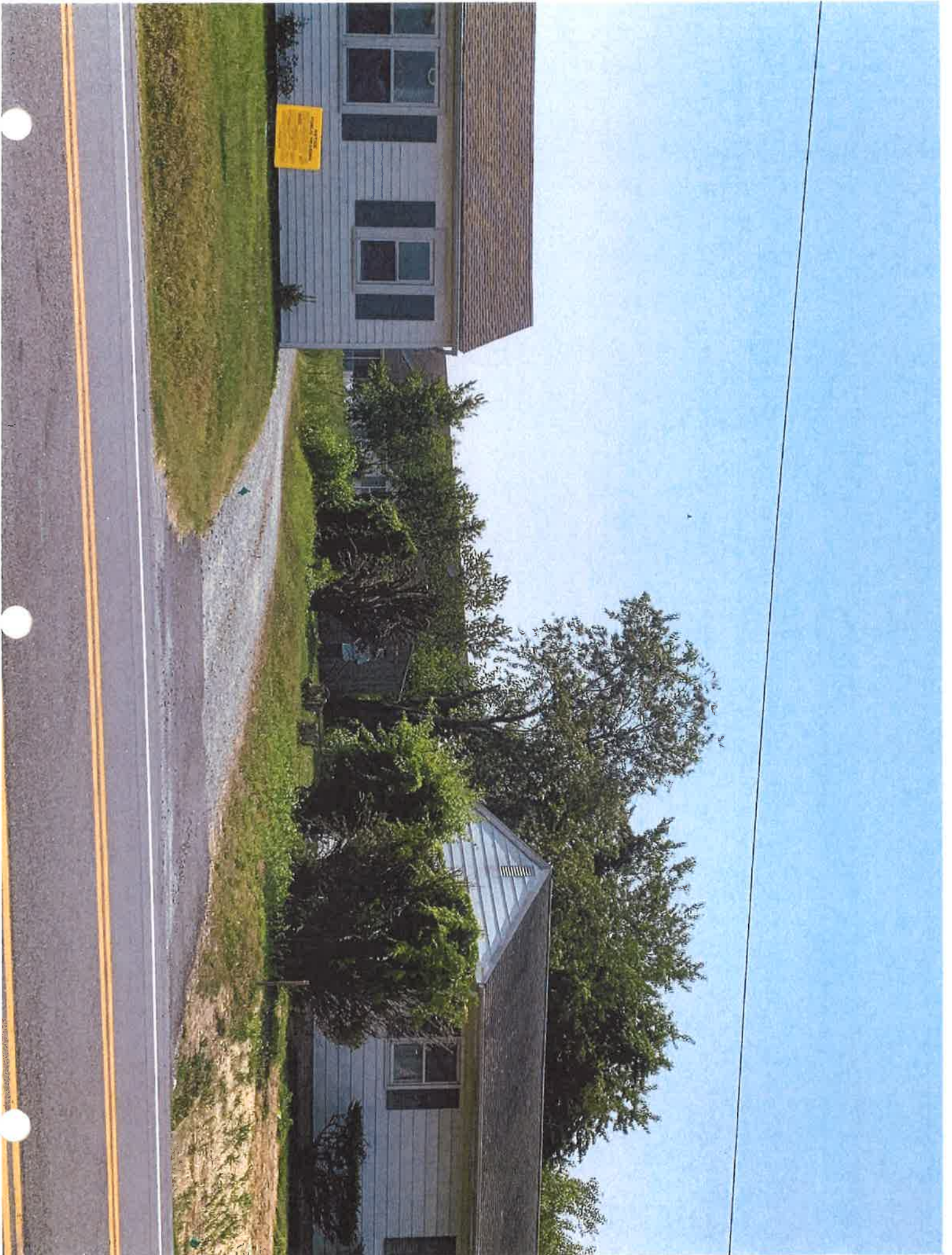
BRUNER























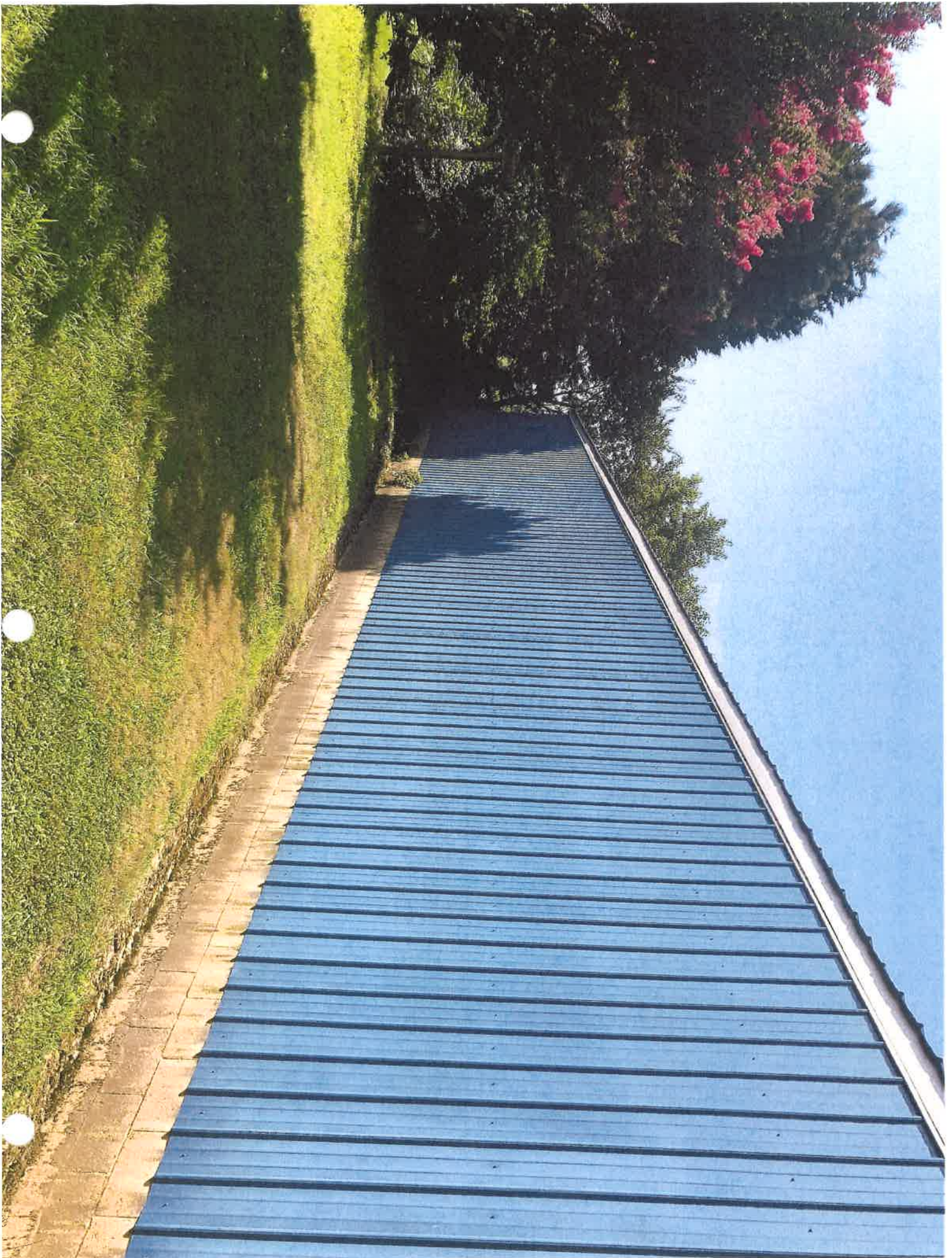












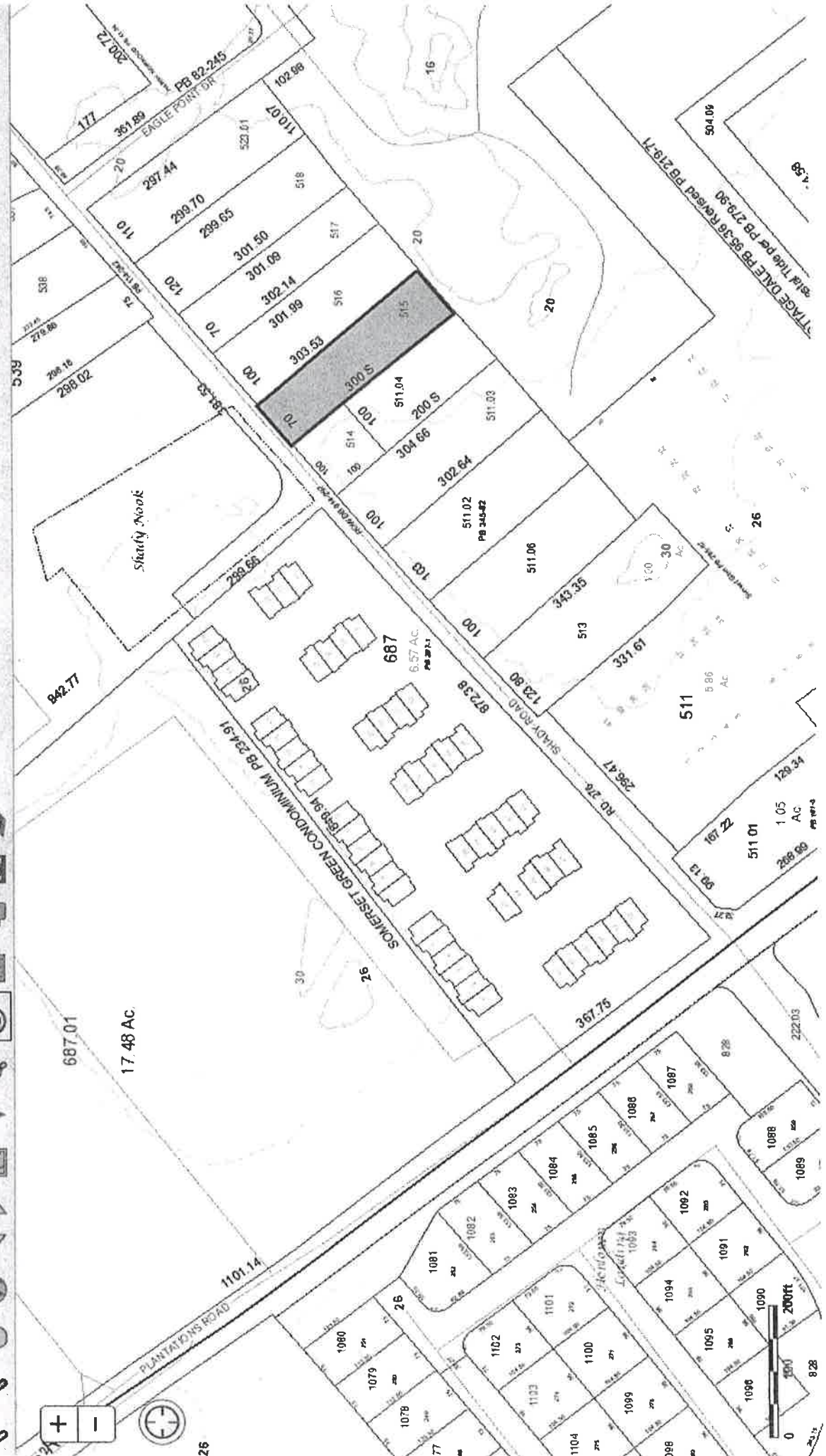
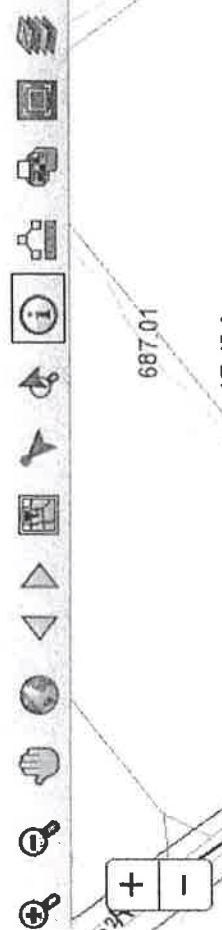


# EXHIBIT “9”



ARID: 334-6.00-515.00

WHAT IS YOUR VOICE INC



# EXHIBIT “10”



## **COMPLIANCE WITH THE COMPREHENSIVE PLAN AND ZONING CODE**

The applicant, What Is Your Voice, Inc. (“What Is Your Voice”), has applied for a conditional use of land in an AR-1 Agricultural Residential District to utilize the existing garage for office uses and the one-story pole building for rental storage facilities consisting of four (4) units in connection with the Applicant’s non-profit corporation. The subject property is located at 17583 Shady Road, Lewes, Delaware, consists of approximately .63 acres of land and is located on the southeast side of Shady Road, approximately 1,000 feet southwest of the intersection of Delaware Route 1 and Shady Road, southwest of Lewes, Delaware. The subject property is identified by Sussex County Tax Mapping as Tax Parcel 334-6.00-515.00 (the “Property”). This conditional use will enable the Applicant to more efficiently provide its essential services to meet the needs of its clients in Sussex County, Delaware.

What Is Your Voice is an established and well-respected non-profit 501(c)(3) corporation which is comprised of fully trained and skilled Domestic Violence Peer Support Advocates. What Is Your Voice was formed in 2013 to provide essential services to its clients to combat domestic violence, family violence and teen violence and is recognized as a trailblazer in their mission to stop the cycle of violence against women and children within Sussex County and throughout the State of Delaware. The Peer Support Advocates provide a holistic and person-centered approach to

enable their clients to seek out freedom and find their voice. The President and Founder of What Is Your Voice, Jacqueline Sterbach, and her team, see themselves as fierce warriors for their clients as they strive to empower voices for today to empower the generations to come.

What Is Your Voice rented the Property from the former owner, Point Crossing LLC for one and a half years before purchasing the Property with the existing improvements on May 30, 2019. During this time, What Is Your Voice was not permitted to use the pole building. Rather, the owner of the Property rented the pole building to third-parties for storage purposes. As a result of the previous rental by the prior owner of the Property, What Is Your Voice was unaware that the use was not permitted without a conditional use permit until they received a Notice of Violation from Sussex County dated September 24, 2019. Although they promptly attempted to engage an engineer to assist them with the site plan for the conditional use application, there were a few setbacks. Due to the demands on the development and construction industry in Sussex County and delays related to Covid-19, it took longer than expected to engage an engineer to prepare the site plan for the conditional use application. In addition, during this process, What Is Your Voice learned that the existing garage which was originally constructed by a predecessor in title in 1982 violated the side yard setback requirement and that it was necessary to obtain an administrative variance to bring the structure into compliance with the

Zoning Code before filing the conditional use application. As a result of these unexpected delays, What Is Your Voice was not able to file this application until January 2021.

What Is Your Voice proposes to utilize an existing garage consisting of approximately 658+/- square feet for office uses and the one-story pole building consisting of approximately 3,034+/- square feet to be used for four (4) rental storage units in connection with its non-profit corporation. In addition, What Is Your Voice intends to continue to utilize the dwelling on the Property for residential purposes as permitted under the Zoning Code in the AR-1 Agricultural Residential District. What Is Your Voice currently has three (3) employees, one (1) of which is onsite and manages the daily office operations. Business hours are 9:00 a.m. until 4:00 p.m. Monday through Thursday. The office will not be open to the public. Although most appointments with clients are conducted via zoom, Peer Support Advocates may meet with clients at the Property by appointment only. There is currently an existing natural forested buffer around most of the perimeter of the Property and a privacy fence in the rear of the Property to limit any impact on adjoining uses or properties. In addition, there are audio and video cameras on the property to monitor activity. There will be no sign on the Property.

The purpose of this conditional use is to enhance What Is Your Voice's ability to efficiently provide essential services to the expanding population in Sussex

County. The proposed use will cause no detrimental impact on surrounding properties or neighborhoods. The property is located along Shady Road, Lewes, Delaware. There are properties opposite the Property and in close proximity to the Property that are currently zoned C-1 General Commercial District, MR Medium Residential District and the Property is in close proximity to Delaware Route 1 (Coastal Highway). Moreover, the area in general is a mixed-use area that includes existing residential and commercial uses. The surrounding land uses to the east, west and north are Coastal Areas and Highway Commercial Areas. The surrounding land uses to the south are Coastal Areas.

DelDOT has determined that the traffic associated with the proposed use is negligible and therefore did not recommend that a Traffic Impact Study be performed for the application. There is an existing gravel driveway and parking area to access the office and storage buildings. Sewer Services are provided by Sussex County. Central water services are not available but the Property is currently served by a private well. In addition, there are no wetlands on the Property.

The proposed use complies with the Sussex County Zoning Code (the "Code"). The Property is located in the AR-1 Agricultural Residential District under the Sussex County Zoning Code (the "Code"). The purpose of the AR-1 Zoning District is to provide for "a full range of agricultural activities and to protect agricultural lands, as one of the county's most valuable natural resources, from the

depreciating effect of objectional, hazardous and unsightly uses.” Conditional Uses allowed within the AR-1 District pursuant to Section 115-22 of the Code include, among other uses, agricultural related industries, “as well as residential, business, commercial or industrial uses when the purposes of the chapter are more fully met by issuing a conditional use permit.” Thus, the proposed office and storage use are permitted conditional uses under the Code.

The 2019 Comprehensive Plan, Future Land Use Plan (the “Plan”) indicates that the Property has the land use designation Coastal Area, which includes areas around Rehoboth Bay, Indian River Bay and Little Assawoman Bay. The Plan provides that the Coastal Area is a growth area but “additional considerations should be taken into account in this Area that may not apply in other Growth Areas.”<sup>1</sup> The Plan concedes that the “challenge in this region is to safeguard genuine natural areas and mitigate roadway congestion without stifling the tourism and real estate markets which: a) provide many jobs; b) create business for local entrepreneurs; and c) help keep local tax rates low.”<sup>2</sup> Permitted uses in the Coastal Areas include a range of housing types, such as single-family homes, townhomes, and multi-family units. In addition to residential uses, “[r]etail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with

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<sup>1</sup> 2019 Sussex County Comprehensive Plan at 4-15.

<sup>2</sup> 2019 Sussex County Comprehensive Plan at 4-15.

access along arterial roads. Appropriate mixed-use development should also be allowed.”<sup>3</sup> The Plan further provides that “careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide convenient services and to allow people to work close to home.”<sup>4</sup> The proposed use is an appropriate use in the Coastal Areas and is of a public or semi-public character that will benefit the residents of Sussex County.

For the reasons set forth herein, the proposed conditional use is appropriate under the Code and Plan as it promotes the health, safety, morals, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County.

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<sup>3</sup> 2019 Sussex County Comprehensive Plan at 4-15.

<sup>4</sup> 2019 Sussex County Comprehensive Plan at 4-15.

# EXHIBIT “11”

**PROPOSED FINDINGS OF FACT AND CONDITIONS**  
**C/U NO. 2261**

Based upon the record presented in support of C/U No. 2261, the application of WHAT IS YOUR VOICE, INC. for a conditional use of land in an AR-1 Agricultural Residential District to utilize the existing garage for office uses and the one-story pole building for rental storage facilities consisting of four (4) units in connection with the Applicant's non-profit corporation, the Planning and Zoning Commission of Sussex County, Delaware, finds the following facts and makes the following conclusions:

1. The application of WHAT IS YOUR VOICE, INC. seeks a conditional use of land in an AR-1 Agricultural Residential District to utilize the existing garage for office uses and the one-story pole building for rental storage facilities consisting of four (4) units in connection with the Applicant's non-profit corporation. The Applicant will continue to utilize the existing dwelling as permitted under the Zoning Code in the AR-1 Zoning District.
2. The conditional use of land sought consists of approximately .63 acres of land.
3. The property is located on the southeastern side of Shady Road, approximately .21 miles southwest of the intersection of Delaware Route 1 (Coastal Highway) and southwest of Lewes, Delaware.



4. The subject property is identified by Sussex County Tax Mapping as Tax Parcel 334-6.00-515.00. The property is opposite an existing C-1 General Commercial District and is in close proximity to Delaware Route 1 (Coastal Highway). The area in general is a mixed-use area that includes existing residential and commercial uses.

5. The Applicant is a Delaware 501(c)(3) non-profit corporation which provides essential services to its clients to combat domestic violence, family violence and teen violence and is recognized as a trailblazer in their mission to stop the cycle of violence against women and children within Sussex County and through the State of Delaware.

6. The Applicant rented the property before purchasing it in May 2019. The property was purchased to more efficiently and better serve the Applicant's clients.

7. Sussex County Engineering Department, Utility Division, commented that the property is served by public sewer from Sussex County.

8. The property is served by an individual onsite well.

9. DelDOT commented that a Traffic Impact Study was not recommended and that the proposed use would have a negligible impact on traffic. The Applicant shall comply with all DelDOT requirements, including any entrance improvements.

10. A conditional use of land sought will have no adverse or detrimental impact on neighboring areas or roadways.

11. There is a natural forested buffer along most of the sides and rear of the property, which shall remain, and a privacy fence along the rear of the property. In addition, there are audio and video cameras on the property to monitor activity.

12. The use of the garage shall be limited to office uses and the use of the pole building shall be used for rental storage facilities. The dwelling will be used for residential purposes as permitted under the Zoning Code.

13. The hours of operation of the office will be from 9:00 a.m. through 4:00 p.m. on Monday through Thursday but will not be open to the public. Although most appointments with clients are conducted via zoom, Peer Support Advocates may meet with clients at the Property by appointment only.

14. There are currently three (3) employees, one (1) of which is onsite and manages the daily office operations.

15. There is an existing gravel driveway and parking area to access the office and storage buildings, as shown on the conditional use site plan.

16. The proposed use of the property as an office and storage facilities for the Applicant's non-profit corporation is of a public or semi-public character that will benefit the residents of Sussex County.

17. The property is located in the Coastal Area under the Sussex County Comprehensive Land Use Plan.

18. The proposed use of the property is consistent with the purposes and goals of the Comprehensive Land Use Plan.

19. The conditional use will afford an existing non-profit corporation to expand their current operations to better serve the needs of residents in the rapidly expanding district.

20. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Based upon the record and the above findings, the Planning & Zoning Commission recommends that the County Council approve the applied for conditional use of land as the proposed conditional use is for the purpose of promoting the health, safety, morals, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County, including amongst other things, the lessening of congestion in the streets or roads, securing safety from fire, flood and other dangers, providing adequate light and air; preventing on the one hand, excessive concentration of population and on the other hand, excessive and wasteful scattering of population or settlement and promoting such distribution of population and such classification of

land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements.