

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, MRTPI, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: June 10, 2021

Application: CZ 1931 (Lands of Lighthipe, LLC)

Applicant: Lighthipe, LLC
P.O. Box 1686
Jackson, WY 38001

Owner: Lighthipe, LLC
P.O. Box 1686
Jackson, WY 38001

Site Location: Northeastern side of Muddy Neck Road (S.C.R. 361), approximately 0.52 mile southeast of Parker House Road (S.C.R. 362)

Current Zoning: Medium Density Residential District – Residential Planned Community (MR-RPC)

Proposed Zoning: Medium Density Residential District – Residential Planned Community (MR-RPC) – Amendment to Conditions of Approval

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire District

Sewer: Sussex County – Bethany Beach Sewer District

Water: Private Provider – Tidewater Utilities

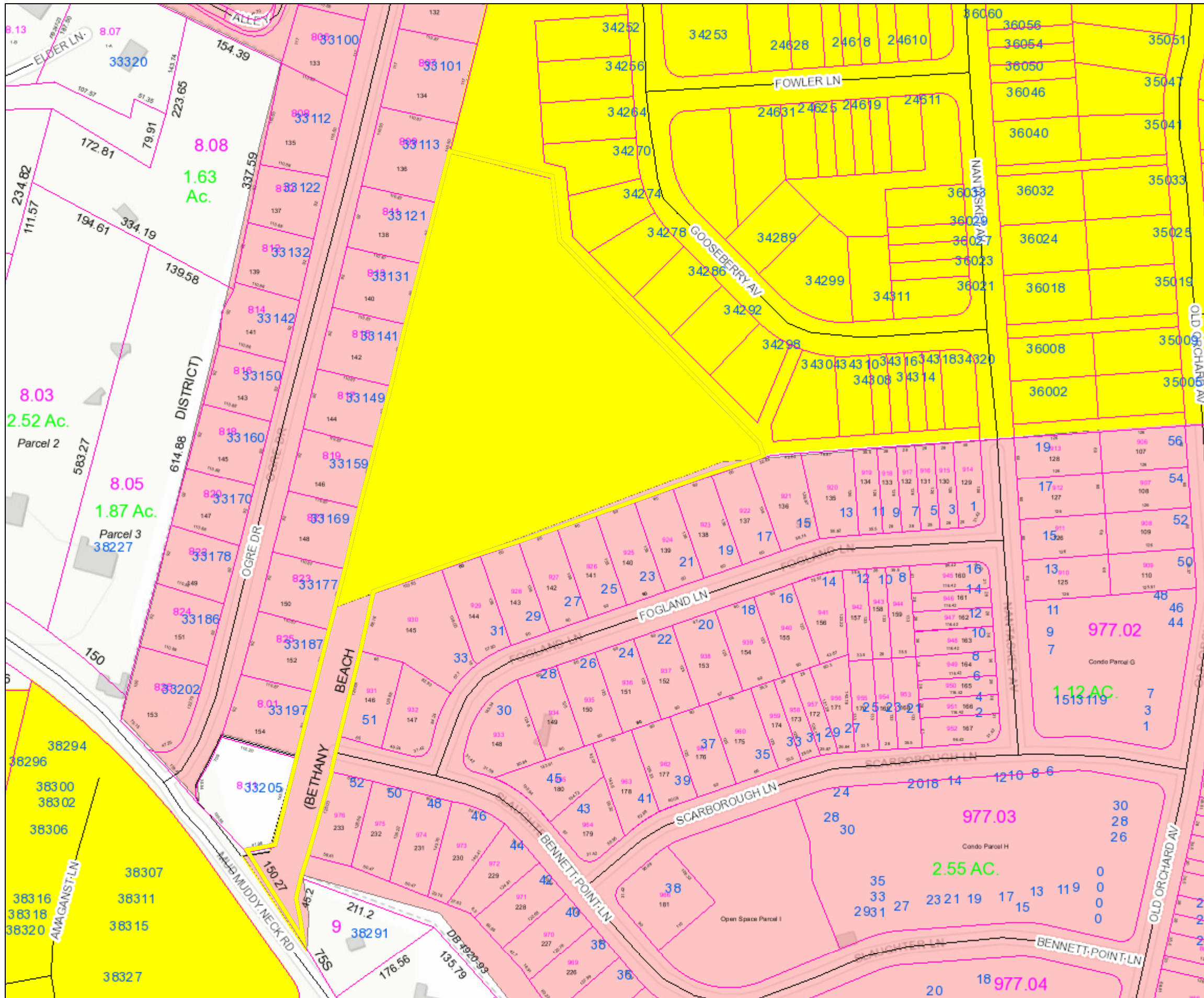
Site Area: 54.732 ac. +/- in total, 5.253 ac. +/- in new area

Tax Map ID.: 134-17.00-12.02





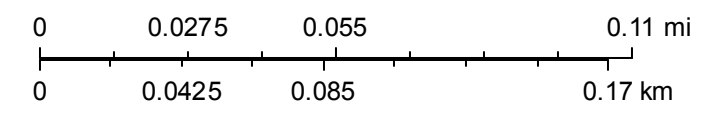
Sussex County



PIN:	134-17.00-12.02
Owner Name	LIGHTHIPE LLC
Book	N/A
Mailing Address	PO BOX 1686
City	JACKSON
State	WY
Description	LIGHTHIPE
Description 2	RESIDUAL LANDS
Description 3	N/A
Land Code	

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

1:2,257





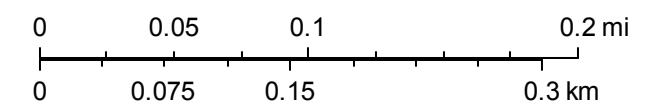
Sussex County



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Description	LIGHTHIPE
Description 2	RESIDUAL LANDS
Description 3	N/A
Land Code	

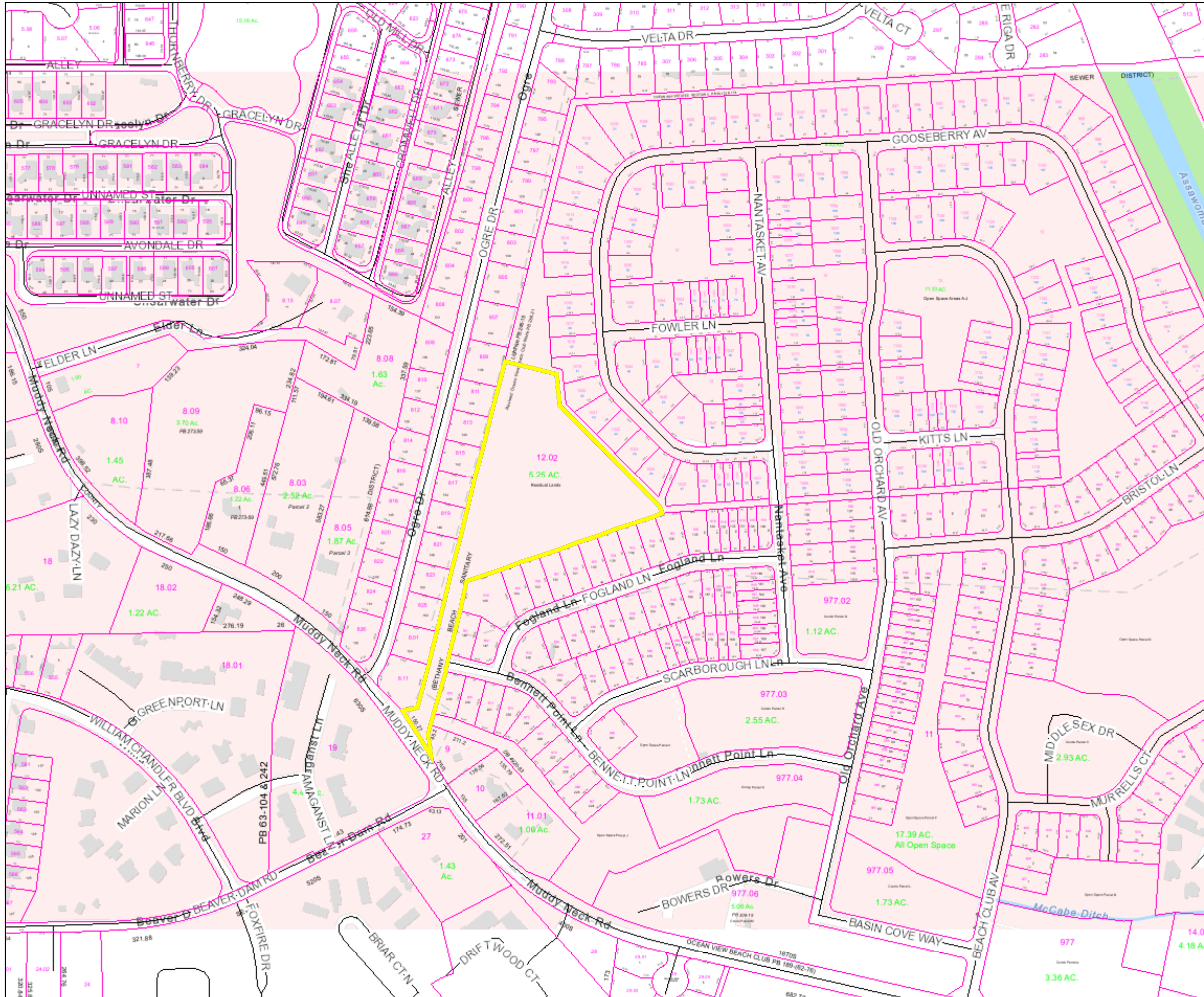
- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514





Sussex County



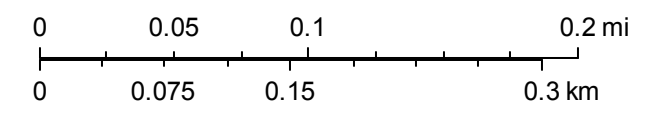
PIN:	134-17.00-12.02
Owner Name	LIGHTHIPE LLC
Book	N/A
Mailing Address	PO BOX 1686
City	JACKSON
State	WY
Description	LIGHTHIPE
Description 2	RESIDUAL LANDS
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
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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: June 02, 2021
RE: Staff Analysis for CZ 1931 Lighthipe, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1931 Lighthipe, LLC to be reviewed during the June 10, 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 request is for a Change of Zone for Tax Parcel 134-17.00-12.02 to allow for a change of zone from a Medium Density Residential – Residential Planned Community (MR-RPC) to a Medium Density Residential – Residential Planned Community (RPC) to increase the gross site area by 5.253 acres and to increase the number of permitted units within the RPC. The parcel is located on the northern side of Muddy Neck Road (S.C.R. 361), approximately 0.52 mile southeast of Parker House Road (S.C.R. 632). The subject site is 5.253 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject properties have a land use designation of “Coastal Area.” The parcel of land to the north, which exists as Ocean View Beach Club North, is also designated to be within the Coastal Area. The parcels to the southeast and west are designated as “Municipalities” as they are within the jurisdiction of the Town of Ocean View.

As outlined in the 2018 Sussex County Comprehensive Plan, the Coastal Areas are areas that can accommodate development and growth provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks are directed to be developed in select locations with access along arterial roads. Appropriate mixed-use development may be allowed in select locations as well.

The subject property is within a Medium Density Residential – Residential Planned Community (MR-RPC) Zoning District. The adjacent parcels to the north are within the same district as they are included in the existing Ocean View Beach Club North residential development. The properties to the southeast and west do not have a zoning classification as they are within the jurisdiction of the Town of Ocean View. The parcel(s) to the southeast are within the Ocean View Beach Club, and the parcels to the west are a part of the Ocean Way Estates subdivision. Various parcels on the other side of Muddy Neck Road (S.C.R. 361) are either within a Medium Density Residential – Residential Planned Community (MR-RPC), Neighborhood Business (B-1), or High Density Residential – Residential Planned Community (HR-RPC) Zoning District.



The 2018 Sussex County Comprehensive Plan classifies zoning districts by their applicability to each Future Land Use category. Under Table 4.5-2 titled “Zoning Districts Applicable to Future Land Use Categories,” the Medium Density Residential Zoning District is listed as an applicable zoning district within the Coastal Area.

Since 2011, there have been three (3) Change of Zone applications within a one-mile radius of the subject property. Foremost, Change of Zone No. 1768 to establish the MR-RPC designation for Ocean View Beach Club was approved on August 11, 2015 and adopted through Ordinance No. 2411. Change of Zone No. 1895, to change a parcel of land from an Agricultural Residential (AR-1) Zoning District to a General Residential (GR) Zoning District was approved on December 10, 2019 through Ordinance No. 2694. Change of Zone No. 1900, to change a parcel of land from a General Residential (GR) Zoning District to a General Residential – Residential Planned Community (GR-RPC) was approved on January 28, 2020 through Ordinance No. 2711.

Based on the analysis of the 2018 Comprehensive Plan and surrounding zoning and land uses, this application, which requests a change of zone from a Medium Density Residential – Residential Planned Community (MR-RPC) to a Medium Density Residential – Residential Planned Community (MR-RPC) could be considered during the Planning Commission meeting of June 10, 2021.

File #: C121931
202011249

RECEIVED

Planning & Zoning Commission Application

AUG 17 2020

Sussex County, Delaware

SUSSEX COUNTY
PLANNING & ZONING

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

TM 134-17.00-12.00; 12.02; Adjoins Ocean View Beach Club North to the west, Entrance via Ocean View Beach Club

Type of Conditional Use Requested:

Change zoning of 5.253 acres (TM 134-17.00-12.02) from AR-1 zoning to MR/RPC zoning.
Removal of existing adjoining RPC zoning line (TM 134-17.00-12.00).

Tax Map #: 1-34-17.00-12.02 **Size of Parcel(s):** 5.253 Acres +/-

Current Zoning: AR-1 **Proposed Zoning:** MR/RPC **Size of Building:** N/A

Land Use Classification: Agricultural; Developing Area,

Water Provider: Tidewater Utilities **Sewer Provider:** Sussex County-Bethany Beach SSD

Applicant Information

Applicant Name: Davis, Bowen & Friedel, Inc. c/o W. Zachary Crouch

Applicant Address: 1 Park Avenue

City: Milford **State:** DE **Zip Code:** 19963

Phone #: (302) 424-1441 **E-mail:** wzc@dbfinc.com

Owner Information

Owner Name: Lighthipe, LLC

Owner Address: P.O. Box 1686

City: Jackson **State:** WY **Zip Code:** 38001

Phone #: (307) 734-1654 **E-mail:** ssmith@coninv.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: W. Zachary Crouch, PE

Agent/Attorney/Engineer Address: 1 Park Avenue

City: Milford **State:** DE **Zip Code:** 19963

Phone #: (302) 424-1441 **E-mail:** wzc@dbfinc.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



Date: 8.14.2020

Signature of Owner



Date: 8.13.20

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

September 9, 2020

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 **Lighthipe, LLC** rezoning application, which we received on August 17, 2020. This application is for a 5.25-acre parcel (Tax Parcel: 134-17.00-12.02). The subject land is located on the northeast side of Muddy Neck Road (Sussex Road 361), just northeast of the intersection of Muddy Neck Road and Beaver Dam Road (Sussex Road 368). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to MR (Medium-Density Residential) with a residential planned community (RPC) overlay to develop 21 townhouses.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Muddy Neck Road where the subject land is located, which is from the south Ocean View limits to Beaver Dam Road, are 3,904 and 5,024 vehicles per day, respectively.

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

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



**SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING & DESIGN REVIEW DIVISION
C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/27/2021**

APPLICATION: **CZ 1931 Lands of Lighthipe LLC**

APPLICANT: **Lighthipe LLC**

FILE NO: **OM-2.07**

TAX MAP &
PARCEL(S): **134-17.00-12.02**

LOCATION: **Northeastern side of Muddy Neck Road (SCR 361),
approximately 0.52 mile southeast of Parker House Road (SCR
362)**

NO. OF UNITS: **Amendment to Condition of Approval**

GROSS
ACREAGE: **5.25**


SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Noell Warren** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Noell Warren



Natural Resources
Conservation Service

April 2, 2021

Georgetown
Service Center

Jamie Whitehouse, Director
Sussex County Planning & Zoning
Sussex County Courthouse
Georgetown, DE 19947

21315 Berlin Road
Unit 3
Georgetown, DE
19947

**RE: Lands of Lighthipe, LLC
Baltimore Hundred
30 townhomes**

Voice 302.856.3990
Fax 855.306.8272

Dear Mr. Whitehouse:

Soils within the delineated area on the enclosed map are:

HvA Hurlock sandy loam, 0 to 2 percent slopes
MmA Mullica mucky sandy loam, 0 to 2 percent slopes

Soil Interpretation Guide

Soil Limitation Class

Buildings

Map Symbol	Urbanizing Subclass	With Basement	Without Basement	Septic Filter Fields
HvA	R2	Very limited	Very limited	Very limited
MmA	R2	Very limited	Very limited	Very limited

Definition of soil limitation ratings classes:

Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect building site development.

"Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected.

"Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected.

"Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

R2:

The soils in this classification are nearly or gently sloping, very poorly, poorly, and somewhat poorly drained. Seasonal high water tables, local ponding, and high potential frost action severely limit these soils for residential developments. The principal soil limitations are: 1) soil is highly susceptible to frost action, 2) excavations are likely to fill with water in late winter or early spring, 3) wet foundations or basements probable, and 4) hazard of temporary ponding of water in areas lacking outlets. Loose running sand commonly encountered in deep excavations.

The soil interpretations above do not eliminate the need for detailed investigations at each proposed construction site. However, the interpretations can serve as a guide to planning more detailed investigations. No consideration was given in these interpretations regarding the size and shape of the soil area; nor to the pattern they form with other soils in the landscape. Also, because of the scale of the maps used, small areas of other kinds of soils may be included within some delineations of the soil map. Thus, an individual lot or building site could occupy a small area that would not fit the interpretations given for the soils symbol representing the entire delineation of the map. Interpretations apply to the soils in their natural state and not for areas that may have been altered through grading, compacting, and the like.

Sincerely,



Thelton D. Savage
District Conservationist
USDA, Natural Resources Conservation Service

TDS/bh



C/Z 1931
TM #134-17.00-12.00
Lands of Lighthipe, LLC



C/Z 1931
TM #134-17.00-12.00
Lands of Lighthipe, LLC



March 4, 2021

Mr. Chase Phillips
Sussex County Planning & Zoning Commission
PO Box 417
Georgetown, DE 19947

Re: Sussex County Technical Advisory Committee

Dear Mr. Phillips:

The Division of Public Health Office of Engineering is in receipt of the following application:

1. **Application:** *C/Z 1931- Lands of Lighthipe, LLC*

This application indicates central water will be supplied by Tidewater Utilities, Inc. *This project requires an Approval to Construct and an Approval to Operate from the Office of Engineering when constructing a new water system or altering an existing water system.* In order to obtain an Approval to Construct, plans and specifications must be prepared by a registered Delaware professional engineer. Plans for the system, including water mains or extensions thereto, storage facilities, treatment works, and all related appurtenances, must be approved by the Office of Engineering prior to construction. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction.

Prior to receiving an Approval to Operate for this project, the Office of Engineering requires one set of as-built drawings, including profile markups, for all plans approved for construction. An Approval to Operate will be issued after all applicable requirements are met.

Please do not hesitate to contact me at 302-741-8646 with questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Milliken, Jr.", written in a cursive style.

William J. Milliken, Jr.
Engineer III
Office of Engineering

Paula and Louis Friedman
19 Fogland Lane
Ocean View Beach Club, DE 19970
(h) 410-833-6121
(c) 410-382-8243
(c) 443-838-0685
lfriedman@lhbusinessconsulting.com
bsplit1@aol.com

Opposition
Exhibit

November 2, 2020

Chase Phillips
Planner III
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302.855.7878

RECEIVED

NOV 02 2020

SUSSEX COUNTY
PLANNING & ZONING

Chase.phillips@sussexcountyde.gov

Dear Chase Phillips:

We purchased our home is at 19 Fogland Lane, Ocean view Beach Club, Ocean View, Delaware 19970 on April 27, 2018, which is located well within 200 feet of the newly proposed construction forming the Ocean View Beach Club North Rezoning Plan. We have reviewed the plan and have discussed it with our friends and neighbors, in the Ocean View Beach Club (OVBC) community. Based upon that careful review, we are firmly and absolutely opposed to this proposal.

When we were buying our home, we and others were misled, having been told that by paying a lot premium of \$15,000, our property would be situated so as to ensure our quiet and uninterrupted enjoyment of our home. We were willing to pay the premium for a home that although initially intended as a vacation home, our true intent was to retire to this home.

This new development plan not only fails to provide the benefits that we were assured came with purchasing a premium lot; instead, it places our neighbors and us, residing on the north side of Fogland Lane, at a distinct disadvantage as compared with other property owners in OVBC.

We paid this lot premium based on two understandings, first, that the multi-acre triangular lot behind the property was zoned for agricultural purposes, and second, as an added assurance, any potential development in that area would be subject to a specific setback, providing us and our neighbors the added benefit of quiet, absence of artificial lighting, and natural views and enjoyment of open space and wildlife. Instead, we now find that the triangle that was the subject of the paid premium, the proposal is to provide the single most dense collection of townhomes in the entire OVBC development. In addition, these homes are almost certainly represent the lowest price point in the OVBC and OVBC North developments. As such, these townhomes are virtually certain to attract a disproportionate percentage of investors who will deploy the properties for rental use.

The 13 adjoining townhomes to the south, with another 8 adjoining townhomes to the north, along a road without outlet and in such density is simply unprecedented in OVBC. And with good reason. Pressed onto unusually small lots, separated by what appears to be a 50-foot-wide road. This new phase will invite considerable congestion, noise, and visual disruption. Together, these features will permanently change the character of our community and undermine the considerable personal and financial investments we and our neighbors made when choosing to reside on the north side of Fogland Lane. This is unfair not only as it changes the nature of a significant purchase decision; it also undermines the enjoyment of a home that we had planned to live in for decades to come. It isn't right, and it should be stopped.

The proposed plan has numerous problems, of which the following are of most concern to us property owners whose lots adjoin the affected triangular lot of land. Others affect those whose homes are specially burdened by the traffic implications. Still others affect our community more broadly. Some concerns will also adversely affect future homeowners in second major phase of the development, Ocean View Beach Club North, who although subject to special burdens, are not presently able to raise these claims.

Our primary concerns include; increased traffic density throughout the whole community as the Ocean View Beach Club has a single entrance and exit along Muddy Neck Road. The new proposed phase, the Ocean View Beach Club North Rezoning Plan, likewise has a single entrance and exit point, via Gooseberry Avenue. This means that the proposed townhomes, which are likely to be subject to rentals, will increase the load with heightened traffic along that road to and from this part of the community. That route will run back and forth along the north of several homes on Fogland, continuing southward along Nantucket, Scarborough, Old Orchard, and Basin Cove before turning to exit past the Club House onto Muddy Neck.

No other part of the OVBC or OVBC North community is limited to a single point of entrance and exit. This is especially problematic given the considerable number of homes included in this proposed new phase, a problem heightened by the likelihood of disproportionate use as rental properties. The problem is exacerbated by the fact that the proposed road is not a through street, and instead, comes to a dead end, requiring visitors or residents to turn around at the end, possibly at any hour of the day or night. The proximity of the planned turning point to our neighbors residing in Ocean Way, is likewise deeply problematic, and to be blunt, unneighborly.

It imposes special burdens on those homeowners in a manner that risks compromising their enjoyment of another valued community adjoining our own.

The combination of increased traffic density in OVBC and the special burdens posed on our Ocean Way neighbors is unacceptable. This proposal must be stopped.

The proposal plans on twenty-one townhomes, eight to the north and thirteen to the south of a dividing road, with the backs of the thirteen homes facing the backs of the homeowners along the north side of Fogland Lane. Because these townhomes face a dividing road that appears intended also for street parking, those residing in or renting the townhomes can reasonably be expected to entertain most regularly in the back yards of their properties. This means that the areas that are closest to the house in the north side of Fogland Lane are apt to most intensely used. This will include parties, large family gatherings, or other events that bring with them lightening, noise, and music.

We who reside on the north side of Fogland Lane purchased our homes specifically to benefit from the quiet enjoyment that they were assured the allotted buffering and zoned agricultural land would provide. Other single-family houses in our community back onto either other single family or smaller clustered (and larger and more luxurious) town homes. With families owning such homes, and rentals less common, this has allowed the quiet enjoyment of homes throughout the OVBC community. It is especially disconcerting that having paid a premium to reside on the north side of Fogland, so as to ensure even greater quite, privacy, and natural lighting will suffer at the hands of a plan that renders these homes uniquely vulnerable to noise, disruption, and artificial lighting that are not characteristic more generally in OVBC.

The new proposed phase will create a sizable burden on the already heavily used facilities enjoyed by the larger OVBC community. We already are hitting a peak usage in the OVBC outdoor pool and the clubhouse, located near the community's main entrance. The community can anticipate that this will become substantially worse both for the present facilities and for the planned Indoor pool, which is already too small, at twelve by twenty-four feet, for more than two or three individuals to swim laps.

The advertising materials we relied on from OVBC emphasized nature walks, and the properties adjoining the tract in which the Ocean View Beach Club North Rezoning Plan is proposed was among few remaining undeveloped spaces in the community. That plot of land attracts a variety of wildlife, birds, foxes, and other animals who enjoy the open undeveloped space. In addition, the land serves the environmental benefit of absorbing rainfalls, especially following heavy storms. Further development, especially with the planned density of twenty-one townhomes, will reduce the open lands that serve these interests in nature, benefitting wildlife, our neighboring property owners in the aftermath of storms, and the OVBC and Ocean Way communities more generally by ensuring the one remaining natural reserve.

The new proposal seems almost designed to make matters worse. Besides over taxing our common facilities that will require greater upkeep and maintenance costs. By increasing the

number of persons using the facilities and by lowering the level of care among users, this will undermine the enjoyment of those owning property in OVBC, many who live in OVBC year-round. The adverse impact of this plan for twenty-one dense townhomes is quite considerable and problematic. We are strongly opposed.

In times of heavy rain, those residing along the north side of Fogland often experience water build up, with water sometimes entering into our back porches. This attracts mosquitos even with proper insect maintenance contracts. The new construction is certain to make these matters worse by reducing the area for runoff. Having more development will exacerbate this critical environmental aspect and in doing so compromise the integrity and enjoyment of our homes.

One significant benefit that we on the north side of Fogland expected to enjoy is a view of nature and a sense of darkness and isolation, especially in the late evenings. The planned density and wide road will necessarily create the need for artificial lighting along the road, possibly on both sides. This will encourage homeowners and renters also to set up artificial lighting in their backyards furthering the visual disruption of artificial lighting. This will compromise the visual enjoyment of our properties, undermining our quiet enjoyment, and diminish the fair market value of our homes.

Although our community recognizes that some purchasers planned to finance their properties with anticipating rental income, in general, most homeowners also use these properties personally for a large part of the year, even in peak season. This ensures that the renters are apt to be closely screened and monitored to improve the likelihood that they take appropriate care of the specific property they are renting and that they are more likely also to be attentive to the care required to maintain common facilities. Even with such assurances, this has been an ongoing problem in the community.

OVBC and OVBC North plan for a set number of homes, including single family and town homes. The development already suffers a single chokepoint, the entry way on Muddy Neck Road. If anything were to interfere with that entry way, such as a downed powerline, a car accident, a gas leak, a fallen tree, and so forth, the ability to leave or enter the development would be curtailed. This is both unsafe and unwise and is something that should be totally unacceptable. This plan endangers not only those who may choose to reside there, but also, it risks endangering the larger community by creating a traffic hold along Gooseberry Avenue, in addition to those noted at the main entrance, in the event of an emergency.

The Ocean View Beach Club North Rezoning Plan encroaches upon the McCabe Tax Ditch, which runs along the western side of the OVBC development. The density of the new phase, twenty-one closely packed town homes, risks disrupting existing water flow, further harming the run-off, and adversely affecting both OVBC and Ocean Way.

For all the reasons set out in this letter, we are entirely opposed to the Ocean View Beach Club North Rezoning Plan. We would gladly follow up with any questions or concerns you might

have. Please be sure to include me in any related correspondence concerning this matter, including providing notice of any hearings or opportunities for further comment. It is my sincere hope that this plan is stopped and the application for variance that would be permitted is denied.

Very truly yours,

A handwritten signature in cursive script that reads "Paula & Lou Friedman". The signature is written in dark ink and is positioned above the printed name.

Paula and Lou Friedman

Paula and Louis Friedman
19 Fogland Lane
Ocean View Beach Club, DE 19970
(h) 410-833-6121
(c) 410-382-8243
(c) 443-838-0685
lfriedman@lhbusinessconsulting.com
bsplit1@aol.com

November 2, 2020

Chase Phillips
Planner III
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302.855.7878

Chase.phillips@sussexcountyde.gov

Dear Chase Phillips:

We purchased our home is at 19 Fogland Lane, Ocean view Beach Club, Ocean View, Delaware 19970 on April 27, 2018, which is located well within 200 feet of the newly proposed construction forming the Ocean View Beach Club North Rezoning Plan. We have reviewed the plan and have discussed it with our friends and neighbors, in the Ocean View Beach Club (OVBC) community. Based upon that careful review, we are firmly and absolutely opposed to this proposal.

When we were buying our home, we and others were misled, having been told that by paying a lot premium of \$15,000, our property would be situated so as to ensure our quiet and uninterrupted enjoyment of our home. We were willing to pay the premium for a home that although initially intended as a vacation home, our true intent was to retire to this home.

This new development plan not only fails to provide the benefits that we were assured came with purchasing a premium lot; instead, it places our neighbors and us, residing on the north side of Fogland Lane, at a distinct disadvantage as compared with other property owners in OVBC.

We paid this lot premium based on two understandings, first, that the multi-acre triangular lot behind the property was zoned for agricultural purposes, and second, as an added assurance, any potential development in that area would be subject to a specific setback, providing us and our neighbors the added benefit of quiet, absence of artificial lighting, and natural views and enjoyment of open space and wildlife. Instead, we now find that the triangle that was the subject of the paid premium, the proposal is to provide the single most dense collection of townhomes in the entire OVBC development. In addition, these homes are almost certainly represent the lowest price point in the OVBC and OVBC North developments. As such, these townhomes are virtually certain to attract a disproportionate percentage of investors who will deploy the properties for rental use.

The 13 adjoining townhomes to the south, with another 8 adjoining townhomes to the north, along a road without outlet and in such density is simply unprecedented in OVBC. And with good reason. Pressed onto unusually small lots, separated by what appears to be a 50-foot-wide road. This new phase will invite considerable congestion, noise, and visual disruption. Together, these features will permanently change the character of our community and undermine the considerable personal and financial investments we and our neighbors made when choosing to reside on the north side of Fogland Lane. This is unfair not only as it changes the nature of a significant purchase decision; it also undermines the enjoyment of a home that we had planned to live in for decades to come. It isn't right, and it should be stopped.

The proposed plan has numerous problems, of which the following are of most concern to us property owners whose lots adjoin the affected triangular lot of land. Others affect those whose homes are specially burdened by the traffic implications. Still others affect our community more broadly. Some concerns will also adversely affect future homeowners in second major phase of the development, Ocean View Beach Club North, who although subject to special burdens, are not presently able to raise these claims.

Our primary concerns include; increased traffic density throughout the whole community as the Ocean View Beach Club has a single entrance and exit along Muddy Neck Road. The new proposed phase, the Ocean View Beach Club North Rezoning Plan, likewise has a single entrance and exit point, via Gooseberry Avenue. This means that the proposed townhomes, which are likely to be subject to rentals, will increase the load with heightened traffic along that road to and from this part of the community. That route will run back and forth along the north of several homes on Fogland, continuing southward along Nantucket, Scarborough, Old Orchard, and Basin Cove before turning to exit past the Club House onto Muddy Neck.

No other part of the OVBC or OVBC North community is limited to a single point of entrance and exit. This is especially problematic given the considerable number of homes included in this proposed new phase, a problem heightened by the likelihood of disproportionate use as rental properties. The problem is exacerbated by the fact that the proposed road is not a through street, and instead, comes to a dead end, requiring visitors or residents to turn around at the end, possibly at any hour of the day or night. The proximity of the planned turning point to our neighbors residing in Ocean Way, is likewise deeply problematic, and to be blunt, unneighborly.

It imposes special burdens on those homeowners in a manner that risks compromising their enjoyment of another valued community adjoining our own.

The combination of increased traffic density in OVBC and the special burdens posed on our Ocean Way neighbors is unacceptable. This proposal must be stopped.

The proposal plans on twenty-one townhomes, eight to the north and thirteen to the south of a dividing road, with the backs of the thirteen homes facing the backs of the homeowners along the north side of Fogland Lane. Because these townhomes face a dividing road that appears intended also for street parking, those residing in or renting the townhomes can reasonably be expected to entertain most regularly in the back yards of their properties. This means that the areas that are closest to the house in the north side of Fogland Lane are apt to most intensely used. This will include parties, large family gatherings, or other events that bring with them lightening, noise, and music.

We who reside on the north side of Fogland Lane purchased our homes specifically to benefit from the quiet enjoyment that they were assured the allotted buffering and zoned agricultural land would provide. Other single-family houses in our community back onto either other single family or smaller clustered (and larger and more luxurious) town homes. With families owning such homes, and rentals less common, this has allowed the quiet enjoyment of homes throughout the OVBC community. It is especially disconcerting that having paid a premium to reside on the north side of Fogland, so as to ensure even greater quite, privacy, and natural lighting will suffer at the hands of a plan that renders these homes uniquely vulnerable to noise, disruption, and artificial lighting that are not characteristic more generally in OVBC.

The new proposed phase will create a sizable burden on the already heavily used facilities enjoyed by the larger OVBC community. We already are hitting a peak usage in the OVBC outdoor pool and the clubhouse, located near the community's main entrance. The community can anticipate that this will become substantially worse both for the present facilities and for the planned indoor pool, which is already too small, at twelve by twenty-four feet, for more than two or three individuals to swim laps.

The advertising materials we relied on from OVBC emphasized nature walks, and the properties adjoining the tract in which the Ocean View Beach Club North Rezoning Plan is proposed was among few remaining undeveloped spaces in the community. That plot of land attracts a variety of wildlife, birds, foxes, and other animals who enjoy the open undeveloped space. In addition, the land serves the environmental benefit of absorbing rainfalls, especially following heavy storms. Further development, especially with the planned density of twenty-one townhomes, will reduce the open lands that serve these interests in nature, benefitting wildlife, our neighboring property owners in the aftermath of storms, and the OVBC and Ocean Way communities more generally by ensuring the one remaining natural reserve.

The new proposal seems almost designed to make matters worse. Besides over taxing our common facilities that will require greater upkeep and maintenance costs. By increasing the

number of persons using the facilities and by lowering the level of care among users, this will undermine the enjoyment of those owning property in OVBC, many who live in OVBC year-round. The adverse impact of this plan for twenty-one dense townhomes is quite considerable and problematic. We are strongly opposed.

In times of heavy rain, those residing along the north side of Fogland often experience water build up, with water sometimes entering into our back porches. This attracts mosquitos even with proper insect maintenance contracts. The new construction is certain to make these matters worse by reducing the area for runoff. Having more development will exacerbate this critical environmental aspect and in doing so compromise the integrity and enjoyment of our homes.

One significant benefit that we on the north side of Fogland expected to enjoy is a view of nature and a sense of darkness and isolation, especially in the late evenings. The planned density and wide road will necessarily create the need for artificial lighting along the road, possibly on both sides. This will encourage homeowners and renters also to set up artificial lighting in their backyards furthering the visual disruption of artificial lighting. This will compromise the visual enjoyment of our properties, undermining our quiet enjoyment, and diminish the fair market value of our homes.

Although our community recognizes that some purchasers planned to finance their properties with anticipating rental income, in general, most homeowners also use these properties personally for a large part of the year, even in peak season. This ensures that the renters are apt to be closely screened and monitored to improve the likelihood that they take appropriate care of the specific property they are renting and that they are more likely also to be attentive to the care required to maintain common facilities. Even with such assurances, this has been an ongoing problem in the community.

OVBC and OVBC North plan for a set number of homes, including single family and town homes. The development already suffers a single chokepoint, the entry way on Muddy Neck Road. If anything were to interfere with that entry way, such as a downed powerline, a car accident, a gas leak, a fallen tree, and so forth, the ability to leave or enter the development would be curtailed. This is both unsafe and unwise and is something that should be totally unacceptable. This plan endangers not only those who may choose to reside there, but also, it risks endangering the larger community by creating a traffic hold along Gooseberry Avenue, in addition to those noted at the main entrance, in the event of an emergency.

The Ocean View Beach Club North Rezoning Plan encroaches upon the McCabe Tax Ditch, which runs along the western side of the OVBC development. The density of the new phase, twenty-one closely packed town homes, risks disrupting existing water flow, further harming the run-off, and adversely affecting both OVBC and Ocean Way.

For all the reasons set out in this letter, we are entirely opposed to the Ocean View Beach Club North Rezoning Plan. We would gladly follow up with any questions or concerns you might

have. Please be sure to include me in any related correspondence concerning this matter, including providing notice of any hearings or opportunities for further comment. It is my sincere hope that this plan is stopped and the application for variance that would be permitted is denied.

Very truly yours,

A handwritten signature in cursive script that reads "Paula & Lou Friedman". The signature is written in black ink and is positioned above the typed name.

Paula and Lou Friedman

Lauren DeVore
Planner III
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302.855.7878

lauren.devore@sussexcountyde.gov

Dear Ms. DeVore:

This letter is in reference to our concerns with the Ocean View Beach Club North Rezoning Plan, DBF#1443F001, dated: August 13, 2020.

We reside at 33187 Ogre Drive, Ocean View, Delaware 19970. We closed on the purchase of our home in July, 2018. We live on Lot 152 which borders the Ocean View Beach Club community. We are writing now to express our strong opposition to this proposal.

It is our position that when purchasing our home, we and others were misled. We paid the \$15,000 lot premium based on a very specific understanding; being that the multi-acre triangular lot behind the property was zoned for agricultural purposes. We chose to purchase our home in this location based on that representation and anticipating that we would benefit from an open view onto open land and natural wildlife. We further anticipated the benefit of less noise and artificial lighting as compared with other homes in our development or in other developments that we considered.

This proposed phase includes twenty-one townhomes, eight on one side of the street, thirteen on the other which will be densely packed. Given their lot size and density, these appear to be less attractive than other homes within the Ocean View Beach Club community. As such these planned homes are more likely to attract investors who will use them for rental, rather than buyers intending to use them personally or to reside in them year-round. During peak season, this means that persons who are not committed to the community and, more specifically, young persons, including those of college age, are apt to reside in them for short periods of time. This will result in considerable noise, visual blight at all hours of the night, parties, and other activities out of character with our community. Rather than benefiting from a choice to locate on a quiet lot with access to nature, we find ourselves residing on a lot that will be far less enjoyable and attractive than those of other homes in our own development or in other communities. This isn't right and it must not be approved.

Renters tend to place special burdens on vacation communities. Those of us residing in Ocean Way Estates have experienced this already. Because renters are not committed to the long-term maintenance of common areas, and because they often include younger adults, such as college students, and youth sports teams. Renters tend to produce greater wear and tear at the

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expense of those who reside in the community more generally. This is especially likely in a group of homes that are densely situated as townhomes. We might even imagine several consecutive homes being rented to a common group of friends, with attendant noise, traffic, and other problems. We are strongly opposed to this plan.

The proposed plan comes with several problems. Although what follows is not complete, these are among the most significant to us. Some concerns specific to property owners whose lots adjoin or are in close proximity of the affected triangular lot of land. Others affect those whose homes are specially burdened by the traffic implications. Still others affect our community more broadly.

Our concerns are:

1. Increased traffic on Ogre Drive

The Ocean View Beach Club has a single entrance and exit along Muddy Creek Road. The new proposed phase, the Ocean View Beach Club North Rezoning Plan, likewise has a single entrance and exit point, via Gooseberry Avenue. This means that the proposed townhomes, which, again, are likely to be subject to rentals in peak season, will increase the load with heightened traffic. We feel this will increase the traffic on Ogre Drive, which is already popular with it being used as a short cut between Highway 26 and Muddy Creek Road.

2. Owners and renters generating noise and visual changes.

During peak season, some combination of these events is almost a certainty, and relatively lower cost townhomes, made available for rental, make them especially attractive to young adult renters, including groups of college students and sports teams.

The proposal plans on twenty-one townhomes, eight to the north and thirteen to the south of a dividing road, with the backs of the thirteen homes facing towards the back of our home.

The townhome community will generate a large amount of noise. The reason is the entertaining takes place on the elevated decks attached to the homes. These decks have no obstructions to quiet the noise.

We currently enjoy the proposed area by watching wildlife from our sunroom. The area is used by many deer, geese, and even dragonflies. Every once in a while, we are treated to a red fox. We are concerned with what happens to them?

3. Lighting and other features that would produce visual blight

One very special benefit that those of us residing on the east side of Ogre Drive is the joy of the view of nature and a sense of darkness and isolation, especially in the late evenings. The planned density will encourage homeowners and renters also to set up artificial lighting in their

backyards furthering the visual blight. This will compromise the visual enjoyment of our properties, and diminish the fair market value of our homes.


For all the reasons set out in this letter, we entirely oppose the Ocean View Beach Club North Rezoning Plan. We are happy to follow up with any questions or concerns you might have. Please be sure to include me in any related correspondence concerning this matter, including providing notice of any hearings or opportunities for further comment. It is our sincere hope that this plan is stopped and the application for variance that would be permitted is denied.

Thank you.

Sincerely,

Michael and Frankie Schiefer
33187 Ogre Drive
Ocean View, DE 19970

Schiefer135@aol.com
410-935-5476


Michael Schiefer


Frankie Schiefer

Chase Phillips

From: momofmande <momofmande@aol.com>
Sent: Sunday, November 1, 2020 4:58 PM
To: Chase Phillips
Subject: Before and after photos

Follow Up Flag: Follow up
Flag Status: Completed

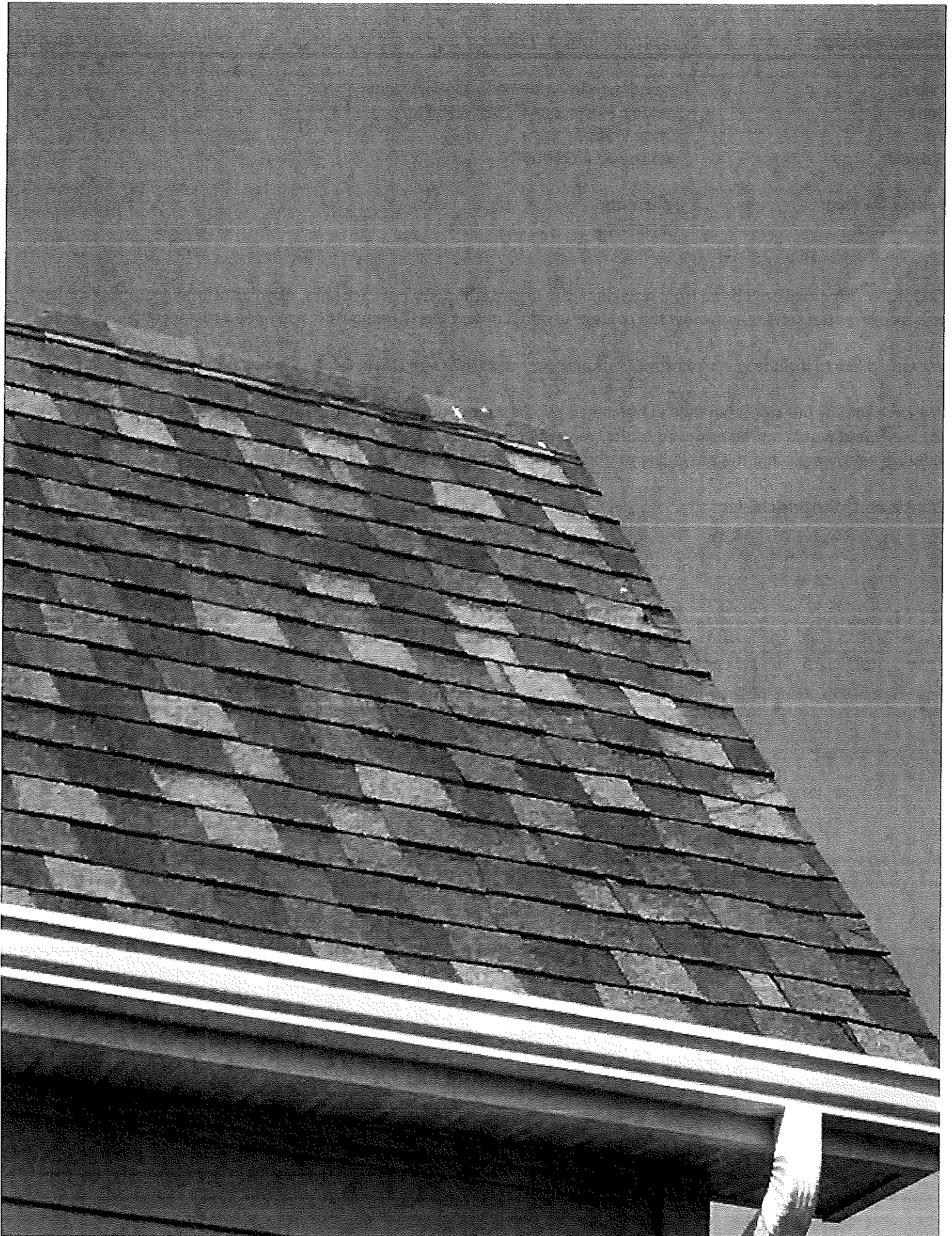
CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

We would like to include these photos of our property at 33187 Ogre Drive, Ocean View.

We were told by our salesman that a church had purchased the property behind us. That a church would be built and the easement would not be removed of the trees and bushes.

Now we have weeds and the possibility of thirteen townhouses to be built facing our property.

Frankie and Michael Schiefer









October 30, 2020

Dear Mr. Chase Phillips,

We live in the Ocean View Beach Club community, having moved in 2 ½ years ago. We also purchased a lot adjacent to the then church owned agricultural property. A portion of that was sold to D.R. Horton for the development of OVBC North, which we had expected.

We now have the pleasure of seeing the geese, fox, and a whole variety of wildlife and serenity. This was and still is also denoted on the OVBC developers website. The nature walkways planned, do not exist, the fitness concepts denoted, have not been put in, etc.

Now I understand, that the developer, Convergence, is planning to take the small triangular parcel that lies between Fogland Lane in Ocean View Beach Club and Ogre Drive in Ocean Way community, and rezone this to a moderate density residential made up of 21 townhomes, which is packed in tight indeed. By the way, there are privately owned ditches in this parcel, we have yet to find a deed, and my research shows that the developer is showing residual space, when Sussex county has it as Open space, and with no deed...? Something is not right.

These 21 homes, if approved, will all need to drive in and out through Ocean View township as there is only one entry point on Muddy Neck through Beach Club Drive for all of OVBC. These potentially would also be sold as the lowest priced homes, which will attract rentals which creates negligence and noise. This also adds yet more load on the outdoor pool, which is already far too small for the existing homes, even before getting to the 400 planned home when complete, and the added 5% for these new ones, if this goes through. Amenities in general were clearly not properly planned for this size community.

Lastly the entire area has water drainage issues yet to be handled in the years we have been here. We have had to have bi-weekly treatments to attempt to alleviate the huge level of insects, mosquitoes and other health issues created by the always standing water. Below see some photos. Adding more homes on lots that are built 5-6' graded up, will probably worsen this situation. With Private owned water ditches, who is responsible to keep these clear and flowing, which seems to already be an issue? DR Horton, Khov, Convergence, Sussex County, Frankford, Ocean View...?

We are greatly disturbed by this new development, and the developer has not been transparent at all with us or the HOA leaders on this rezoning application, hence I wanted to be sure you know that we are very much against this rezoning and placement of 21 homes in such a small area.

Eli Neumann & Margie Neumann
23 Fogland Lane, Ocean View, DE 19970
410-925-7963

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October 30, 2020

Dear Mr. Chase Phillips,

We live in the Ocean View Beach Club community, having moved in 2 ½ years ago. We also purchased a lot adjacent to the then church owned agricultural property. A portion of that was sold to D.R. Horton for the development of OVBC North, which we had expected.

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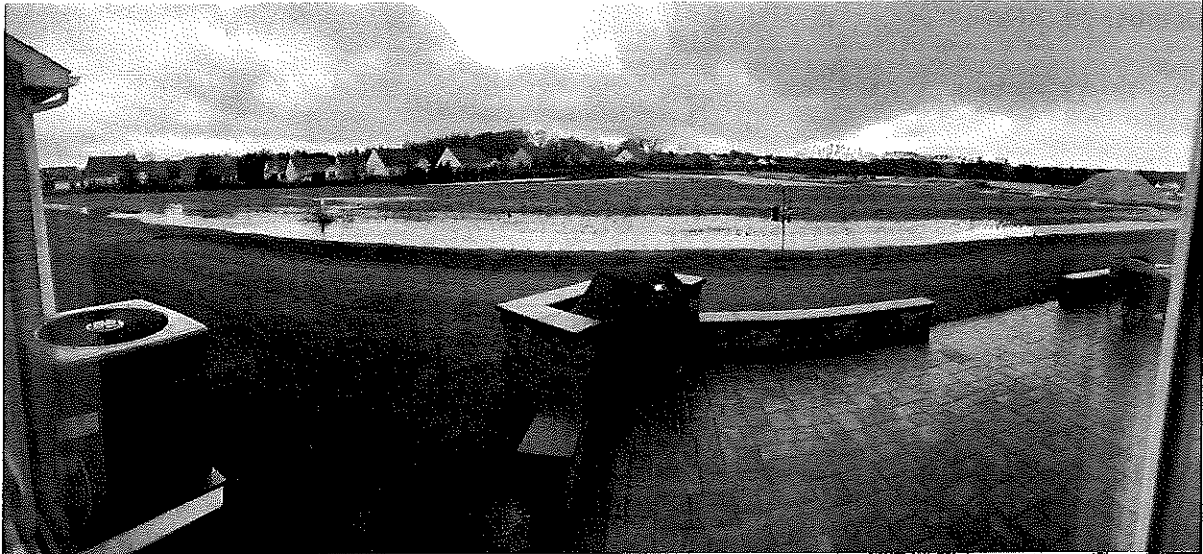
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Lastly the entire area has water drainage issues yet to be handled in the years we have been here. We have had to have bi-weekly treatments to attempt to alleviate the huge level of insects, mosquitoes and other health issues created by the always standing water. Below see some photos. Adding more homes on lots that are built 5-6' graded up, will probably worsen this situation. With Private owned water ditches, who is responsible to keep these clear and flowing, which seems to already be an issue? DR Horton, Khov, Convergence, Sussex County, Frankford, Ocean View...?

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Eli Neumann & Margie Neumann
23 Fogland Lane, Ocean View, DE 19970
410-925-7963



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November 1, 2020

Chase Phillips, Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302.855.7878

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Dear Mr. Phillips,

We purchased and settled on our home in Ocean View Beach Club at 27 Old Orchard Avenue, Ocean View, DE in July of 2016. After having carefully reviewed the Ocean View Beach Club North Rezoning Plan, we are writing to register our vehement opposition to this plan.

When we purchased our home, we were told that the community would enjoy nature walks; state of the art facilities, including an indoor pool, and outdoor pool and clubhouse; and, most importantly, a wonderful and peaceful neighborhood. Unfortunately, this latest phase of the development plan fundamentally undermines those expectations. This new phase of growth is proposed to be built upon land that that was listed as zoned for agricultural use.

Rather than preserving that open space or using it as zoned for agriculture, this plan will replace that open land with the densest part of the overall OVBC development. If approved, this will impose heightened traffic throughout the community, an increased usage load on the common facilities, including the existing outdoor pool and clubhouse, located near the main entrance, and the planned twelve-by-twenty-four foot indoor pool.

We are strongly opposed to this plan, and we urge you not to approve it.

There are several problems associated with the proposed plan. Although what follows is not an exhaustive list of these drawbacks, they are among the most significant. We are most concerned regarding the traffic implications and safety to young children. As individuals who own a residence on Old Orchard Avenue, we will be heavily burdened by the increased traffic. This will make our home and neighborhood a less safe for our children to play and to ride bikes. Some concerns affect property owners whose lots adjoin the affected triangular lot of land. Still others affect our community more broadly. Some concerns will also adversely affect future homeowners in second major phase of the development, Ocean View Beach Club North, who although subject to special burdens, are not presently able to raise these claims.

Our key concerns are as follow:

1. Increased traffic density throughout the OVBC community

The Ocean View Beach Club has a single entrance and exit along (Muddy Neck Road). The new proposed phase, the Ocean View Beach Club North Rezoning Plan, likewise has a single entrance and exit point, via Gooseberry Avenue. This means that the proposed townhomes,

which, again, are likely to be subject to rentals in peak season, will increase the load with heightened traffic along that road to and from this part of the community. That route will run back and forth along the north of several homes on Fogland, continuing southward along Nantucket, Scarborough, Old Orchard, and Basin Cove before turning to exit past the Club House onto Muddy Neck.

No other part of the OVBC or OVBC North community is limited to a single point of entrance and exit. This is especially problematic given the considerable number of homes included in this proposed new phase, a problem worsened still by the likelihood of disproportionate use as rental properties. The problem is exacerbated by the fact that the proposed road is not a through street, and instead, comes to a dead end, requiring visitors or residents to turn around at the end, possibly at any hour of the day or night. The proximity of the planned turning point to our neighbors residing in Ocean Way, is likewise deeply problematic. It imposes special burdens on those homeowners in a manner that risks compromising their enjoyment of another valued community adjoining our own.

The combination of increased traffic density in OVBC and the special burdens posed on our Ocean Way neighbors is unacceptable. This proposal must be stopped.

2. Overloading community amenities, including the existing outdoor pool clubhouse, and the planned indoor pool

The new proposed phase will impose special burdens on the already taxed facilities enjoyed by the larger OVBC community. The OVBC outdoor pool and clubhouse currently are close to capacity. The community can anticipate that this will become substantially worse both for the present facilities and for the planned indoor pool. The new proposal seems almost designed to make matters worse. This newly proposed dense grouping of townhomes will represent a tax on our common facilities that will require greater upkeep and maintenance costs due to the increased number of individuals using the facilities.

3. Water runoff issues risk flooding

In the peak rain season, those who reside along the north side of Fogland often experience water build up. The new construction is certain to make these matters worse by reducing runoff after significant rains.

4. Adversely impact on nature walks, open space, and wildlife

The advertising materials for OVBC emphasized nature walks, and the properties adjoining the tract in which the Ocean View Beach Club North Rezoning Plan is proposed was one of the few remaining undeveloped spaces in the community. This area attracts a variety of wildlife, birds, foxes, and other animals who enjoy the open undeveloped space. In addition, the land serves the environmental benefit of absorbing rainfalls, especially following heavy storms. Further development, especially with the planned density of twenty-one townhomes, will reduce the open lands that serve these interests in nature, benefitting wildlife, our neighboring property

owners in the aftermath of storms, and the OVBC and Ocean Way communities more generally by ensuring the one remaining natural reserve.

5. Potential hazards as a result of the entry way chokepoint

The increased traffic routing through a single thoroughfare offers significant risk to young children whose families have homes along the entrance and exit path for the development. Heavier traffic poses a significant hazard to individuals biking in the neighborhood, children as well as adults.

The development already suffers a single chokepoint, the entry way on Muddy Neck Road. If anything were to interfere with that entry way, such as a downed powerline, a vehicular accident, a gas leak, a fallen tree, or some other concern, the development would be captured without a means of entry or exit. Once inside the development, all other housing locations provide more than a single means of access. This will not be true, uniquely, for the proposed homes forming the Ocean View Beach Club North Rezoning Plan. In the event of an emergency in those homes, they will be subject to two chokepoints, one at the main entrance and the other at the phase entrance on Gooseberry Avenue. This is both unsafe and unwise. And it is unacceptable. This plan endangers not only those who may choose to reside there, but also, it risks endangering the larger community by creating a traffic hold along Gooseberry Avenue, in addition to those noted at the main entrance, in the event of an emergency.

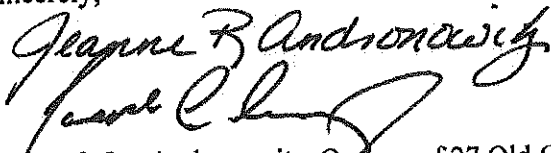
6. Compromising the McCabe Tax Ditch as a means of water egress

The Ocean View Beach Club North Rezoning Plan encroaches upon the McCabe Tax Ditch, which runs along the western side of the OVBC development. The density of the new phase, twenty-one tightly packed town homes, risks disrupting existing water flow, further harming the run-off, and adversely affecting both OVBC and Ocean Way.

For all the reasons stated within this letter, we are formally recording our opposition to the Beach Club North Rezoning Plan. Please feel free to reach out to us with any questions or concerns that you might have. I would appreciate the inclusion in any related correspondence concerning this matter, including providing notice of any hearings or opportunities for further comment. It is my sincere hope that this plan is stopped and the application for variance that would be permitted is denied.

Thank you.

Sincerely,



Jeane & Joe Andronowitz, Owners of 27 Old Orchard Ave
7 Wellfleet Lane
Glen Mills, PA 19342
484-315-8189

Edward J. Donnelly, III
Abby L. Donnelly
33113 Ogre Drive, Ocean Way Estates Phase 4
Ocean View, DE 19970
215-341-7599 (Abby) 215-370-7970 (Ed)
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ed.donnelly911@gmail.com

October 30, 2020

Lauren DeVore
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Department of Planning and Zoning Sussex County
2 The Circle
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Lauren.devore@sussexcountyde.gov

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Dear Ms. DeVore:

We purchased our home in Ocean Way Estates Phase 4 August 29, 2017 and are currently full time, year- round residents. Our home is located well within 200 feet of the newly proposed construction forming the Ocean View Beach Club North Rezoning Plan.

The zoning set back line and the proposed Storm Water Management Facility fall directly behind our home and will have a direct impact on the Irrigation Ditch at the back of our property. We want to preserve the integrity of this irrigation ditch as it provides a flood water barrier and is part of the set back that buffers our home from the current excavation and construction that is in progress already. The trees along the ditch help decrease the dust, noise, and sightlines of the current construction.

We hope that the rezoning proposal of this land parcel will NOT occur from its current agricultural zoning status. Green space, maintaining good air quality, less noise pollution and less ambient light are all important to us.

The most significant concern is one of safety and increased traffic to Muddy Neck, the main road leading out of Ocean Way Estates and Ocean View Beach Club properties. Building more townhomes will just add to the traffic and safety issues we all deal with daily.

We wish to be good neighbors, but we see this zoning change proposal as a financial quest by a developer who does not care about its impact on the surrounding homes and neighborhoods.

We strongly oppose the proposed Ocean View Beach Club Rezoning Plan that will change the current agriculture zoning to a more densely populated one. Please contact us if you require additional information. We thank you for your attention to this matter and our request NOT to approve the Ocean View Beach Club North Rezoning plan.

Sincerely,

Abby L. Donnelly

Abby L. Donnelly RN, MSN

Edward J. Donnelly

Edward J. Donnelly, III, RPh

Lauren DeVore

From: Abby Donnelly <adonnellyrn@gmail.com>
Sent: Thursday, October 29, 2020 10:04 PM
To: Lauren DeVore
Subject: Opposition to Ocean View Beach Club North Rezoning Plan
Attachments: Letter to Lauren DeVore Sussex Co zoning plan Board10.30.2020.docx

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Dear, Ms. DeVore:

Attached is a letter identifying our concerns regarding this Rezoning Plan. We live fulltime and year round at 33113 Ogre Drive, Ocean View, DE 19970 since August 29, 2017. The parcel of land involved in this proposed rezoning is directly behind our home.

We thank you in advance for your time and attention to this matter and look forward to having the ruling of the board go in our favor. We are also sending the signed letter via snail mail to your attention as well.

Best,

Abby and Ed Donnelly

Edward J. Donnelly, III
Abby L. Donnelly
33113 Ogre Drive, Ocean Way Estates Phase 4
Ocean View, DE 19970
215-341-7599 (Abby) 215-370-7970 (Ed)
adonnellyrn@gmail.com
ed.donnelly911@gmail.com

November 4, 2020

Doug Hudson
District 4 County Councilman
Department of Planning and Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
doug.hudson@sussexcountyde.gov

Dear Mr. Hudson:

We purchased our home in Ocean Way Estates Phase 4 August 29, 2017 and are currently full time, year- round residents. Our home is located well within 200 feet of the newly proposed construction forming the Ocean View Beach Club North Rezoning Plan.

The zoning set back line and the proposed Storm Water Management Facility fall directly behind our home and will have a direct impact on the Irrigation Ditch at the back of our property. We want to preserve the integrity of this irrigation ditch as it provides a flood water barrier and is part of the set back that buffers our home from the current excavation and construction that is in progress already. The trees along the ditch help decrease the dust, noise, and sightlines of the current construction.

We hope that the rezoning proposal of this land parcel will NOT occur from its current agricultural zoning status. Green space, maintaining good air quality, less noise pollution and less ambient light are all important to us.

The most significant concern is one of safety and increased traffic to Muddy Neck, the main road leading out of Ocean Way Estates and Ocean View Beach Club properties. Building more townhomes will just add to the traffic and safety issues we all deal with daily.

We wish to be good neighbors, but we see this zoning change proposal as a financial quest by a developer who does not care about its impact on the surrounding homes and neighborhoods.

We strongly oppose the proposed Ocean View Beach Club Rezoning Plan that will change the current agriculture zoning to a more densely populated one. Please contact us if you require additional information. We thank you for your attention to this matter and our request NOT to approve the Ocean View Beach Club North Rezoning plan.

Sincerely,

Abby L. Donnelly

Abby L. Donnelly RN, MSN

Edward J. Donnelly

Edward J. Donnelly, III, RPh

RECEIVED

JAN 05 2021

SUSSEX COUNTY
PLANNING & ZONING

January 4, 2021

To: Town of Ocean View County Council, Mayor, Town Manager and Planning & Zoning cc:
Sussex County Council and Planning & Zoning,

Happy New Year 2021.

My name is Michele Morgan I live at 33088 Ogre Drive, Ocean Way Estates phase IV, Ocean View, DE 19970. I purchased my property in May 2018 and am a full-time, year-round resident of Ocean View.

As a resident of both the Town of Ocean View and Sussex County, I am writing on behalf of many of the homeowners on Ogre and Velta Drives. I am asking for support from the elected officials in the Town, along with the staff, to be an advocate in protecting the homeowners from an encroachment by Convergence Communities, the Developer of Ocean View Beach Club North. Although the hearing on this matter is not yet scheduled (due to COVID delays), your involvement and support early on is critical to mitigate any adverse impact.

Although Ocean View Beach Club North is located within County jurisdiction, there is a significant impact to the homeowners and to Town of Ocean View. Previous attempts to annex this new housing development into the Town of Ocean View have failed; although, the only entrance/exit to this new housing development is located within the town limits of Ocean View.

There is an ordinance (CZ #1931) to amend the zoning map of Sussex County from AR-1-Agricultural Residential District to a MR-RPC medium density residential district for a parcel of land containing 5.253 acres which is located within the Ocean View Beach Club – North development (CZ #1931). The change of zoning is being requested to enable Convergence Communities to construct 21 additional townhomes in Ocean View Beach Club – North.

Since this 5.253 parcel of land was included in the original plan for Ocean View Beach Club North (labeled as “residual lands” in the original plan), it is also being requested TO AMEND THE ORIGINAL CONDITIONS OF APPROVAL for Ocean View Beach Club North (CZ #1768, ORDINANCE 2411) to remove a lot to add a street to access the 5.253-acre parcel and to extend the boundaries of the residential planned community.

Elaine Cziraky has carefully reviewed the new re-zoning application for Ocean View Beach Club North (CZ #1931) as well as the request to amend the original conditions of approval (CZ #1768, ORD 2411) and have found the following errors and omissions:

- The proposed plan (CZ #1931) **DOES NOT INCLUDE** the non-jurisdictional property ditch that runs almost the entire distance behind Ogre and Velta Drives. Without this ditch, the water from Ogre & Velta Drives will not be able to flow to the canal thus creating serious flooding and drainage issues for homeowners. Note: This ditch was included in the original plan (CZ #1768 – page 2) so it is overly concerning that it is missing from the new plan. Any attempt to remove this ditch will severely impact homeowners’ property values. There is a section of the ditch behind 33197, 33187, 33177 Ogre Drives) that was

already entirely filled in. Where was the Town of Ocean View to advocate on behalf of residents on Ogre Drive to address water drainage concerns?

- The proposed plan (CZ #1931) **encroaches** upon the McCabe Tax Ditch, which runs along the western side of the Ocean View Beach Club South (which is in the Town of Ocean View). This plan risks disrupting existing water flow, further harming the run-off, and adversely affecting homeowners who live in the Beach Club Community.
- The request to change the RPC (residential planned community) boundaries which border Ocean Way Estates along Ogre Drive **encroaches** on the previously agreed buffer space of 20' (CZ #1931 – page 3).
- **The speed limit is incorrectly recorded** on the approved plan for Ocean View Beach Club North (CZ#1768 – page 1). The plan indicates the speed limit along a section of Muddy Neck Road which serves as the entrance/exit for the development is 45 mph. This is incorrect. In 2018, the speed limit along that section of Muddy Neck Road was reduced to 35 mph due to traffic and traffic safety concerns. This included vehicular traffic as well as bicycle and pedestrian traffic.

In addition, **the proposed plan (CZ #1931) directly violates some of the conditions upon which the original plan (CZ #1768) for Ocean View Beach Club North was approved (CZ #1768, ORDINANCE 2411).**

The details of approval (ordinance 2411) include the following conditions:

- The existing ditches will remain and be cleaned out
- Single family homes will be built along the entire perimeter
- Additional trails and recreational tot-lots will be installed in this development
 - Note: There are **no** trails or tot-lots in existence on the approved (CZ #1768) or proposed plan (CZ #1931)
- 75% of the project is single family residential
 - The proposed change in number of single-family units and townhouse units reduces this percentage to 66%.

Lastly, an assumption upon which the original approval was granted did not come to fruition. It that the Developer and the Town of Ocean View would be working together for annexation purposes. The minutes also mentioned some concerns about who to call if there is a safety issue, when part of the development is in the Town of Ocean View and part of it is under County jurisdiction. As of the date of this letter (January 4, 2021), the annexation never happened and intergovernmental coordination continues to be an issue for the homeowners especially since the only entrance/exit to the community is located within the Town of Ocean View.

In summary, the original conditions for approval were set forth to ensure the health, safety, prosperity, and welfare of the present and future inhabitants of Sussex County and Ocean View. Ignoring these conditions will have a damaging impact to the homeowners. **I am formally requesting that the Town Council of Ocean View hold a special meeting open to both**

representatives of the County and homeowners of OGRE and Velta Drives along with homeowners in the Beach Club Community to voice their concerns and opposition to county ordinance (CZ #1931).

Thank you.

Sincerely,
Michele Morgan
33088 OGRE Drive
Ocean View, DE 19970

morganorganizers@gmail.com

301-787-4010

November 5, 2020

Doug Hudson

District 4 County Councilman

Hello Mr. Hudson,

I am writing to you because I am so disheartened that there is a proposal for rezoning and building 21 townhouses in the "triangle" behind Fogland at Ocean View Beach Club and Ocean View Beach Club North. The developer, Convergence, is apparently in contact with Sussex County to achieve this goal.

When I purchased my home from K. Hovnanian, they informed me that Convergence was the developer and would provide all information regarding the neighborhood. This included (but not limited to), the amenities and most of the restrictions that would be implemented to protect the integrity of our neighborhood. It was apparent that nature walks, wide streets, sidewalks, manageable traffic flow, good lighting, a strong HOA policy would follow the guidelines of creating an upscale, well planned neighborhood. Over the last 3 years since we purchased our home, many of those "promises" could be construed as misleading or outright untruths.

There is one single entry/exit for the entire community, on Muddy Neck Road in Ocean View Township, which implies that all the traffic from much of Ocean View Beach Club North (Frankford county) and certainly this proposed new section will have to travel through Nantasket (the road I live on.) This creates a significant safety issue as well. I carefully chose my location based on the site plan given for the entire neighborhood. This is a direct misrepresentation of the facts given when I chose to purchase my home.

Again, there are additional burdens caused by Convergence that our neighborhood will not enjoy. The obvious lack of quiet and upscale amenities that our developer has promised look to be in peril. The plan to increase density in homes, cars, pollution, noise, is sure to create further disruption. Overloading our pool, clubhouse, is surely to be a problem. These areas already have hit peak usage with our current homeowner population.

As residents of Bethany Beach and Ocean View since 2002, we have come to appreciate the value of our home and our neighborhood. We only hope that the Zoning Committee has enough foresight to see that we are trying to protect our investment in our community. We want our neighborhood to be a shining example of what can be accomplished with thoughtful planning and vision for Ocean View Beach Club for decades to come.

This proposal is vehemently opposed by us and must be stopped.

Kind Regards,

Stacy and Sandy Benjamin

17 Nantasket Road



Ocean View Beach Club

Ocean View, Delaware 19970

stacyb@benjaminofficesupply.com

sandyb@benjaminofficesupply.com

Signed and Dated:

11/5/2020

11/5/2020

Tom & Suzanne McAndrews
51 Bennett Point Ln
Ocean View DE 19970

Nov 02, 2020

Charles Phillips, Planner I
Department of Planning & Zoning Sussex County
2 The Circle, P.O. Box 417
Georgetown, DE 19947
302.855.7878

Opposition
Exhibit

RECEIVED

NOV 02 2020

SUSSEX COUNTY
PLANNING & ZONING

chase.phillips@sussexcountyde.gov

Dear Mr. Phillips:

We are full time residents of the Ocean View Beach Club in Ocean View DE and wish to register our strongest protests to a proposed additional development to our community. Specifically, this pertains to the plans to develop a 5.25-acre parcel of land, designated as Parcel # 1-34-17.00-12.02, into an extremely dense arrangement of 21 townhomes. Our understanding is that this parcel is currently zoned as agricultural and that the developer is petitioning to change this to a multi-family dwelling designation. We have numerous concerns regarding this which we hope will convince you to reject this application.

First and foremost is our concern that the developer is turning our community into an unsuitable, high density, congested neighborhood that overtaxes our roads, amenities, and a way of life that we expected when we bought our home 3 ½ years ago. A quick look at the developer's website (<https://liewelloceanview.com>) gushes about the lifestyle and amenities at the Ocean View Beach Club, complete resort style amenities, community trails, green space, and gardens. They also state that "*...our community is filled with an air of serenity and seclusion*". Packing 21 additional townhomes into such a small space certainly does not accomplish this projection.

This 5.25-acre parcel was never included in any of the plans for the community when we and all our neighbors made the decision to purchase here. We have deep concerns for many of our neighbors, especially those who bought homes on Fogland Ln, who paid lot premiums to gain an open space view. Devouring this parcel of land robs the community of a vital asset that provides a home to wildlife and helps absorb rainwater runoffs.

We have deep concerns that these 21 townhomes would likely become rentals. Rental units pose many challenges. Our community has firsthand experience with this now, as the currently built townhomes are frequently attracting multiple families during the summer. The multiple families in the rentals, along with our owners, have resulted in an overtaxed clubhouse and pool. As of now, our development has not even reached the halfway point in settled homes. Adding an additional, unplanned 21 townhomes that may also rent to multiple families will exacerbate this problem considerably. We worry that the additional wear and tear becomes an unexpected, added expense for current homeowners to bear.

We are genuinely concerned about the additional traffic and noise that this project could add to our community. There is only one access road into and out of our community. Adding 21 more townhomes creates further traffic congestion throughout the Beach Club South roads. The sole entrance to the community off Muddy Neck Road is already very busy in the summer. This entrance also sits just a few yards away from the intersection of Basin Cove Way and the entrance to our clubhouse and pool. With traffic increasing every year on Muddy Neck Rd, the congestion in and out of the Beach Club community will become increasingly difficult. Cars waiting to exit the community will end up blocking access to Basin Cove Way and the clubhouse and pool.

Another concern is that of parking. The plans for the new 21 townhomes call for a narrow 50' road, including sidewalks. The street would dead end at the western end of the parcel and this could prompt cars to turn around there to exit. At night, the cars headlights would be an unacceptable annoyance for nearby residences, including those properties from the adjacent Ocean Way Estates community. If our concerns about these turning into rental

properties pan out, there could well be a lack of parking spaces. Where will the overflow parking needs be met?

More importantly, there should be numerous concerns pertaining to fire and emergency vehicle access in a crowded, dense arrangement such as this. Adding to the concerns about traffic and access via Muddy Neck Rd, if an emergency vehicle needs to navigate through a single crowded community entrance, and then perhaps encounter a densely packed street where the 21 townhouses may be, we fear that an emergency could turn into a tragedy.

In sum, the plans to add 21 townhomes is a giant net negative for the majority of a community of 450 homes. We will all pay a price for this, just to allow the developer to squeeze out every bit of profit from the last piece of land. Is it worth it to make so many homeowners upset for this? We strongly urge you and your committee to reject this plan and to leave this parcel zoned as it is already.

Thank you



Tom McAndrews



Suzanne McAndrews

Tom and Suzanne McAndrews

51 Bennett Point Ln

Ocean View, DE 19970

Tom.mcandrews@verizon.net

215-913-8395

Tom & Suzanne McAndrews
51 Bennett Point Ln
Ocean View DE 19970

Nov 05, 2020

Douglas Hudson
Sussex County Council District 4
2 The Circle, P.O. Box 589
Georgetown, DE 19947
302.542.1432

doug.hudson@sussexcountyde.gov

Dear Mr. Hudson:

We are full time residents of the Ocean View Beach Club in Ocean View DE and wish to register our strongest protests to a proposed additional development to our community. Specifically, this pertains to the plans to develop a 5.25-acre parcel of land, designated as Parcel # 1-34-17.00-12.02, into an extremely dense arrangement of 21 townhomes. Our understanding is that this parcel is currently zoned as agricultural and that the developer is petitioning to change this to a multi-family dwelling designation. We have numerous concerns regarding this which we hope will convince you and the rest of the Sussex County Council members to reject this application.

First and foremost is our concern that the developer is turning our community into an unsuitable, high density, congested neighborhood that overtaxes our roads, amenities, and a way of life that we expected when we bought our home 3 ½ years ago. A quick look at the developer's website (<https://liewelloceanview.com>) gushes about the lifestyle and amenities at the Ocean View Beach Club, complete resort style amenities, community trails, green space, and gardens. They also state that *"...our community is filled with an air of serenity and seclusion"*. Packing 21 additional townhomes into such a small space certainly does not accomplish this projection.

This 5.25-acre parcel was never included in any of the plans for the community when we and all our neighbors made the decision to purchase here. We have deep concerns for many of our neighbors, especially those who bought homes on Fogland Ln, who paid lot premiums to gain an open space view. Devouring this parcel of land robs the community of a vital asset that provides a home to wildlife and helps absorb rainwater runoffs. Mr. Hudson, we cheer your past efforts to preserve open space and trees from new developments. This new proposal appears to be exhibit A in what you are trying to prevent.

We have deep concerns that these 21 townhomes would likely become rentals. Rental units pose many challenges. Our community has firsthand experience with this now, as the currently built townhomes are frequently attracting multiple families during the summer. The multiple families in the rentals, along with our owners, have resulted in an overtaxed clubhouse and pool. As of now, our development has not even reached the halfway point in settled homes. Adding an additional, unplanned 21 townhomes that may also rent to multiple families will exacerbate this problem considerably. We worry that the additional wear and tear becomes an unexpected, added expense for current homeowners to bear.

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In sum, the plans to add 21 townhomes is a giant net negative for the majority of a community of 450 homes. We will all pay a steep price for this, just to allow the developer to squeeze out every bit of profit from the last piece of land. Is it worth it to make so many homeowners upset for this? We strongly urge you and all of the Sussex County Council to reject this plan and to leave this parcel zoned as it is already.

Thank you



Tom McAndrews



Suzanne McAndrews

Tom and Suzanne McAndrews

51 Bennett Point Ln

Ocean View, DE 19970

Tom.mcandrews@verizon.net

215-913-8395

Jamie Whitehouse

From: Kenneth Cimino <admintov@oceanviewde.com>
Sent: Wednesday, January 20, 2021 9:45 AM
To: Todd.Lawson@sussexcountyde.gov; Doug Hudson
Cc: Hans Medlarz; Jamie Whitehouse; Doug Hudson; John Reddington; tmaly818@mchsi.com; Tom Maly; Carol Houck; 'Dennis Schrader'; Jim Lober; jessica.watson@sussexconservation.org; Hocker, Gerald (LegHall); Chase Phillips
Subject: C/Z1931-Lands of Lighthipe, LLC
Attachments: Letter to sussex county_final011321.pdf

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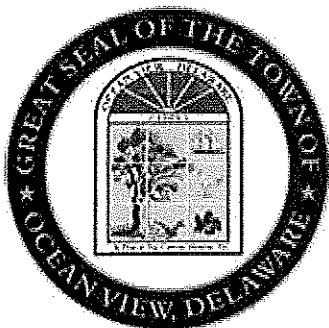
Good morning Mr. Lawson,

Please find attached the Town of Ocean Views concerns with the proposed re-zoning for the Ocean View Beach Club North known as C/Z 1931 – Lands of Lighthipe, LLC.

Thank you for your consideration.

Best regards,

Kenneth L. Cimino
Town of Ocean View
Director of Planning, Zoning & Development
201 Central Ave. – 2nd Floor
Ocean View, DE 19970
Office: 302-539-1208 ext. 113
Cell: 443-567-3061



SINCE 1889

(302) 539-1208, Ext. 113
FAX (302) 537-5306
admintov@oceanviewde.com
www.oceanviewde.com

TOWN OF OCEAN VIEW

201 CENTRAL AVENUE
OCEAN VIEW, DE 19970

VIA EMAIL AND USPS

January 13, 2021

Mr. Todd E. Lawson
County Administrator, Sussex County, Delaware
Sussex County Administrative Office Bldg.,
1st Floor
2 The Circle, P.O. Box 589
Georgetown, Delaware 19974

RE: Ocean View Beach Club North Proposed Revision to Record Plan
Document #2019000026899, BK: 288, PG: 23
C/Z 1931 – Lands of Lighthipe LLC

Dear Mr. Lawson:

This correspondence is being generated due to concerns the Town of Ocean View has with the proposed revision to the Ocean View Beach Club North (OVBCN) Record Plan. This revision is known as C/Z 1931 – Lands of Lighthipe LLC. The developer is seeking approval for the construction of 21 new town homes on a 5.25 +/- acre tract of land within OVBCN previously recorded as “residual lands”. Our concerns are as follows:

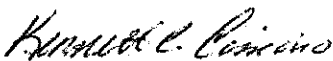
1. Should the re-zoning request be approved, the proposed construction of the new private street from existing Gooseberry Avenue servicing 21 additional multi-family dwelling units is not in keeping with the characteristics of the entire Ocean View Beach Club Community as a whole. Specifically, while both communities contain multi-family dwellings, the proposed layout of the street and orientation of the homes is not in character from a design standpoint with the existing communities. These additional multi-family dwellings will have a direct impact on Ocean View Residents living on Fogland Lane, which is adjacent to the 5.25 +/- acre tract of land previously recorded as “residual lands”.
2. Should the re-zoning request be approved, the proposed 50-foot-wide private street appears to extend to the edge of the 20-foot forested buffer. This forested buffer borders Ocean View Town Limits and encompasses a Non-Jurisdictional Agricultural Ditch as shown on Sheet R-02 of the Record Plan. The northwest terminus of the proposed private street appears to encroach on the top of the bank of this existing Agricultural Ditch as shown on sheet P-03 of the Ocean View Beach Club North Rezoning Plan.

3. Sheet P-03 of the proposed revision to the Record Plan shows a typical section of forested buffer 20 feet wide by 100 feet long. This typical section includes the planting of 15 deciduous trees and evergreen trees that can be expected to reach a mature height of 50 to 70 feet with one species of tree expected to grow over 100 feet tall. The existing ditch along the western property boundary takes up the entire width of the 20' buffer shown. Planting of these trees in the portion of the buffer that includes this Agricultural Drainage Ditch will be impossible without choking the conveyance of water. The ditch is tidally influenced and often has standing water, which could lead to concerns of root saturation making the trees potentially unstable. Should the proposed re-zoning be approved, if a planted buffer is required or preferred along this property line, it will need to be to the east in addition to any open space provided and ten feet away from the Agricultural Ditch for necessary ditch maintenance.

Should the Sussex County Planning and Zoning Commission approve this request for re-zoning, the Town of Ocean View is requesting that the proposed private street which extends from Gooseberry Avenue through existing Lot 45 to the Agricultural Ditch be reduced in length to allow for the 20-foot-wide forested buffer to be planted between the Agricultural Ditch and the terminus of the proposed street. The private street as currently proposed will also adversely impact the residents of Ocean View that live in the Ocean Way Estates Community along Ogre Drive.

In the spirit of interagency cooperation, the Town of Ocean View respectfully requests the opportunity to review and provide comments on any revised plans moving forward.

Sincerely,



Kenneth L. Cimino
Director of Planning, Zoning and Development

CC: Douglas B. Hudson, Sussex County Council, District 4
James Whitehouse, Director of Planning & Zoning, Sussex County
Hans Medlarz, County Engineer, Sussex County
John Reddington, Mayor, Town of Ocean View
Thomas Maly, Mayor Pro-Tem, Ocean View Town Council, District 3
Carol S. Houck, Town Manager, Town of Ocean View
Dennis L. Schrader, Town Solicitor, Morris James, LLP
James H. Lober, P.E., Town Engineer, The Kercher Group
Jessica Watson, Sediment and Stormwater Program Manager, SCD
Senator W. Gerald Hocker, 20th Legislative District

Chase Phillips

From: Julie Murray <juliesmry@aol.com>
Sent: Tuesday, November 3, 2020 7:10 PM
To: Chase Phillips
Cc: Dave Murray
Subject: Ocean View Beach Club

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.

Charles Phillips
Planner III
Dept. of Planning and Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Opposition
Exhibit

RECEIVED

November 3, 2020

NOV 04 2020

SUSSEX COUNTY

PLANNING & ZONING

My wife, Julie Murray, and I own and reside at 1 Fogland Lane, Ocean View, DE, 19970. We were recently made aware of the Ocean View Beach Club North Rezoning Plan. The fact that a "Ocean View Beach Club North Rezoning Plan" even exists is absolutely unfair and unacceptable. When we looked at the details of this plan we said, almost simultaneously, "ENOUGH IS ENOUGH!!".

There are several key points about this that we think you need to be aware of:

When we purchased our property in July of 2017, we had a large selection of lots to choose from. We sat down with the builder and had a detailed discussion about our choices. When we asked about 1 Fogland Lane, they told us that was a "Premium" lot, and that if we wanted it, it would cost us an extra \$10,000.

The reason we were given was that, although there may be some new construction behind this property in "4 or 5 years", there is also a large parcel of land that is preserved for nature and wildlife, and will never be built on. We paid that extra money because we knew how important it would be to have that buffer of land as the neighborhood grew around us.

Is it fair or ethical to: Specifically advertise a protected preserved area for nature and wildlife; Show detailed plans to potential customers of that area; Use those plans to charge extra money for property near the preserved area..only to destroy and build on that area a few years later?

When we took a detailed look at the plans for developing this land, we were even more appalled and disgusted. The plan is to build 21 townhomes along a road with no outlet. Considering our proximity to the beach, these townhomes will almost certainly be bought by investors with rental plans during the summer season.

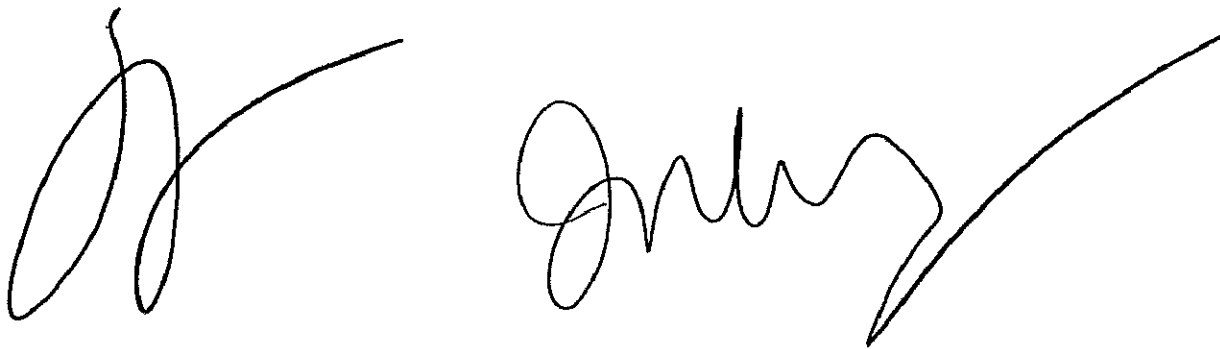
Even without the Rezoning Plan, our amenities, especially the pool and community center, will be overwhelmed once the initial Ocean View Beach Club North is totally sold. Add the Rezoning Plans and it leads to some mind boggling issues. Currently, it's hard enough to get renters to abide by obvious pool rules, like "no alcoholic beverages" and "no diving". With 21 more townhomes and an exponential number of additional renters, it's not a matter of if, but when, we have a major accident or injury that can be linked to this level of overcrowding.

—And since this land was never meant to be built on in the first place, there is no easy or logical way to get into and out of this proposed area. It's going to lead to an unacceptable amount of traffic and congestion in our community. We have a wonderful and active community with a lot of walkers, bikers, dogs, young children, etc.. but the renters are always "on vacation". They pay attention less, both as drivers and pedestrians. There will, once again, be more serious safety concerns.

And this doesn't even include the ability of police, fire or other emergency personnel to get into this area if they need to, considering the lack of easy entry and what we can assume will be an extraordinary amount of parked cars.

Obviously, there is a lot of detail and context behind these concerns that I would be glad to discuss with you. Please feel free to contact me by email or at 301-537-1904.

Thank you very much for your consideration—we really appreciate it!

Two handwritten signatures in black ink. The first signature on the left is a stylized, cursive 'DM' with a long horizontal stroke extending to the right. The second signature on the right is a more complex cursive signature, possibly 'Julie Murray', also with a long horizontal stroke extending to the right.

David Murray & Julie Murray
Daveltc@aol.com

Sent from Mail for Windows 10

Sent from Mail for Windows 10

Opposition
Exhibit

November 3, 2020

Mr. Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RECEIVED

NOV 04 2020

SUSSEX COUNTY
PLANNING & ZONING

Dear Mr. Phillips:

This letter is to express our opposition to the Ocean View Beach Club (OVBC) North Rezoning Plan to Permit the Construction of 21 New Townhouses. Our opposition rests on two primary reasons: 1) Increased traffic density throughout the OVBC community; 2) Overcrowding of community amenities, including the existing outdoor pool, clubhouse, and planned indoor pool.

We own our vacation home at 3 Bristol Lane, Ocean View Beach Club, Ocean View, Delaware 19970. We settled on our home on October 24, 2019, just over one year ago. We have carefully reviewed the proposed Ocean View Beach Club North Rezoning Plan, and based on that review, we are writing to register our strong opposition to this plan.

When we purchased our single-family home for nearly \$600,000, including a \$25,000 lot premium, we were told that the community would enjoy state-of-the-art facilities, including an outdoor pool, a clubhouse indoor with a fully equipped gym, a wet and a dry sauna, two massage therapy rooms, a future indoor pool, and quiet and peaceful neighborhood only 1.5 miles from the beach.

Regrettably, this most recent proposed phase of the development plan fundamentally undermines those expectations. For this new phase, we see twenty-one planned townhomes, thirteen to the south, eight to the north, densely packed within a small triangular-shaped piece of land. This contrasts with the fact that we moved to OVBC the piece of land had been zoned for agricultural use rather than dense housing.

Rather than preserving that open space or using it as originally zoned for agriculture, the proposed plan would replace open land with the densest part of the overall OVBC development. If approved, this would result in increased traffic throughout the community, an increased usage of the common facilities, including the existing outdoor pool and clubhouse, located near the main entrance, and the planned indoor pool.

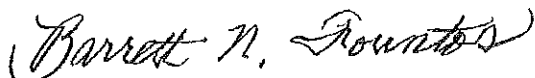
We oppose the proposed plan because of the increased traffic density throughout the OVBC community and overcrowding of existing and planned facilities. The Ocean View Beach Club has a single entrance and exit at Beach Club Drive and Muddy Neck Road. The new proposed phase, the OVBC North Rezoning Plan, likewise has a single entrance and exit point, via

Gooseberry Avenue. This means that the proposed townhomes will increase the load with heightened traffic along that road to and from this part of the community. Furthermore, the proposed phase would impose special burdens on the already at capacity facilities enjoyed by the larger OVBC community. Both the OVBC outdoor pool and the clubhouse, located near the community's main entrance, already have achieved peak usage during the 10-week summer season. Our community can anticipate that this will become substantially worse both for the present facilities and for the planned indoor pool. Note that the planned indoor pool already seems unacceptably small, at twelve by twenty-four feet. The small size would limit its use by only two or three individuals to swim laps. The proposal would undermine the enjoyment of those who own and reside in their own OVBC properties, including several year-round residents.

For the reasons delineated in this letter, we absolutely oppose the OVBC North Rezoning Plan. Please feel free to contact us if you have any questions. Also, please include us any related correspondence concerning this matter, including providing notice of any hearings or opportunities for further comment. We hope that this proposed rezoning application will be denied.

Thank you for your attention to this matter.

Sincerely,



Barrett N. Fountos
21228 Rosetta Place
Ashburn, VA 20147-4870
Cellphone: 703-901-6740
E-mail: barrett.fountos@verizon.net



Hazel C. Fountos
21228 Rosetta Place
Ashburn, VA 20147-4870
Cellphone: 301-466-8861
E-mail: hazel.fountos@verizon.net

Opposition
Exhibit

RECEIVED

NOV 04 2020

SUSSEX COUNTY
PLANNING & ZONING

Terry Cohen
Marcia Bondroff
Ocean View Beach Club
43 Bennett Point Lane
Ocean View DE 19970

November 3, 2020

Mr. Chase Phillips
Planner I
Department of Planning and Zoning Sussex County
2 The Circle
PO Box 417
Georgetown Delaware 19947

Dear Mr. Phillips:

We implore you not to approve the Ocean View Beach Club North rezoning plan.

We purchased our home in Ocean View Beach Club (OVBC) in January 2018 after an exhausting search of communities in Bethany Beach, Rehobeth Beach, and Lewes. We chose OVBC for the following reasons:

- Proximity to the beach
- Value received for money spent
- State-of-the-art amenities
- Size of the community
- Proposed Nature trails and walking paths

After reviewing the Ocean View Beach Club North Rezoning Plan, we are appalled at what the developer is trying to pull off. During our annual board meeting for the Master Association on October 16th, when asked about the status of that parcel of land, the developer informed the community that the plans for that triangle were not yet developed. That appears to have been a blatant lie being the rezoning plan was filed and dated August 13th, 2020. When we purchased our home, we were told that parcel of land was zoned for agricultural purposes. The thought of having 21 additional townhomes squeezed onto unusually small lots is preposterous! The impact on the community will be devastating.

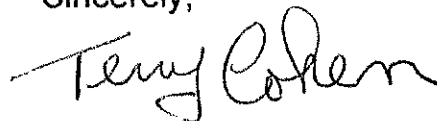
During the spring and summer months many homes in OVBC are rented. Unfortunately, not all residents that rent follow the HOA guidelines pertaining to the number of renters allowed in their unit, which results in overcrowding in the community. It is safe to assume that many of the 21 townhomes will be purchased by investors for the sole purpose of renting. This will serve to make an already existing problem exponentially worse.

Our major concerns are:

- Traffic and parking congestion (one entry/exit point)
- Overloading community amenities which are already stretched to the limit
- Noise levels within the community
- Loss of open space
- The community being overrun with renters

If the Ocean View Beach Club North rezoning plan is approved, 4 out of the 5 reasons we purchased here will be severely degraded. We respectfully ask that you do what is necessary to stop this plan and to deny the variance that would be required for the plan to move forward. We also asked to be kept abreast of any hearings or opportunities for further public comment. Thank you very much for your consideration.

Sincerely,



Terry Cohen



Marcia Bondroff

43 Bennett Point Lane
Ocean View, DE 19970
tcohen@accessink.net
301-520-4581 (c)
800-879-3077 (f)

Terry Cohen
Marcia Bondroff
Ocean View Beach Club
43 Bennett Point Lane
Ocean View DE 19970

November 8, 2020

Mr. Douglas B. Hudson
Council District 4
Sussex County Council
2 The Circle
PO Box 589
Georgetown Delaware 19947

Dear Mr. Hudson:

We implore you not to approve the Ocean View Beach Club North rezoning plan.

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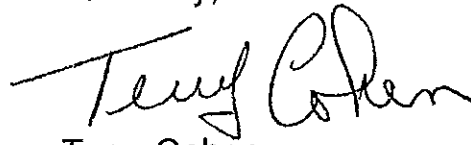
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Sincerely,


Terry Cohen


Marcia Bondroff

43 Bennett Point Lane
Ocean View, DE 19970
tcohen@accessink.net
301-520-4581 (c)
800-879-3077 (f)

Opposition
Exhibit

November 3, 2020

RECEIVED

NOV 04 2020

SUSSEX COUNTY
PLANNING & ZONING

Mr. Chase Phillips, Planner I
Department on Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302-855-7878

Sent by E-mail to: chase.phillips@sussexcountyyde.gov

Dear Mr. Phillips:

RE: Opposition to Ocean View Beach Club North Rezoning plan.

We as homeowners of lot S145 at Ocean View Beach Club oppose the change of zoning of parcel of Lighthipe subdivision. From agricultural to medium density housing.

Our address is 33 Fogland Lane, Ocean View, Delaware 19970

Joseph J. Tyminski


Andrea L. Tyminski

 11-3-2020

First let me say thank you for taking the time to review our letter. I am sure you are going to be inundated with letters from other affected residents in our surrounding community. We are homeowners who live at 33 Fogland Lane, Oceanview Beach Club, Ocean View, DE 19970. We began looking for a new home in August 2016 and looked at numerous developments in Frankford and Ocean View. We weighed the pros and cons of different lots in multiple developments and finally settled on lot S 145 in Ocean View Beach Club. One of the deciding factors was privacy. We waited almost two years before this portion of the development was available and at that point, we purchased the property. At

settlement we were told that the five acres behind our home was dedicated to a church and there were no plans to construct the church anytime soon. We were willing to live with the church being built realizing that this is only going to be used possibly one or two days a week. At settlement we paid an additional \$16,000 lot premium because we had a secluded lot. At our 2019 annual homeowners meeting we were informed that Convergence had purchased the five acre church property, and when questioned about usage of the property, their spokesman indicated that there were no immediate plans for that property to be redeveloped. As recently as October 16, 2020 at the annual Ocean View Beach Club Board of Directors Master Association meeting, we were told that there were no immediate plans for the five-acre lot behind Fogland Lane. My wife and I feel we have been systematically misled about the status of the five-acre lot behind our home.

The reasons for our opposition are as follows:

- Lack of drainage for storm water runoff. Currently floods now even with nothing there.
- Destruction of animal habitat.
- Increased traffic density throughout development that only has one ingress/egress point.
- Concern for devaluation of property values.
- Concern that owners will be non-residents.
- Strain on current amenities.
- Visual pollution.
- Noise pollution.
- Increased foot and bicycle traffic.

We are within 200 ft of the proposed development and are concerned as we do not know what these homes are going to look like. From what we are hearing, there will be a group of 8 townhomes and another group of 13 townhomes. There are no other townhomes in the current development in blocks that long and it would not fit in with the careful planning of the appearance of the rest of the development. It will greatly impact the quality of life of the homeowners on the odd side of Fogland Lane who paid premiums for lots, and those homes in the development adjoining ours, Ocean Way.

These proposed homes are going to be the only homes in the entire development that do not have off street parking. With the proposed 20-foot-wide street and cars parked on the street because of the lack of off-street parking, we see this as an example of poor planning and just another way to cram as many homes as possible in the small 5-acre lot. If there was a fire in this area, it would be an issue for emergency vehicles.

Additionally, how can the original 49-acre development claim the 5-acre lot as open space, and after the developer receives approval for that phase of construction and permitting was approved, this so called open space is now separated from the original 49-acre development plan, and a new proposal is submitted to have this open space area that is zoned agricultural changed to medium density housing, losing 80% of the open space? It is no longer considered open space.

November 3, 2020

Mr. Doug Hudson (District 4 County Councilman

Sussex County Government

2 The Circle

P.O. Box 589

Georgetown, DE 19947

302) 542-1432

Sent by E-mail to: Doug.hudson@sussexcounty.gov

RE: Opposition to Ocean View Beach Club North Rezoning plan.

Dear Mr. Hudson:

We as homeowners and voting Republicans of district 4 and homeowners of lot S145 at Ocean View Beach Club oppose the change of zoning of parcel of Lighthipe subdivision from agricultural to medium density housing.

Our address is 33 Fogland Lane, Ocean View, Delaware 19970

Joseph J. Tyminski



Andrea L. Tyminski



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The reasons for our opposition are as follows:

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Thank you very much for your time.

Joseph and Andrea Tyminski

Opposition
Exhibit

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NOV 02 2020

SUSSEX COUNTY
PLANNING & ZONING

November 1, 2020

Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Phillips,

In September of 2018, my husband and I purchased a townhouse at 5 Fogland Lane in the Ocean View Beach Club. At that time we knew that "some day" the land behind our townhouse would be developed but we were told it wouldn't happen anytime "soon". We enjoyed sitting in our backyard watching the deer graze and the birds sing. We even enjoyed watching a fox run by early in the morning. It was perfect and peaceful!

In 2019 when Christiana decided to develop what is now being called "OVBC North", a mere one year later, they released a plan with a plot survey on it. On that survey was a triangle piece of land which was deemed "undeveloped". Noting that there wasn't a road going to it, we thought what a perfect area for recreation for the community. There are no playgrounds or empty spaces near us for the children to play. More and more families are relocating to the area and we feel that that piece of land would be perfect for recreational activities.

Out of nowhere, we were told at our annual HOA meeting, on October 16th, that Christiana has requested to purchase this property and put 21 townhomes on it. We were shocked as this piece of property had no road going to it. With another road there will be additional traffic and additional people who will be using our already crowded clubhouse and pool. We feel this will overload and overwhelm the neighborhood. During a normal summer, non Covid, we would wait 10-15 minutes to make a left onto Muddy Neck road. There are numerous bicyclists and walkers along that road as well as in the community. Since there is only one way into and out of the community, more traffic would cause more bottlenecks and more accidents. It is already congested within the entrance with more condos planned and the location of the mailboxes.

Additionally, there is a drainage easement along Fogland. During heavy rains, the water sits along the back end of our property making it unusable for several days. Additional building would make the runoff worse. The mosquitos would be even more problematic than they currently are, resulting in more viruses like West Nile.

We are requesting that you turn down these plans to build the additional 21 townhomes for the safety and the well being of the residents of Ocean View Beach Club and our surrounding neighbors.

Sincerely yours,

A handwritten signature in cursive script that reads "Deborah Cahill". The signature is written in black ink and is positioned below the typed name.

Deborah Cahill

5 Fogland Lane

Ocean View, DE 19970

281-813-6744

debcahill99@gmail.com

November 1, 2020

Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

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Deborah Cahill

5 Fogland Lane

Ocean View, DE 19970

281-813-6744

debcahill99@gmail.com

Omeed Rezaie & Stacy Yu
49 Old Orchard Ave
Ocean View, DE 19970
Stacy.yu.dds@gmail.com

Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Mr. Phillips,

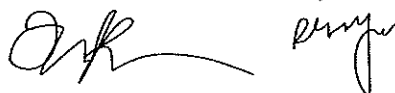
We are owners of a townhome in Ocean View Beach Club and are writing to formally express our concerns regarding the zoning plans by the developer. The new proposed phase, the Ocean View Beach Club North Rezoning Plan, likewise has a single entrance and exit point, via Gooseberry Avenue. No other part of the OVBC or OVBC North community is limited to a single point of entrance and exit. The problem is exacerbated by the fact that the proposed road is not a through street, and instead, comes to a dead end, requiring visitors or residents to turn around at the end, possibly at any hour of the day or night. The proximity of the planned turning point to our neighbors residing in Ocean Way, is likewise deeply problematic, and to be blunt, unneighborly. It imposes special burdens on those homeowners in a manner that risks compromising their enjoyment of another valued community adjoining our own.

The new proposed phase will impose special burdens on the already taxed facilities enjoyed by the larger OVBC community. We already are hitting a peak usage in the OVBC outdoor pool and the clubhouse, located near the community's main entrance. The community can anticipate that this will become substantially worse both for the present facilities and for the planned indoor pool. This is especially so since that planned pool already seems unacceptably small, at twelve by twenty-four feet, for more than two or three individuals to swim laps.

The advertising materials for OVBC emphasized nature walks, and the properties adjoining the tract in which the Ocean View Beach Club North Rezoning Plan is proposed was among few remaining undeveloped spaces in the community. That plot of land attracts a variety of wildlife, birds, foxes, and other animals who enjoy the open undeveloped space. In addition, the land serves the environmental benefit of absorbing rainfalls, especially following heavy storms. Further development, especially with the planned density of twenty-one townhomes, will reduce the open lands that serve these interests in nature, benefitting wildlife, our neighboring property owners in the aftermath of storms, and the OVBC and Ocean Way communities more generally by ensuring the one remaining natural reserve.

It is unacceptable that the developers have misled the current homeowners into believing that the proposed plans for that area were not yet developed, when, in fact, this rezoning plan was file and dated August 13, 2020. We appreciate your time to review our concerns and sincerely hope Sussex County take these important points into consideration.

Omeed Rezaie & Stacy Yu



Omeed Rezaie & Stacy Yu
49 Old Orchard Ave
Ocean View, DE 19970
Stacy.yu.dds@gmail.com

Opposition
Exhibit

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NOV 02 2020

SUSSEX COUNTY
PLANNING & ZONING

Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
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P.O. Box 417
Georgetown, DE 19947

Mr. Phillips,

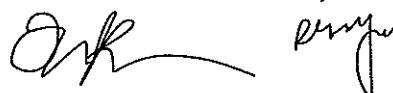
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Omeed Rezaie & Stacy Yu



Douglas Hudson
District 4 County Councilman
Sussex County

Dear Mr. Hudson:

We built a home in Ocean View Beach Club, Ocean View DE and settled in March of 2018. It has come to our attention that the developer has proposed to change the zoning in the area behind our home from agricultural to medium dense homes. We oppose this change for several reasons. First, when we bought our lot/home we paid a premium for the lot (an extra \$9,000). We were told that we wouldn't have a house right behind us because it was wetlands. Needless to say looking at the back of a row of townhouses (21 of them) isn't the view we were told we would have. Several weeks ago during our HOA meeting with the developer, we were told that they weren't sure what they were going to do with that land. In reality they already had a proposal in to change the zoning. This comment as well as others from this developer have been very misleading.

Second, the entire character of the development would change with these townhomes. By building these townhomes we will lose the quiet neighborhood we have. What would these townhomes add to the community? Increased traffic in the development and on to Muddy Neck Road due to the high probability that they will be rentals. There is one way in and out of the development. This traffic could be significant during the high season. The road in to the proposed townhomes have one entrance and exit resulting in a turn-a-round at the end of the street.

Third, since the townhomes will most probably be rentals, renters add an increased wear and tear on the amenities in the neighborhood. This will be an overload on what the community has to offer. It will increase homeowners cost to maintain the community. In addition, anticipated noise levels will increase, especially for those of us on Fogland Lane.

Fourth, water retention in that area is an issue. Also, building in this triangle will decrease the wildlife we currently have as well as take away any open space that we currently have.

We love Ocean View because of its location and quiet neighborhood. Please consider refusing to change the zoning and help us keep the integrity of the neighborhood and town.

Thank you for your consideration.

Amy & Richard Braverman
ajbraverman@verizon.net
31 Fogland Lane
Ocean View, DE 19970
717-572-9958

November 2, 2020

Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Phillips:

We are year-round residents at 15 Fogland Lane, Ocean View, DE, part of the Ocean View Beach Club development. When we purchased our home (closing in May 2018), some of the selling points were a quiet neighborhood with nature walks and other community amenities.

We recently learned that there is now a plan for 21 densely packed townhomes in an area that was previously designated as agricultural. The purpose of our letter is to strongly oppose the Ocean View Beach Club North Rezoning Plan. Our reasons follow.

The likelihood that these townhomes will be used as rental properties is high. The backyards will likely be used for parties and get-togethers and will be disruptive to the homeowners along the north side of Fogland Lane.

Another issue is traffic flow. Ocean View Beach Club has only one entrance off Muddy Neck Road. If an incident of any kind interfered with that intersection, there would be no other means of entry or exit. The addition of 21 townhomes would only exacerbate this situation, not to mention the increased daily traffic along Fogland Lane, Nantucket, Scarborough, etc.

We believe that the existing amenities such as the outdoor pool and very small (future) indoor pool would become overcrowded. The addition of residents and/or renters from 21 townhomes would definitely be problematic and would take away from the enjoyment of these amenities by current residents.

We participated in an HOA meeting in October during which we were led to believe by the developer that plans for the area were not yet developed. However, we since learned that the rezoning plan was filed on August 13, 2020. This is not the first time we've been misled by the developer.

We're a retired couple who moved from a densely populated, heavy traffic area in Maryland. OVBC seemed to be exactly the type of development we were looking for. We enjoy living in Delaware but are now extremely disappointed in the Ocean View Beach Club North Rezoning Plan. We strongly oppose this proposal.

Thank you.


Richard Capalaces
15 Fogland Lane
Ocean View, DE 19970
capalaces@verizon.net
302-616-4657


Patricia Capalaces

Opposition
Exhibit
RECEIVED

November 18, 2020

NOV 19 2020

Mr. Chase Phillips
Planner I, Department of Planning & Zoning Sussex County
2 The Circle P.O. Box 417
Georgetown, DE 19947

SUSSEX COUNTY
PLANNING & ZONING

Dear Mr. Phillips,

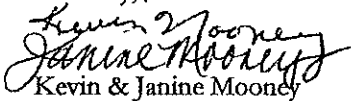
We own a single-family home in Ocean View Beach Club (OVBC) and are writing to express our concern about the proposed Ocean View Beach Club North Rezoning Plan.

We ask that you stop this proposal immediately as we are concerned for many reasons, but mainly because of the increase in traffic, overloading community facilities, disregard for promises made by the developer, and environmental issues.

1. **Traffic** - The addition of twenty-one units, with the potential for multiple cars at each unit, will add an unnecessary and potentially unsafe burden to the streets and the one way in and out of our community.
2. **Community Facilities** – There simply is not enough room at the pool and fitness center for any more units to be built, especially if the proposed units end up as rentals with large numbers of guests during the busy summer season. This fact cannot be ignored – there just is not space for the number of people the 21 townhomes will bring.
3. **Promises made should be promises kept** - While our home does not back up to the area in the proposed plan, we feel strongly that our neighbors who purchased lots (with many paying a premium) keep what they were assured, and that is the undeveloped land that abuts their properties. It is unfair and wrong to take away the quiet enjoyment the allotted buffering and zoned agricultural land provides. Also, the advertising materials for OVBC emphasized nature walks. The tract in which the Ocean View Beach Club North Rezoning Plan is proposed is among the few remaining undeveloped spaces in the community and a decision to move forward with development is unfair to all of us.
4. **Environmental concerns** - The plot of land in the proposal provides an environmental benefit of absorbing rainfalls, especially following heavy storms, and attracts a variety of wildlife. Development would adversely impact this open space and the wildlife. Also, as the proposed new construction will significantly disrupt and reduce water runoff there could be an increase in mosquitoes that will compromise the integrity and enjoyment of our neighbors' homes, especially along Fogland Lane and those on Ogre Way in Ocean Way. The proposed plan takes away the one remaining natural reserve in the community and it should remain undeveloped.

We look forward to a positive outcome in which you will not allow the Ocean View Beach Club North Rezoning Plan to move forward. Thank you for your consideration.

Sincerely,



Kevin & Janine Mooney

18 Bennett Point Lane Ocean View, DE 19970

Kevinmooney@verizon.net 240-626-7412

Janinemooney@verizon.net 301-602-3427

Cc: Mr. Douglas B. Hudson, District 4 Sussex County Councilman

Opposition
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RECEIVED

NOV 12 2020

November 1, 2020

Dear Mr. Phillips

SUSSEX COUNTY
PLANNING & ZONING

We reside at 9 Nantasket Ave., Ocean View Beach Club, Ocean View, Delaware 19970. We settled on our home on April 5, 2019. We have carefully reviewed the Ocean View Beach Club North Rezoning Plan, and based on that review, we are writing to register our strong adamant opposition to this plan.

When we purchased our home, we were told the community would enjoy nature walks; state of the art facilities, including an indoor pool, and outdoor pool and clubhouse; and, most importantly, a peaceful beach atmosphere neighborhood. This does not seem to be the case. Repeatedly, there have been disruptions and half-truths being disseminated. Unfortunately, this latest phase of the development plan fundamentally undermines those original expectations. We were never told about this additional space to be built on. We were told it was protected. There are to be built twenty-one densely packed townhomes in this proposed phase. At present, this is listed as a fifty-foot-wide dividing road, which may include sidewalks. This will all be built upon land that, when we moved here, we had been told was zoned specifically for agricultural use. There was not supposed to be anything built here. Just recently we were told there "may be plans" to build there. To our dismay, "may be" seems to be now, the plans have been drawn. We were also recently informed the amount of homes being built has been reduced by approximately 24 homes, this is absolutely not the truth since the plans for 21 townhouses are soon to be in the building stage. The information given was false.

Instead of preserving the open space or using it as it was intended for agriculture, this plan will replace that open land with a completely dense part of the overall OVBC development, a series of townhomes that are most likely to be sold to investors and to be used by renters. Renters means more people during the prime rental season. If approved, this will impose more traffic throughout the community. The common facilities, including the outdoor pool and clubhouse, located near the main entrance, and the to be built twelve-by-twenty-four foot indoor pool will be pushed to the max for capacity. It will further increase the number of persons walking through and around the community, including with pets and that are typically not picked up behind them.

It is a known fact that renters tend to place burdens on vacation communities. Those of us residing in OVBC have experienced this already. Because renters are not committed to the long-term maintenance of common areas, renters tend to produce greater wear and tear at the expense of those who reside in the community more generally. This not only presents inconvenience; it also results in higher maintenance costs, and these costs are then imposed on the full community of homeowners. This is especially true in a group of homes situated as townhomes. We are strongly opposed to this plan, and we urge you not to approve it.

The proposed plan reveals multiple problems. Although this may not be complete, these are among the most significant. Some concerns are specific to property owners whose lots adjoin the affected area of land. Others affect those whose homes are specially burdened by the traffic implications such as our street which already has increased traffic due to construction. Still others affect our community more broadly. Some concerns will also adversely

affect future homeowners in second major phase of the development, Ocean View Beach Club North. These residents have not moved in and can not even raise their concerns.

The Ocean View Beach Club has a single entrance and exit. The new proposed phase, the Ocean View Beach Club North Rezoning Plan, likewise has a single entrance and exit point, via Gooseberry Avenue. This means the proposed townhomes, which, again, are likely to be subject to rentals in peak season, will increase the load with heightened traffic along that road to and from this part of the community. That route will run back and forth along the north of several homes on Fogland, continuing southward along Nantasket, Scarborough, Old Orchard, and Basin Cove before turning to exit past the Club House onto Muddy Neck. Since we are on Nantasket, this is what concerns us as homeowners.

No other part of the OVBC or OVBC North community is limited to a single point of entrance and exit. This is especially problematic given the considerable number of homes included in this proposed new phase, a problem worsened still by the likelihood of disproportionate use as rental properties. The combination of increased traffic density in OVBC and the special burdens posed on our Ocean Way neighbors is unacceptable. This proposal must be stopped.

The new proposed phase will impose burdens on the already used facilities enjoyed by the larger OVBC community. We already are hitting a peak usage in the OVBC outdoor pool and the clubhouse. The community can anticipate that this will become substantially worse both for the present facilities and for the planned indoor pool. This is especially so since that planned pool already seems unacceptably small, at twelve by twenty-four feet, for more than two or three individuals to swim laps.

Although our community recognizes that some purchasers planned to finance their properties with anticipating rental income, in general, most homeowners also use these properties personally for a large part of the year. This ensures that the renters are apt to be closely screened and monitored to improve the likelihood that they take appropriate care of the specific property they are renting and that they are more likely also to be attentive to the care required to maintain common facilities. Even with such assurances, this has been an ongoing problem in this community. And, now they are proposing to add additional homes.

The new proposal seems almost designed to make matters worse. This newly proposed dense grouping of townhomes will represent a tax on our common facilities that will require greater upkeep and maintenance costs. By increasing the number of persons using the facilities and by lowering the level of care among users, this will undermine the enjoyment of those who own and reside in their own OVBC properties, including several who live in OVBC year-round. The adverse impact of this plan for twenty-one dense townhomes is quite considerable and problematic. We are opposed.

One of the reasons we purchased here was from the advertising materials for OVBC. They emphasized nature walks, and the properties adjoining the tract in which the Ocean View Beach Club North Rezoning Plan is proposed was among few remaining undeveloped spaces in the community. That plot of land attracts a variety of wildlife, birds, foxes, and other animals who enjoy the open undeveloped space. In addition, the land serves the environmental benefit of absorbing rainfalls, especially following heavy storms. Further development, especially with the planned density of twenty-one townhomes, will reduce the open lands that serve these interests in nature, benefitting wildlife, our neighboring property owners in the aftermath of

storms, and the OVBC and Ocean Way communities more generally by ensuring the one remaining natural reserve.

For all the reasons set out in this letter, we are entirely opposed to the Ocean View Beach Club North Rezoning Plan. We will be glad to follow up with any questions or concerns you might have. Please be sure to include us in any related correspondence concerning this matter, including providing notice of any hearings or opportunities for further comment. It is our hope this plan is stopped and the application for variance that would be permitted is denied.

Thank you for your time and efforts in this matter to assist this community with wonderful neighbors.

Sincerely,

Richard Ehnou and Patty Ivory
9 Nantasket Ave
Pivory8889@comcast.net
610-996-2471

Opposition
Exhibit

RECEIVED

JAN 04 2021

SUSSEX COUNTY
PLANNING & ZONING

January 4, 2021

To: Town of Ocean View County Council, Mayor, Town Manager and Planning & Zoning
cc: Sussex County Council and Planning & Zoning,

First and foremost, Happy New Year 2021! I hope you and your families are safe and well.

My name is Elaine Cziraky. I live at 33159 Ogre Drive, Ocean Way Estates phase IV, Ocean View, DE 19970. I purchased my property in November 2017 and am a full-time, year-round resident of Ocean View.

As a resident of both the Town of Ocean View and Sussex County, I am writing on behalf of many of the homeowners on Ogre and Velta Drives. I am asking for support from the elected officials in the Town, along with the staff, to be an advocate in protecting the homeowners from an encroachment by Convergence Communities, the Developer of Ocean View Beach Club North. Although the hearing on this matter is not yet scheduled (due to COVID delays), your involvement and support early on is critical to mitigate any adverse impact.

Although Ocean View Beach Club North is located within County jurisdiction, there is a significant impact to the homeowners and to Town of Ocean View. Previous attempts to annex this new housing development into the Town of Ocean View have failed; although, the only entrance/exit to this new housing development is located within the town limits of Ocean View.

There is an ordinance (CZ #1931) to amend the zoning map of Sussex County from AR-1-Agricultural Residential District to a MR-RPC medium density residential district for a parcel of land containing 5.253 acres which is located within the Ocean View Beach Club – North development (CZ #1931). The change of zoning is being requested to enable Convergence Communities to construct 21 additional townhomes in Ocean View Beach Club – North.

Since this 5.253 parcel of land was included in the original plan for Ocean View Beach Club North (labeled as “residual lands” in the original plan), it is also being requested TO AMEND THE ORIGINAL CONDITIONS OF APPROVAL for Ocean View Beach Club North (CZ #1768, ORDINANCE 2411) to remove a lot to add a street to access the 5.253-acre parcel and to extend the boundaries of the residential planned community.

I have carefully reviewed the new re-zoning application for Ocean View Beach Club North (CZ #1931) as well as the request to amend the original conditions of approval (CZ #1768, ORD 2411) and have found the following errors and omissions:

- The proposed plan (CZ #1931) **DOES NOT INCLUDE** the non-jurisdictional property ditch that runs almost the entire distance behind Ogre and Velta Drives. Without this ditch, the water from Ogre & Velta Drives will not be able to flow to the canal thus creating serious flooding and drainage issues for homeowners. Note: This ditch was included in the original plan (CZ #1768 – page 2) so it is overly concerning that it is missing from the new plan. Any attempt to remove this ditch will severely impact homeowners’ property values. There is a section of the ditch behind 33197, 33187, 33177 Ogre Drives) that was already entirely filled in. Where was the Town of Ocean View to advocate on behalf of residents on Ogre Drive to address water drainage concerns?
- The proposed plan (CZ #1931) **encroaches** upon the McCabe Tax Ditch, which runs along the western side of the Ocean View Beach Club South (which is in the Town of Ocean View). This plan

risks disrupting existing water flow, further harming the run-off, and adversely affecting homeowners who live in the Beach Club Community.

- The request to change the RPC (residential planned community) boundaries which border Ocean Way Estates along Ogre Drive **encroaches** on the previously agreed buffer space of 20' (CZ #1931 – page 3).
- **The speed limit is incorrectly recorded** on the approved plan for Ocean View Beach Club North (CZ#1768 – page 1). The plan indicates the speed limit along a section of Muddy Neck Road which serves as the entrance/exit for the development is 45 mph. This is incorrect. In 2018, the speed limit along that section of Muddy Neck Road was reduced to 35 mph due to traffic and traffic safety concerns. This included vehicular traffic as well as bicycle and pedestrian traffic.

In addition, **the proposed plan (CZ #1931) directly violates some of the conditions upon which the original plan (CZ #1768) for Ocean View Beach Club North was approved (CZ #1768, ORDINANCE 2411).**

The details of approval (ordinance 2411) include the following conditions:

- The existing ditches will remain and be cleaned out
- Single family homes will be built along the entire perimeter
- Additional trails and recreational tot-lots will be installed in this development
 - Note: There are **no** trails or tot-lots in existence on the approved (CZ #1768) or proposed plan (CZ #1931)
- 75% of the project is single family residential
 - The proposed change in number of single-family units and townhouse units reduces this percentage to 66%.

Lastly, an assumption upon which the original approval was granted did not come to fruition. It was recorded in the Sussex County planning commission meeting minutes dated July 30th, 2015, that the Developer and the Town of Ocean View would be working together for annexation purposes. The minutes also mentioned some concerns about who to call if there is a safety issue, when part of the development is in the Town of Ocean View and part of it is under County jurisdiction. As of the date of this letter (January 4, 2021), the annexation never happened and intergovernmental coordination continues to be an issue for the homeowners especially since the only entrance/exit to the community is located within the Town of Ocean View.

In summary, the original conditions for approval were set forth to ensure the health, safety, prosperity, and welfare of the present and future inhabitants of Sussex County and Ocean View. Ignoring these conditions will have a damaging impact to the homeowners. **I am formally requesting that the Town Council of Ocean View hold a special meeting open to both representatives of the County and homeowners of Ogre and Velta Drives along with homeowners in the Beach Club Community to voice their concerns and opposition to county ordinance (CZ #1931).**

I am happy to follow up with any questions or concerns you might have. Thank you.

Sincerely,
Elaine Cziraky
33159 Ogre Drive
Ocean View, DE 19970
elaine.cziraky@outlook.com
484.557.745

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, November 9, 2020 3:17 PM
To: Todd F. Lawson; Gina Jennings; Michael H. Vincent; IG Burton; John Rieley; Samuel R Wilson Jr; Jamie Whitehouse
Subject: Fwd: Deed pertaining to Ocean View Beach Club North re-zoning change request (CZ 1931)

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From: Elaine Cziraky <elaine.cziraky@outlook.com>
Sent: Monday, November 9, 2020 1:39 PM
To: Doug Hudson; Chase Phillips
Subject: RE: Deed pertaining to Ocean View Beach Club North re-zoning change request (CZ 1931)

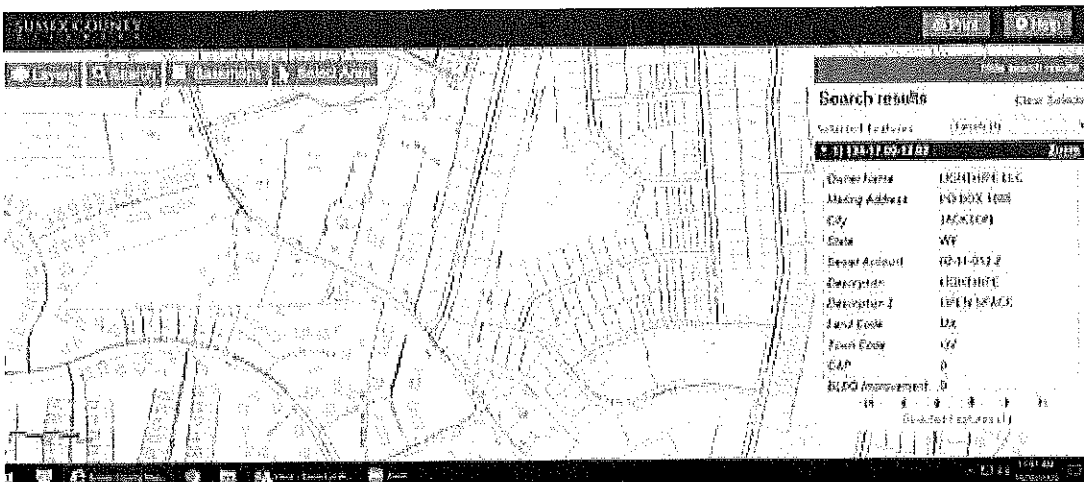
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Dear Councilman Hudson and Chase Phillips,

To avoid any confusion, I want to further clarify a comment made in my initial letter. Please consider this email an addendum to my letter and forward to County Council. Thank you.

Related to my comment regarding the property search and tax records for the 5.25 acres (see image below), there is no deed or book page documented for this specific parcel in the recorder of deeds. I called the recorder of deeds and they confirmed the same. Upon further investigation, I found that the 5.25 acres is included in the original 54 acre parcel that is referenced in the original Ocean View Beach Club North plan. Although only 49 acres were developed upon, the sale included all 54 acres. This is why I referenced the original conditions of approval in my email.

The wording on the initial plan "Residual lands for the church" is confusing (to me anyway), so I thought it would be helpful to clarify. Thanks.



From: Doug Hudson
Sent: Sunday, November 8, 2020 6:37 PM
To: Elaine Cziraky; Chase Phillips
Subject: Re: Ocean View Beach Club North re-zoning change request (CZ 1931)

I will forward your email to the rest of the council and have it placed into the record.
Doug Hudson

Get [Outlook for iOS](#)

From: Elaine Cziraky <elaine.cziraky@outlook.com>
Sent: Sunday, November 8, 2020 1:04:02 PM
To: Chase Phillips <chase.phillips@sussexcountyde.gov>; Doug Hudson <doug.hudson@sussexcountyde.gov>
Subject: RE: Ocean View Beach Club North re-zoning change request (CZ 1931)

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 Councilman Hudson and Mr. Phillips,

Your help is needed!

I have carefully reviewed the new re-zoning application for Ocean View Beach Club North (CZ 1931). I believe the proposed plan for development violates some of the conditions upon which the original plan for Ocean View Beach Club North was approved (ordinance 2411).

I have attached to this email my opposition letter, the original rezoning plan for Ocean View Beach Club North, the Conditions for Approval (ordinance 2411) and the New rezoning request.

Kindly forward to the other members of county council and acknowledge receipt.

I am happy to follow up with any questions or concerns you might have. Please be sure to include me in any related correspondence concerning this matter, including providing notice of any hearings or opportunities for further comment. Thank you.

Sincerely,
Elaine Cziraky
33159 Ogre Drive
Ocean View, DE 19970
elaine.cziraky@outlook.com
484.557.745
Sent from [Mail](#) for Windows 10

Opposition
Exhibit

November 8, 2020

Councilman Douglas Hudson
Council District 4
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RECEIVED

NOV 09 2020

SUSSEX COUNTY
PLANNING & ZONING

Chase Phillips
Planner I
Department of Planning & Zoning for Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Dear Councilman Hudson and Mr. Phillips,

Your help is needed!

My name is Elaine Cziraky. I live at 33159 Ogre Drive, Ocean Way Estates phase IV, Ocean View, DE 19970. I purchased my property in November 2017 and am a full-time, year-round resident of Ocean View. I have carefully reviewed the new re-zoning application for Ocean View Beach Club North (CZ 1931). I believe the proposed plan for development violates some of the conditions upon which the original plan for Ocean View Beach Club North was approved.

As reference, I have attached to my email the original rezoning plan for Ocean View Beach Club North, the conditions for approval (ordinance 241.1) and the new rezoning request.

In 2015, Ocean View Beach Club North received approval subject to the following conditions:

- **The maximum number of residential units shall not exceed 164 units, which shall consist of 120 single-family units and 44 townhouse units.**
 - The new rezoning request specifies there are 123 single-family units (which is greater than the 120 limit) and is recommending to change from 123 single family units to 122 single-family units and to increase from 44 townhouse units to 62 townhouse units (184 total).
- **75% of the project is single family residential.**
 - The proposed change in number of single-family units and townhouse units reduces this percentage to 66%.
- **The existing ditches will remain and be cleaned out; that the pipes in the ditches will be cleared and some probably enlarged.**
 - The new rezoning plan does not depict the rear, non-jurisdictional property ditch that the runs almost the entire distance behind Ogre Drive. Instead, the new plan includes the addition of a street which encroaches on the ditch area. This

ditch is essential. It carries water from Ogre Drive to the canal. Without the rear ditch, there is no way for water to move from the side ditches on Ogre Drive. This will result in considerable street flooding and drainage issues. On a side note, the original plan for Ocean View Beach Club North *did* include the rear, non-jurisdictional property ditch.

- **Additional trails and recreational tot-lots will be installed in this project**
 - I do not see any additional trails or recreational tot-lots in the proposed plan. Furthermore, the 5.25 acres specified in the rezoning application (#CZ 1931) is among the few remaining undeveloped spaces in the community. That plot of land attracts a variety of wildlife, birds, foxes, and other animals who enjoy the open undeveloped space. In addition, the land serves the environmental benefit of absorbing rainfalls, especially following heavy storms. Further development, especially with the planned density of twenty-one townhomes, will reduce the benefit to nature, wildlife and property owners.
- **Single family homes will be built along the entire perimeter**
 - The new rezoning plan suggests that twenty-one townhomes, eight on one side of the street, thirteen on the other be added to the perimeter. Furthermore, these are densely packed and given their lot size, appear to be less attractive than other homes within the Ocean View Beach Club community.

In summary, the 2015 conditions for approval were set forth to ensure the health, safety, prosperity and welfare of the present and future inhabitants of Sussex County. Ignoring these conditions will have a damaging impact to the enjoyment and value of my home, to my community in Ocean Way Estates (as well as Ocean View Beach Club) and to the county in which we live. This is unfair and must be stopped.

Furthermore, please consider the following:

- **Traffic and Congestion.** Since the original approval in 2015, growth, traffic and congestion has increased. In 2018, the speed limit was lowered on a section of Muddy Neck Road based on a traffic study performed by DelDOT (concerns were raised to DelDOT by the Ocean View Police). With additional construction underway in neighboring communities (Tidal Walk and Jefferson Creek) in addition to the Ocean View Beach Club South and North, as well as Ocean Ways Estates, more and more people are using Muddy Neck Road and Ogre Drive as a “back way” to the beach. Traffic and traffic safety continue to be an increasing concern. These concerns include vehicular traffic as well as bicycle and pedestrian traffic.
- **Open Space.** According to property search and tax records (see image below), the additional 5.25 acres is classified as “Open Space”; however, it is noted as “Residual Lands” on the plan. As you know, open space follows a different set of guidelines as set forth in the Sussex County Comprehensive Plan.



- **Renters.** Renters who are likely to occupy these proposed townhomes will only add an additional burden on the community with respect to traffic, noise, congestion, trash debris, etc.
- **The McCabe Tax Ditch.** The proposed Ocean View Beach Club North Rezoning Plan encroaches upon the McCabe Tax Ditch, which runs along the western side of the Ocean View Beach Club development. The density of the new phase, twenty-one tightly packed town homes, risks disrupting existing water flow, further harming the run-off and adversely affecting both Ocean View Beach Club and Ocean Way Estates.

For all the reasons set out in the letter, I strongly oppose the Ocean View Beach Club North rezoning plan. I am happy to follow up with any questions or concerns you might have. Please be sure to include me in any related correspondence concerning this matter, including providing notice of any hearings or opportunities for further comment. It is my sincere hope that this plan is stopped and the application for variance that would be permitted is denied. Thank you.

Sincerely,
 Elaine Cziraky
 33159 Ogre Drive
 Ocean View, DE 19970
 elaine.cziraky@outlook.com
 484.557.745

ORDINANCE NO. 2411

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 49.66 ACRES, MORE OR LESS

WHEREAS, on the 16th day of December 2014, a zoning application, denominated Change of Zone No. 1768 was filed on behalf of Convergence Communities; and

WHEREAS, on the 9th day of April 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 30th day of July 2015, said Planning and Zoning Commission recommended that Change of Zone No. 1768 be approved with conditions; and

WHEREAS, on the 19th day of May 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of MR-RPC Medium Density Residential District – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situated in Baltimore Hundred, Sussex County, Delaware, and lying north of Road 361 (Muddy Neck Road), east and south of Ocean Way Estates Subdivision, west of the Assawoman Canal, and also north of the Ocean View Beach Club Community in the Town of Ocean View with access from Nantasket Avenue, Old Orchard Avenue, Ocean Beach Avenue, and Gooseberry Avenue and being more particularly described per the attached legal description provided by Davis, Bowen & Friedel, Inc., and containing 49.66 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- A. The maximum number of residential units shall not exceed 164 units, which shall consist of 120 single family units and 44 townhouse units.
- B. Site plan review shall be required for each phase of development.
- C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's requirements, or in accordance with any further modification required by DelDOT.
- D. The development shall be served as part of a Sussex County Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.
- E. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as so required by applicable regulations.
- F. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with the Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.
- G. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As so proffered by the Applicant, street design shall include sidewalks on both sides of all streets.
- H. The Applicant shall submit, as part of the site plan review, a landscape plan showing the proposed tree and shrub landscape design.
- I. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
- J. The Applicant shall cause to be formed a homeowner's or condominium association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.

- K. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State Permits. The wetland areas shall be clearly marked on the site with permanent markings.
- L. There shall be a 50 foot buffer from all tidal wetlands.
- M. As proffered by the Applicant, owners and residents of the proposed development shall be entitled to use all of the recreational amenities of the adjacent Ocean View Beach Club development under the same rights, responsibilities and fees applicable to owners and residents of the Ocean View Beach Club.
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.
- O. The Applicant shall notify potential purchasers and actual purchasers through sales literature and deeds that the property is in the County's jurisdiction; this requirement shall automatically terminate in the event this parcel is annexed (into the Town of Ocean View).

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2411 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF AUGUST 2015.



ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Convergence Communities to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 49.66 acres, more or less, land lying north of Road 361 (Muddy Neck Road), east and south of Ocean Way Estates Subdivision, west of Assawoman Canal, and also north of Ocean View Beach Club Community in the Town of Ocean View with access from Nantasket Avenue, Old Orchard Avenue, Ocean Beach Avenue, and Gooseberry Avenue (911 Address: None Available) (Tax Map I.D. 134-17.00-12.00).
- B. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Bethany Beach Sanitary Sewer District Planning Area; that wastewater capacity is available for the project; that Ordinance 38 construction will be required; that the proposed project must extend mainline sewer and make its connection in the 15-inch gravity line in Ogre Drive; that alternatively, a connection point may be available along the parcel's southerly property line when the Ocean View Beach Club completes construction of the sewer system to serve that community; that the project is capable of being annexed into the Bethany Beach Sanitary Sewer District following completion of certain administrative procedures; that sewer service and connection to the sewer system is mandatory; that the project is within system design assumptions and adequate sewer capacity is available; that the proposed development will require a developer installed collection system in accordance with County standard requirements and procedures and the

South Coastal Area Planning Study, 2005 Update; that the County Engineer must approve the connection point; that the Engineering Department requires that a Sewer Concept Plan be submitted for review and approval prior to requesting annexation into the District; that the Concept Plan shall include provisions for an 8-inch connection point extended to the remaining portion of the parcel; that one-time system connection charges and annual front footage and service charges will apply; and that there will need to be a memorandum of understanding signed prior to annexation, obligating the developer to pay front footage assessment and system connection charges in accordance with County policies and procedures for non-exempt properties.

- C. The Council found that Doug Freedman, the Applicants' representative, was present with James Fuqua, Esquire of Fuqua, Yori & Willard, P.A., and Zac Crouch, Professional Engineer with Davis, Bowen and Friedel, Inc. and that they stated that the applicants are proposing to develop this 49 acre site with 164 residential units (120 single family dwellings and 44 townhouse units); that the site is located to the rear of the Ocean View Beach Club development, now under construction, which is developing 300 residential units (150 single family dwellings and 150 multi-family dwellings) and 1.6 acres of commercial within the Town of Ocean View; that residential developments surround the property with Ocean Way Estates Subdivision to the north and west, the Assawoman Canal and Sea Colony West Residential Planned Community to the east, and the Clearwater Residential Planned Community, Waterside Residential Planned Community, and Bethany Meadows and other developments to the south; that the Convergence Communities are purchasing the property from the Trustees of Episcopal Church, except for a 5.25 acre parcel with an access easement which is intended for a church in the future; that the property was originally gifted to the Trustees by Mary Lighthipe; that the Trustees went into an agreement with Martha's Light, LLC who applied for a Conditional Use for a continuing care retirement facility; and that the facility was never built and that the applicants are now applying for this Residential Planned Community.
- D. Council also found that water will be provided by Tidewater Utilities, Inc.; that central sewer will be provided by Sussex County; that the site is located in the Millville Fire Company service area; that Delmarva Power will provide electrical service; that access is proposed through the Ocean View Beach Club which is being developed by the same developers; that recreational amenities will serve both projects; that a fitness center, spa, indoor and outdoor swimming pools, and sports courts will be provided; that according to the Strategies for State Policies and Spending documents, the site is located in an Investment Level 2 Area, where the State anticipates growth to take place; that according to the Sussex County Comprehensive Plan, the site is located in the Environmentally Sensitive Developing District Overlay Zone and that the housing types are appropriate; that the project complies with the purpose of the MR Medium Density Residential District and is surrounded by MR Medium Density Residential zoning and lands improved with residential planned communities, making the residential planned community portion of the application consistent; that the 164 units gross calculation is 3.23 units per acre; that the Ocean View Beach Club density is 4.2 units are acre; that the project is basically an infill between the other projects in the area with a similar or lower density; that they did not consider the Bonus Density provisions of the Zoning Ordinance; that since the Comprehensive Plan references that a Residential Planned Community is appropriate it should be considered; and that 75% of the project is single family residential.
- E. Council further found that a Traffic Impact Study was not required due to improvements already designed for the general area; that the developers will be participating in an Area Wide Signal Agreement if required by DelDOT; that the project is within a Flood Zone Area which has a 5-foot Base Flood Elevation; that all units will be above the Base Flood Elevation; that the site is located within the Inland Bays Watershed; that streets will be built to County standards and specifications; that stormwater management facilities and erosion and sedimentation control facilities will be improved per the requirements of the Sussex Conservation District; that the existing ditches will remain and be cleaned out; that the pipes in the ditches will be cleared and some probably enlarged; that they are planning on using wet ponds, bio-swales and bio-strips in the design; that a 20-foot wide landscape buffer will surround

the project; that additional trails and recreational tot-lots will be installed in this project; that single family homes will be built along the entire perimeter; that 80% of all the lots front onto open space; that interconnection is proposed to the State Assawoman Canal Trail; that 50-foot wide buffers will be provided from all tidal wetlands; that they will be resubmitting for a jurisdictional determination for the wetlands; that sidewalks will be provided along both sides of all streets; that the Ocean View Beach Club is proposing to provide a shuttle service to the beaches and shopping; that adequate parking is available in amenity areas; that streets, sidewalks and trails interconnect to the Ocean View Beach Club; that the Applicants chose to apply to the County, rather than the Town of Ocean View; that sidewalks are located within the street right-of-ways and trails are in open spaces; that streets will have curb and guttering; and that the density for this project is similar to area projects.

F. Based on the Findings (1 through 9) and Conditions (A through O) of the Planning & Zoning Commission, as said Conditions were amended by the Council, Council found that:

1. The proposed MR-RPC project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County because the proposed project is in a Developing Area as established by the Comprehensive Land Use Plan.
2. The proposed rezoning to an MR-RPC meets the purpose of both the MR and the RPC zoning designations since it provides for a superior living environment where County sewer and central water are available.
3. Sewer service will be provided as part of a County operated Sanitary Sewer District, and adequate wastewater capacity is available for the project.
4. Central water will be provided to the project.
5. With the conditions placed upon this project, the RPC designation is appropriate for this parcel of land in that the purpose of a RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity.
6. The development will be required to comply with all DeIDOT requirements, including entrance locations and roadway improvements.
7. This application, with the conditions placed upon it, is consistent with the surrounding areas which include a mix of single family residential and multi-family residential developments.
8. There was no opposition to this application reported during the public hearing.
9. Based on the record, recommendation and findings of the Planning & Zoning Commission and the record created before Council, the Council approved this Application subject to sixteen (16) conditions, as amended by Council.

Jamie Whitehouse

From: Doug Hudson
Sent: Sunday, November 8, 2020 6:38 PM
To: Todd F. Lawson; Gina Jennings; Michael H. Vincent; IG Burton; John Rieley; Samuel R Wilson Jr; Jamie Whitehouse
Subject: Fwd: Ocean View Beach Club North re-zoning change request (CZ 1931)
Attachments: Elaine Cziraky opposition letter.pdf; Ocean View Club North May 2019.pdf; o2411.signed.pdf; CZ 1931 Lands of Lighthipe LLC Plans send .pdf

Get [Outlook for iOS](#)

From: Elaine Cziraky <elaine.cziraky@outlook.com>
Sent: Sunday, November 8, 2020 1:04 PM
To: Chase Phillips; Doug Hudson
Subject: RE: Ocean View Beach Club North re-zoning change request (CZ 1931)

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 Councilman Hudson and Mr. Phillips,

Your help is needed!

I have carefully reviewed the new re-zoning application for Ocean View Beach Club North (CZ 1931). I believe the proposed plan for development violates some of the conditions upon which the original plan for Ocean View Beach Club North was approved (ordinance 2411).

I have attached to this email my opposition letter, the original rezoning plan for Ocean View Beach Club North, the Conditions for Approval (ordinance 2411) and the New rezoning request.

Kindly forward to the other members of county council and acknowledge receipt.

I am happy to follow up with any questions or concerns you might have. Please be sure to include me in any related correspondence concerning this matter, including providing notice of any hearings or opportunities for further comment. Thank you.

Sincerely,
Elaine Cziraky
33159 Ogre Drive
Ocean View, DE 19970
elaine.cziraky@outlook.com
484.557.745
Sent from [Mail](#) for Windows 10

ORDINANCE NO. 2411

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 49.66 ACRES, MORE OR LESS

WHEREAS, on the 16th day of December 2014, a zoning application, denominated Change of Zone No. 1768 was filed on behalf of Convergence Communities; and

WHEREAS, on the 9th day of April 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 30th day of July 2015, said Planning and Zoning Commission recommended that Change of Zone No. 1768 be approved with conditions; and

WHEREAS, on the 19th day of May 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of MR-RPC Medium Density Residential District – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situated in Baltimore Hundred, Sussex County, Delaware, and lying north of Road 361 (Muddy Neck Road), east and south of Ocean Way Estates Subdivision, west of the Assawoman Canal, and also north of the Ocean View Beach Club Community in the Town of Ocean View with access from Nantasket Avenue, Old Orchard Avenue, Ocean Beach Avenue, and Gooseberry Avenue and being more particularly described per the attached legal description provided by Davis, Bowen & Friedel, Inc., and containing 49.66 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- A. The maximum number of residential units shall not exceed 164 units, which shall consist of 120 single family units and 44 townhouse units.**
- B. Site plan review shall be required for each phase of development.**
- C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DeIDOT shall be completed by the Applicant in accordance with DeIDOT's requirements, or in accordance with any further modification required by DeIDOT.**
- D. The development shall be served as part of a Sussex County Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.**
- E. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as so required by applicable regulations.**
- F. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with the Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- G. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As so proffered by the Applicant, street design shall include sidewalks on both sides of all streets.**
- H. The Applicant shall submit, as part of the site plan review, a landscape plan showing the proposed tree and shrub landscape design.**
- I. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.**
- J. The Applicant shall cause to be formed a homeowner's or condominium association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.**

- K. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State Permits. The wetland areas shall be clearly marked on the site with permanent markings.
- L. There shall be a 50 foot buffer from all tidal wetlands.
- M. As proffered by the Applicant, owners and residents of the proposed development shall be entitled to use all of the recreational amenities of the adjacent Ocean View Beach Club development under the same rights, responsibilities and fees applicable to owners and residents of the Ocean View Beach Club.
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.
- O. The Applicant shall notify potential purchasers and actual purchasers through sales literature and deeds that the property is in the County's jurisdiction; this requirement shall automatically terminate in the event this parcel is annexed (into the Town of Ocean View).

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2411 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF AUGUST 2015.



ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Convergence Communities to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 49.66 acres, more or less, land lying north of Road 361 (Muddy Neck Road), east and south of Ocean Way Estates Subdivision, west of Assawoman Canal, and also north of Ocean View Beach Club Community in the Town of Ocean View with access from Nantasket Avenue, Old Orchard Avenue, Ocean Beach Avenue, and Gooseberry Avenue (911 Address: None Available) (Tax Map I.D. 134-17.00-12.00).
- B. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Bethany Beach Sanitary Sewer District Planning Area; that wastewater capacity is available for the project; that Ordinance 38 construction will be required; that the proposed project must extend mainline sewer and make its connection in the 15-inch gravity line in Ogre Drive; that alternatively, a connection point may be available along the parcel's southerly property line when the Ocean View Beach Club completes construction of the sewer system to serve that community; that the project is capable of being annexed into the Bethany Beach Sanitary Sewer District following completion of certain administrative procedures; that sewer service and connection to the sewer system is mandatory; that the project is within system design assumptions and adequate sewer capacity is available; that the proposed development will require a developer installed collection system in accordance with County standard requirements and procedures and the

South Coastal Area Planning Study, 2005 Update; that the County Engineer must approve the connection point; that the Engineering Department requires that a Sewer Concept Plan be submitted for review and approval prior to requesting annexation into the District; that the Concept Plan shall include provisions for an 8-inch connection point extended to the remaining portion of the parcel; that one-time system connection charges and annual front footage and service charges will apply; and that there will need to be a memorandum of understanding signed prior to annexation, obligating the developer to pay front footage assessment and system connection charges in accordance with County policies and procedures for non-exempt properties.

- C. The Council found that Doug Freedman, the Applicants' representative, was present with James Fuqua, Esquire of Fuqua, Yori & Willard, P.A., and Zac Crouch, Professional Engineer with Davis, Bowen and Friedel, Inc. and that they stated that the applicants are proposing to develop this 49 acre site with 164 residential units (120 single family dwellings and 44 townhouse units); that the site is located to the rear of the Ocean View Beach Club development, now under construction, which is developing 300 residential units (150 single family dwellings and 150 multi-family dwellings) and 1.6 acres of commercial within the Town of Ocean View; that residential developments surround the property with Ocean Way Estates Subdivision to the north and west, the Assawoman Canal and Sea Colony West Residential Planned Community to the east, and the Clearwater Residential Planned Community, Waterside Residential Planned Community, and Bethany Meadows and other developments to the south; that the Convergence Communities are purchasing the property from the Trustees of Episcopal Church, except for a 5.25 acre parcel with an access easement which is intended for a church in the future; that the property was originally gifted to the Trustees by Mary Lighthipe; that the Trustees went into an agreement with Martha's Light, LLC who applied for a Conditional Use for a continuing care retirement facility; and that the facility was never built and that the applicants are now applying for this Residential Planned Community.
- D. Council also found that water will be provided by Tidewater Utilities, Inc.; that central sewer will be provided by Sussex County; that the site is located in the Millville Fire Company service area; that Delmarva Power will provide electrical service; that access is proposed through the Ocean View Beach Club which is being developed by the same developers; that recreational amenities will serve both projects; that a fitness center, spa, indoor and outdoor swimming pools, and sports courts will be provided; that according to the Strategies for State Policies and Spending documents, the site is located in an Investment Level 2 Area, where the State anticipates growth to take place; that according to the Sussex County Comprehensive Plan, the site is located in the Environmentally Sensitive Developing District Overlay Zone and that the housing types are appropriate; that the project complies with the purpose of the MR Medium Density Residential District and is surrounded by MR Medium Density Residential zoning and lands improved with residential planned communities, making the residential planned community portion of the application consistent; that the 164 units gross calculation is 3.23 units per acre; that the Ocean View Beach Club density is 4.2 units are acre; that the project is basically an infill between the other projects in the area with a similar or lower density; that they did not consider the Bonus Density provisions of the Zoning Ordinance; that since the Comprehensive Plan references that a Residential Planned Community is appropriate it should be considered; and that 75% of the project is single family residential.
- E. Council further found that a Traffic Impact Study was not required due to improvements already designed for the general area; that the developers will be participating in an Area Wide Signal Agreement if required by DelDOT; that the project is within a Flood Zone Area which has a 5-foot Base Flood Elevation; that all units will be above the Base Flood Elevation; that the site is located within the Inland Bays Watershed; that streets will be built to County standards and specifications; that stormwater management facilities and erosion and sedimentation control facilities will be improved per the requirements of the Sussex Conservation District; that the existing ditches will remain and be cleaned out; that the pipes in the ditches will be cleared and some probably enlarged; that they are planning on using wet ponds, bio-swales and bio-strips in the design; that a 20-foot wide landscape buffer will surround

the project; that additional trails and recreational tot-lots will be installed in this project; that single family homes will be built along the entire perimeter; that 80% of all the lots front onto open space; that interconnection is proposed to the State Assawoman Canal Trail; that 50-foot wide buffers will be provided from all tidal wetlands; that they will be resubmitting for a jurisdictional determination for the wetlands; that sidewalks will be provided along both sides of all streets; that the Ocean View Beach Club is proposing to provide a shuttle service to the beaches and shopping; that adequate parking is available in amenity areas; that streets, sidewalks and trails interconnect to the Ocean View Beach Club; that the Applicants chose to apply to the County, rather than the Town of Ocean View; that sidewalks are located within the street right-of-ways and trails are in open spaces; that streets will have curb and guttering; and that the density for this project is similar to area projects.

F. Based on the Findings (1 through 9) and Conditions (A through O) of the Planning & Zoning Commission, as said Conditions were amended by the Council, Council found that:

1. The proposed MR-RPC project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County because the proposed project is in a Developing Area as established by the Comprehensive Land Use Plan.
2. The proposed rezoning to an MR-RPC meets the purpose of both the MR and the RPC zoning designations since it provides for a superior living environment where County sewer and central water are available.
3. Sewer service will be provided as part of a County operated Sanitary Sewer District, and adequate wastewater capacity is available for the project.
4. Central water will be provided to the project.
5. With the conditions placed upon this project, the RPC designation is appropriate for this parcel of land in that the purpose of a RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity.
6. The development will be required to comply with all DeDOT requirements, including entrance locations and roadway improvements.
7. This application, with the conditions placed upon it, is consistent with the surrounding areas which include a mix of single family residential and multi-family residential developments.
8. There was no opposition to this application reported during the public hearing.
9. Based on the record, recommendation and findings of the Planning & Zoning Commission and the record created before Council, the Council approved this Application subject to sixteen (16) conditions, as amended by Council.

November 8, 2020

Councilman Douglas Hudson
Council District 4
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Chase Phillips
Planner I
Department of Planning & Zoning for Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Dear Councilman Hudson and Mr. Phillips,

Your help is needed!

My name is Elaine Cziraky. I live at 33159 Ogre Drive, Ocean Way Estates phase IV, Ocean View, DE 19970. I purchased my property in November 2017 and am a full-time, year-round resident of Ocean View. I have carefully reviewed the new re-zoning application for Ocean View Beach Club North (CZ 1931). I believe the proposed plan for development violates some of the conditions upon which the original plan for Ocean View Beach Club North was approved.

As reference, I have attached to my email the original rezoning plan for Ocean View Beach Club North, the conditions for approval (ordinance 2411) and the new rezoning request.

In 2015, Ocean View Beach Club North received approval subject to the following conditions:

- **The maximum number of residential units shall not exceed 164 units, which shall consist of 120 single-family units and 44 townhouse units.**
 - The new rezoning request specifies there are 123 single-family units (which is greater than the 120 limit) and is recommending to change from 123 single family units to 122 single-family units and to increase from 44 townhouse units to 62 townhouse units (184 total).
- **75% of the project is single family residential.**
 - The proposed change in number of single-family units and townhouse units reduces this percentage to 66%.
- **The existing ditches will remain and be cleaned out; that the pipes in the ditches will be cleared and some probably enlarged.**
 - The new rezoning plan does not depict the rear, non-jurisdictional property ditch that the runs almost the entire distance behind Ogre Drive. Instead, the new plan includes the addition of a street which encroaches on the ditch area. This

ditch is essential. It carries water from Ogre Drive to the canal. Without the rear ditch, there is no way for water to move from the side ditches on Ogre Drive. This will result in considerable street flooding and drainage issues. On a side note, the original plan for Ocean View Beach Club North *did* include the rear, non-jurisdictional property ditch.

- **Additional trails and recreational tot-lots will be installed in this project**
 - I do not see any additional trails or recreational tot-lots in the proposed plan. Furthermore, the 5.25 acres specified in the rezoning application (#CZ 1931) is among the few remaining undeveloped spaces in the community. That plot of land attracts a variety of wildlife, birds, foxes, and other animals who enjoy the open undeveloped space. In addition, the land serves the environmental benefit of absorbing rainfalls, especially following heavy storms. Further development, especially with the planned density of twenty-one townhomes, will reduce the benefit to nature, wildlife and property owners.
- **Single family homes will be built along the entire perimeter**
 - The new rezoning plan suggests that twenty-one townhomes, eight on one side of the street, thirteen on the other be added to the perimeter. Furthermore, these are densely packed and given their lot size, appear to be less attractive than other homes within the Ocean View Beach Club community.

In summary, the 2015 conditions for approval were set forth to ensure the health, safety, prosperity and welfare of the present and future inhabitants of Sussex County. Ignoring these conditions will have a damaging impact to the enjoyment and value of my home, to my community in Ocean Way Estates (as well as Ocean View Beach Club) and to the county in which we live. This is unfair and must be stopped.

Furthermore, please consider the following:

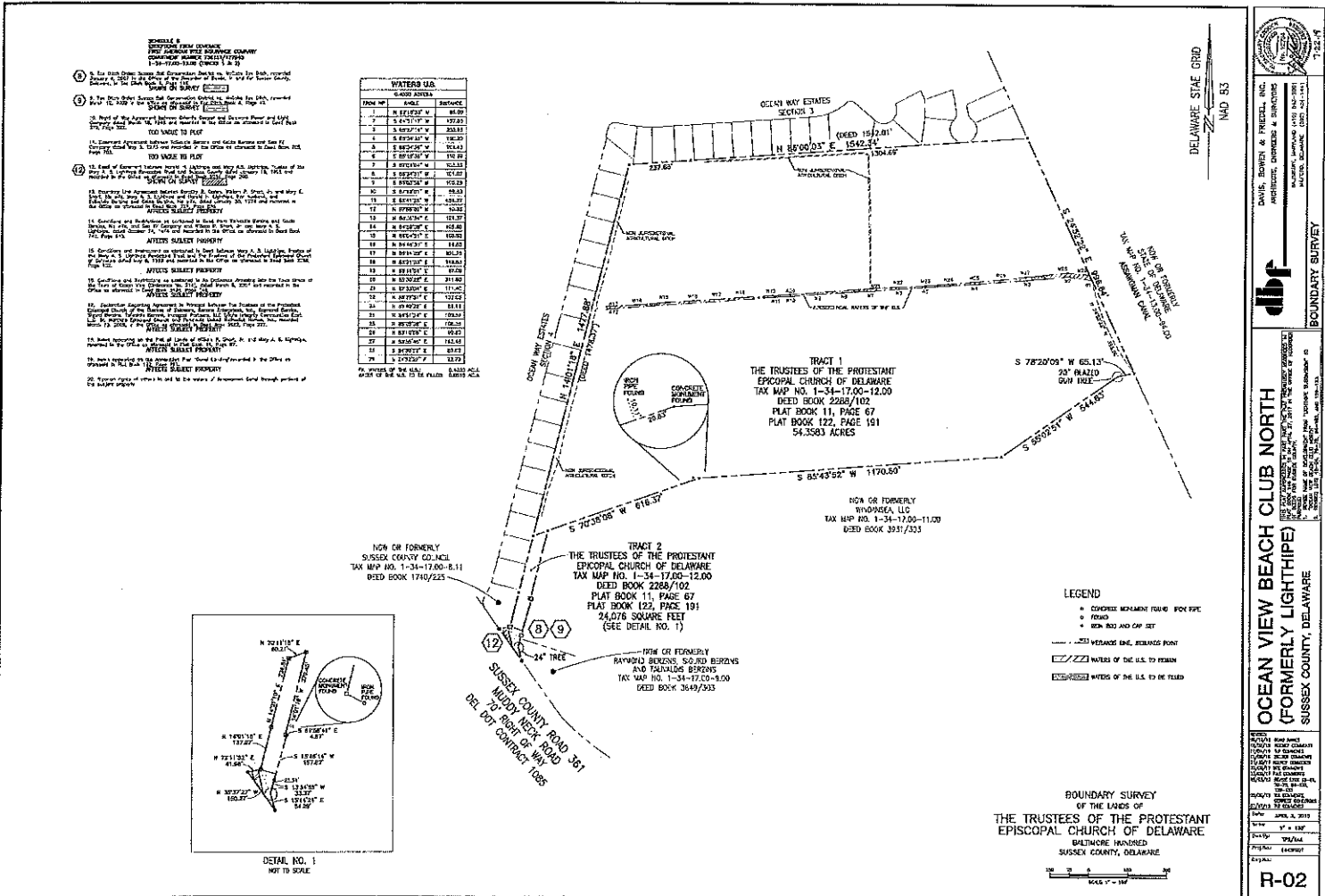
- **Traffic and Congestion.** Since the original approval in 2015, growth, traffic and congestion has increased. In 2018, the speed limit was lowered on a section of Muddy Neck Road based on a traffic study performed by DelDOT (concerns were raised to DelDOT by the Ocean View Police). With additional construction underway in neighboring communities (Tidal Walk and Jefferson Creek) in addition to the Ocean View Beach Club South and North, as well as Ocean Ways Estates, more and more people are using Muddy Neck Road and Ogre Drive as a “back way” to the beach. Traffic and traffic safety continue to be an increasing concern. These concerns include vehicular traffic as well as bicycle and pedestrian traffic.
- **Open Space.** According to property search and tax records (see image below), the additional 5.25 acres is classified as “Open Space”; however, it is noted as “Residual Lands” on the plan. As you know, open space follows a different set of guidelines as set forth in the Sussex County Comprehensive Plan.



- **Renters.** Renters who are likely to occupy these proposed townhomes will only add an additional burden on the community with respect to traffic, noise, congestion, trash debris, etc.
- **The McCabe Tax Ditch.** The proposed Ocean View Beach Club North Rezoning Plan encroaches upon the McCabe Tax Ditch, which runs along the western side of the Ocean View Beach Club development. The density of the new phase, twenty-one tightly packed town homes, risks disrupting existing water flow, further harming the run-off and adversely affecting both Ocean View Beach Club and Ocean Way Estates.

For all the reasons set out in the letter, I strongly oppose the Ocean View Beach Club North rezoning plan. I am happy to follow up with any questions or concerns you might have. Please be sure to include me in any related correspondence concerning this matter, including providing notice of any hearings or opportunities for further comment. It is my sincere hope that this plan is stopped and the application for variance that would be permitted is denied. Thank you.

Sincerely,
 Elaine Cziraky
 33159 Ogre Drive
 Ocean View, DE 19970
 elaine.cziraky@outlook.com
 484.557.745

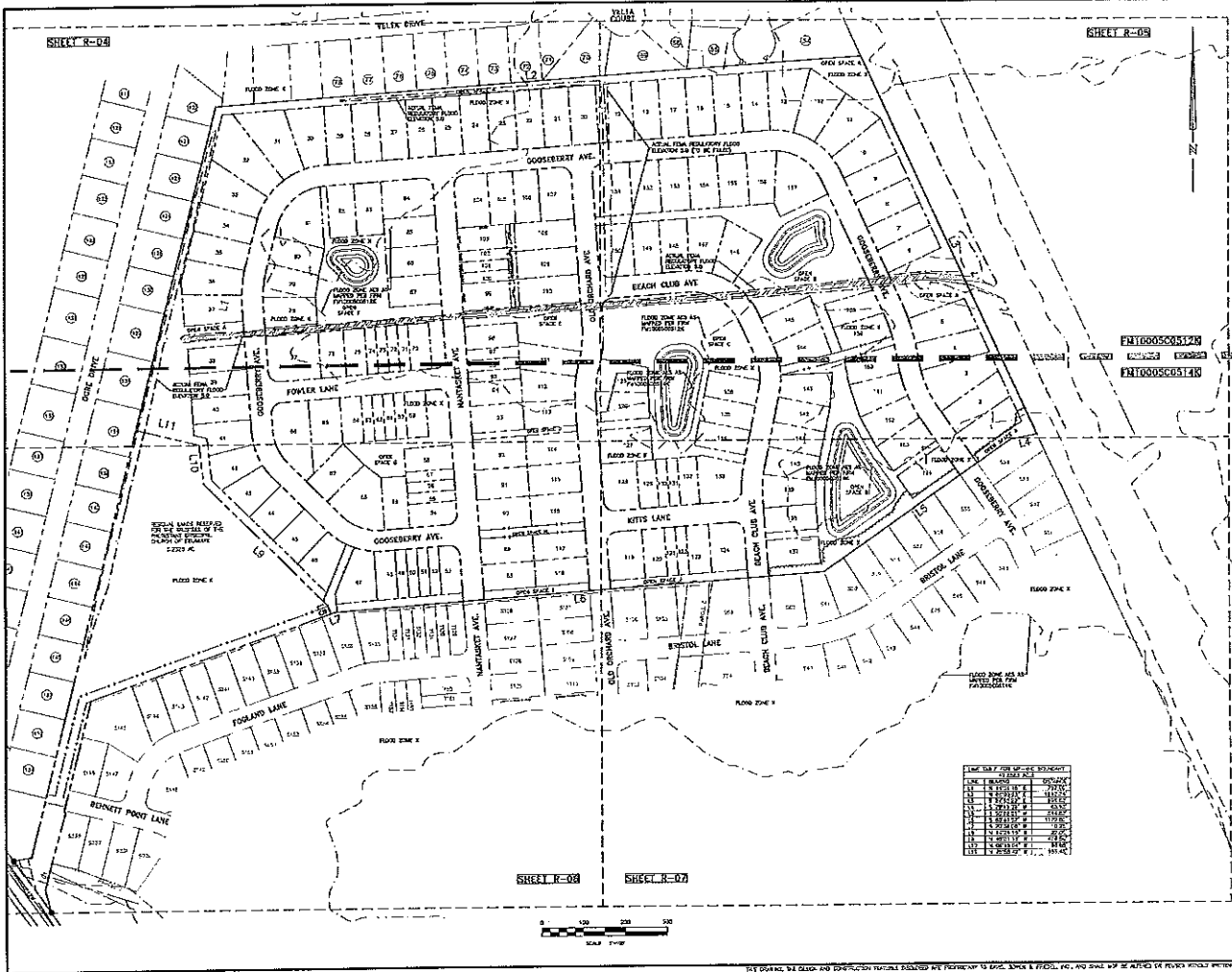


BOUNDARY SURVEY

OCEAN VIEW BEACH CLUB NORTH
 (FORMERLY LIGHTHOUSE)

SUSSEX COUNTY, DELAWARE

R-02

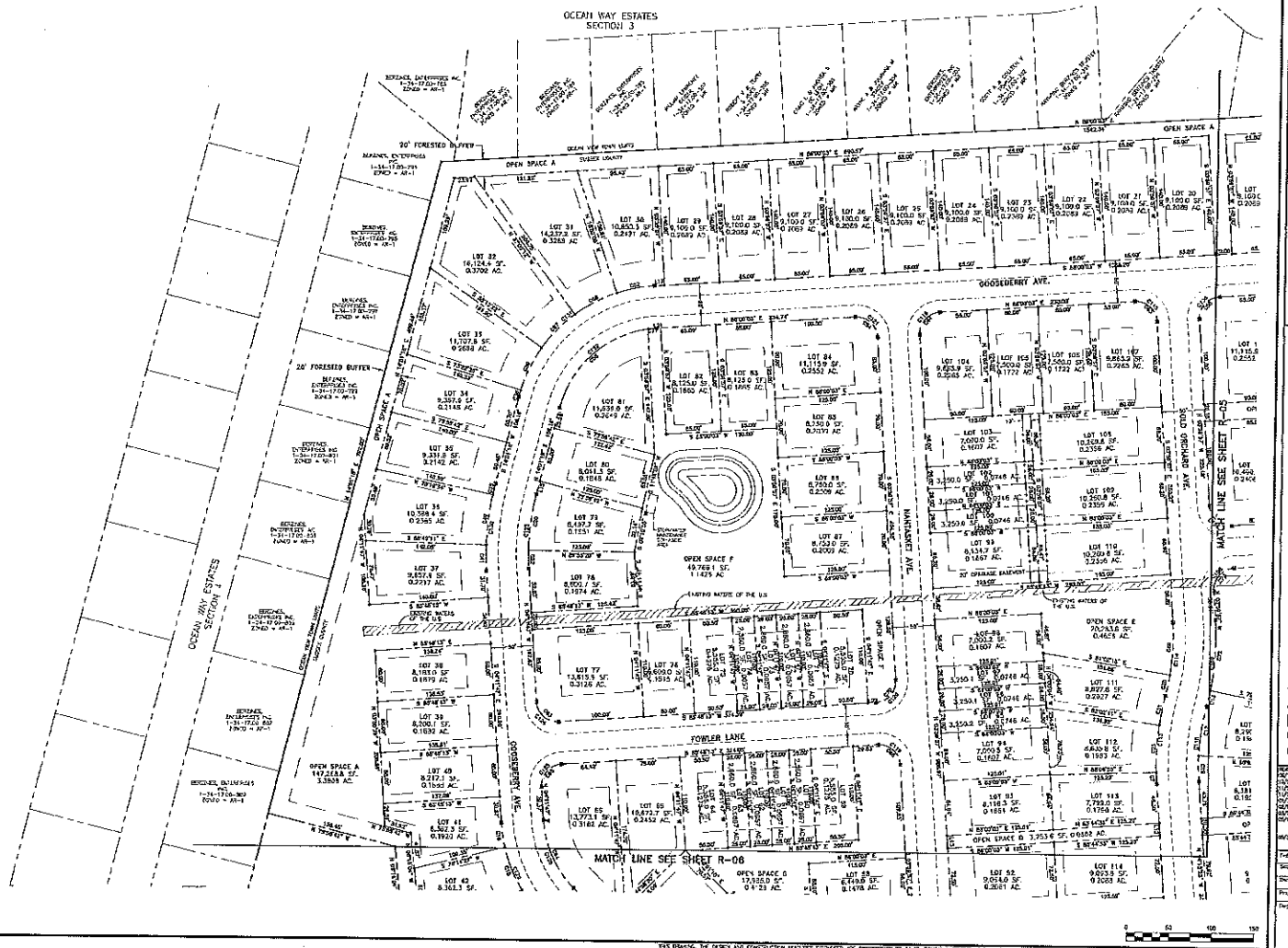


LINE	DATE	BY	REVISION
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3	07/26/19	DL	REVISION 2
4	07/26/19	DL	REVISION 3
5	07/26/19	DL	REVISION 4
6	07/26/19	DL	REVISION 5
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99	07/26/19	DL	REVISION 98
100	07/26/19	DL	REVISION 99
101	07/26/19	DL	REVISION 100


 RECORD PLAN OVERVIEW

OCEAN VIEW BEACH CLUB NORTH
(FORMERLY LIGHTHIPE)
 SUSSEX COUNTY, DELAWARE

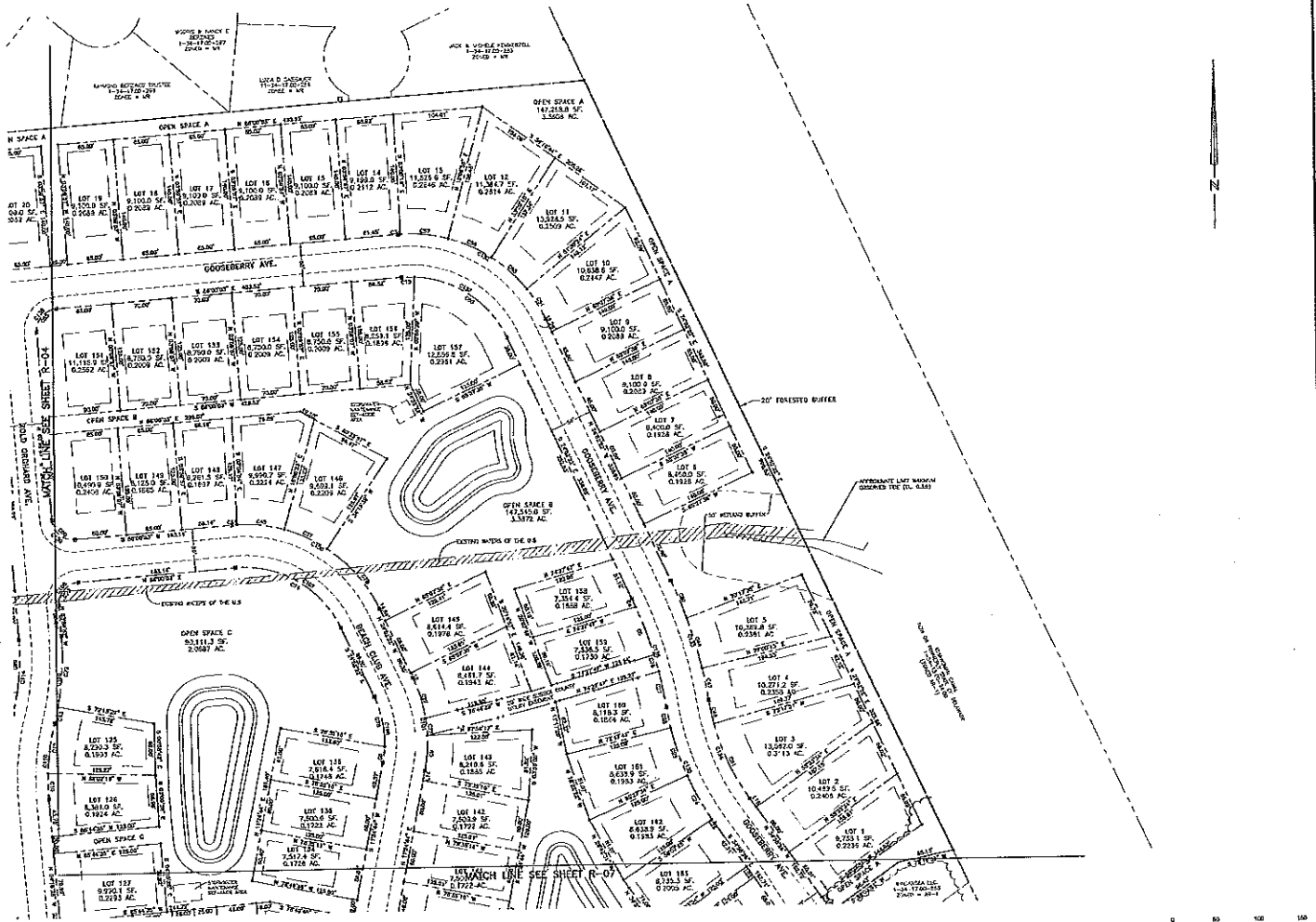
DATE: APRIL 8, 2019
 SCALE: 1" = 50'
 DRAWN BY: SP/MLK
 PLOT NO: 18AP002
 PROJECT: R-03



1-22-17
DAVID S. BOVEN & NITSEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SUSSEX COUNTY, DELAWARE
1000 PINE HOLLOW ROAD
MILLSBORO, DELAWARE 19966
RECORD PLAN

dbf
OCEAN VIEW BEACH CLUB NORTH
(FORMERLY LIGHTHOUSE)
SUSSEX COUNTY, DELAWARE
Title: JUNE 8, 2019
Scale: 1" = 50'
Drawing: TPA/MAV/AB
Project: 1840591
R-04

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dbf

**OCEAN VIEW BEACH CLUB NORTH
 (FORMERLY LIGHTHOUSE)
 SUSSEX COUNTY, DELAWARE**

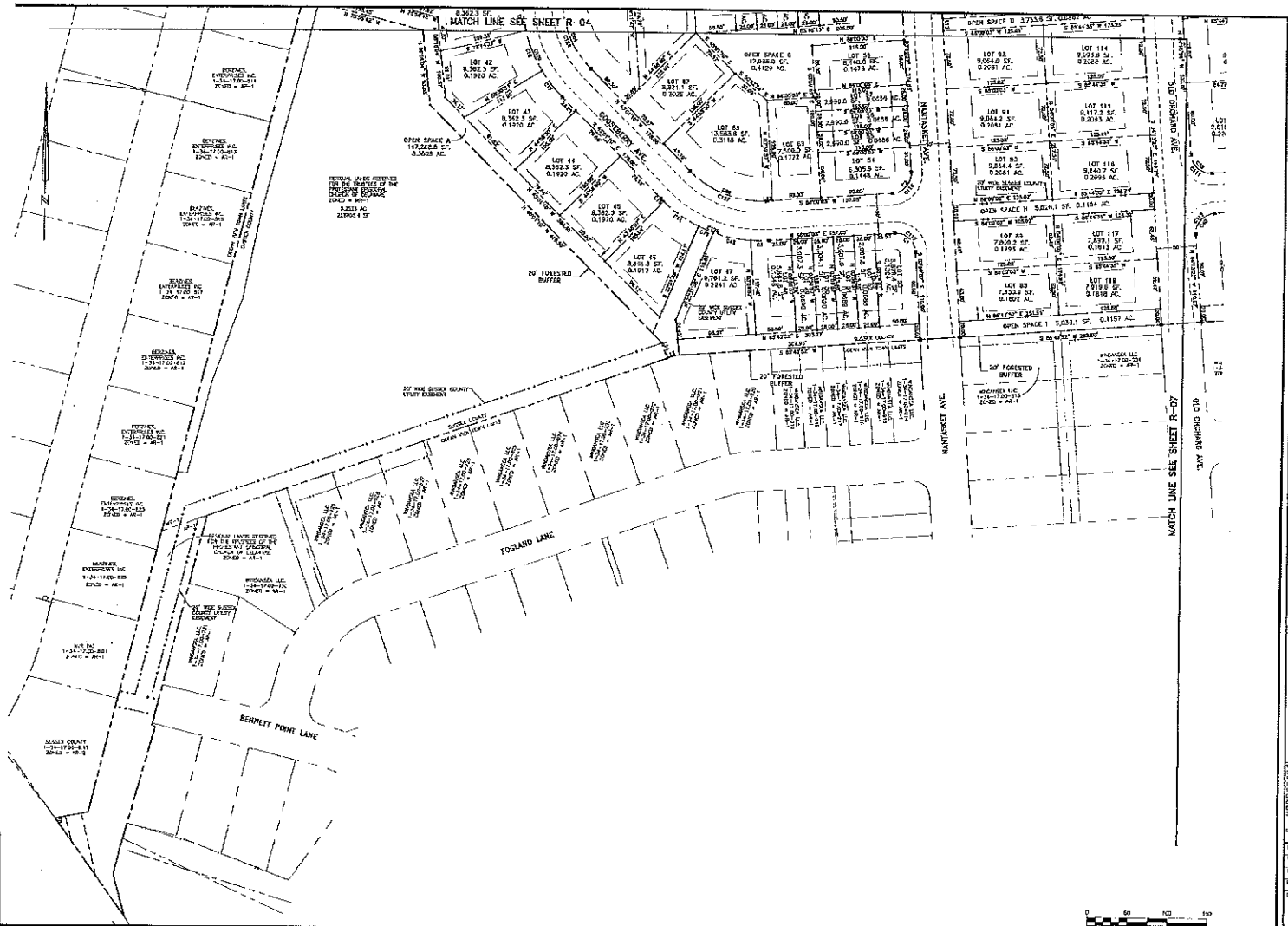
RECORD PLAN

R-05

DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECT, ENGINEER & LANDSCAPE ARCHITECT
 1000 MARKET STREET, SUITE 200
 WILMINGTON, DELAWARE 19801
 TEL: 302.441.1111
 FAX: 302.441.1112
 WWW.DBF.COM

DATE: APRIL 3, 2018
 SCALE: 1" = 40'
 DRAWN BY: SP/MS/AS/ES
 CHECKED BY: L/MS/AS/ES
 PROJECT: 1400001

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DAVIS, BOWEN & PROFFER, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS
 1000 MARKET STREET, SUITE 200
 DEWESBORO, DE 19821
 TEL: 302-391-1100
 FAX: 302-391-1101
 WWW.DAVISBOWENANDPROFFER.COM



RECORD PLAN

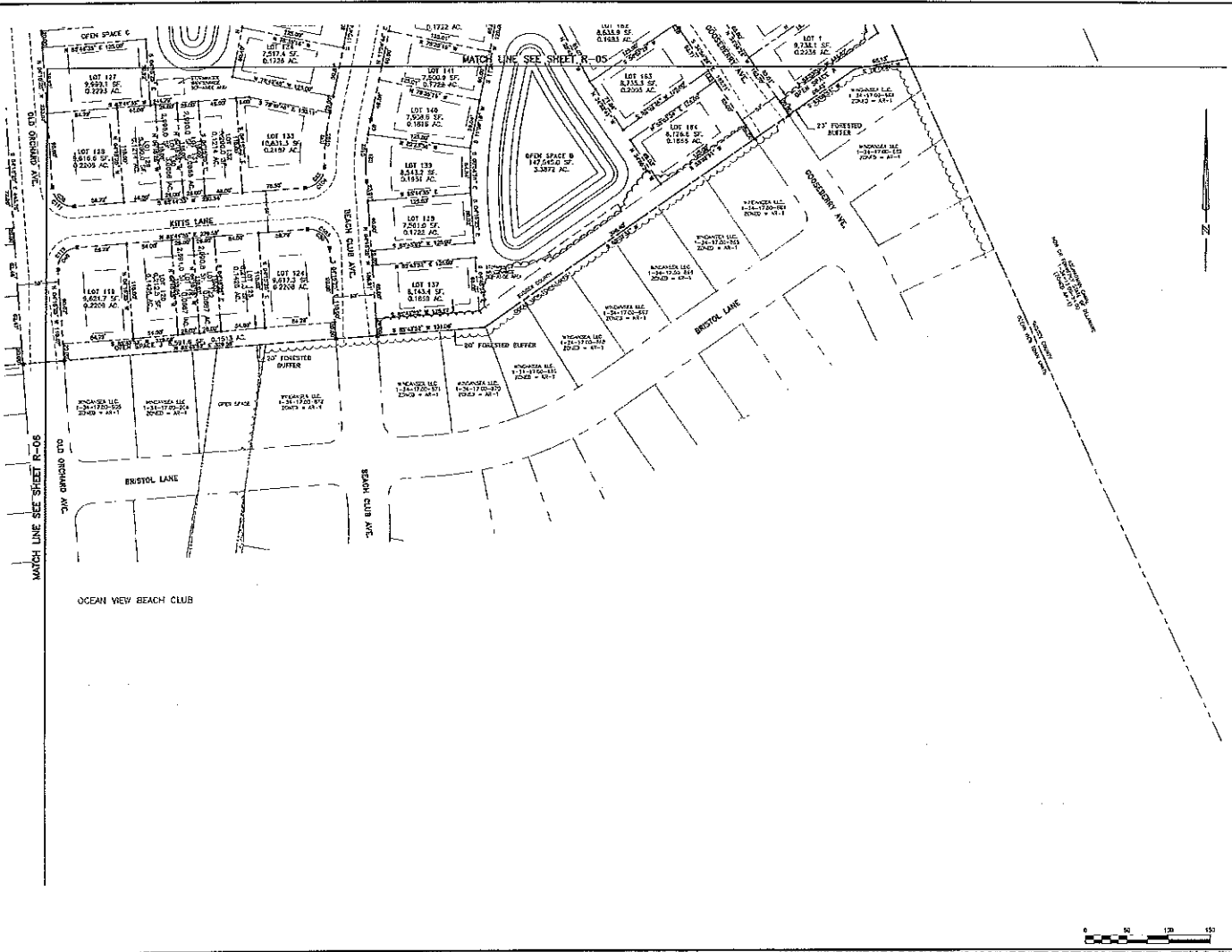
OCEAN VIEW BEACH CLUB NORTH
(FORMERLY LIGHTHOUSE)
 SUSSEX COUNTY, DELAWARE

THIS PLAN, THE DESIGN AND CONSTRUCTION THEREOF, INCLUDING THE PLACEMENT OF WALLS, FENCES, ETC., AND SHALL NOT BE AFFECTED OR RENDERED VOID BY ANY REVISIONS OR CORRECTIONS MADE HEREON.

DATE: APRIL 8, 2015
 SCALE: 1" = 50'
 PROJECT: 1000/MAN/001
 SHEET: 142/201

R-06

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T. 22-17

dbf

**OCEAN VIEW BEACH CLUB NORTH
 (FORMERLY LIGHTHOUSE)
 SUSSEX COUNTY, DELAWARE**

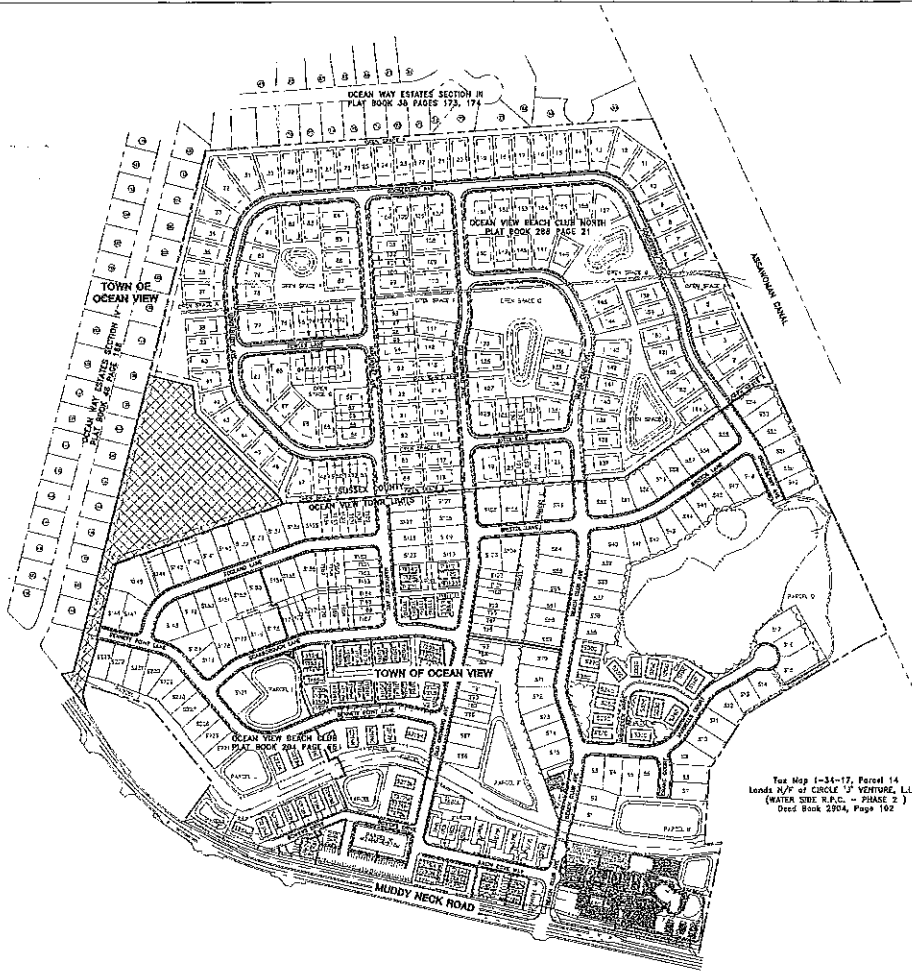
RECORD PLAN

DAVIS, BOWEN & FREDERICK, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS
 1000 MARKET STREET, SUITE 200
 WILMINGTON, DELAWARE 19801
 PHONE: 302.441.1111 FAX: 302.441.1112
 WWW.DBF.COM

DATE: APRIL 2, 2013
 SHEET: 1 OF 27
 DRAWING: SITE PLAN
 PROJECT: OCEAN VIEW BEACH CLUB NORTH
 CLIENT: OCEAN VIEW BEACH CLUB NORTH
 SCALE: AS SHOWN
 DRAWN BY: J. B. BOWEN
 CHECKED BY: J. B. BOWEN
 APPROVED BY: J. B. BOWEN

R-07

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Tax Map 1-34-17, Parcel 14
 Lands A/P of CIRCLE 3 VENTURE, L.L.C.
 (WATER USE S.P.C. - PHASE 2)
 Deed Book 2904, Page 102



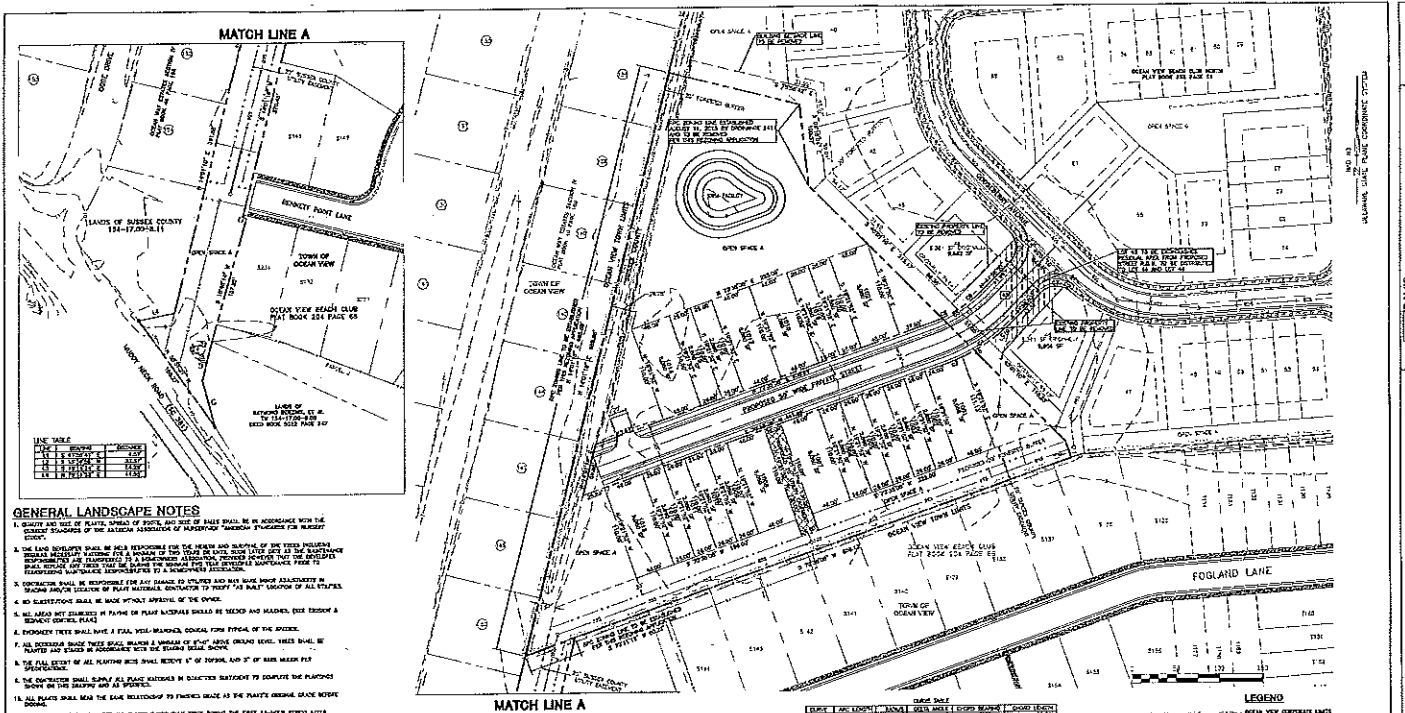
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LANDS OF LIGHTHIPE, LLC
 BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE

OVERVIEW
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P-02

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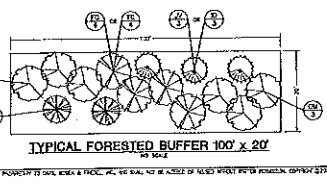
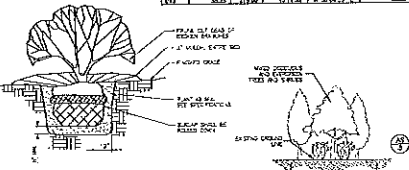
- GENERAL LANDSCAPE NOTES**
1. GRAZE AND USE OF PLANTS, SPREAD OF SEEDS, AND USE OF MULCH SHALL BE IN ACCORDANCE WITH THE COUNTY ORDINANCES OF THE BALTIMORE HUNDRED ASSOCIATION OF MARIANVILLE, PENNSYLVANIA FOR MARSHY ENVIRONMENT.
 2. THE LANDSCAPE DESIGNER SHALL BE RESPONSIBLE FOR THE SELECTION AND MAINTENANCE OF THE TREES INCLUDING PROPER PLANTING AND CARE. THE LANDSCAPE DESIGNER SHALL BE RESPONSIBLE FOR THE SELECTION AND MAINTENANCE OF THE TREES INCLUDING PROPER PLANTING AND CARE. THE LANDSCAPE DESIGNER SHALL BE RESPONSIBLE FOR THE SELECTION AND MAINTENANCE OF THE TREES INCLUDING PROPER PLANTING AND CARE.
 3. THE LANDSCAPE DESIGNER SHALL BE RESPONSIBLE FOR THE SELECTION AND MAINTENANCE OF THE TREES INCLUDING PROPER PLANTING AND CARE.
 4. NO SUGGESTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.
 5. THE LANDSCAPE DESIGNER SHALL BE RESPONSIBLE FOR THE SELECTION AND MAINTENANCE OF THE TREES INCLUDING PROPER PLANTING AND CARE.
 6. PROPOSED TREES SHALL HAVE A TRUNK DIAMETER OF 1" AT 4' ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE COUNTY ORDINANCES.
 7. THE FINAL HEIGHT OF ALL TREES SHALL BE 12' AT 10 YEARS, AND 15' AT 20 YEARS, UNLESS OTHERWISE NOTED.
 8. THE CONTRACTOR SHALL MAINTAIN ALL PLANT MATERIALS IN SOUTHWEST CORNER TO COMPLETE THE LANDSCAPE DESIGN AND AS SHOWN.
 9. ALL PLANTS SHALL BE THE SAME HEIGHTS AS SHOWN UNLESS OTHERWISE NOTED.
 10. THE CONTRACTOR SHALL WATER ALL PLANTS DURING THE FIRST YEAR AFTER PLANTING AND EACH YEAR THEREAFTER AS NECESSARY, DURING THE GROWING SEASON.
 11. THE AREAS DESIGNATED FOR A 10' FORESTED BUFFER SHALL MAINTAIN AN APPROXIMATE 100' BUFFER FROM ALL WATERWAYS (SEE PLAN) TO BE MAINTAINED FOR THE LIFE OF THE PROJECT AND SHALL BE MAINTAINED AS SHOWN UNLESS OTHERWISE NOTED.

LANDSCAPE PLANT SCHEDULE

SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE @ INSTALLATION	QUANTITY	DATE
(Symbol)	DOGWOOD	DOGWOOD	1.5" - 1.75" CA. DBH	100	05/2021
(Symbol)	WALNUT	JUGLANS REGIA	1.5" - 1.75" CA. DBH	100	05/2021
(Symbol)	RED BUD	SPIDERA ALBA	1.5" - 1.75" CA. DBH	100	05/2021
(Symbol)	DOGWOOD	DOGWOOD	1.5" - 1.75" CA. DBH	100	05/2021
(Symbol)	DOGWOOD	DOGWOOD	1.5" - 1.75" CA. DBH	100	05/2021

LANDSCAPE SHRUB SCHEDULE

SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE @ INSTALLATION	QUANTITY	DATE
(Symbol)	DOGWOOD	DOGWOOD	1.5" - 1.75" CA. DBH	100	05/2021
(Symbol)	DOGWOOD	DOGWOOD	1.5" - 1.75" CA. DBH	100	05/2021
(Symbol)	DOGWOOD	DOGWOOD	1.5" - 1.75" CA. DBH	100	05/2021
(Symbol)	DOGWOOD	DOGWOOD	1.5" - 1.75" CA. DBH	100	05/2021
(Symbol)	DOGWOOD	DOGWOOD	1.5" - 1.75" CA. DBH	100	05/2021



- LEGEND**
- SOLID LINE: BOUNDARY LINE
 - DASHED LINE: PROPOSED BOUNDARY LINE
 - DOTTED LINE: PROPOSED BOUNDARY LINE
 - STIPPLED AREA: PLANTING AREA
 - CENTER LINE: CENTER LINE
 - FLOOR PLANE: FLOOR PLANE
 - CONCRETE CURB: CONCRETE CURB
 - 1:8%: 1:8% SLOPE

THE OWNER SHALL BE RESPONSIBLE FOR THE SELECTION AND MAINTENANCE OF THE TREES INCLUDING PROPER PLANTING AND CARE. THE LANDSCAPE DESIGNER SHALL BE RESPONSIBLE FOR THE SELECTION AND MAINTENANCE OF THE TREES INCLUDING PROPER PLANTING AND CARE. THE LANDSCAPE DESIGNER SHALL BE RESPONSIBLE FOR THE SELECTION AND MAINTENANCE OF THE TREES INCLUDING PROPER PLANTING AND CARE.



HOPE FURRER
ASSOCIATES

November 4, 2020

Councilman Doug Hudson
District 4 County Councilman
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, Delaware 19947

Re: Proposed Rezoning
Ocean View Beach Club
Ocean View, Delaware

Dear Councilman Hudson,

We have had the privilege and pleasure to be part of the OVBC community since October, 2016. At that time, plans for the future development of the community were presented to us which seemed to set forth a well thought-out course. The Community as depicted was a mix of single family and townhomes. There were to be nature walks, bike trails, and two community building with pools. Overall a peaceful pleasant community to enjoy with family and friend.

Our home is located at 20 Bennett Point Lane. We are not directly adjacent to the proposed townhouse development on the north side of Fogland Lane, but such an addition adversely impacts the entire community.

The introduction of an area of high density townhouses is not in keeping with the community at present, or as proposed to us back in 2016. Four years later, the community has no nature walks, no bike trails, and no second community building with pool. It is of interest to note that the number of units proposed by the developer for OVBC on its website as of the date of this letter was 300. The current plan is in excess of 450 and growing. An increase of 50%. See website at <https://coninv.com.ocean-view-beach-club/>. Our Community desires to know the specific contents of the original Developer's Agreement with the Department of Planning & Zoning.

In addition to increasing the density and character of the OVBC Community, there are additional concerns for us regarding traffic, safety, congestion, crowding of existing facilities, and environmental concern. Many children on bicycles use the streets of OVBC, especially in the summer months. The townhouse proposal increases traffic on the community's street, posing risks to children. This volume of traffic is not commensurate with the original residential character of this community as represented to us four years ago.

501 Fairmount Ave., Ste 205 Towson, MD 21286 t. 410.583.4874	700 East Beaver Ave., Ste 3 State College, PA 16801 t. 814.234.8191
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hfurrer.com

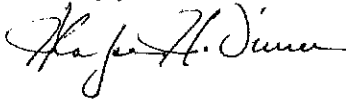
Proposed Rezoning
Ocean View Beach Club
November 2, 2020
Page 2

In choosing the location of our home, we paid a lot premium of \$20,000. We did so to enjoy the view from the rear of our home which was to eventually look onto the second community building with pool. We now find that this lot will be marred by a planned multifamily condo unit building to include a minimum of 30 units. This building would be constructed on the corner of Bowers and Old Orchard and will be completely visible along Muddy Neck Road. Had we understood that this uncharacteristic addition to this development of single family and townhouse residences was planned for the future, we would not have committed to residency here and strongly oppose the construction of this condo building.

We hope that this letter can be forwarded to all members of the County Council. Please acknowledge receipt of this emailed letter.

We are certain that many other homeowners in OVBC have written to you and we join them in their strong opposition to the proposed townhouse and condo building development.

Sincerely yours,



David
Furrer

Hope and David Furrer
20 Bennett Point Lane
Ocean View Beach Club



HOPE FURRER
ASSOCIATES

Opposition
Exhibit

November 4, 2020

RECEIVED

NOV 04 2020

SUSSEX COUNTY
PLANNING & ZONING

Chase Philips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, Delaware 19947

Re: Proposed Rezoning
Ocean View Beach Club
Ocean View, Delaware

Dear Chase,

We have had the privilege and pleasure to be part of the OVBC community since October, 2016. At that time, plans for the future development of the community were presented to us which seemed to set forth a well thought-out course. The Community as depicted was a mix of single family and townhomes. There were to be nature walks, bike trails, and two community building with pools. Overall a peaceful pleasant community to enjoy with family and friend.

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501 Fairmount Ave., Ste 205 Towson, MD 21286 t. 410.583.4874	700 East Beaver Ave., Ste 3 State College, PA 16801 t. 814.234.8191
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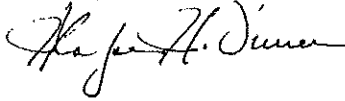
hifurrer.com

Proposed Rezoning
Ocean View Beach Club
November 2, 2020
Page 2

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We are certain that many other homeowners in OVBC have written to you and we join them in their strong opposition to the proposed townhouse and condo building development.

Sincerely yours,



David E. Furrer

Hope and David Furrer
20 Bennett Point Lane
Ocean View Beach Club

11/1/20.

Dear Mrs Phillips,

I am writing concerning the re-zoning plans for the beach club development which sits in back of Oge Dr in O.V. My home was purchased two yrs. ago, and I chose the development because it had open land and a very quiet location. I agree with my neighbours about the street noise & more townhomes, probably going to be rented, causing more noise and congestion. Our wildlife already are losing their land due to so many new homes in the area.

I do hope this zoning issue will be reconsidered to protect our properties on Oge Dr.

Thank - you,

RECEIVED

NOV 06 2020

SUSSEX COUNTY
PLANNING & ZONING

Sincerely,

SUSAN M^cCallion

Susan M^cCallion

33020 Oge DR

O.V. DC 19970

email suemcullion@gmail.com

302-616-3489

PLANNING & ZONING
SUSSEX COUNTY
NOV 10 2020
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Opposition
Exhibit

November 4, 2020

Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302.855.7878
chase.phillips@sussexcountyde.gov

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NOV 06 2020

SUSSEX COUNTY
PLANNING & ZONING

Dear Mr. Phillips:

I reside at **25 Fogland Lane**, Ocean view Beach Club (OVBC), Ocean View, Delaware 19970. We closed on the purchase of our home in **May of 2018**. Our home is located well within 200 feet of the newly proposed construction forming the Ocean View Beach Club North Rezoning Plan.

My wife, Iliana and I carefully reviewed that plan and discussed it with our friends and neighbors in the (OVBC) community. Based upon that careful review, we wish to express our opposition to this proposal in the strongest possible terms and ask that such rezoning activities be stopped!

When purchasing our home, we and others were systematically misled, having been told that by paying a **\$15,000** lot premium our property would be specially situated, ensuring our quiet and uninterrupted enjoyment of our home. We paid the premium for this home as it is our plan to make this our permanent home upon our retirement in a few years.

We paid this lot premium based on two very specific understandings. First, that the multi-acre triangular lot behind our property was zoned for agricultural purposes, and second, as an added assurance, any potential development in that area would be subject to a specific setback, providing us and our neighbors the added benefit of quiet, absence of artificial lighting, and natural views and enjoyment of open space and wildlife. We now learn, instead, that the rezoning proposal is to provide the single most dense collection of townhomes in the entire OVBC development within that same triangle that was the subject of the paid premium!

This rezoning proposal seeks to build a dense collection of 13 adjoining townhomes to the south, with another 8 adjoining townhomes to the north, along a road without outlet and pressed onto unusually small lots separated by what is presently identified on the proposal as a 50-foot-wide road, but which may be intended to include walkways. This new phase will invite considerable congestion, noise, and visual disruption.

The proposed plan is **replete with** problems that would affect and concern property owners whose lots adjoin the affected triangular lot of land and will also affect other Ocean View Beach Club homeowners as well as the overall surrounding community on Muddy Neck Road.

I'm writing you to express how critically important it is that this request for rezoning not be approved. It will result in increased traffic density throughout the OVBC community. The Ocean View Beach Club has a single entrance and exit along **Muddy Neck Road**. The new proposed phase, the Ocean

View Beach Club North Rezoning Plan, further increases the potential hazards as a result of the entryway choke point.

OVBC and OVBC North already include the building of a large number of single family and townhomes that already suffers a single chokepoint, the entry way on Muddy Neck Road. If anything were to interfere with that entryway, such as a downed powerline, a vehicular accident, a gas leak, a fallen tree, or some other emergency, the entire development would be captured without a means of entry or exit. This represents a serious safety issue for the residents in the community.

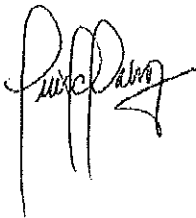
In addition to the safety issue and traffic congestion, the new proposed phase will also impose special burdens on the already taxed facilities enjoyed by the larger OVBC community. We are already hitting peak usage in the OVBC outdoor pool and the clubhouse, located near the community's main entrance. The community can anticipate that this will become substantially worse should the plan to rezone be approved.

In peak rain season, those who reside along the north side of Fogland Lane often experience water build up, with water sometimes entering into our back porches. This further attracts mosquitoes even with proper insect maintenance contracts. The new construction is certain to make these matters worse by reducing runoff after significant rains and more development will exacerbate this critical environmental aspect as well as compromise the integrity and enjoyment of our homes.

The Ocean View Beach Club North Rezoning Plan encroaches upon the McCabe Tax Ditch, which runs along the western side of the OVBC development. The density of the proposed new phase, risks disrupting existing water flow, further harming the run-off and adversely affecting both OVBC and Ocean Way.

Together, these adverse consequences will permanently change the character of our community and undermine the considerable personal and financial investments we and our neighbors made when choosing our home. As such, we hereby request that the proposed rezoning plan be denied!

Sincerely,

A handwritten signature in black ink, appearing to read 'Luis & Iliana Delahoz', written in a cursive style.

Luis & Iliana Delahoz
Luis.eduardo.delahoz@gmail.com

Chase Phillips

From: Ammenheuser Family <ammenheuserfamily@yahoo.com>
Sent: Thursday, November 5, 2020 4:59 PM
To: Chase Phillips
Subject: Note from The Ammenheusers, 21 Fogland Lane / Ocean View, DE

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.

Chase Phillips
Planner I
Department of Planning & Zoning, Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

**Opposition
Exhibit**

RECEIVED

NOV 06 2020

**SUSSEX COUNTY
PLANNING & ZONING**

Greetings from David & Maura Ammenheuser.

We own 21 Fogland Lane in Ocean View. It is part of the Ocean View Beach Club.

Over the past 30 years, we have lived in seven different states and have owned seven different homes. Three years ago, after a lot of planning and consideration, we chose to build our retirement home in Sussex County and in Ocean View Beach Club. It was a very thoughtful process as we liked the Delaware Shore and the "Quiet Beaches" slogan appealed to us.

When talking with the developer and sales staff, we chose Fogland Lane and paid a "premium" for the lot as we were told it would be among the most quiet lots in the new neighborhood. We were told that the land behind our home was owned by a church and there were no plans to build on it.

This month, we are in the process of moving here full time.

As recently as the last month, we (and neighbors) were told by the developer's representatives that the land had been acquired but there were no current plans to build on it.

A few days later, we found out that was not true. The developer has big plans for this small tract of land. In fact he wants to rezone the land to build more than 20 homes (many of them 14 townhomes directly behind our house).

We request that you and your department do what you can to help us not to allow the rezoning needed for this project.

There are many factors why you and your staff should not permit this action.

Obviously, it goes against everything we were told. (Of course, all developers stretch the truth when they are selling homes ... but this one has done so many times. The latest example? He is finally building a promised indoor pool (he tried to get out of that promise, too). We recently found out that the indoor pool will be just 12 feet wide by 24 feet long. How will a neighborhood of 300-plus homes can use a pool like that!).

Anyhow, please consider:

- * The density of that property will be unbearable for a community which has just one way in / one way out. In emergencies, etc., the additional homes will be a hazard.
- * "Quiet beach community" with houses 21 houses in less than five acres? The noise levels will exceed what our expectations were and far beyond what we were promised.
- * Current homeowners on Fogland Lane paid "premiums" for their lots because this was not supposed to happen.

* Parking will be a hazard as there are no plans for garages in any of these homes. The on-street parking will be hazardous and not in aligned with the community, Ocean View and surrounding policies of one off-street parking spot per bedroom.

* The community has just one small outdoor pool, one tennis court that doubles as a pickleball and basketball court. The amenities are simply not enough to handle the additional homes, which most likely would be high-density rental units.

* Our community has very specific rules on trash, recycling, etc. Cans must be kept away from view. This is not possible with townhomes with no garages.

* Water runoff cannot be good. This tract of land currently floods when we get the smallest of storms.

I could go on and on. I ask you ... I plead to you ... to please take careful consideration of this addition to Ocean View Beach Club. It's purely a money grab for the developer who has constantly misled the buyers in our neighborhood.

I am happy to appear in person to make a public personal appeal.

Please reach out if you have any questions.

David and Maura Ammenheuser
21 Fogland Lane

Dave's cell: 615-476-8288
Maura's cell: 951-522-9429
Maura's cell: 951-522-9429

Opposition
Exhibit

Lisa M. and Patrick S. Powers
8 Scarborough Lane
Ocean View, DE 19970
(814) 826-8404

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NOV 04 2020

SUSSEX COUNTY
PLANNING & ZONING

Nov. 4, 2020

Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302.855.7878

chase.phillips@sussexcountyde.gov

Dear Mr. Phillips:

We write today as concerned homeowners in the Ocean View Beach community as we have learned of a zoning request from the developers to construct more townhomes in the complex, adding to the already overloaded single entrance and exit, and creating issues far beyond increased traffic density and dangerous ingress and egress patterns. We are asking that this development be stopped.

The new proposed phase, the Ocean View Beach Club North Rezoning Plan, also has a single entrance and exit point, via Gooseberry Avenue. As a homeowner on Scarborough Lane, I can see that human behavior will lead to a pattern of heavy traffic on not only our street, but also the surrounding residential streets. This is of great concern – for a number of reasons – with safety being the primary one.

Additionally, as you may or may not be aware, the streets within Ocean View Beach Club development have never been completed. There is no final layer of bituminous pavement in place, as the developers claim they are waiting – for years – to finish this paving. There is no incentive for the developers to pave as they continue to build more homes, promising buyers a community full of amenities. Amenities that they fail to indicate will be overcrowded and damaged by the increased wear and tear. The

current bituminous layer that is on the roadways is failing. Pot-holes in the areas behind townhomes are cavernous and storm water ponds with great regularity in the alleyways, with mud, sand and other debris accumulating because the storm sewers rest above the pavement. In fact, no storm inlet in the existing developed portion of OVBC works properly and no curbing is ADA compliant. I believe developers should be made to keep their promises on existing developments and provide what was paid for BEFORE being granted permission to increase traffic, endanger safety of already existing residents, increase usage of facilities for which every existing homeowner bears the burden of maintenance and upkeep through a hefty HOA fee.

This is not a "not in my back yard" rejection of this rezoning – it is more of a "safety should come first" perspective, combined with what we feel is a "bait and switch" mentality of developers in this area. We opted into the Ocean View Beach Club community with assurances from those selling us our townhome that the amenities were adequate for the number of homes. They are not. This newly proposed dense grouping of townhomes will further tax our common facilities – including our roadways and green spaces. Since we already experience quite a bit of flooding in the alley behind Scarborough Lane where our townhome is situated (so much so, that our neighbor has put down sandbags and boards to get into his driveway), we would venture to guess that the addition of 21 more townhomes has the potential to increase this flooding tremendously – given that it appears the water is already flowing our way. More pavement and impervious surfaces will result in significant runoff, more water damage to roads, alleys, grass, decks, and more mosquitoes. West Nile Virus, encephalitis and other mosquito-borne pathogens are absolutely a serious threat to everyone's health and enjoyment of the Ocean View community.

This is just a brief rundown of only a few of the reasons we oppose this rezoning plan. Please do not reward developers who mislead property owners and whose only goal is to put as many homes as possible on undeveloped land with a free pass to do so. There are too many valid safety, overcrowding and community concerns.

Sincerely,

Lisa and Patrick Powers

Lisa M. and Patrick S. Powers
8 Scarborough Lane
Ocean View, DE 19970
(814) 826-8404

Nov. 4, 2020

Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302.855.7878

chase.phillips@sussexcountyde.gov

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Sincerely,

Lisa and Patrick Powers

Opposition
Exhibit

November 2, 2020

Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

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SUSSEX COUNTY
PLANNING & ZONING

Dear Mr. Phillips:

We are year-round residents at 15 Fogland Lane, Ocean View, DE, part of the Ocean View Beach Club development. When we purchased our home (closing in May 2018), some of the selling points were a quiet neighborhood with nature walks and other community amenities.

We recently learned that there is now a plan for 21 densely packed townhomes in an area that was previously designated as agricultural. The purpose of our letter is to strongly oppose the Ocean View Beach Club North Rezoning Plan. Our reasons follow.

The likelihood that these townhomes will be used as rental properties is high. The backyards will likely be used for parties and get-togethers and will be disruptive to the homeowners along the north side of Fogland Lane.


Another issue is traffic flow. Ocean View Beach Club has only one entrance off Muddy Neck Road. If an incident of any kind interfered with that intersection, there would be no other means of entry or exit. The addition of 21 townhomes would only exacerbate this situation, not to mention the increased daily traffic along Fogland Lane, Nantucket, Scarborough, etc.

We believe that the existing amenities such as the outdoor pool and very small (future) indoor pool would become overcrowded. The addition of residents and/or renters from 21 townhomes would definitely be problematic and would take away from the enjoyment of these amenities by current residents.

We participated in an HOA meeting in October during which we were led to believe by the developer that plans for the area were not yet developed. However, we since learned that the rezoning plan was filed on August 13, 2020. This is not the first time we've been misled by the developer.

We're a retired couple who moved from a densely populated, heavy traffic area in Maryland. OVBC seemed to be exactly the type of development we were looking for. We enjoy living in Delaware but are now extremely disappointed in the Ocean View Beach Club North Rezoning Plan. We strongly oppose this proposal.

Thank you.


Richard Capalaces
15 Fogland Lane
Ocean View, DE 19970
capalaces@verizon.net
302-616-4657


Patricia Capalaces

11/1/2020

Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302.855.7878

Opposition
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SUSSEX COUNTY
PLANNING & ZONING

Dear Mr. Phillips,

My name is Brad Whitted and I live in the Ocean View Beach Club community off of Muddy Neck Road. My property address in this community is 36 Beach Club Avenue. I was told at our HOA annual meeting that our developer had acquired a 5-acre parcel of land behind Fogland lane. They told us that they had plans to develop the land but nothing was approved or finalized yet. It has been brought to my attention that plans are underway to develop this land into an additional 21 condensed townhouses.

We purchased our home in this community for several reasons. One of the primary reasons was the balance of homes and open green space. We have two young children and having open space for them to ride bikes, take our dog for a walk, and to just be outside was very important to us. That plot of land attracts a variety of wildlife, birds, foxes, and other animals who enjoy the open undeveloped space. Secondly, we really like the clubhouse, the pool, and all the amenities that this community has to offer. Adding more homes to this already overdeveloped community in my mind severely takes away from the some of the very reasons we purchased here. Developing the land takes away from our open green space and adding even more homes is going to make the clubhouse and pool area extremely congested come summer time. Not being able to use the pool during the hot summer days because of over population is just not acceptable. A lot of these homes are rented out during the summer season. Multiple families renting these homes means more congestion everywhere within the community from parked cars, to traffic, to a crowded clubhouse and pool.

Another issue I have with adding more homes to this community is the one way in and one way out of the community. With several hundred homes in this community we only have one point of entrance and exit. These new homes are only going to add to traffic and congestion during the busy summer months. This is both unsafe and unwise and, in my mind, unacceptable.

Convergence believes in a balance of community and green space. It is on their website about taking pride in building sustainable long-lasting communities. With them developing this last 5-acre parcel of land I believe they are not keeping to their beliefs of balance between community and open space of green land. How about building a playground for the kids in the community? How about a park or more walking and bike trails? Not more homes to an already becoming overdeveloped community.

I would like you to consider everything that I have discussed in this matter. It is very important to myself and this community. If you would like to discuss this further with me please feel free to give me a call at 914-475-2424.

Sincerely,

Brad Whitted
36 Beach Club Avenue
Ocean View, DE 19970
914-475-2424
Bradw1977@yahoo.com

November 2, 2020

Opposition
Exhibit

Chase Phillips

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Planner I

NOV 02 2020

Department of Planning & Zoning Sussex County

SUSSEX COUNTY
PLANNING & ZONING

2 The Circle

P.O. Box 417

Georgetown, DE 19947

302.855.7878

Hello Mr. Phillips:

I am writing to you because I am so disheartened that there is a proposal for rezoning and building 21 townhouses in the "triangle" behind Fogland at Ocean View Beach Club and Ocean View Beach Club North. The developer, Convergence, is apparently in contact with Sussex County to achieve this goal.

When I purchased my home from K. Hovnanian, they informed me that Convergence was the developer and would provide all information regarding the neighborhood. This included (but not limited to), the amenities and most of the restrictions that would be implemented to protect the integrity of our neighborhood. It was apparent that nature walks, wide streets, sidewalks, manageable traffic flow, good lighting, a strong HOA policy would follow the guidelines of creating an upscale, well planned neighborhood. Over the last 3 years since we purchased our home, many of those "promises" could be construed as misleading or outright untruths.

There is one single entry/exit for the entire community, on Muddy Neck Road in Ocean View Township, which implies that all the traffic from much of Ocean View Beach Club North (Frankford county) and certainly this proposed new section will have to travel through Nantasket (the road I live on.) This creates a significant safety issue as well. I carefully chose my location based on the site plan given for the entire neighborhood. This is a direct misrepresentation of the facts given when I chose to purchase my home.

Again, there are additional burdens caused by Convergence that our neighborhood will not enjoy. The obvious lack of quiet and upscale amenities that our developer has promised look to be in peril. The plan to increase density in homes, cars, pollution, noise, is sure to create further disruption. Overloading our pool, clubhouse, is surely to be a problem. These areas already have hit peak usage with our current homeowner population.

As residents of Bethany Beach and Ocean View since 2002, we have come to appreciate the value of our home and our neighborhood. We only hope that the Zoning Committee has enough foresight to see that we are trying to protect our investment in our community. We want our neighborhood to be a shining example of what can be accomplished with thoughtful planning and vision for Ocean View Beach Club for decades to come.

This proposal is vehemently opposed by us and must be stopped.

Kind Regards,

Stacy and Sandy Benjamin

17 Nantasket Road


Ocean View Beach Club

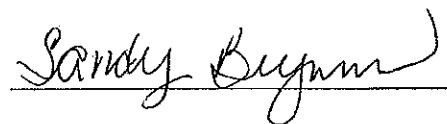
Ocean View, Delaware 19970

stacyb@benjaminofficesupply.com

sandyb@benjaminofficesupply.com

Signed and Dated:

 11-2-2020

 11-2-2020

Chase Phillips

From: Cheryl Schechter <cherbear2cubs@gmail.com>
Sent: Monday, November 2, 2020 10:55 AM
To: Chase Phillips
Subject: Re: Overdevelopment at TBC.pages

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.

Date: Nov 1, 2020

Topic: Ocean View, The Beach Club land use and zoning

To the Department of Planning and Zoning Sussex County,

My husband and I purchased a home in Ocean View Beach Club in May of 2020. We were told of the expansion of our community to include Beach Club North prior to our purchase of the home. We were told by the builder that there would probably be an added pool in the adjacent community upon completion. This was misleading information and as we have come to discover that our community is packed with homes with only one main pool for over 450 homes each with 12 person pool usage bands.

We were also told there would be 'open space' in the community of which there is currently only one small walking path along the canal less than 1/8 of a mile in distance. Now we were just informed that there was an added parcel of land recently proposed to house an additional 21 units north of Fogland Lane. We are adamantly opposed to the overdevelopment of this land which currently is used for water run off from 2 communities (Ocean Way Estates), peaceful open space for eagles, deer and fox, natural plant life and general peace and quiet without manmade lighting. Also there is only one entry way into our community (Muddy Neck Rd) so if there was an emergency the entry way and side roads could bottleneck creating a worse problem for residents to exit quickly.

Currently, turning onto Muddy Neck Road is dangerous especially if on foot or a bike heading East to the beach.

The traffic density within the community is already heavy before the completion of Beach Club North.

The lighting, noise and potential renter disruptions of the new 21 units will only add to the existing problems in our community. Rental unit occupants tend to have more people per unit, more noise in the backyards, and create a heavier burden on the facilities and pool.

Also on street parking is notably heavier with renters, is disruptive and hazardous to driving through the neighborhood. We also had no information on the commercial building at the front of our community and its use or eventual plan. I find it surprising that it passed through zoning with no knowledge from anyone in the community as to the eventual use of this building which could create issues within the community.

The developer seems heavily interested in building on every square inch of property squeezing units wherever there is an open lot. As an example several lots with concrete wash outs and fully landscaped corner lots there are plans to develop town homes. One area with a trailer and shed there will be 8 townhomes. There are further town homes going up at the end of Bower Drive. Also, the front of the community beside the pool there are plans for cottage homes with NO parking. Those homes are allowed parking beside the community pool. This amount of development is TOO MUCH! This will create congestion, overtaxation of the facilities in our community and a less peaceful enjoyment of the land. We stand adamantly opposed to further overburdening of our neighborhood with densely packed housing. I understand that the county probably gets more tax dollars per unit so it may seem like a good idea but please come and drive or even better, walk through The Beach Club to see for yourself the density of housing in this community. The developer Convergence in Wyoming (land of open spaces) in their goal to maximize profits seems utterly disinterested in preserving any semblance of open space in our community. We urge you to reconsider this plan. Please feel free to contact us at 46 Beach Club Avenue 203-494-3155 or 203-494-4224

Dr. Bruce Schechter, Cheryl Schechter RPT

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Oppos'
Ey'

NOV 02 2020

SUSSEX COUNTY
PLANNING & ZONING

Sent from my iPad

On Nov 2, 2020, at 8:14 AM, Chase Phillips <chase.phillips@sussexcountyde.gov> wrote:

Dear Ms. Cheryl Schechter,

Thank you for reaching out to the Planning and Zoning Department. Unfortunately, I am unable to process your letter as it is not in an accessible format. I cannot view or print your attachment. Please respond with as an e-mailed response, word document, pdf, or another format if you wish to have this letter processed. If you have any questions or concerns, please let me know. I am also available at 302-855-7878. Thank you for working with us.

Chase Phillips
Planner I

From: Cheryl Schechter <cherbear2cubs@gmail.com>

Sent: Sunday, November 1, 2020 1:30 PM

To: Chase Phillips <chase.phillips@sussexcountyde.gov>

Subject: Overdevelopment at TBC.pages

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.

Sent from my iPad

October 20, 2020

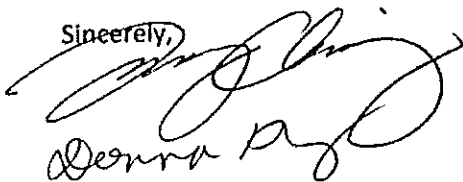
Lauren DeVore
Planner III
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302-855.7878

Dear Ms. DeVore,

I reside at 27 Foodland, Lane, Ocean View Beach Club, Ocean View, Delaware, 19970. We closed on the purchase of our home on October 18th, 2018. Our home is located within 200 feet of the newly proposed construction forming the Ocean View Beach Club North Rezoning Plan. We have had opportunity to review the plan and to discuss it with our neighbors in the Ocean View Beach Club community. We like to express our serious opposition to this proposal.

When we purchased lot that we have been told by builder paying \$15,000 more to get privacy and quieter atmosphere. By building 21 townhouses right behind our house, it seems we have lost the privacy we are longing for. The 21 townhouses also create a lot of traffic and noise. It is not fair for us into this uncomfortable living situation. In addition, when we purchased the lot we have been told that multi-acre triangular lot behind our property was zoned for agricultural purpose to keep the area more open space and wild life. As such, these townhomes are certain attract a disproportionate percentage of investors who will deploy the properties for rental use. This is not right and it should be stopped.

Sincerely,



Ming Chee Ching
Donna Kung
Address : 27 Fogland lane, Ocean View , DE 19970 (Lot 142)

Opposition
Exhibit

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NOV 02 2020

SUSSEX COUNTY
PLANNING & ZONING

October 30, 2020

Lauren DeVore
Planner III
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302.855.7878

Hello Ms. Devore,

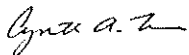
My name is Cynthia Tran. My family and I are the homeowners of 7 Basin Cove Way in the Ocean View Beach Club community in Ocean View, Delaware 19970 since October 25, 2019. It has been brought to our attention that there is a rezoning proposal for Ocean View Beach Club North that has been brought forth to Sussex County, which is contrary to information our developer, Convergence, shared with the homeowners during our annual meeting earlier this month. Now that we are aware of the details of the proposal, I am writing to you to register our opposition.

When we made the decision to realize our decades-long dream of purchasing a home in Sussex County, we purposefully sought out a home that offered greenspaces and community amenities that could accommodate all residents. During our annual meeting with the developer earlier this month, they hinted at the possibility that the "triangle" of land located on the west side of the community behind Fogland Lane could be used for future amenities, such as an additional pool or activities area. Instead based on the rezoning proposal they submitted to the county two months prior to the meeting, their intention is to zone it for 20+ townhomes. The possibility of the space being used for additional homes was never mentioned, and given that they plan to continue to only offer the current existing entrance into our neighborhood, this will result in an increase of traffic on our street where our home is located.

Although I understand Convergence's goal to profit as much as possible on their investment by using this land for additional homes and therefore HOA revenues, they are doing so at the detriment of those of us who purchased homes in OVBC as primary or secondary homes. We did not purchase our home as an income-generating investment property, and so we are very concerned about the long-term effects that the loss of this open space can have on the neighborhood, not to mention the wear and tear that will come if and when these future homeowners rent their properties out to short-term renters.

For these reasons, I am strongly opposed to permitting this plan, and I implore you on behalf of my husband to hear our concerns and not approve this proposal.

Thank you for your time,



Cynthia & David Tran
7 Basin Cove Way
Ocean View, DE 19970

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NOV 02 2020

SUSSEX COUNTY
PLANNING & ZONING

George F. Hessler
17 Fogland Lane
Ocean View, DE 19970
703-623-7544

October 30, 2020

Mr. Charles Phillips
Planner III
Department on Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302-855-7878

Sent by E-mail to: chase.phillips@sussexcountyde.gov

Dear Mr. Phillips:

I am writing to oppose a rezoning application for the remaining 5-acre parcel of open land at the Beach Club development fronting on Muddy Neck Road. The developer application is delineated on drawings P-01 thru P-03 that are attached. It is obvious that the 5-acre parcel labeled SITE is the last remaining open space surrounded entirely by developed homes. We live on Fogland Lane (lot 137 on P-03) and would be exposed to the back yards of the proposed town homes.

The developer wants to squeeze 21 town homes into this last open space. The developer is obviously asking for town homes to maximize profits. We understand the parcel is now zoned for Agricultural land-use and if the application is denied it would become essentially open space. Open space is deemed valuable by the suburbs in the Washington DC metro area from where we moved in Virginia, and some counties subsidize farmers to keep farmland open. We are thankful for developers who make it possible for retirees to live in desirable sites, but there are limits. The English would say this proposal is OTT (over the top).

It cannot be denied that Ocean View is becoming densely developed Residential, perhaps even over-developed for this last remaining surrounded parcel. Since townhomes are the lowest price point into Beach Club, many would become investment and rental units. The home across the street from us is rented all season and there are always 2-3 cars for 2-3 families that share the bedrooms a house offers. This really leads to massive overcrowding of the amenities that we now avoid. In fact, we will move from Beach Club if this application is approved as sought.

We hope you do not tire of reading such letters and hope you will do all that you can to limit development in our community.

Sincerely,

George Hessler

Opposition
Exhibit

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NOV 02 2020

SUSSEX COUNTY
PLANNING & ZONING

Chase Phillips

From: Mary DeHahn <MaryDeHahn@dehahn.net>
Sent: Sunday, November 1, 2020 5:23 PM
To: Chase Phillips
Subject: Rezoning of Ocean View Beach Club North

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NOV 02 2020

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.

Good morning, Mr. Phillips,

I am writing in reference to a rezoning plan submitted by the developer of Ocean View Beach Club North that—as I have been able to ascertain from seeing plans that I believe are legitimate—will add a substantial number of condominiums or townhomes to the OVBC North property that will put a tremendous strain on the community infrastructure as well as be detrimental to the quality of life in the community for full time residents such as myself.

I closed on the purchase of my home at 48 Beach Club Avenue (Ocean View, DE 19970) in late January of 2020. My move was delayed until July because of unanticipated surgery. This is my permanent (and only) home, which I purchased based on information I received during the sale and selection of my property. I specifically asked what was planned for the (then) completely blank section north of the (now-called) Ocean View Beach Club South and received a “non-answer, answer.” I should have been more persistent in getting full disclosure of plans for that property, which is one reason why I am writing you regarding the rezoning request for another parcel to the northwest of “OVBC-South.”

I am not a professional planner, engineer, architect or attorney. Nevertheless, it is clear to me using just common sense that the current batch of homes in OVBC-North will put a strain on the community in terms of traffic and access to amenities, as well as ingress/egress from the community. This doesn't provide for the townhomes that are in the rezoned area. I live on Beach Club Avenue and I witness the parade of cement mixer trucks, supplier trucks and builder trucks in and out of the one access point for the community on a daily basis. This will be nothing compared to owner, guest and short-term tenant vehicles associated with these new houses and the proposed condominiums, especially during the summer season. The community street patterns are not equipped to handle the in-progress homes and townhomes that currently are being built in OVBC-South along with the homes in OVBC-North, let alone more condominiums in the zoning proposal before you.

We also have drainage and run off issues that are likely to be compounded by OVBC-North because that property is higher than a great portion of the original OVBC-South. If I walk about a block from my house today I can wade into about 8 inches of standing water sitting on top of the “propane farm.” I don't know if that farm will supply all of the OVBC-North houses but given (as is my understanding) that the developer is now cramming access for the additional homes in OVBC-North into the one existing pool, I have little confidence in their adequately planning in the proposal before you.

Lastly, as a permanent, year-round resident, I have seen what happens, sadly, when homes or condos are investment properties not for owner-occupation even part of the year. Adding high-density condominiums in the new parcel will drastically compound the problems of short term leases to tenants. The worst of which is flouting the occupation limits—which are next to impossible for the HOA to monitor.

I purchased my home and moved to Delaware in anticipation of living in a good, solid residential neighborhood where I could enjoy Ocean View and Delaware. Instead, OVBC is turning into a commercial endeavor that encourages landlords and tenants with little vested interest in the immediate or larger Ocean View community and, apparently, very little regard for the infrastructure that adequately supports either a residential community or a commercial property.

Thank you for listening to my concerns. I urge you to take a good hard look at what has been proposed, what has been accomplished and what is intended by the developer in the Ocean View Beach Club community to date and the real, detrimental impact the proposed highly-dense development will have if you approve the new zoning.

Sincerely,

Mary DeHahn
Ocean View Beach Club
48 Beach Club Avenue
Ocean View, DE 19970

Jamie Whitehouse

From: Doug Hudson
Sent: Monday, November 9, 2020 3:19 PM
To: Todd F. Lawson; Gina Jennings; Michael H. Vincent; IG Burton; John Rieley; Samuel R Wilson Jr; Jamie Whitehouse
Subject: Fwd: Letter Opposing Ocean View Beach Club North Rezoning Plan
Attachments: 20201109075041_001.pdf

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From: Maxwell Stearns <mstrn@aol.com>
Sent: Monday, November 9, 2020 1:41 PM
To: Doug Hudson
Subject: Letter Opposing Ocean View Beach Club North Rezoning Plan

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Dear Councilman Hudson:

Attached please find a signed letter by my wife, Vered, and me, expressing our strongest opposition to the re-zoning application for Ocean View Beach Club North (CZ 1931). I would appreciate your forwarding this to the other members of county council and confirming that you have received it.

Please let me know if you have any questions or otherwise wish to follow up. My cell is 4102182804.

Best wishes,
Max Stearns
29 Fogland Lane
Ocean View, DE 19970

FILE COPY
Opposition
Exhibit

FILE COPY

Opposition Exhibit

November 8, 2020

Councilman Douglas Hudson
Council District 4
2 The Circle
P.O. Box 417
Georgetown, DE 19947

doug.hudson@sussexcountyde.gov

RE: Opposition to Ocean View Beach Club North Rezoning Plan

Dear Councilman Hudson:

In October of 2018, we closed on the purchase of our home in Ocean View Beach Club, Ocean View, Delaware 19970. Our house is at 29 Fogland Lane, Ocean View, 19970. We love our home, and although we now use it as our vacation getaway on and off season, we already feel connected with our neighbors, the development, and the larger community. We are deeply upset because it appears that there is a proposal to develop the 5-plus acre triangular lot immediate behind our home and to construct a densely packed set of 21 townhomes. This will fundamentally diminish the character of our home, and it will undermine the enjoyment of a property that we anticipate using for many years, including eventually moving to permanently in retirement.

We are well within 200 feet of the newly proposed construction that is part of the Ocean View Beach Club North Rezoning Plan, dated August 13, 2020. When we bought our home, we paid a \$15,000 premium for our lot. We had been told by K. Hovnanian, the developer, that in doing so we would have a larger set back, a quieter home, and a view of non-residential land, allocated for agricultural use. The new planned development is entirely inconsistent with those representations and commitments, and we strongly oppose it. Rather than receiving the advantage from buying a premium lot, we are now at a disadvantage compared with other owners in our own development whose homes never back onto such a packed set of townhomes. Rather than having a quiet setback, with added benefit of non-artificial lighting and with natural views and the enjoyment of open space and wildlife, were this development to proceed, we will back onto the most dense, and lowest cost, homes in the entire OVBC and OVBC North development.

Because these homes will almost certainly have a low price point, they are likely to attract investors who will rent them out in peak season. This dense collection of 13 adjoining

townhomes to the south, with another 8 adjoining townhomes to the north, along a road without outlet, is simply unprecedented in OVBC. And with good reason. Pressed onto unusually small lots, separated by what is presently identified on the proposal as a 50-foot-wide road, but which may be intended to include walkways, this new phase will invite considerable congestion, noise, and visual blight.

These features will permanently change the character of our home and community, and the adjoining Ocean Way community. It risks disrupting water flow for our neighbors who adjoin this land, undermining the McCabe tax ditch, and further exacerbate water accumulation for those of us north of Fogland, who already suffer run off challenges and the related problem of mosquitoes in peak season when we most wish to enjoy the outdoor land behind our homes. The combined effect with the proposed new phase risks undermining the considerable personal and financial investments we and our neighbors made when choosing to reside very specifically along the north side of Fogland Lane. This is unfair not merely in the sense that it changes the nature of a significant purchase decision for which we paid a considerable premium; it also undermines the enjoyment of a home that we had planned to use for decades to come. It isn't right, and it should be stopped.

Because these townhomes face a dividing road that appears intended also for street parking, those residing in or renting the townhomes can reasonably be expected to entertain most regularly in the backyards of those properties. This means that the areas that are closest to the house in the north side of Fogland Lane are apt to most intensely used. This will include parties, large gatherings, or other events that bring with them lightening, noise, and music. It is deeply problematic that we paid a premium to reside on the north side of Fogland, specifically to ensure even greater quiet, privacy, and natural lighting and now will, instead, suffer with a plan that renders our home uniquely vulnerable to noise, disruption, and artificial lighting found nowhere else in the OVBC community.

We also share the concerns with many of our neighbors about the effects on the larger OVBC community and amenities. A new set of 21 densely packed townhomes, especially if used for rentals, will exacerbate vehicular and personal traffic, and pet waste, throughout our community. The entire OVBC or OVBC North community is limited to a single point of entrance and exit. This is especially problematic given the considerable number of homes included in this proposed new phase, and is made worse by the fact that the proposed road is not a through street. It comes to a dead end, requiring visitors or residents to turn around at the end, possibly at any hour of the day or night. The proximity of the planned turning point to our neighbors residing in Ocean Way is likewise deeply problematic and, to be blunt, unneighborly. It imposes special burdens on those homeowners in a manner that risks compromising their enjoyment of another valued community adjoining our own.

The new proposed phase will also tax our already overburdened facilities. We already are hitting a peak usage in the OVBC outdoor pool and the clubhouse, located near the community's main entrance. This is certain to worsen both for the present facilities and for the planned indoor pool. This is especially so since that planned pool already seems unacceptably small, at twelve by twenty-four feet, for more than two or three individuals to swim laps.

The advertising materials for OVBC emphasized nature walks, and the properties adjoining the tract in which the Ocean View Beach Club North Rezoning Plan is proposed is today the only remaining undeveloped space. That plot of land attracts a variety of wildlife,

birds, foxes, and other animals who enjoy the natural land. In addition, the land serves the environmental benefit of absorbing rainfalls, especially following heavy storms. Further development, especially with the planned density of twenty-one townhomes, will reduce the open lands that serve these interests in nature, benefitting wildlife, our neighboring property owners in the aftermath of storms, and the OVBC and Ocean Way communities more generally by ensuring the one remaining natural reserve.

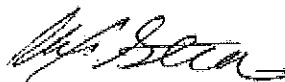
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We are also compelled to mention that at the most recent homeowner's meeting the representative from Convergence, the developer, claimed no immediate plans to develop in the triangular 5-plus acre lot. Despite this, the proposed plan is dated August 13, 2020. This clear misrepresentation seems intended to mislead us into complacency. But we and our neighbors are committed to preserving the enjoyment and character of a community in which we are personally and financially invested.

For all the reasons set out in this letter, we vehemently oppose the Ocean View Beach Club North Rezoning Plan. We are also available to discuss this matter further. This is important.

Please do not disappoint us and our friends and neighbors in Ocean Way and OVBC. Thank you for your attention to this important matter.

Sincerely,



Max Stearns
29 Fogland Lane
Ocean View, DE 19970
mstrn@aol.com
4102182804



Vered Stearns

Opposition
Exhibit

RECEIVED

NOV 02 2020

SUSSEX COUNTY
PLANNING & ZONING

November 1, 2020

Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302.855.7878

chase.phillips@sussexcountyde.gov

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Sincerely,



Max Stearns
29 Fogland Lane
Ocean View, DE 19970
mstrn@aol.com
4102182804



Vered Stearns

Chase Phillips
Planner I
Department of Planning and Zoning
Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Phillips:

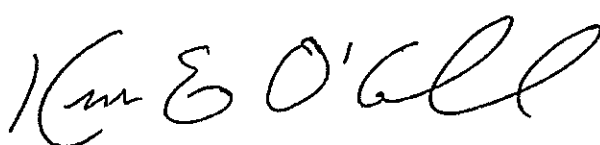
My wife, Mary, and I reside at 50 Old Orchard Avenue in the Ocean View Beach Club. We settled on our home in May of last year and it is our permanent residence.

We recently became aware of the Ocean View Beach Club (OVBC) North Rezoning Plan and reviewed that plan today. Although we are not adversely affected as those owners on Fogland Lane, we wanted to express our strong opposition to this plan.

Those who purchased lots on Fogland did so with the understanding that the land behind them was zoned for agricultural purposes. However, should that land ever be developed, there would be an adequate setback to insure a continued level of privacy. With these assurances, these owners paid a hefty premium for their lots.

The OVBC North Rezoning Plan negates all of that and that is wrong. It is completely unfair to those affected.

We strongly oppose this plan.



11/1/2020

Kevin E. O'Connell
50 Old Orchard Avenue
Ocean View, DE 19970
Cell: (443) 472-2199
Email: oconnellk1952@gmail.com

Opposition
Exhibit

RECEIVED

NOV 02 2020

SUSSEX COUNTY
PLANNING & ZONING

Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
Georgetown, DE 19947

October 29, 2020

Dear Mr. Phillips:

We built a home in Ocean View Beach Club, Ocean View DE and settled in March of 2018. It has come to our attention that the developer has proposed to change the zoning in the area behind our home from agricultural to medium dense homes. We oppose this change for several reasons. First, when we bought our lot/home we paid a premium for the lot (an extra \$9,000). We were told that we wouldn't have a house right behind us because it was wetlands. Needless to say looking at the back of a row of townhouses (21 of them) isn't the view we were told we would have. Several weeks ago during our HOA meeting with the developer, we were told that they weren't sure what they were going to do with that land. In reality they already had a proposal in to change the zoning. This comment as well as others from this developer have been very misleading.

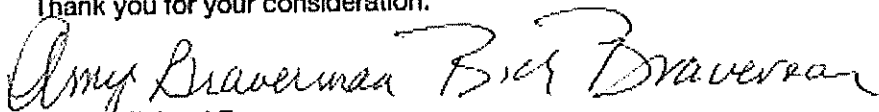
Second, the entire character of the development would change with these townhomes. By building these townhomes we will lose the quiet neighborhood we have. What would these townhomes add to the community? Increased traffic in the development and on to Muddy Neck Road due to the high probability that they will be rentals. There is one way in and out of the development. This traffic could be significant during the high season. The road in to the proposed townhomes have one entrance and exit resulting in a turn-a-round at the end of the street.

Third, since the townhomes will most probably be rentals, renters add an increased wear and tear on the amenities in the neighborhood. This will be an overload on what the community has to offer. It will increase homeowners cost to maintain the community. In addition, anticipated noise levels will increase, especially for those of us on Fogland Lane.

Fourth, water retention in that area is an issue. Also, building in this triangle will decrease the wildlife we currently have as well as take away any open space that we currently have.

We love Ocean View because of its location and quiet neighborhood. Please consider refusing to change the zoning and help us keep the integrity of the neighborhood and town.

Thank you for your consideration.



Amy & Richard Braverman
ajbraverman@verizon.net
31 Fogland Lane
Ocean View, DE 19970
717-572-9958

Opposition
Exhibit

RECEIVED

NOV 02 2020

SUSSEX COUNTY
PLANNING & ZONING

Michael and Annemarie Carollo
13 Nantasket Avenue
Ocean View, DE 19970
973.865.7403
ascarollo@comcast.net

Opposition
Exhibit

October 30, 2020

Ms. Lauren DeVore
Planner III
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302.855.7878

RECEIVED
OCT 30 2020
SUSSEX COUNTY
PLANNING & ZONING

lauren.devore@sussexcountyde.gov

Dear Ms. DeVore:

In August of 2018, when we were looking to purchase a home, the feature that made Ocean View Beach Club more attractive than other developments is encapsulated in this description of the planned community, a statement that still appears on the OVBC Community Website:

"COMMUNITY PARKS, TRAILS & GARDENS

The abundance of nature, natural landscapes and overall sense of well-being are front and center to the design of Ocean View Beach Club. Industry leading landscape architects and fitness experts helped to create a connected community with an expansive trail network, bike-friendly streets and abundance green space and gardens.

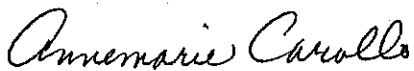
Throughout the trails homeowners will find fitness areas with strength and stretching stations, or pocket parks with bench seating overlooking ponds and other natural landscapes. It's the perfect balance to the beachfront environs located a short 1.5 miles away."

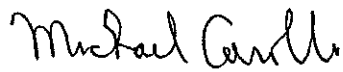
When we closed on our home at 13 Nantasket Avenue in March of 2019, we knew that there would be another phase of similar homes in the North section of the development. However, we were quite surprised to recently learn that there is a proposed *new* phase—

a group of townhomes packed into an area that not only takes away one of the few natural areas remaining, but will impact the traffic, water drainage, and shared amenities.

Our street, Nantasket Avenue, is one of the streets that will necessarily be a through street leading to this new phase, and we feel it will severely affect the current ease in which we access our driveway, safely ride bikes, and enjoy quiet walks. The burden will be similar for the entire community, with all the homes sharing the entrance route and all of the amenities that the development offers. We are, therefore, strongly opposed to this new phase of townhomes, and we hope that the proposal will be rejected.

Sincerely,


Annemarie Carollo


Michael Carollo

13 Nantasket Avenue
Ocean View, DE 19970

Michael and Annemarie Carollo
13 Nantasket Avenue
Ocean View, DE 19970
973.865.7403
ascarollo@comcast.net

October 31, 2020

Mr. Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

chase.phillips@sussexcountype.gov

Dear Mr. Phillips:

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Michael and Annemarie Carollo
13 Nantasket Avenue
Ocean View, DE 19970
973.865.7403
ascarollo@comcast.net

October 31, 2020

Mr. Chase Phillips
Planner I
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

chase.phillips@sussexcountype.gov

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We hope to preserve the character and quality of homes not only for the Ocean View Beach Club development, but also for the town of Ocean View. We are, therefore, strongly opposed to this new phase of townhomes, and we hope that the proposal will be rejected.

Sincerely,



Annemarie Carollo



Michael Carollo

13 Nantasket Avenue
Ocean View, DE 19970

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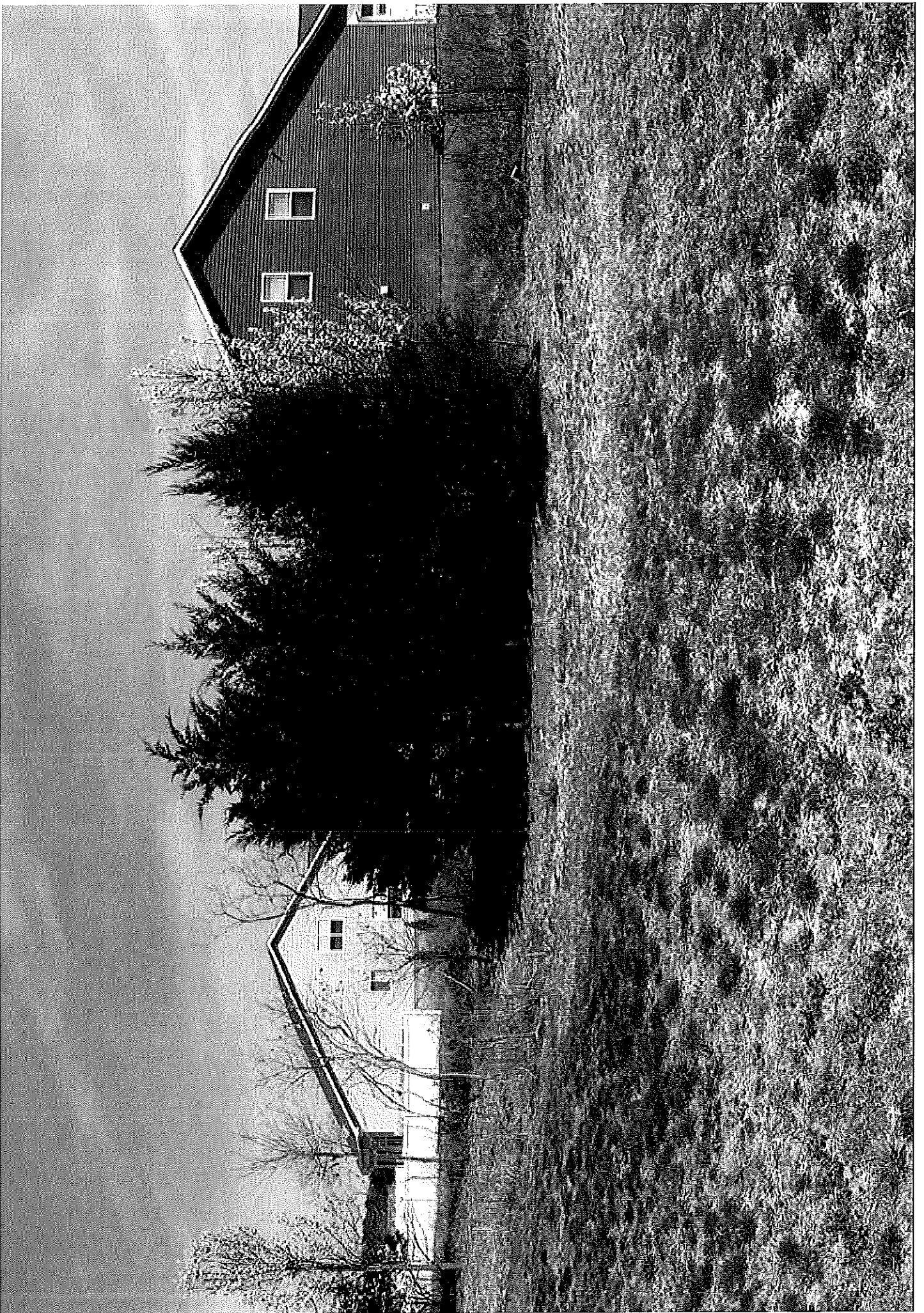


Annemarie Carollo



Michael Carollo

13 Nantasket Avenue
Ocean View, DE 19970





Back Yard

11-01-2020 16:51:10

Back Yard



Lauren DeVore

From: Oath Team <uslog@aol.com>
Sent: Saturday, October 24, 2020 11:11 AM
To: Lauren DeVore
Subject: Change in Zoning Beach Club North

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.

Lauren, Good morning, I am the owner of a home on at 33132 Ogre Dr, Ocean View. This e mail is in concern with the concern with the zoning of the Beach Club North chase form agricultural (AR-1) to Medium Density Residential Planned Community(RPC) Townhouses.

My Concern is the water Ditch that runs from my property into this property. Currently it is concerted and unimproved ditch. Question with this zoning plan is Susssex County going too accept responsible for all the ditch from Muddy Bank road to the end of the ditch at the canal.

Currently it is the property owners responsible for the maintenance of the Ditch that transits the Ogre Dr. Properties. Additional the Beach Club be made to update and improve the Muddy Brach road system the transits there property. Question with this zoning have you included

up dates to all the related services to the property. IE. Electric, Water Serwerage. and water and the additional traffic on Muddy Brach. Additional question what is the town of Ocean View question on this property rezoning. Because it is my understanding talking to eBeachClub

sales that they are trying to have it be made part of Ocean View. Finally have any one heard from anyone on the Beach Club HOA on this subject. Lauren as a resident of Ocean View and Susssex County I would be opposed to the change in this zoning. Question what is the

homes that are located in Ocean Way that are part of BeathBeach. What has the Goverment of town though on this zoning change.

Thank you for you for you help....Gary Wagner. 33132 Ogre Dr.. email. uslog@aol.com

RECEIVED
OCT 26 2020
SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Lauren DeVore

From: Marc Theriault <marcgtheriault@gmail.com>
Sent: Monday, October 26, 2020 8:48 AM
To: Lauren DeVore
Subject: Ocean View change of zoning petition

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.

Lauren,

Writing to you to share my thoughts on the proposed change of zoning for the OV Beach Club North from Agricultural Residential (AR-1) to Medium Density Residential, Residential Planned Community (RPC), or as we would refer to it, the view from our front door. Please forward this to whomever is involved in this consideration.

Upon review of the plans, I can't really fathom as to what reasoning this request is based on, other than to maximise profit potential for the developer. The proposal desires to possibly build 21 residential units on land that abuts 8 units occupied by my neighbors on Ogre Dr, within a development of hundreds of other delightful homes already built or under construction. (My wife immediately renamed it "Pleasantville" the first time we took a walk through the neighborhood). The zoning change allowing for the potential establishment of townhouses could, in fact, block the view that we now enjoy of the homes currently being developed.

Looking at the plan in detail, it barely seems to even be within code for OV construction, as unit 1014 has to utilize the "buffer" strip in order to demonstrate a proper 20' setback as required under Article §115-183 Side and Rear Yards, unless they use a unique interpretation of "unit size" to use the exception established in Ordinance 2557.

When we decided to build in 2018, having recently retired to here full time this past June, we were aware that the wide field across the way would likely be filling in with homes that would "obstruct" our view, just as the addition of Ogre Dr had done to our neighbors on Alley 5 of the Hunters Run development behind us. But we were also cognizant of Ocean View's nomenclature as a "quiet resort", and trusted that to establish the benchmark for future development.

It would seem to me that there is no legitimate basis for this change of zoning based on the effects it will bring upon the area. We are certainly constructing a plethora of new homes for those wishing to join our community without having to change the very character of the town that would inspire people to make it their home.

I would request that this petition to change the zoning be denied.

Best,
Marc

"You do not have a soul; you are a soul. You have a body." C.S. Lewis

RECEIVED
OCT 26 2020
SUSSEX COUNTY
PLANNING & ZONING

Opposition
Exhibit

Jamie Whitehouse

From: Doug Hudson
Sent: Saturday, November 21, 2020 8:22 PM
To: Todd F. Lawson; Gina Jennings; Michael H. Vincent; IG Burton; John Rieley; Samuel R Wilson Jr; Jamie Whitehouse
Subject: Fwd: Pending Ocean View Beach Club Zoning Variance

Opposition
Exhibit

RECEIVED

[Get Outlook for iOS](#)

NOV 23 2020

From: Marc Theriault <marcgtheriault@gmail.com>
Sent: Friday, November 20, 2020 7:20 PM
To: Chase Phillips; Doug Hudson
Subject: Pending Ocean View Beach Club Zoning Variance

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.

Gentlemen,

I am writing to you as a resident of 33160 Ogre Dr in Ocean View. While our property is not considered an abutter to the land in question, we live directly across the street from those who are, making it the view from our front door.

There are so many factors regarding this proposal that I am inclined to not go into too great a detail so as to increase the likelihood that my letter is actually read and considered for its content, rather than just another one in the "against" pile.

I can't see how this variance request can be considered as anything more than a means for the developer to maximize profit. They've demonstrated themselves as deceptive to the current residents of Fogland Lane; taken full advantage of the fact that they are not bound by Ocean View ordinances, starting their day as early as 6:30AM, seven days a week; continue to move forward on a proposal that has not even been considered, much less approved, in their clearing of the buffer zone between the neighborhoods; are clearly disregarding Sussex County Ordinance 2411 and Article §115-183 "Side and Rear Yards", unless they intend to use a unique interpretation of "unit size" to use the exception established in Ordinance 2557. And it seems they've cleverly retained the services of many of the local attorneys with an expertise in local land laws, leaving the residents with essentially no one to turn to who won't now be facing conflicts of interest.

And on a personal note, our yard functions as the junction to manage the outflow of rainwater towards the canal for the west side of the southern end of Ogre Dr. Our developer had to redo the section crossing under the street last year when heavy rains began backing up into the street and our yard. There seems to be little concern over the effect on that system that this project will have since the ditch is no longer shown in the proposal, though we are well aware of what the effect on our lives will be.

When we decided to build in 2018, having recently retired here from Massachusetts full time this past June, we were aware that the wide field across the way would likely be filling in with homes that would "obstruct" our view, just as the addition of Ogre Dr had done to our neighbors on Alley 5 of the Hunters Run development behind us. But we were also cognizant of the eight towns of southern Sussex County adopting the nomenclature of a "quiet resort", and trusted that to establish the benchmark for future development.

We are hopeful that those of you whose duties include the stewardship over the quality of life for the citizens of the county will properly weigh the concerns of those who have invested so much to live here, over the wishes of those merely wishing to profit from their usage. And frankly, whatever gains you may hope to realize in new property taxes, will likely be offset by the loss in property values of the existing homes on Ogre.

A response to indicate receipt of this email would be appreciated.

Respectfully,
Marc Theriault
33160 Ogre Dr
Ocean View, DE
617-610-1477

"You do not have a soul; you are a soul. You have a body." C.S. Lewis

--

Best,
Marc

"You do not have a soul; you are a soul. You have a body." C.S. Lewis

RECEIVED

FEB 16 2021

SUSSEX COUNTY
PLANNING & ZONING

February 16, 2021

Lauren DeVore
Planner III
Department of Planning & Zoning Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302.855.7878
lauren.devore@sussexcountyde.gov

Opposition
Exhibit

Dear Ms. DeVore:

I reside at 33170 Ogre Drive, Ocean View, Delaware, 19970. My home is part of the beautiful and peaceful Ocean Way Estates. I closed on the purchase of my home in February, 2018. My home is located approximately 200 feet from the newly proposed construction forming the Ocean View Beach Club North Rezoning Plan. The front of my home will face the proposed 13 townhomes to the south, with another 8 townhomes to the north, along with the proposed addition of a 50-foot, no outlet road.

I reviewed the proposed plan and wish to express my strong opposition to the proposal for these reasons:

- ❖ These proposed townhomes will represent the lowest price point in Ocean Way Estate and Ocean View Beach Club. Undoubtedly, this will negatively impact the home values.

- ❖ Although none of us want to think about it, we are aging and with age comes health concerns. Ocean View, Muddy Neck Road, is so heavily congested in the summer time. When I leave the community, it's near impossible to make a left onto Muddy Creek heading toward downtown Bethany Beach. Adding a dense collection of townhomes, with more residents who will be using that same path, puts emergency vehicles at risk of getting to us for help in a crisis.

- ❖ The proposed plan (CZ #1931) **DOES NOT INCLUDE** the non-jurisdictional property ditch that runs almost the entire distance behind Ogre and Velta Drives. Without this ditch, the water from Ogre & Velta Drives will not be able to flow to the canal thus creating serious flooding and drainage issues for homeowners. Note: This ditch was included in the original plan (CZ #1768 – _page 2) so it is overly concerning that it is missing from the new plan. Any attempt to remove

this ditch will severely impact homeowners' property values. There is a section of the ditch behind 33197, 33187, 33177 OGRE Drives) that was already entirely filled in. The request to change the RPC (residential planned community) boundaries which border Ocean Way Estates along OGRE Drive **encroaches** on the previously agreed buffer space of 20' (CZ #1931– page 3).

- ❖ In addition, the proposed plan (CZ #1931) directly violates some of the conditions upon which the original plan (CZ #1768) for Ocean View Beach Club North was approved (CZ #1768, ORDINANCE 2411).

The details of approval (ordinance 2411) include the following conditions:

- The existing ditches will remain and be cleaned out
- Single family homes will be built along the entire perimeter.
- Additional trails and recreational tot-lots will be installed in this development.
Note: There are no trails or tot-lots in existence on the approved (CZ #1768) or proposed plan (CZ #1931).
- 75% of the project is single family residential.
- The proposed change in number of single-family units and townhouse units reduces this percentage to 66%.

- ❖ Given the lot size and density of these proposed townhomes, they appear to be less attractive than other homes within the Ocean View Beach Club community and Ocean Way Estates. These planned townhomes are more likely to attract investors who will use them for rentals, rather than buyers intending to use them personally or to reside in them year-round. This negatively impacts the noise levels in the area. Short time renters do not provide the same level of commitment to rules as full time residents.

The entire proposal is unacceptable and must be stopped.

If you have any questions please let me know. happy to follow up with any questions or concerns you might have. Please be sure to include me in any related correspondence concerning this proposal, including providing notice of any hearings or opportunities for further comment. It is my sincere hope that this plan is stopped and the application for a zoning change is denied.

Sincerely,

Roy D. Evans
33170 OGRE Drive
Ocean View, DE 19970
443-474-5306
royevans14@yahoo.cm

OCEAN VIEW BEACH CLUB NORTH

REZONING PLAN

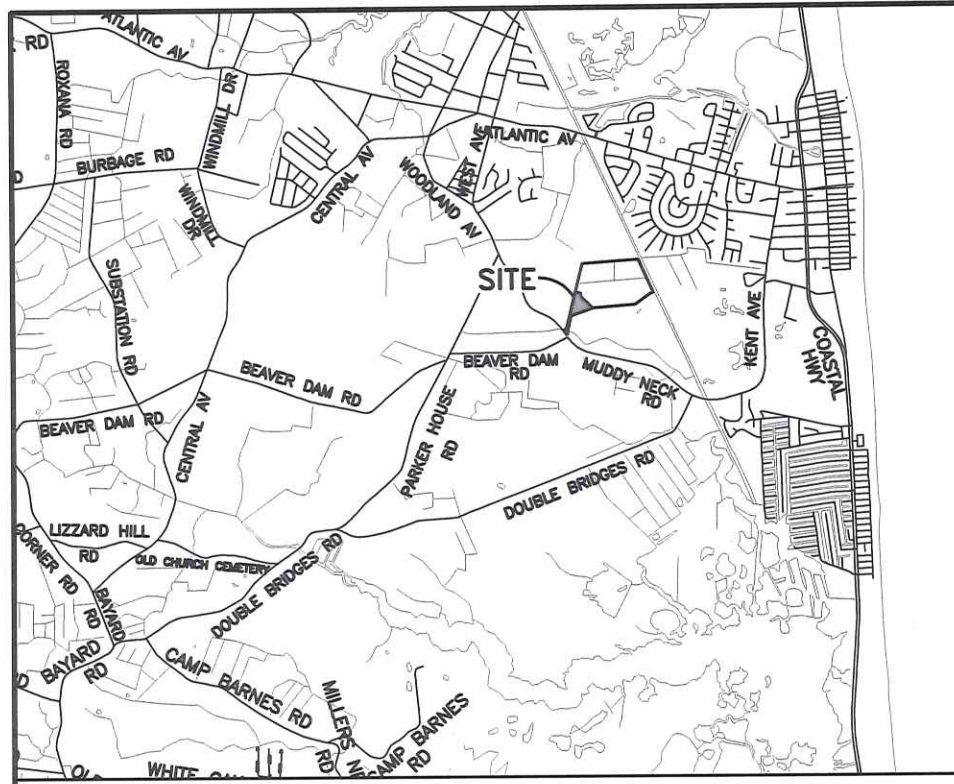
RESIDENTIAL PLANNED COMMUNITY

BALTIMORE HUNDRED,

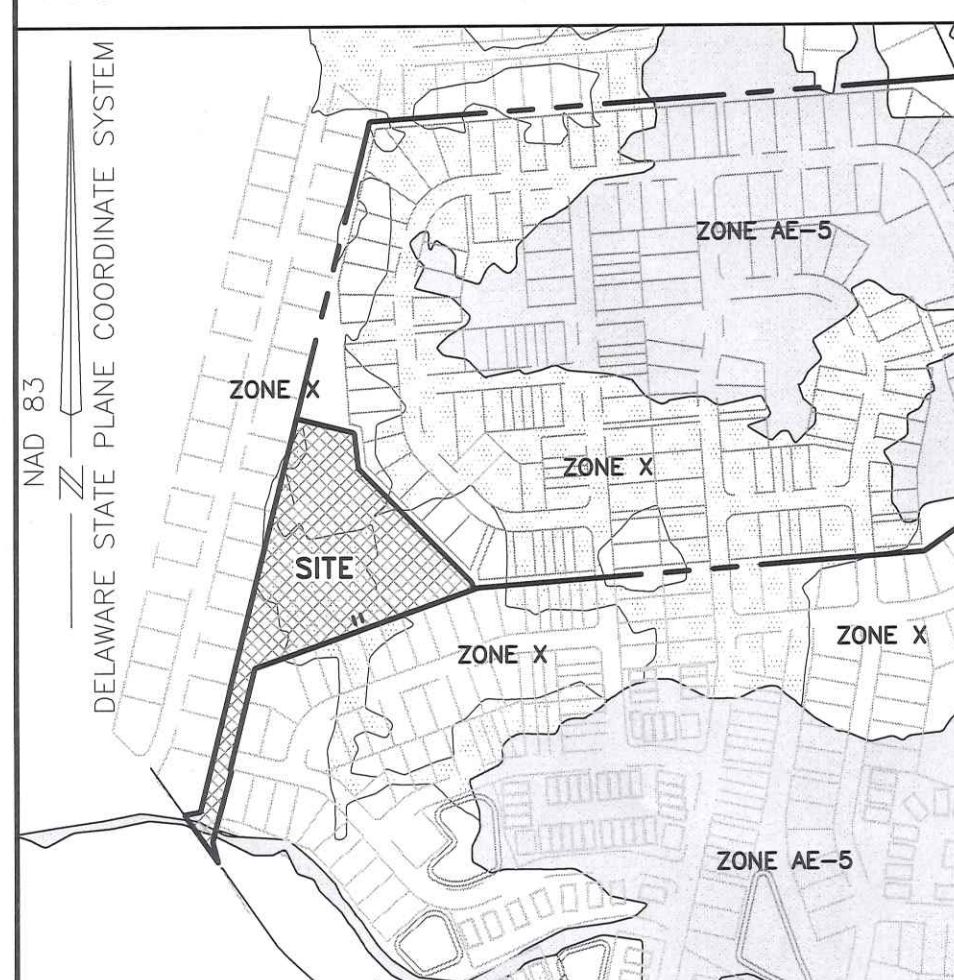
SUSSEX COUNTY, DELAWARE

DBF # 1443F001

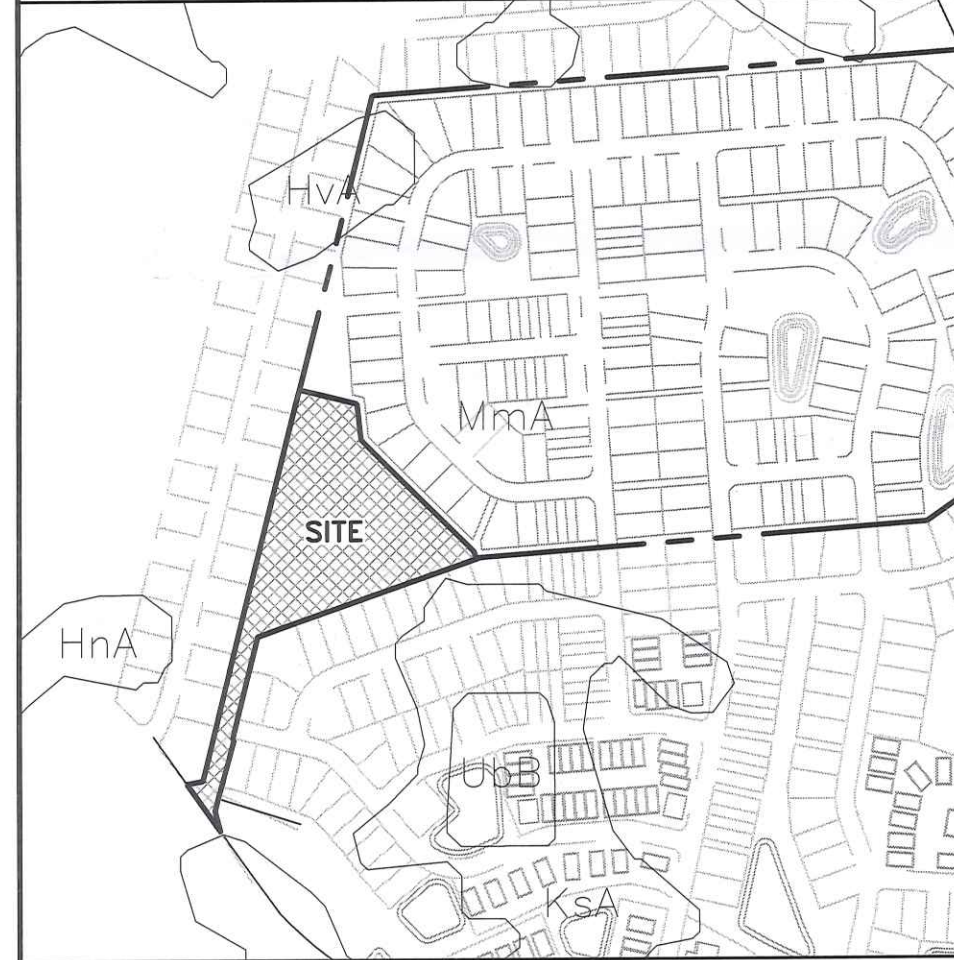
AUGUST 13, 2020



VICINITY MAP SCALE: 1" = 1 MILE



FLOODPLAIN MAP SCALE: 1" = 500'
FEMA FIRM MAPS 10005C0512K AND 10005C0514K (DATED MARCH 16, 2015)

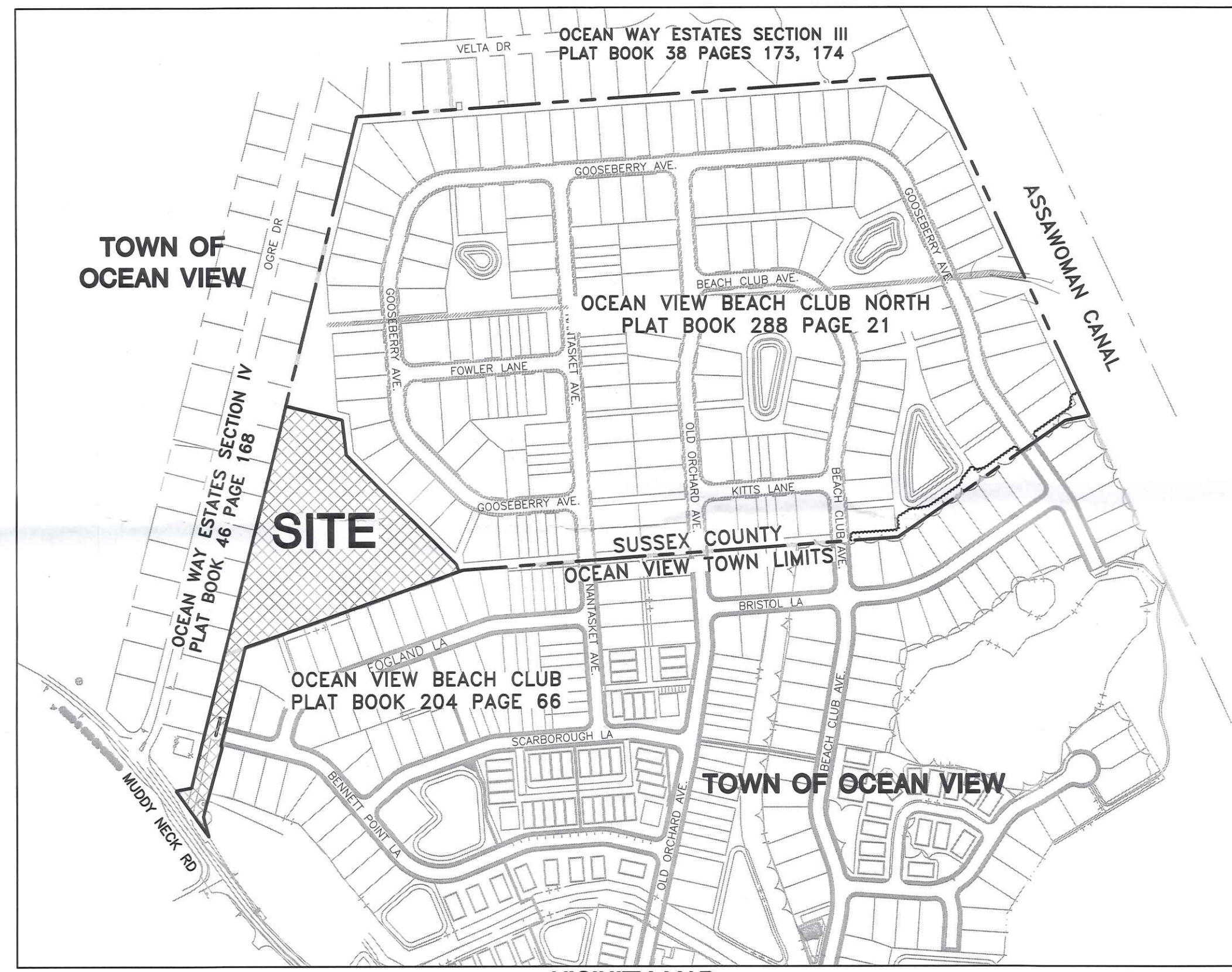


SOILS MAP 1"=1000'

Symbol	Map Unit Name
HmA	Hammonton loamy sand, 0 to 2 percent slopes
HnA	Hammonton sandy loam, 0 to 2 percent slopes
HVA	Hurlock sandy loam, 0 to 2 percent slopes
KsA	Klej loamy sand, 0 to 2 percent slopes
MmA	Mullica mucky sandy loam, 0 to 2 percent slopes
UdB	Udorthents, borrow area, 0 to 5 percent slopes
W	Water

GENERAL NOTES:

- ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT) STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS AND WILL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHALL BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- ALL UNITS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET. EACH UNIT WILL BE PERMITTED TO HAVE ONLY ONE ACCESS POINT TO SERVE THE ENTIRE PARCEL. HORSESHOE DRIVEWAYS WILL NOT BE PERMITTED. DIRECT ACCESS SCR 361 WILL NOT BE PERMITTED. DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
- ALL MATERIALS AND WORKMANSHIP SHALL MEET THE STATE OF DELAWARE STANDARDS AND SPECIFICATIONS, DATED AUGUST 2001.
- ALL DISTURBED AREAS WITHIN THE STATE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED AND SEED.
- A 72 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ENTRANCE CONSTRUCTION.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN "TRAFFIC CONTROLS FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY AND EMERGENCY OPERATIONS." (LATEST EDITION)
- ALL TRAFFIC CONTROL DEVICES SHALL BE IN NEW OR REFURBISHED CONDITION, SHALL COMPLY WITH THE TRAFFIC CONTROL MANUAL, SHALL BE NCHRP - 350 APPROVED, AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED IN GOOD CONDITION FOR DURATION OF USE.
- DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE "GUIDE FOR FABRICATION AND INSTALLATION OF TRAFFIC CONTROL DEVICES."
- "PAVEMENT MARKING MATERIAL WILL MATCH EXISTING, DURABLE MARKINGS (I.E. THERMO, EPOXY) WILL BE REQUIRED FOR NEW STRIPING, IF THEY EXIST IN THE FIELD."
- ALL STEEL USED IN CATCH BASINS MUST BE 60 KSI.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- NO BUILDING PERMIT WILL BE ISSUED UNTIL EITHER ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED, CONSTRUCTED, OR PLACED FOR THE LOT FOR WHICH THE BUILDING PERMIT IS TO BE ISSUED IN A MANNER ACCEPTABLE TO THE COUNTY AND STATE, OR UNTIL THE DEVELOPER FILES A PERFORMANCE BOND OR OTHER GUARANTEE WITH THE COUNTY FOR ANY UNCOMPLETED PUBLIC OR PRIVATE STREET OR OTHER REQUIRED IMPROVEMENT.
- AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL BUFFER AREAS, AND THE STORMWATER MANAGEMENT AREA, SHALL BE OWNED AND MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED.
- THE FINAL OVERLAY OF HOT MIX - TYPE C FOR ALL STREETS WITHIN THE DEVELOPMENT WILL NOT BE PERMITTED UNTIL 75% OF THE HOMES ARE COMPLETELY CONSTRUCTED. IF FINAL OVERLAY IS CONDUCTED WITHOUT THE COUNTY KNOWLEDGE AND/OR APPROVAL, THEN THE COUNTY HAS THE RIGHT TO HAVE THE OWNER/DEVELOPER ROTOMILL AND OVERLAY, WITH ALL COSTS BEING PAID FOR BY THE DEVELOPER.



VICINITY MAP

INDEX OF SHEETS	
P-01	PRELIMINARY TITLE
P-02	OVERVIEW
P-03	PRELIMINARY SITE PLAN

LEGEND	
	OCEAN VIEW CORPORATE LIMITS
	RPC ZONING DISTRICT LINE
	PROPERTY LINE
	RIGHT-OF-WAY LINE
	EASEMENT LINE
	BUILDING SETBACK LINE
	WATERS OF THE UNITED STATES
	FEMA REGULATORY FLOOD ELEVATION 5.0
	FLOOD ZONE LINE
	EXISTING CONTOUR
	LOT DESIGNATION

DEVELOPER / OWNER STATEMENT

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT MY DIRECTION, I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW. PERPETUAL MAINTENANCE OF STREETS AND COMMON AREAS SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER AND/OR HOMEOWNERS ASSOCIATION.

LIGHTHIPE LLC
172 CENTER STREET, SUITE 204
JACKSON HOLE, WY 83001

ENGINEER'S STATEMENT

I, W. ZACHARY CROUCH, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

W. ZACHARY CROUCH, P.E.
DAVIS, BOWEN & FRIEDEL, INC.
23 NORTH WALNUT STREET
MILFORD, DELAWARE, 19963

DATA COLUMN

TAX MAP ID:	1-34-17.00-12.00, 12.02
EXISTING ZONING:	MR/RPC, AR-1 AGRICULTURAL RESIDENTIAL DISTRICT
PROPOSED ZONING:	MR/RPC
NOTE:	SITE IS ENTIRELY WITHIN THE ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT OVERLAY ZONE (ESD002)
FLOOD HAZARD MAP:	SITE FALLS WITHIN ZONE "X" AND ZONE "AE (EL 5)" PER FEMA FIRM MAPS 10005C0512K AND 10005C0514K (DATED MARCH 16, 2015).
LAND USE AREAS	
TOTAL SITE AREA:	54.9110 AC ±
TOTAL LOT AREA:	30.1147 AC ±
TOTAL ROAD AREA:	8.2174 AC ±
TOTAL OPEN SPACE:	11.3263 AC ±
PARCEL A:	3.3808 AC ±
PARCEL B:	3.3872 AC ±
PARCEL C:	2.0687 AC ±
PARCEL D:	0.0862 AC ±
PARCEL E:	0.4656 AC ±
PARCEL F:	1.1425 AC ±
PARCEL G:	0.4129 AC ±
PARCEL H:	0.1154 AC ±
PARCEL I:	0.1157 AC ±
PARCEL J:	0.1513 AC ±
TOTAL MR-RPC AREA:	49.6583 AC ±
AREA REMAINING AR-1:	5.2526 AC ±
EX. WATERS OF THE U.S.:	0.4030 AC ±
WATER OF THE U.S. TO BE FILLED:	0.0618 AC ±
SINGLE FAMILY LOTS:	123 UNITS
TOWNHOUSE LOTS:	41 UNITS
TOTAL UNITS:	164 UNITS
MR/RPC MINIMUM ZONING REQUIREMENT	
SINGLE FAMILY	
FRONT YARD:	30 FT.
SIDE YARD:	10 FT.
REAR YARD:	10 FT.
WIDTH OF LOT:	60 FT.
DEPTH OF LOT:	100 FT.
MINIMUM LOT AREA:	7500 SF.
TOWNHOUSE	
FRONT YARD:	20 FT.
SIDE YARD:	20 FT.
REAR YARD:	10-20 FT.
WIDTH OF LOT:	61 FT.
DEPTH OF LOT:	100 FT.
MINIMUM LOT AREA:	1600/3630 SF.
PROPOSED MAXIMUM BUILDING HEIGHT:	42 FT.
SANITARY SEWER:	PROPOSED ANNEXATION SUSSEX COUNTY UNIFIED SANITARY SEWER - BETHANY BEACH AREA
WATER SUPPLY:	TIDEWATER UTILITIES

RPC DENSITY CALCULATIONS	
54.9110 ACRES +/-	TOTAL AREA
-8.8861 ACRES +/-	ROW
-0.3411 ACRES +/-	WETLANDS
45.6838 ACRES +/-	NET DEVELOPABLE AREA
0.2296 ACRES +/-	MIN. LOT AREA
199	PERMITTED NUMBER OF UNITS

ARCHITECTS ENGINEERS SURVEYORS
SUSSEX COUNTY, DELAWARE
DAVIS, BOWEN & FRIEDEL, INC.
PRELIMINARY TITLE SHEET

LANDS OF LIGHTHIPE, LLC
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

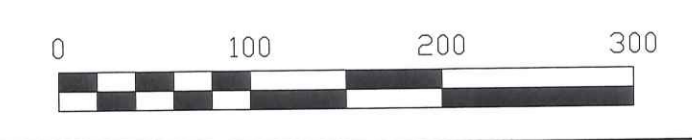
Revisions:
Date: AUGUST 2020
Scale: AS NOTED
Dwn.By: JMV
Proj.No.: 1443F001
Dwg.No.: P-01

P:\Utility\Communities\1443F001 Lightbox Road\Design\1443F001 Preliminary Plan.dwg, 8/14/2020 11:48:27 AM, vmi

C:\Users\vmi\000\appdata\local\temp\AcPublish_41811443F001 Preliminary Plan.dwg Aug 14, 2020 - 11:48am vmi



Tax Map 1-34-17, Parcel 14
 Lands N/F of CIRCLE 'J' VENTURE, L.L.C.
 (WATER SIDE R.P.C. - PHASE 2)
 Deed Book 2904, Page 102



NAD 83
 DELAWARE STATE PLANE COORDINATE SYSTEM

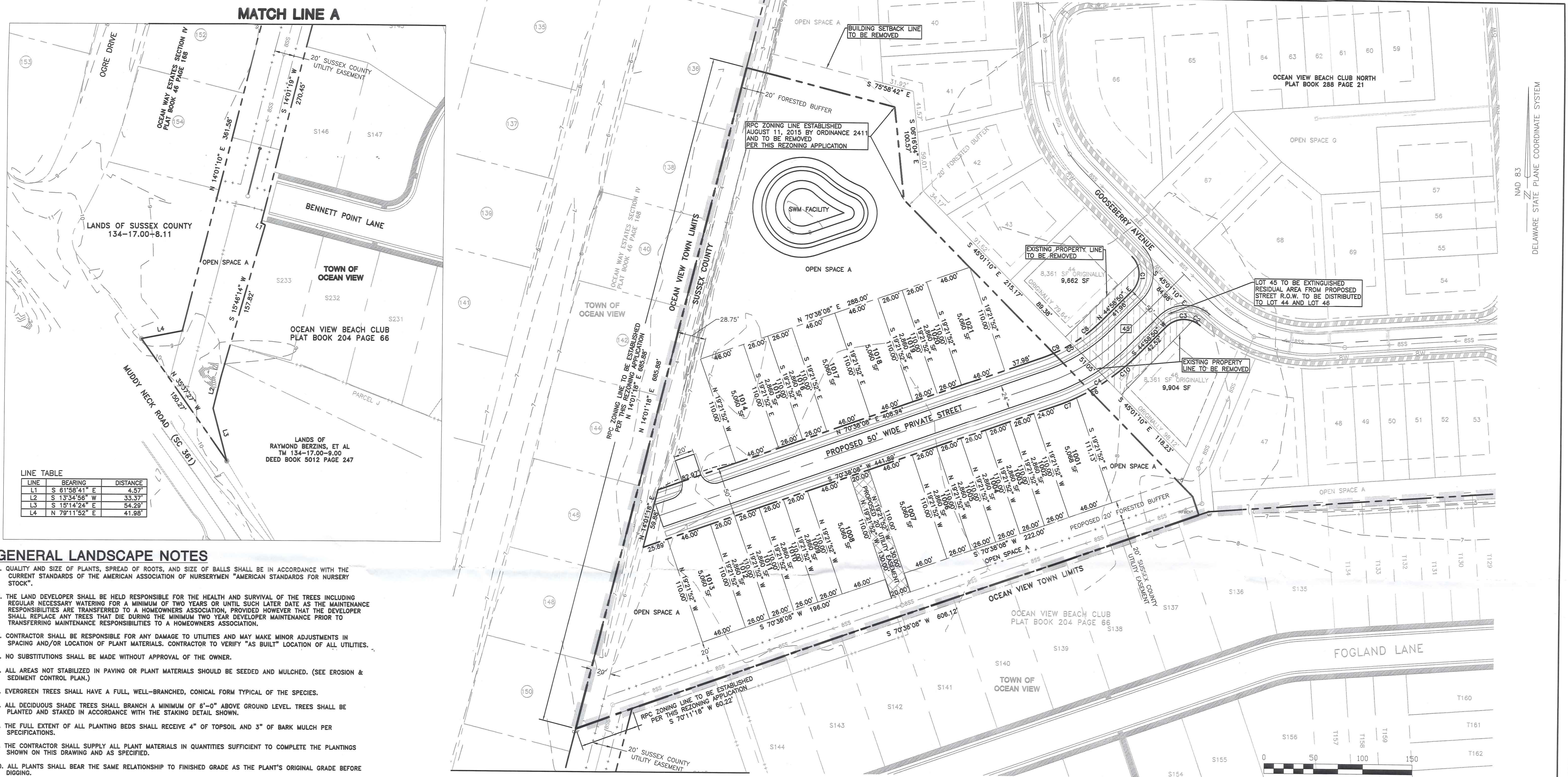
LANDS OF LIGHTHIPE, LLC
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

Revisions:
 Date: **AUGUST 2020**
 Scale: **1"=150'**
 Dwn.By: **JMV**
 Proj.No.: **1443F001**
 Dwg.No.: **P-02**

P-02

dbf
DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS ENGINEERS SURVEYORS
 2500 W. MARKET RD.
 WILMINGTON, DELAWARE 19806
 (302) 484-4444
 (302) 484-4444
 (410) 770-4744

OVERVIEW



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 61°58'41" E	4.57'
L2	S 13°34'56" W	33.37'
L3	S 15°14'24" E	54.29'
L4	N 79°11'52" E	41.98'

- GENERAL LANDSCAPE NOTES**
1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSEYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
 2. THE LAND DEVELOPER SHALL BE HELD RESPONSIBLE FOR THE HEALTH AND SURVIVAL OF THE TREES INCLUDING REGULAR NECESSARY WATERING FOR A MINIMUM OF TWO YEARS OR UNTIL SUCH LATER DATE AS THE MAINTENANCE RESPONSIBILITIES ARE TRANSFERRED TO A HOMEOWNERS ASSOCIATION, PROVIDED HOWEVER THAT THE DEVELOPER SHALL REPLACE ANY TREES THAT DIE DURING THE MINIMUM TWO YEAR DEVELOPER MAINTENANCE PRIOR TO TRANSFERRING MAINTENANCE RESPONSIBILITIES TO A HOMEOWNERS ASSOCIATION.
 3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
 4. NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.
 5. ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)
 6. EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
 7. ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 6"-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.
 8. THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF BARK MULCH PER SPECIFICATIONS.
 9. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.
 10. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.
 11. THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.
- *THE AREAS DESIGNATED FOR A 30' FORRESTED BUFFER SHALL INCLUDE AN ADDITIONAL TWO CANOPY TREES, FOUR UNDERSTORY TREES AND 10 SHRUBS PER 100 LINEAR FEET OF BUFFER (SEE SHRUB SCHEDULE BELOW).

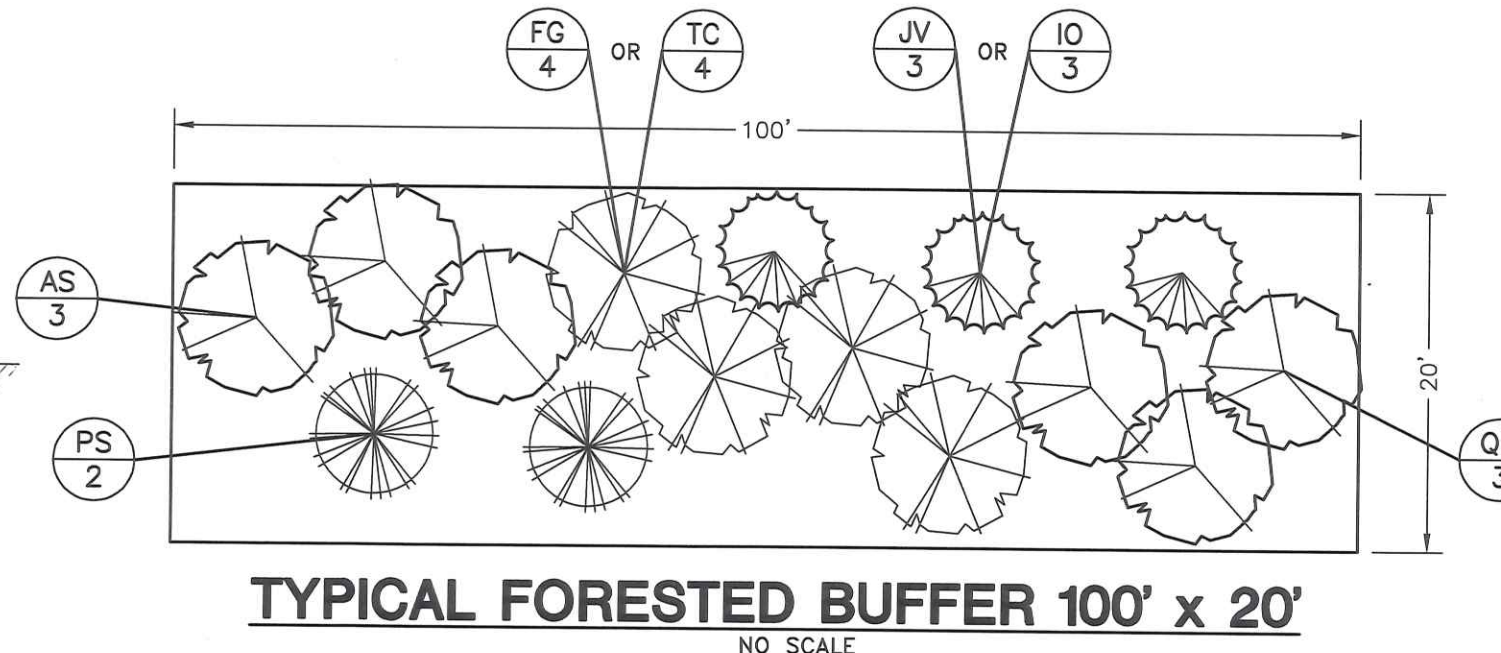
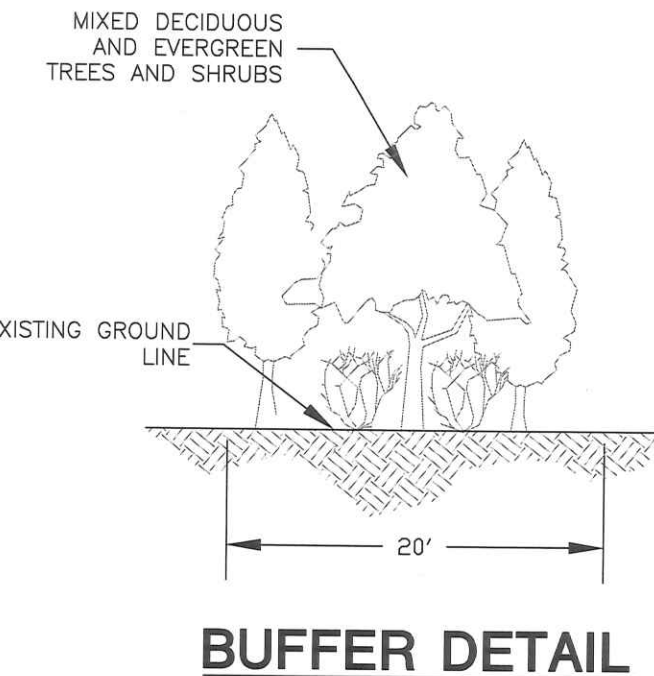
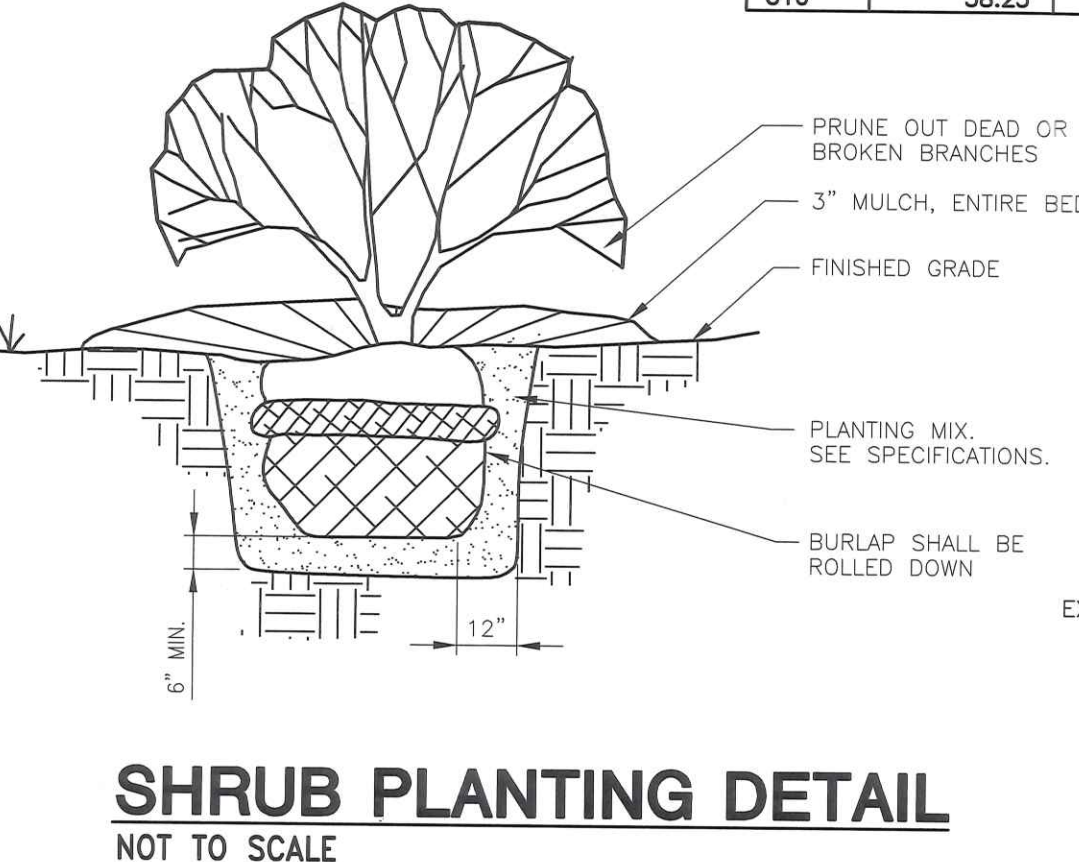
LANDSCAPE PLANT SCHEDULE

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE
DECIDUOUS TREE				
AS		Acer saccharum Green Mountain	SUGAR MAPLE	1 3/4 - 2" Cal., B&B
QM		Quercus phellos	WILLOW OAK	1 3/4 - 2" Cal., B&B
FG		Fagus grandifolia	AMERICAN BEECH	1 3/4 - 2" Cal., B&B
TC		Tilia cordata	LITTLELEAF LINDEN	1 3/4 - 2" Cal., B&B
EVERGREEN TREE				
PS		Pinus strobus	EASTERN WHITE PINE	5' 6" Ht., B&B
JV		Juniperus virginiana	EASTERN RED CEDAR	5' 6" Ht., B&B
IO		Ilex opaca	AMERICAN HOLLY	5' 6" Ht., B&B

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	39.27'	25.00'	90°00'00"	N 00°01'10" W	35.36'
C2	13.18'	175.00'	4°18'28"	S 47°10'24" E	13.15'
C3	37.39'	25.00'	85°41'32"	S 87°49'36" W	34.00'
C4	98.27'	215.00'	25°39'18"	S 57°48'29" E	73.27'
C5	73.88'	165.00'	25°39'18"	N 57°48'29" E	35.94'
C6	35.98'	215.00'	9°35'23"	N 59°58'03" E	22.03'
C7	22.04'	215.00'	5°52'23"	N 67°41'56" E	38.30'
C8	38.39'	165.00'	13°19'50"	N 51°38'45" E	35.42'
C9	35.49'	165.00'	12°19'27"	N 64°28'24" E	38.20'
C10	38.25'	215.00'	10°11'32"	N 50°04'36" E	38.20'

- LEGEND**
- OCEAN VIEW CORPORATE LIMITS
 - RPC ZONING DISTRICT LINE
 - PROPERTY LINE
 - RIGHT-OF-WAY LINE
 - EASEMENT LINE
 - BUILDING SETBACK LINE
 - WATERS OF THE UNITED STATES
 - FEMA REGULATORY FLOOD ELEVATION 5.0
 - FLOOD ZONE LINE
 - EXISTING CONTOUR
 - 1007 LOT DESIGNATION



LANDSCAPE SHRUB SCHEDULE

BOTANICAL NAME	COMMON NAME	SIZE AT INSTALLATION	APPROX. SIZE AT 20 YEARS HT. x W	SPACING
DECIDUOUS SHRUBS				
ARONIA arbutifolia	RED CHOKEBERRY	24"-36", B&B	6'x6'	4' OC
BACCHARIS halimifolia	HIGH TIDE BUSH	24"-36", B&B	8'x8'	AS SHOWN
CALLICARPA americana	AMERICAN BEAUTY BUSH	24"-36", B&B	6'x6'	4' OC
CEANOTHUS americanus	NEW JERSEY TEA	24"-36", B&B	3'x3'	3' OC
HAMAMELIS virginiana	WITCH HAZEL	24"-36", B&B	15'x20'	AS SHOWN
ILEX laevigata	SMOOTH WINTERBERRY	24"-36", B&B	10'x10'	AS SHOWN
SAMBUCUS nigra ssp. canadensis	BLACK ELDER	24"-36", B&B	6'x15'	AS SHOWN
VIBURNUM dentatum	SOUTHERN ARROWWOOD	24"-36", B&B	10'x8'	AS SHOWN

MD 83
DELAWARE STATE PLANE COORDINATE SYSTEM

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS

LANDS OF LIGHTHIPE, LLC
BALTIMORE HUNDRED

Date: AUGUST
Scale: 1" = 10'
Dwn.By: JM
Proj.No.: 1443
Dwg.No.: P-0



OCEAN VIEW BEACH CLUB, NORTH

CZ #1931 (5 Acre Extension)

Sussex County, Delaware

1443F001

JUNE 10, 2021

Exhibits

1. Project Information
2. Maps
 - a. Surrounding Communities Map
 - b. Firmette from FEMA
 - c. 2020 State Strategies Map
 - d. 2045 Future Land Use Map
 - e. Sussex County Zoning Map
 - f. 1992 Aerial Map
 - g. Current Aerial Map
 - h. Environmental Map
 - i. Source Water Protection Map
 - j. NCRS Soils Map
 - k. Site Rendering
3. Rezoning Application
4. Rezoning Plan
5. DelDOT Support Facilities Request
6. DelDOT Service Level Evaluation Letter
7. Comment Response letter to Town of Ocean View
8. State of Delaware PLUS Comments, 2020-08-05
9. PLUS Comment Response
10. Ocean View Beach Club Declaration Summary Letter
11. Sussex County Ordinance No. 2411
12. Town of Ocean View Ordinance No. 214
13. Master Site Plan for Ocean View Beach Club

14. Environmental Assessment and Public Facility Evaluation Report

15. Chapter 99 Response

16. Army Corp of Engineers Jurisdictional Determination

1

A. Land Use & Zoning

1. The project name is Ocean View Beach Club North – 5 Acres
2. The property adjoins Ocean View Beach Club North to the west
3. The Owner of the property is Lighthipe, LLC
4. The property is currently zoned MR (Medium Residential)
5. The property is adjacent to land zoned Residential Planned Community (Town of Ocean View), General Residential (GR) and Medium Residential (MR)
6. The property is located in the Level 2 Area of the 2020 State Strategies Map.
7. The property is located within the Coastal Area on the 2045 Future Land Use Map.

B. Land Utilization

1. The total acreage of land to be rezoned is 5.253 acres of land.
2. The land is currently undeveloped.
3. The property owner wishes to rezone the property so that it is consistent with the existing zoning of Ocean View Beach Club North and the adjacent zoning of Ocean View Beach Club.

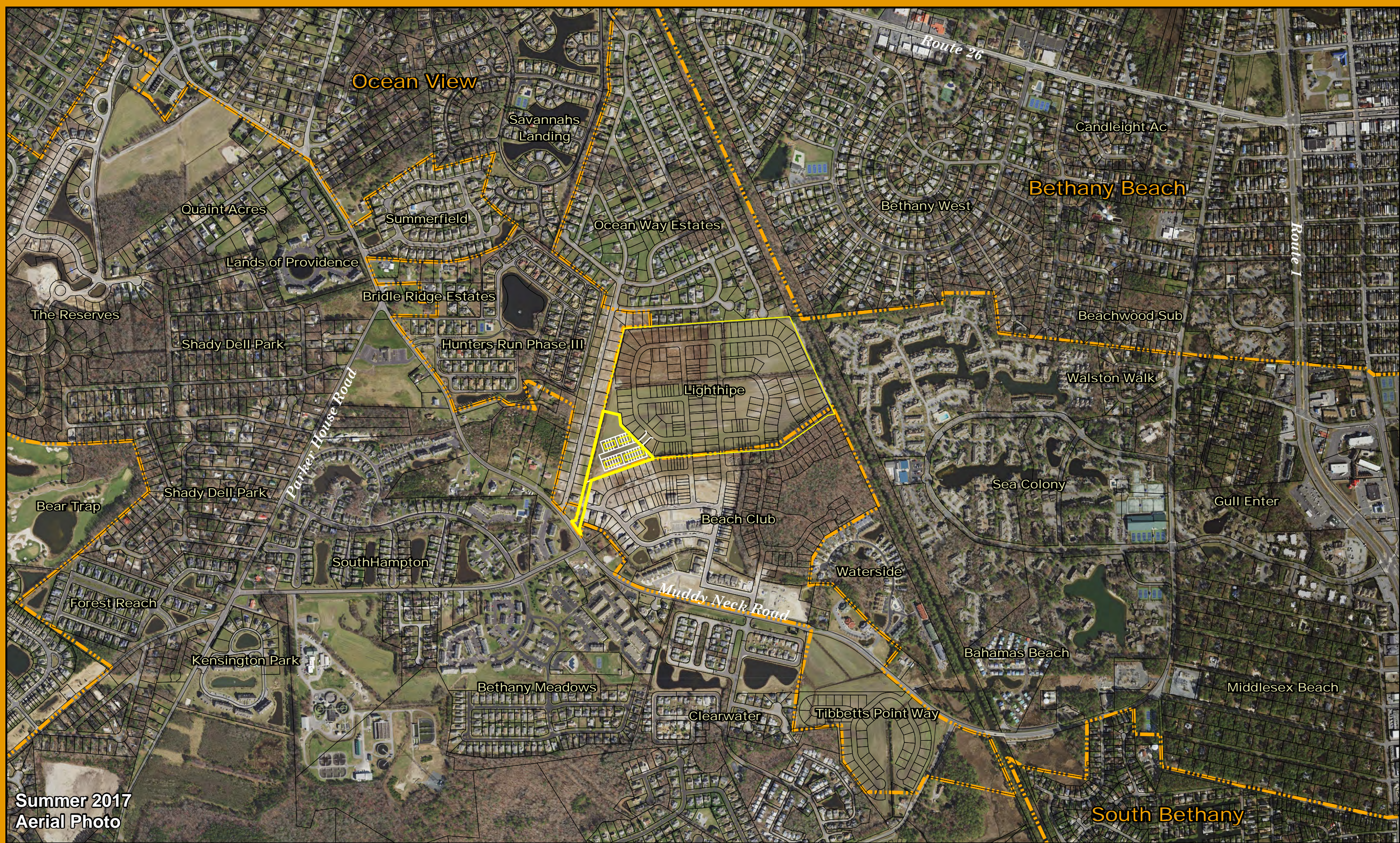
C. Environmental

1. The property does not contain federal wetlands as indicated on the National Wetland Inventory Map.
2. The project has 5.226 +/- acres that are not located in the floodplain (Zone X) and 0.027 +/- acres located within Zone AE.
3. Endangered species or critical habitat are not located on the property.
4. There are no known archaeological sites or National Register-listed properties on the parcels of land.

D. Traffic

1. A Support Facilities Report was completed for this project.
2. A Traffic Impact Study is not required for the rezoning according to DelDOT.

2



Summer 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County



June 2021

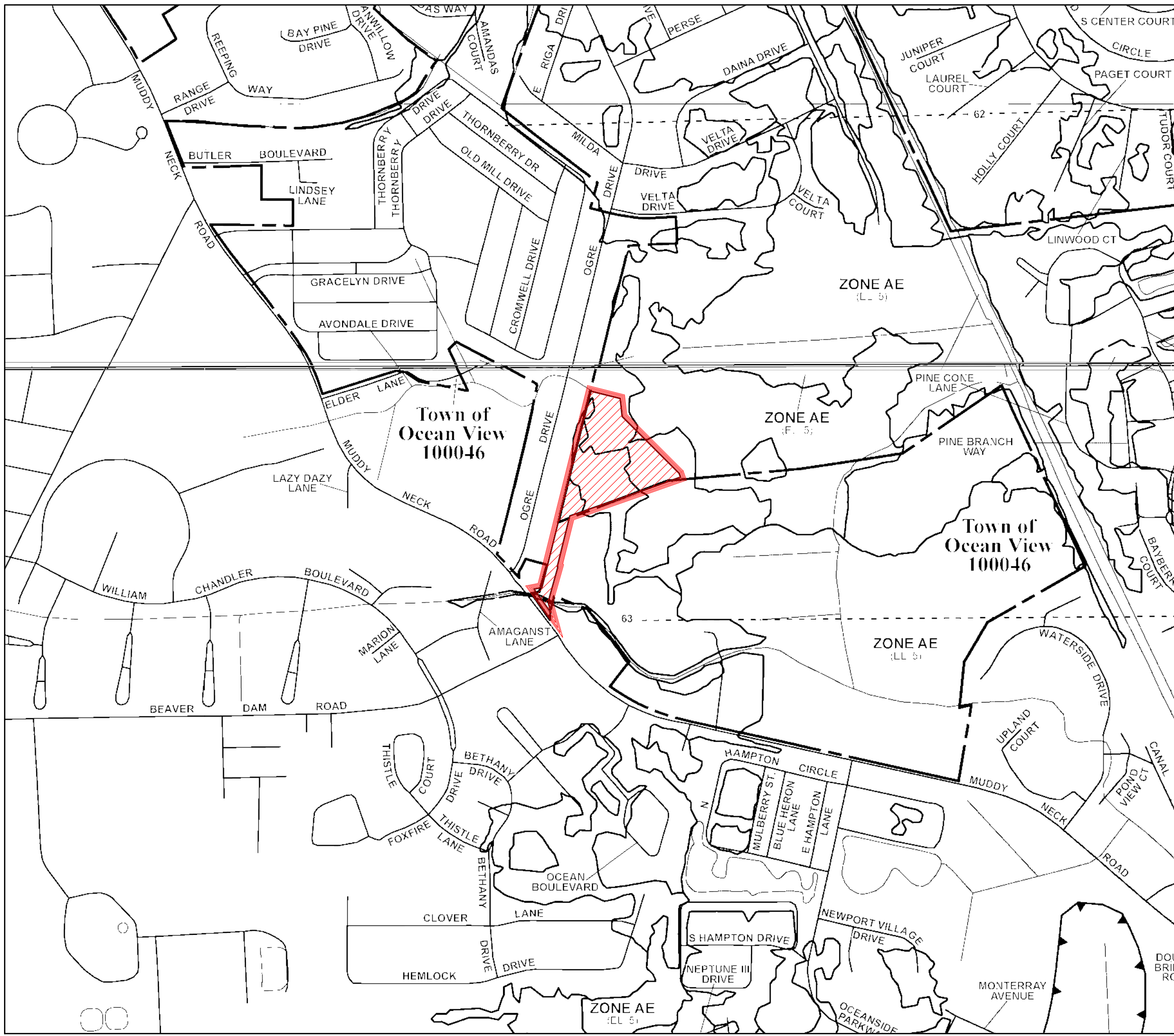
Surrounding Communities Map

Lighthipe Residual

Sussex County, Delaware

0 800 1,600 Feet





PANEL 0512K

FIRM
FLOOD INSURANCE RATE MAP

**SUSSEX COUNTY,
DELAWARE
AND INCORPORATED AREAS**

PANEL 512 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BETHANY BEACH, TOWN OF	105983	0512	K
OCEAN VIEW, TOWN OF	100048	0512	K
SUSSEX COUNTY	100029	0512	K

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
10005C0512K

MAP REVISED
MARCH 16, 2015

Federal Emergency Management Agency

PANEL 0514K

FIRM
FLOOD INSURANCE RATE MAP

**SUSSEX COUNTY,
DELAWARE
AND INCORPORATED AREAS**

PANEL 514 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
OCEAN VIEW, TOWN OF	100048	0514	K
SOUTH BETHANY, TOWN OF	100051	0514	K
SUSSEX COUNTY	100029	0514	K

- NOTE -
THIS MAP INCLUDES BOUNDARIES OF THE COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND/OR SUBSEQUENT ENABLING LEGISLATION.

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

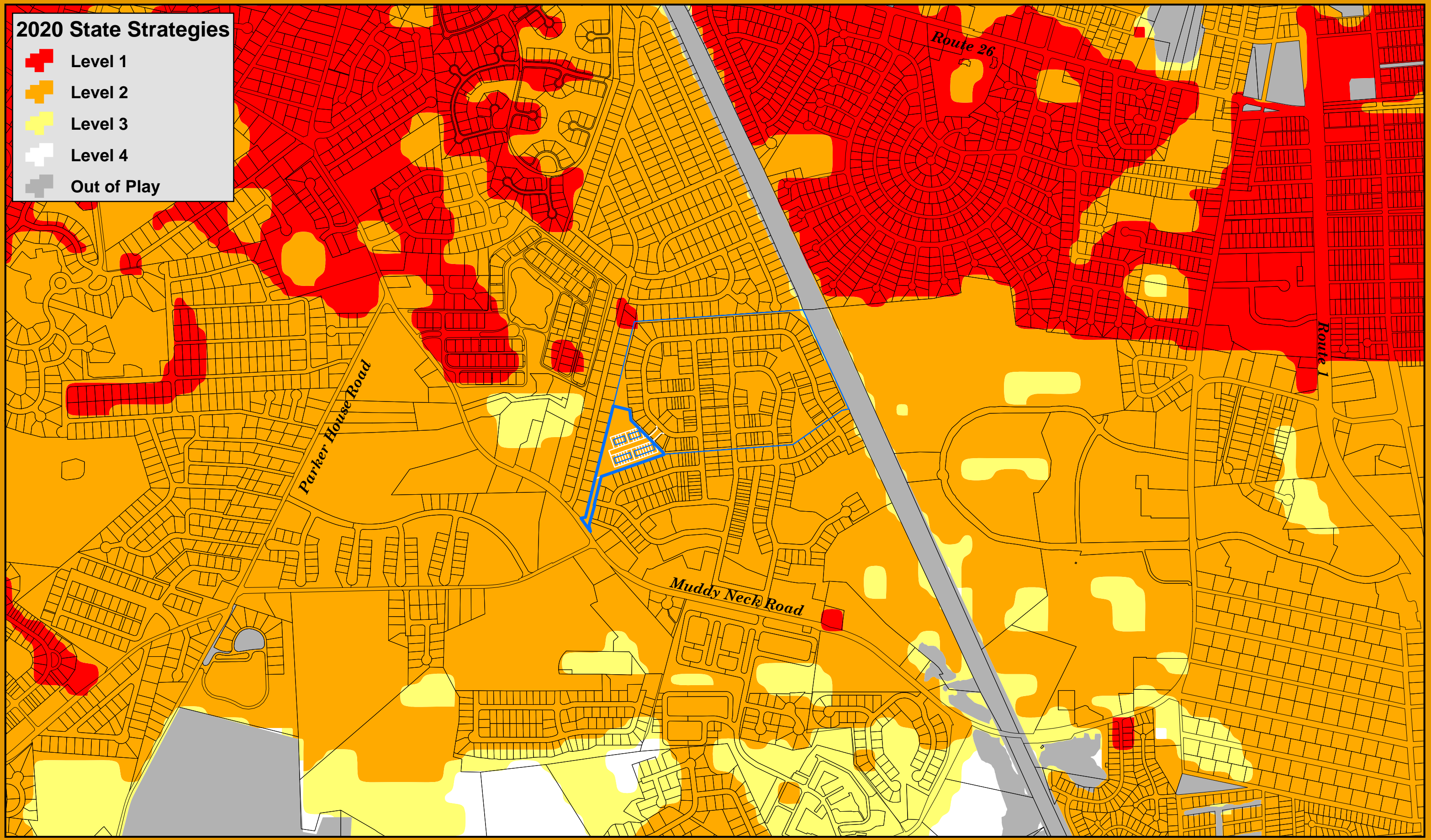
MAP NUMBER
10005C0514K

MAP REVISED
MARCH 16, 2015

Federal Emergency Management Agency

2020 State Strategies

- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play



Sources:
Tax Parcels per Sussex County



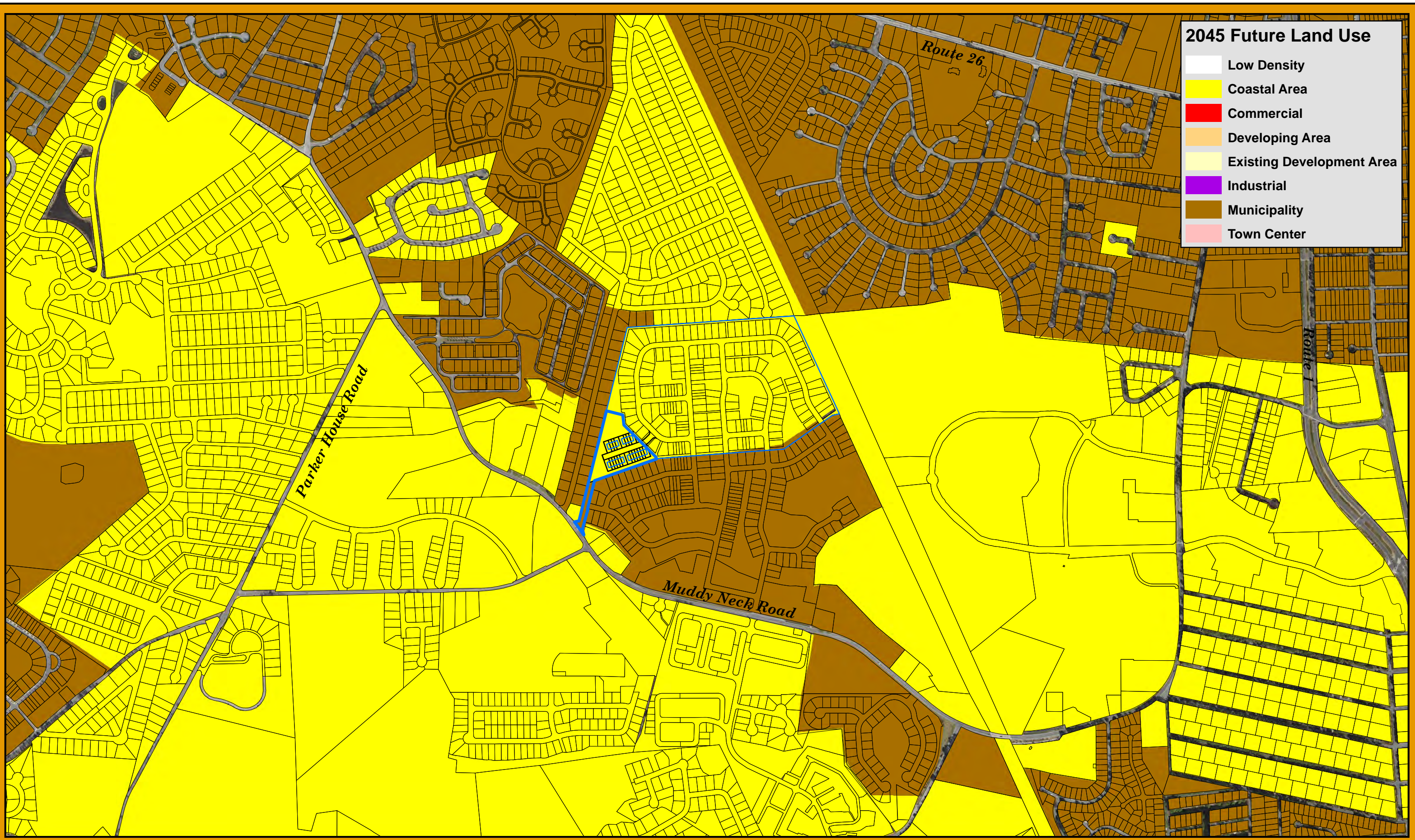
June 2021

2020 State Strategies

Lighthipe Residual

Sussex County, Delaware





2045 Future Land Use

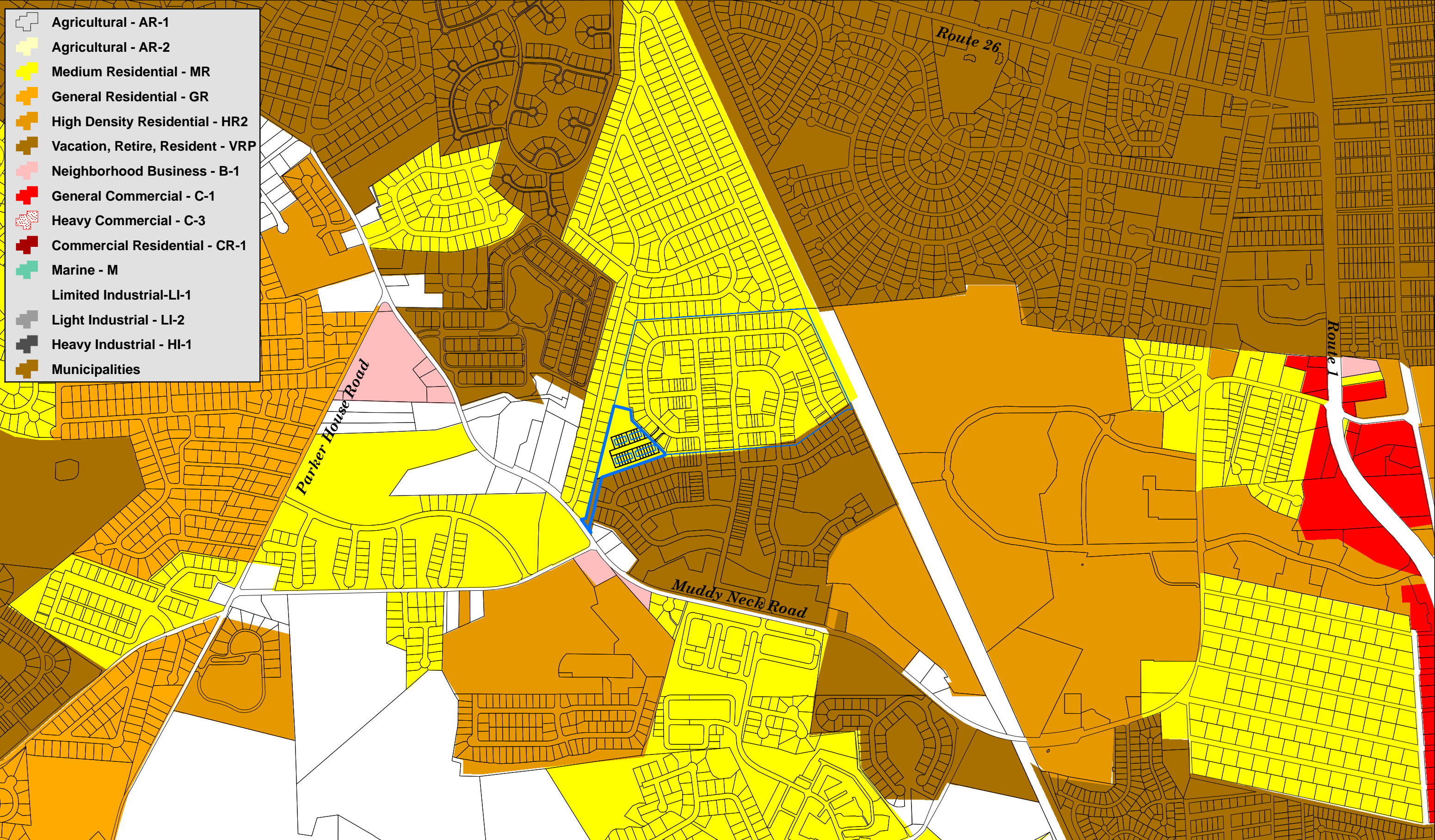
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipality
- Town Center
















Entire Site is within the
Environmental Sensitive Developing Area



Sussex County 2045 Future Land Use
Lighthipe Residual
Sussex County, Delaware





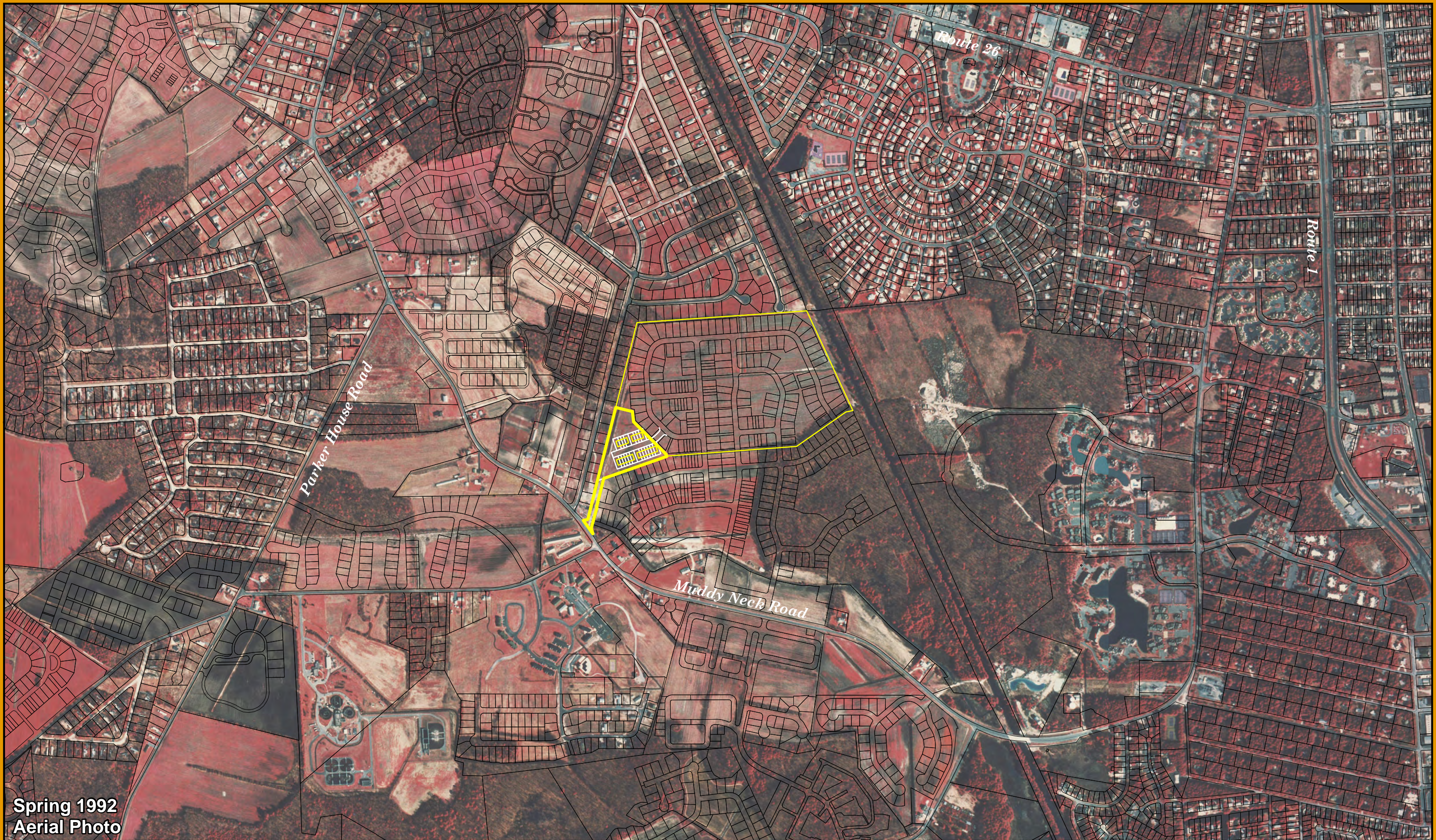
-  Agricultural - AR-1
-  Agricultural - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR2
-  Vacation, Retire, Resident - VRP
-  Neighborhood Business - B-1
-  General Commercial - C-1
-  Heavy Commercial - C-3
-  Commercial Residential - CR-1
-  Marine - M
-  Limited Industrial-LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1
-  Municipalities

Sussex County Zoning Map

Lighthipe Residual

Sussex County, Delaware





Spring 1992
Aerial Photo

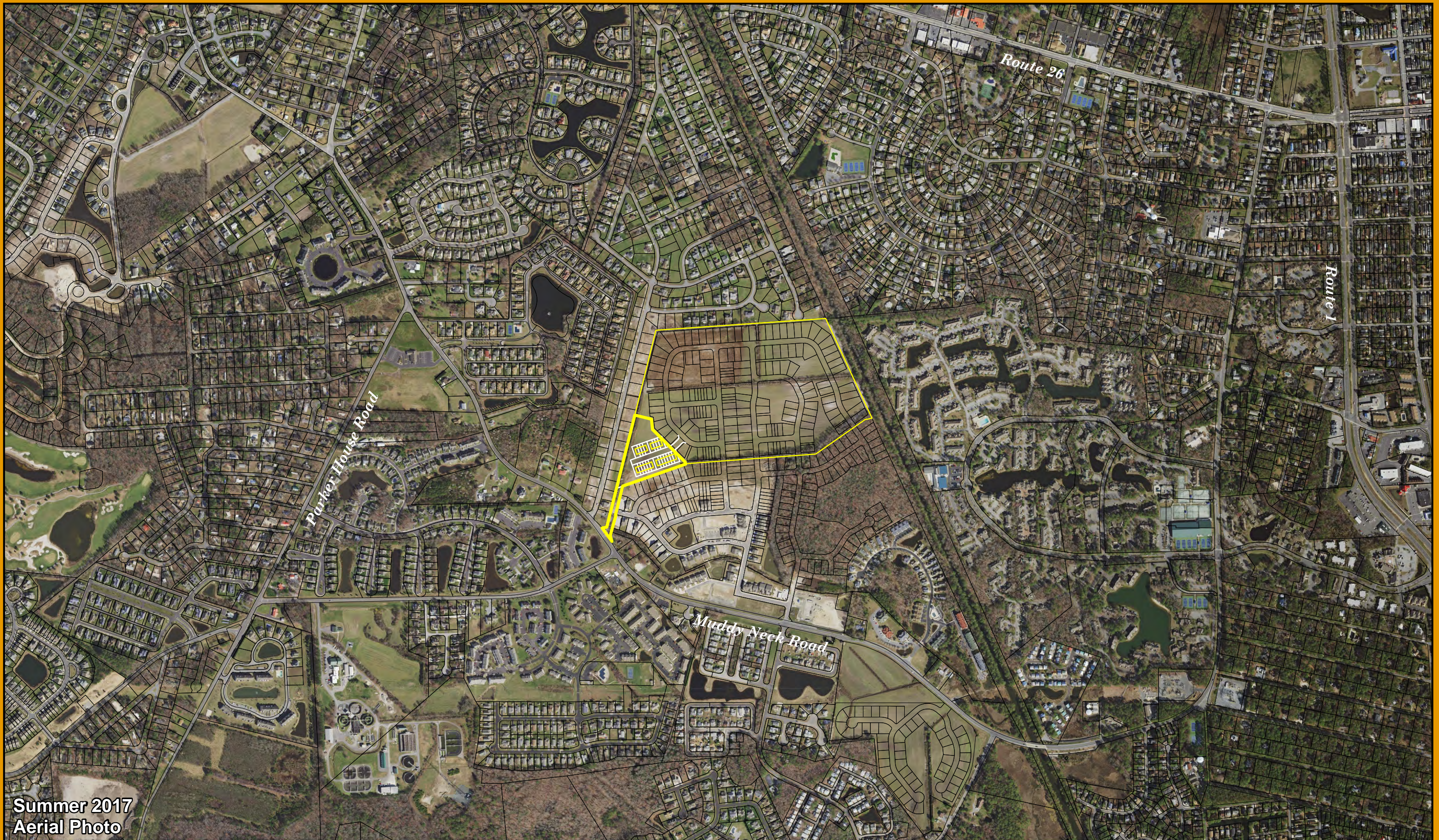


Sources:
Tax Parcels per Sussex County

June 2021
1992 Aerial Photo
Lighthipe Residual
Sussex County, Delaware

0 800 1,600
Feet





Summer 2017
Aerial Photo




Sources:
Tax Parcels per Sussex County



2017 Aerial Photo
Lighthipe Residual
Sussex County, Delaware

0 800 1,600
Feet



-  100-YR Flood Plain
-  NWI Wetlands
-  State 2' Contours



Spring 2017
Aerial Photo



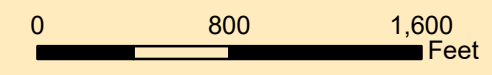
Sources:
Tax Parcels per Sussex County



June 2021

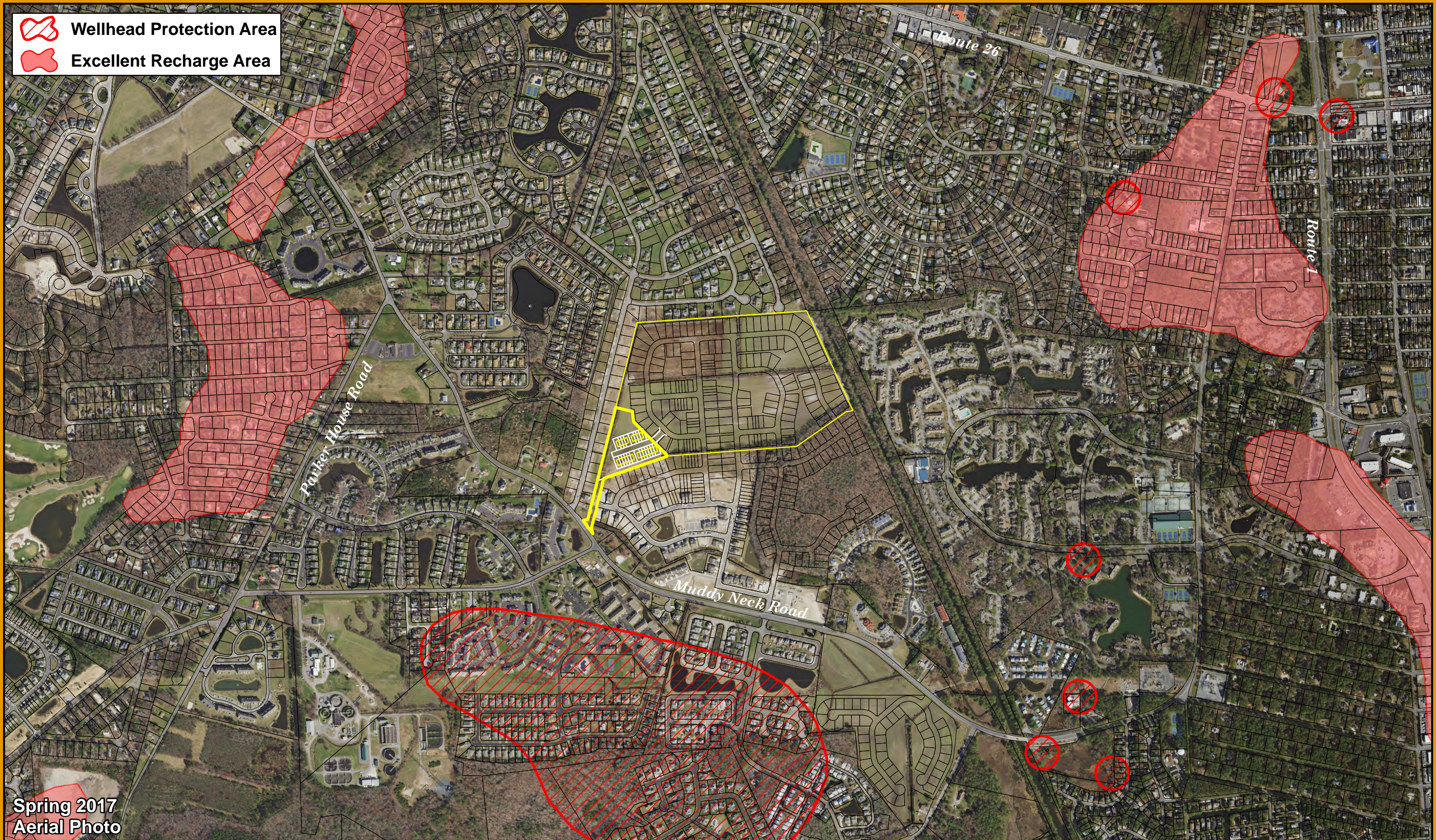
Environmental Map

Lighthouse Residual

Sussex County, Delaware



-  Wellhead Protection Area
-  Excellent Recharge Area



Spring 2017
Aerial Photo

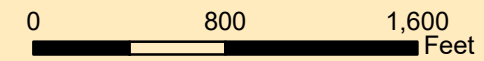
Sources:
Tax Parcels per Sussex County

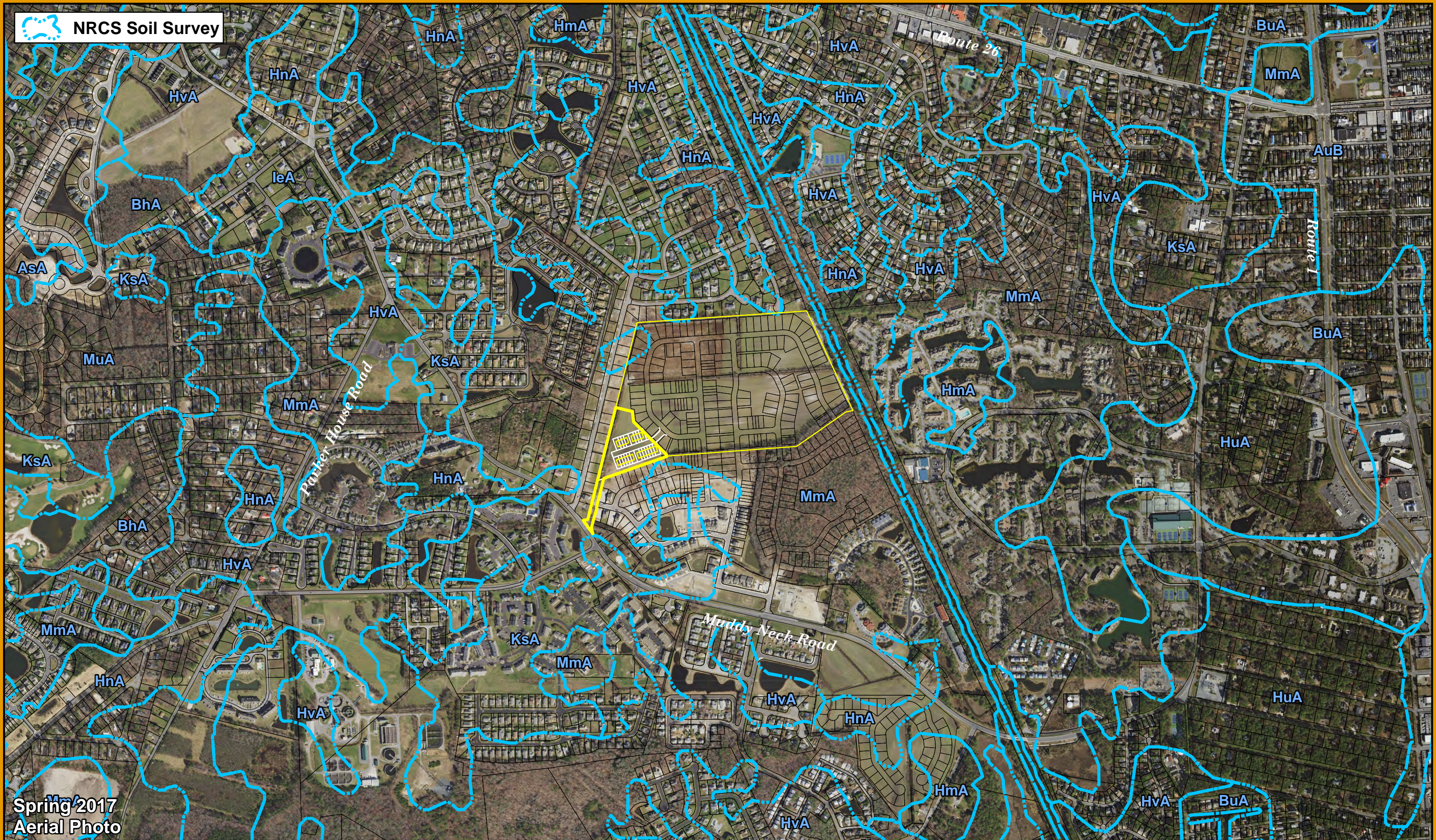


Source Water Protection Areas

Lighthipe Residual

Sussex County, Delaware





Spring 2017
Aerial Photo



June 2021

Sources:
Tax Parcels per Sussex County

NRCS Soil Survey Lighthipe Residual Sussex County, Delaware



V:\Studio_3D_Modeling\Lighthipe\REVISED 4-26-21\1443F001 Preliminary Plan.dwg, May 04, 2021 - 5:06pm mck



NAD 83
DELAWARE STATE PLANE COORDINATE SYSTEM

dbf
DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS ENGINEERS SURVEYORS
 1000 MARKET STREET, SUITE 200
 WILMINGTON, DELAWARE 19801
 (302) 424-1441
 (410) 770-4744

PRELIMINARY SITE PLAN

LANDS OF LIGHTHIPE, LLC
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

Revisions:
2021-02-19 TOWN OF OCEAN VIEW COMMENTS

Date: **AUGUST 2020**
 Scale: **1"=50'**
 Dwn.By: **JMV**
 Proj.No.: **1443F001**
 Dwg.No.:

P-03

3

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**

TM 134-17.00-12.00; 12.02; Adjoins Ocean View Beach Club North to the west, Entrance via Ocean View Beach Club

Type of Conditional Use Requested:

Change zoning of 5.253 acres (TM 134-17.00-12.02) from AR-1 zoning to MR/RPC zoning.
Removal of existing adjoining RPC zoning line (TM 134-17.00-12.00).

Tax Map #: 1-34-17.00-12.02 **Size of Parcel(s):** 5.253 Acres +/-

Current Zoning: AR-1 **Proposed Zoning:** MR/RPC **Size of Building:** N/A

Land Use Classification: Agricultural; Developing Area,

Water Provider: Tidewater Utilities **Sewer Provider:** Sussex County-Bethany Beach SSD

Applicant Information

Applicant Name: Davis, Bowen & Friedel, Inc. c/o W. Zachary Crouch

Applicant Address: 1 Park Avenue

City: Milford **State:** DE **Zip Code:** 19963

Phone #: (302) 424-1441 **E-mail:** wzc@dbfinc.com

Owner Information

Owner Name: Lighthipe, LLC

Owner Address: P.O. Box 1686

City: Jackson **State:** WY **Zip Code:** 38001

Phone #: (307) 734-1654 **E-mail:** ssmith@coninv.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: W. Zachary Crouch, PE

Agent/Attorney/Engineer Address: 1 Park Avenue

City: Milford **State:** DE **Zip Code:** 19963

Phone #: (302) 424-1441 **E-mail:** wzc@dbfinc.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



Date: 8.14.2020

Signature of Owner



Date: 8.13.20

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: _____

	B	C	D	E	F	G	H
1	LIGHTHIPE, LLC TM 134-17.00-12.02 REZONING - ADJOINERS LISTING - AUGUST 14. 2020 DBF #1443F001						
2							
3	<u>Tax Map ID</u>	<u>Last Name</u>	<u>First Name</u>	<u>Address</u>	<u>Town</u>	<u>State</u>	<u>Zip</u>
4							
5	<u>Site</u>						
6	134-17.00-12.02	Lighthipe, LLC.		P.O. Box 1686	Jackson	WY	83001
7							
8	<u>Tax Parcel</u>	<u>Last Name</u>	<u>First Name</u>	<u>Address</u>	<u>Town/City</u>	<u>State</u>	<u>Zip</u>
9	134-17.00-19.00	Villages of Southampton Homeowners Association		38195 Greenport Lane	Ocean View	DE	19970
10	134-17.00-826.00	Nguyen	Anna X.	33326 Heavenly Way	Ocean View	DE	19970
11	134-17.00-824.00	Scharrenberg	Robert R. & Monika A. Jobes	33186 Ogre Drive	Ocean View	DE	19970
12	134-17.00-822.00	Collazo	Jonathan M. & Hilse I.	845 Kingswood Path	Middletown	DE	19709
13	134-17.00-820.00	Stevenson	Cynthia F. & Roy D. Evans	33170 Ogre Drive	Ocean View	DE	19970
14	134-17.00-818.00	Therault	Marc & Anne	33160 Ogre Drive	Ocean View	DE	19970
15	134-17.00-816.00	Zhuge	Xing & Jingchun Wu	42 Magnolia Way	Chadds Ford	PA	19317
16	134-17.00-814.00	Rollins	William J.	33142 Ogre Drive	Ocean View	DE	19970
17	134-17.00-812.00	Wagner	Gary R. & Sue Ann	1827 Foxstone Drive	Vienna	VA	22182
18	134-17.00-810.00	Harding	Richard & Jean	33122 Ogre Drive	Ocean View	DE	19970
19	134-17.00-808.00	Jennison	Richard A. & Tracy W.	33112 Ogre Drive	Ocean View	DE	19970
20	134-17.00-806.00	Krufka	Frank & Mary	178 Long Lane	Kirkwood	PA	17536
21	134-17.00-8.11	Sussex County					
22	134-17.00-8.01	Guerriero	Vincent & Elisa	5 Dallas Drive	Poughkeepsie	NY	12603
23	134-17.00-825.00	Scheifer	Michael & Frankie	33187 Ogre Drive	Ocean View	DE	19970
24	134-17.00-823.00	Fan	Chunling	29 Hathaway Road	Lutherville Timonium	MD	21093
25	134-17.00-821.00	Serfas	Catherine A.	33169 Ogre Drive	Ocean View	DE	19970
26	134-17.00-819.00	Cziraky	Elaine	33159 Ogre Drive	Ocean View	DE	19970
27	134-17.00-817.00	Houck	Carol S. & Charles H.	33 Blue Jay Drive	Newark	DE	19713
28	134-17.00-815.00	Pigliacelli	Charles David & Mary E.	33141 Ogre Drive	Ocean View	DE	19970
29	134-17.00-813.00	Bridge	Ronald & Ellen	33131 Ogre Drive	Ocean View	DE	01997
30	134-17.00-811.00	Murray	John H. & Mary P.	45750 Dayton Square, Apt. 301	Sterling	VA	20166
31	134-17.00-809.00	Donnelly	Edward J. & Abby L.	33113 Ogre Drive	Ocean View	DE	19970
32	134-17.00-807.00	Lee	Wan & Hoa Ba Truong	4014 Belgrave Circle	Frederick	MD	21704
33	134-17.00-805.00	Clenney	Howard D.	33089 Ogre Drive	Ocean View	DE	19970
34	134-17.00-12.00	Lighthipe Open Space		P.O. Box 1868	Jackson	WY	83001
35	134-17.00-1016.00 Thru 1031.00	Lighthipe, LLC.		P.O. Box 1868	Jackson	WY	83001
36	134-17.00-916.00	Cahill	Mark Joseph & Deborah Berry	5 Fogland Lane	Ocean View	DE	19970
37	134-17.00-917.00	Tucker	Mark K. & Marina K.	12626 Lake Normandy Lane	Fairfax	VA	22030
38	134-17.00-918.00	Spalding	Charles M. Trustee	10529 Bill Lilly Court	Laurel	MD	20723
39	134-17.00-919.00	Dickson	Robert Andrew Jr. Trustee	11 Fogland Lane	Ocean View	DE	19970
40	134-17.00-920.00	Slivinske	Aurelija Trustee	13 Fogland Lane	Ocean View	DE	19970
41	134-17.00-921.00	Capalaces	Patricia & Richard	15 Fogland Lane	Ocean View	DE	19970
42	134-17.00-922.00	Hessler	George F. Jr. Trustee	17 Fogland Lane	Ocean View	DE	19970
43	134-17.00-923.00	Friedman	Louis Paula	4 Norris Run Court	Reisterstown	MD	21136
44	134-17.00-924.00	Ammenheuser	David Daniel & Maura Kathleen	438 Laurel Hills Drive	Mount Juliet	TN	37122
45	134-17.00-925.00	Neumann	Eliot S. & Marjorie	7000 Rock Stream Court	Baltimore	MD	21209
46	134-17.00-926.00	Delahoz	Luis Eduardo & Iliana	38 Watergate Drive	Amawalk	NY	10501
47	134-17.00-927.00	Ching	Ming Chee & Donna Tzu-Yi Kung	8550 Center Road	Springfield	VA	22152
48	134-17.00-928.00	Stearns	Maxwell L. & Vered	5704 Pimlico Road	Baltimore	MD	21209
49	134-17.00-929.00	Braverman	Richard Mark & Amy J.	1007 Fallwood Lane	Lancaster	PA	17601
50	134-17.00-930.00	Tyminski	Joseph & Andrea Lee	33 Fogland Lane	Ocean View	DE	19970
51	134-17.00-931.00	Mcandrews	Thomas Eugene & Suzanne Proctor	51 Bennet Point Lane	Ocean View	DE	19970

	B	C	D	E	F	G	H
52	134-17.00-932.00	Merio	Michael Patrick & Stefani Sibel	369 Chamborley Drive	Reisterstown	MD	21136
53	134-17.00-976.00	Tripathi	Rajendra Prasad & Linda K.	153 Wing Road	Levant	ME	04456
54	134-17.00-975.00	Tatnall	Jo-Ann C. & Jeffery B.	50 Bennett Point Lane	Ocean View	DE	19970
55	134-17.00-974.00	Strong	Steven L. & Sheila A.	48 Bennett Point Lane	Ocean View	DE	19970
56	134-17.00-973.00	Heissenbuttel	James & Patricia Roemer	196 West Moltke Street	Daly City	CA	94014
57	134-17.00-9.00	Berzins	Raymond Trustte	P.O. Box 863	Bethany Beach	DE	19930
58	134-17.00-10.00	Chandlee	Robert C. Y Terry L.	38307 Muddy Neck Road	Frankford	DE	19945
59	134-17.00-27.00	Cardillo Family Limited Partnership		10017 Coppedge Lane	Dallaw	TX	75229
60	134-17.00-933.00	Nascak	Monica & Patrick	30 Fogland Lane	Ocean View	DE	19970
61	134-17.00-934.00	Vagts	Christopher & Jonetter	28 Fogland Lane	Ocean View	DE	19970
62	134-17.00-935.00	Fellner	Ambros A. Trustee	26 Fogland Lane	Ocean View	DE	19970
63	134-17.00-936.00	Haddock	Lawrence James & Janis Lemay	5 Holly Drive	East Windsor	NJ	08520
64	134-17.00-937.00	Grim	Joanna S.	22 Fogland Lane	Ocean View	DE	19970
65	134-17.00-938.00	Xing	Selina Y. & Daniel F. Rydzewski	47 Hempstead Drive	Newark	DE	19702
66	134-17.00-939.00	Mahaffey	Redge & Beverly	18 Fogland Lane	Ocean View	DE	19970
67	134-17.00-940.00	Schwartz-Oliver	Melinda & James Lee	24224 Hawkings Landing Drive	Laytonsville	MD	20882
68	134-17.00-941.00	Li Jennifer		1 Pin Oak Drive	Chadds Ford	PA	19317
69	134-17.00-942.00	Dulay	John H. & Kathleen M.	12 Fogland Lane	Ocean View	DE	19970

4

OCEAN VIEW BEACH CLUB NORTH

REZONING PLAN

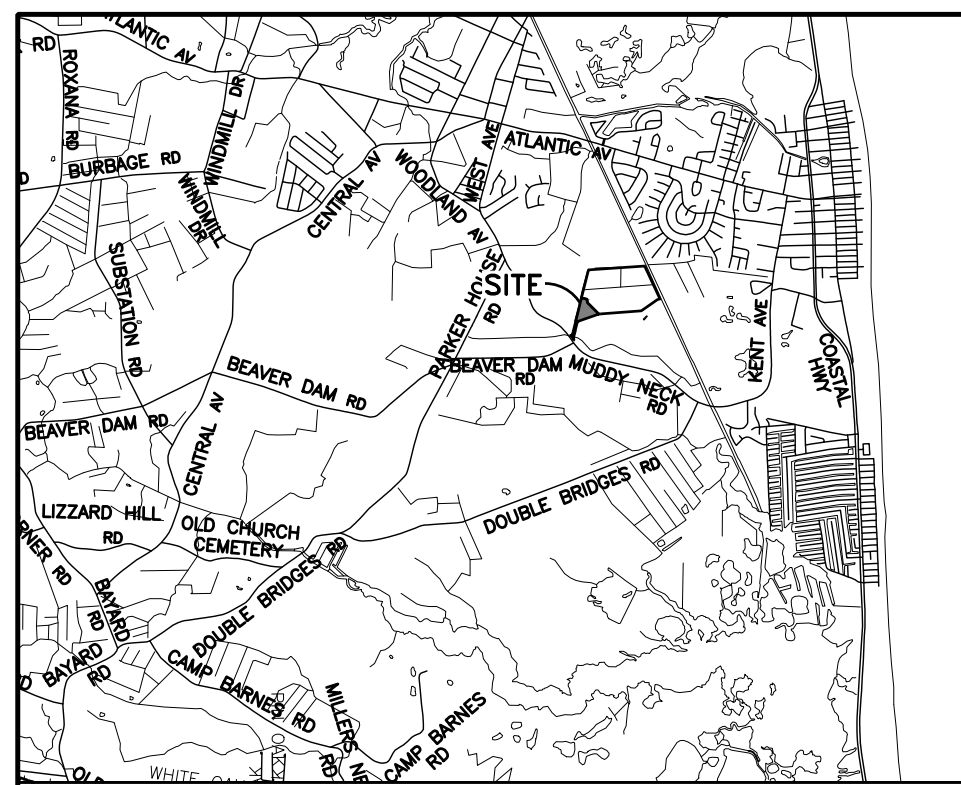
RESIDENTIAL PLANNED COMMUNITY

BALTIMORE HUNDRED,

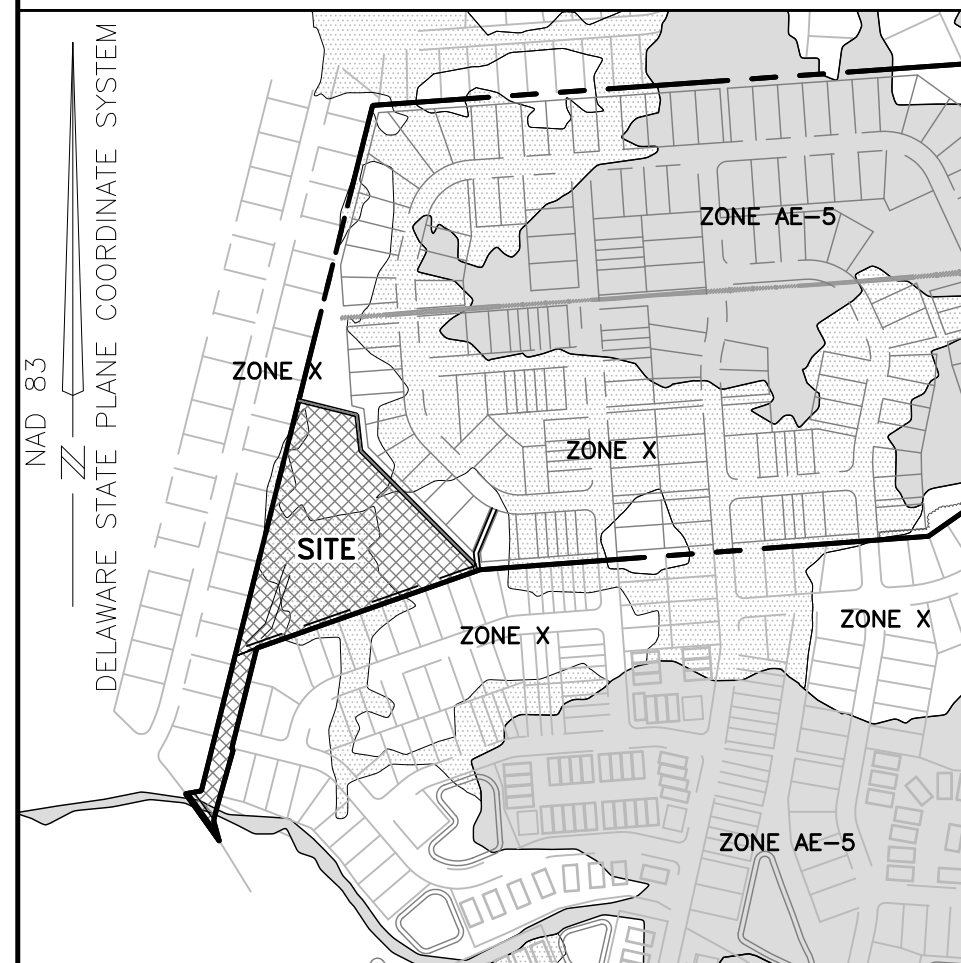
SUSSEX COUNTY, DELAWARE

DBF # 1443F001

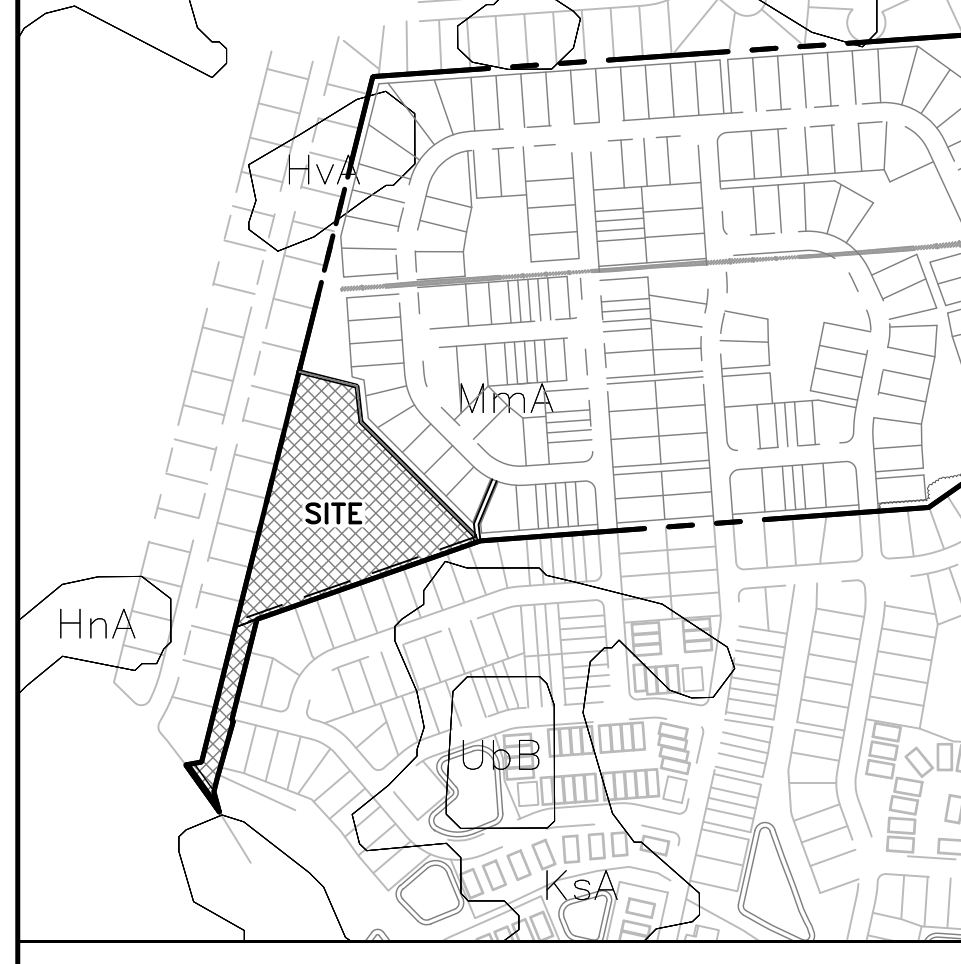
AUGUST 13, 2020



VICINITY MAP SCALE: 1" = 1 MILE



FLOODPLAIN MAP SCALE: 1" = 500' FEMA FIRM MAPS 10005C0512K AND 10005C0514K (DATED MARCH 16, 2015)

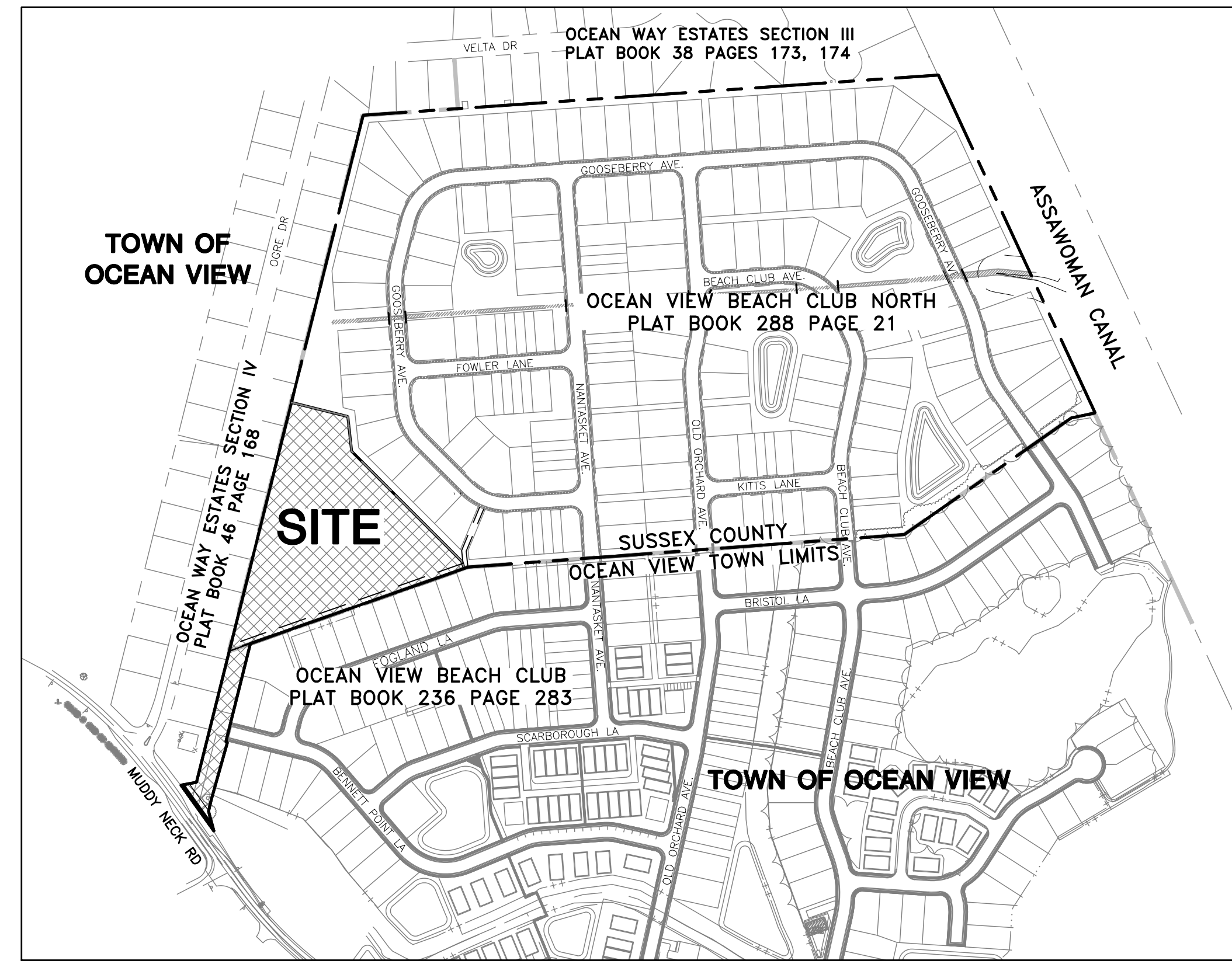


SOILS MAP 1"=1000'

Symbol	Map Unit Name
HmA	Hampton loamy sand, 0 to 2 percent slopes
HnA	Hampton sandy loam, 0 to 2 percent slopes
HvA	Hurlack sandy loam, 0 to 2 percent slopes
KsA	Klej loamy sand, 0 to 2 percent slopes
MmN	Mullica mucky sandy loam, 0 to 2 percent slopes
UbB	Udorhtents, borrow area, 0 to 5 percent slopes
W	Water

GENERAL NOTES:

- ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION'S (DEDOT) STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS AND WILL BE SUBJECT TO ITS APPROVAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHALL BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- ALL UNITS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET. EACH UNIT WILL BE PERMITTED TO HAVE ONLY ONE ACCESS POINT TO SERVE THE ENTIRE PARCEL. HORSESHOE DRIVEWAYS WILL NOT BE PERMITTED. DIRECT ACCESS SCR 361 WILL NOT BE PERMITTED. DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
- ALL MATERIALS AND WORKMANSHIP SHALL MEET THE STATE OF DELAWARE STANDARDS AND SPECIFICATIONS, DATED AUGUST 2001.
- ALL DISTURBED AREAS WITHIN THE STATE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED AND SEEDED.
- A 72 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ENTRANCE CONSTRUCTION.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTORS' RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN "TRAFFIC CONTROLS FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY AND EMERGENCY OPERATIONS." (LATEST EDITION)
- ALL TRAFFIC CONTROL DEVICES SHALL BE IN NEW OR REFURBISHED CONDITION, SHALL COMPLY WITH THE TRAFFIC CONTROL MANUAL, SHALL BE NCHRP - 350 APPROVED, AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED IN GOOD CONDITION FOR DURATION OF USE.
- DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE "GUIDE FOR FABRICATION AND INSTALLATION OF TRAFFIC CONTROL DEVICES."
- "PAVEMENT MARKING MATERIAL WILL MATCH EXISTING. DURABLE MARKINGS (I.E. THERMO, EPOXY) WILL BE REQUIRED FOR NEW STRIPING, IF THEY EXIST IN THE FIELD."
- ALL STEEL USED IN CATCH BASINS MUST BE 60 KSI.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- NO BUILDING PERMIT WILL BE ISSUED UNTIL EITHER ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED, CONSTRUCTED, OR PLACED FOR THE LOT FOR WHICH THE BUILDING PERMIT IS TO BE ISSUED IN A MANNER ACCEPTABLE TO THE COUNTY AND STATE, OR UNTIL THE DEVELOPER FILES A PERFORMANCE BOND OR OTHER GUARANTEE WITH THE COUNTY FOR ANY UNCOMPLETED PUBLIC OR PRIVATE STREET OR OTHER REQUIRED IMPROVEMENT.
- AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL BUFFER AREAS, AND THE STORMWATER MANAGEMENT AREA, SHALL BE OWNED AND MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED.
- THE FINAL OVERLAY OF HOT MIX - TYPE C FOR ALL STREETS WITHIN THE DEVELOPMENT WILL NOT BE PERMITTED UNTIL 75% OF THE HOMES ARE COMPLETELY CONSTRUCTED. IF FINAL OVERLAY IS CONDUCTED WITHOUT THE COUNTY KNOWLEDGE AND/OR APPROVAL, THEN THE COUNTY HAS THE RIGHT TO HAVE THE OWNER/DEVELOPER ROTOMILL AND OVERLAY, WITH ALL COSTS BEING PAID FOR BY THE DEVELOPER.



VICINITY MAP 1" = 300'

INDEX OF SHEETS	
P-01	PRELIMINARY TITLE
P-02	OVERVIEW
P-03	PRELIMINARY SITE PLAN

LEGEND

- OCEAN VIEW CORPORATE LIMITS
- - - RPC ZONING DISTRICT LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- + - + - EASEMENT LINE
- - - BUILDING SETBACK LINE
- WATERS OF THE UNITED STATES
- FEMA REGULATORY FLOOD ELEVATION 5.0
- FLOOD ZONE LINE
- - - EXISTING CONTOUR
- 1007 LOT DESIGNATION

DEVELOPER / OWNER STATEMENT

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT MY DIRECTION, I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW. PERPETUAL MAINTENANCE OF STREETS AND COMMON AREAS SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER AND/OR HOMEOWNERS ASSOCIATION.

LIGHTHIPE LLC
172 CENTER STREET, SUITE 204
JACKSON HOLE, WY 83001

ENGINEER'S STATEMENT

I, W. ZACHARY CROUCH, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

W. ZACHARY CROUCH, P.E.
DAVIS, BOWEN & FRIEDEL, INC.
23 NORTH WALNUT STREET
MILFORD, DELAWARE, 19963

DATA COLUMN

TAX MAP ID:	1-34-17.00-12.00, 12.02
EXISTING ZONING:	MR/RPC, AR-1 AGRICULTURAL RESIDENTIAL DISTRICT
PROPOSED ZONING:	MR/RPC
NOTE:	SITE IS ENTIRELY WITHIN THE ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT OVERLAY ZONE (ESDDOZ)
FLOOD HAZARD MAP:	SITE FALLS WITHIN ZONE "X" AND ZONE "AE (L 5)" PER FEMA FIRM MAPS 10005C0512K AND 10005C0514K (DATED MARCH 16, 2015).
LAND USE AREAS	
TOTAL SITE AREA:	EXISTING 54.9110 AC ± PROPOSED 54.9110 AC ±
TOTAL LOT AREA:	30.1147 AC ± 31.7710 AC ±
TOTAL ROAD AREA:	8.2174 AC ± 8.8118 AC ±
TOTAL OPEN SPACE:	11.3263 AC ± 14.4995 AC ±
PARCEL A:	3.3808 AC ± 6.5541 AC ±
PARCEL B:	3.3872 AC ± 3.3872 AC ±
PARCEL C:	2.0687 AC ± 2.0687 AC ±
PARCEL D:	0.0862 AC ± 0.0862 AC ±
PARCEL E:	0.4656 AC ± 0.4656 AC ±
PARCEL F:	1.1425 AC ± 1.1425 AC ±
PARCEL G:	0.4129 AC ± 0.4129 AC ±
PARCEL H:	0.1154 AC ± 0.1154 AC ±
PARCEL I:	0.1157 AC ± 0.1157 AC ±
PARCEL J:	0.1513 AC ± 0.1513 AC ±
TOTAL MR-RPC AREA:	49.6583 AC ± 54.9110 AC ±
AREA REMAINING AR-1:	5.2526 AC ± 0.0000 AC ±
EX. WATERS OF THE U.S.:	0.4030 AC ± 0.4030 AC ±
WATER OF THE U.S. TO BE FILLED:	0.0618 AC ± 0.0618 AC ±
SINGLE FAMILY LOTS:	123 UNITS 122 UNITS
TOWNHOUSE LOTS:	41 UNITS 62 UNITS
TOTAL UNITS:	164 UNITS 184 UNITS
MR/RPC MINIMUM ZONING REQUIREMENT	
SINGLE FAMILY:	
FRONT YARD:	30 FT.
SIDE YARD:	10 FT.
REAR YARD:	10 FT.
WIDTH OF LOT:	60 FT.
DEPTH OF LOT:	100 FT.
MINIMUM LOT AREA:	7500 SF.
TOWNHOUSE:	
FRONT YARD:	20 FT.
SIDE YARD:	20 FT.
REAR YARD:	10-20 FT.
WIDTH OF LOT:	61 FT.
DEPTH OF LOT:	100 FT.
MINIMUM LOT AREA:	1600/3630 SF.
PROPOSED MAXIMUM BUILDING HEIGHT:	42 FT.
SANITARY SEWER:	PROPOSED ANNEXATION SUSSEX COUNTY UNIFIED SANITARY SEWER - BETHANY BEACH AREA
WATER SUPPLY:	TIDEWATER UTILITIES

RPC DENSITY CALCULATIONS

54.9110 ACRES +/-	TOTAL AREA
-8.8118 ACRES +/-	ROW
-0.3411 ACRES +/-	WETLANDS
45.7581 ACRES +/-	NET DEVELOPABLE AREA
0.2296 ACRES +/-	MIN. LOT AREA
199	PERMITTED NUMBER OF UNITS

ARCHITECTS ENGINEERS SURVEYORS
DAVIS, BOWEN & FRIEDEL, INC.
MILFORD, DELAWARE 19963
PHONE 302-424-1441
FAX 302-424-1430

LANDS OF LIGHTHIPE, LLC
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

Revisions:
2021-02-19 TOWN OF OCEAN VIEW COMMENTS

Date: AUGUST 2020
Scale: AS NOTED
Dwn.By: JMV
Proj.No.: 1443F001
Dwg.No.:

P-01



OCEAN WAY ESTATES SECTION III
PLAT BOOK 38 PAGES 173, 174

OCEAN VIEW BEACH CLUB NORTH
PLAT BOOK 288 PAGE 21

TOWN OF
OCEAN VIEW

OCEAN WAY ESTATES SECTION IV
PLAT BOOK 46 PAGE 168

SITE

SUSSEX COUNTY

OCEAN VIEW TOWN LIMITS

TOWN OF OCEAN VIEW

OCEAN VIEW BEACH CLUB
PLAT BOOK 236 PAGE 83

Tax Map 1-34-17, Parcel 14
Lands N/F of CIRCLE 'J' VENTURE, L.L.C.
(WATER SIDE R.P.C. - PHASE 2)
Deed Book 2904, Page 102

NAD 83
DELAWARE STATE PLANE COORDINATE SYSTEM



P:\Inlegity Communities\1443F001 Lightships Residual\Preliminary\1443F001 Preliminary Plan.dwg Mar 02, 2021 - 4:22pm vanj

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DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
CALDWELL, MARYLAND (301) 643-8900
MILFORD, DELAWARE (302) 421-1411
EASTON, MARYLAND (410) 770-4714

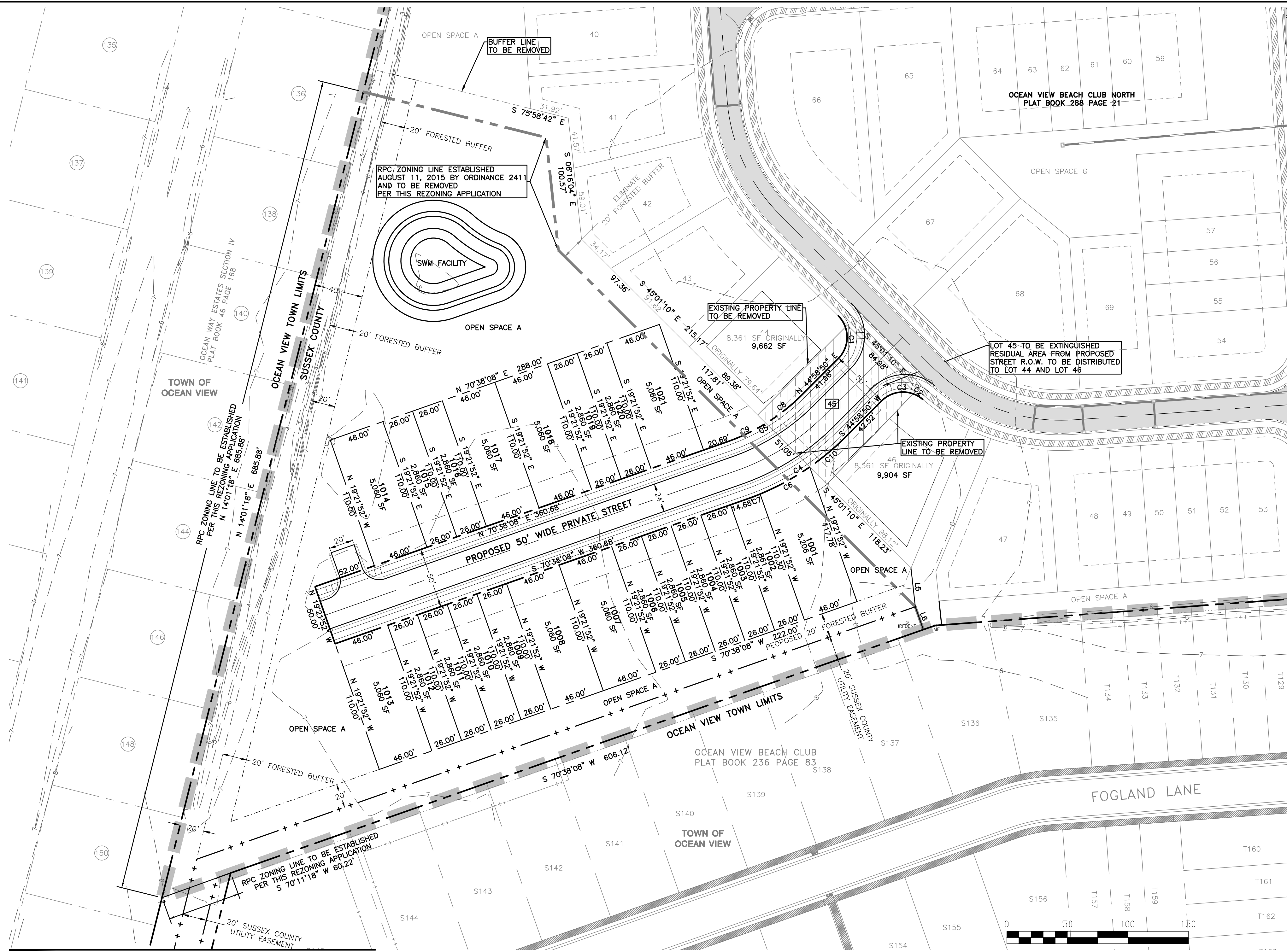
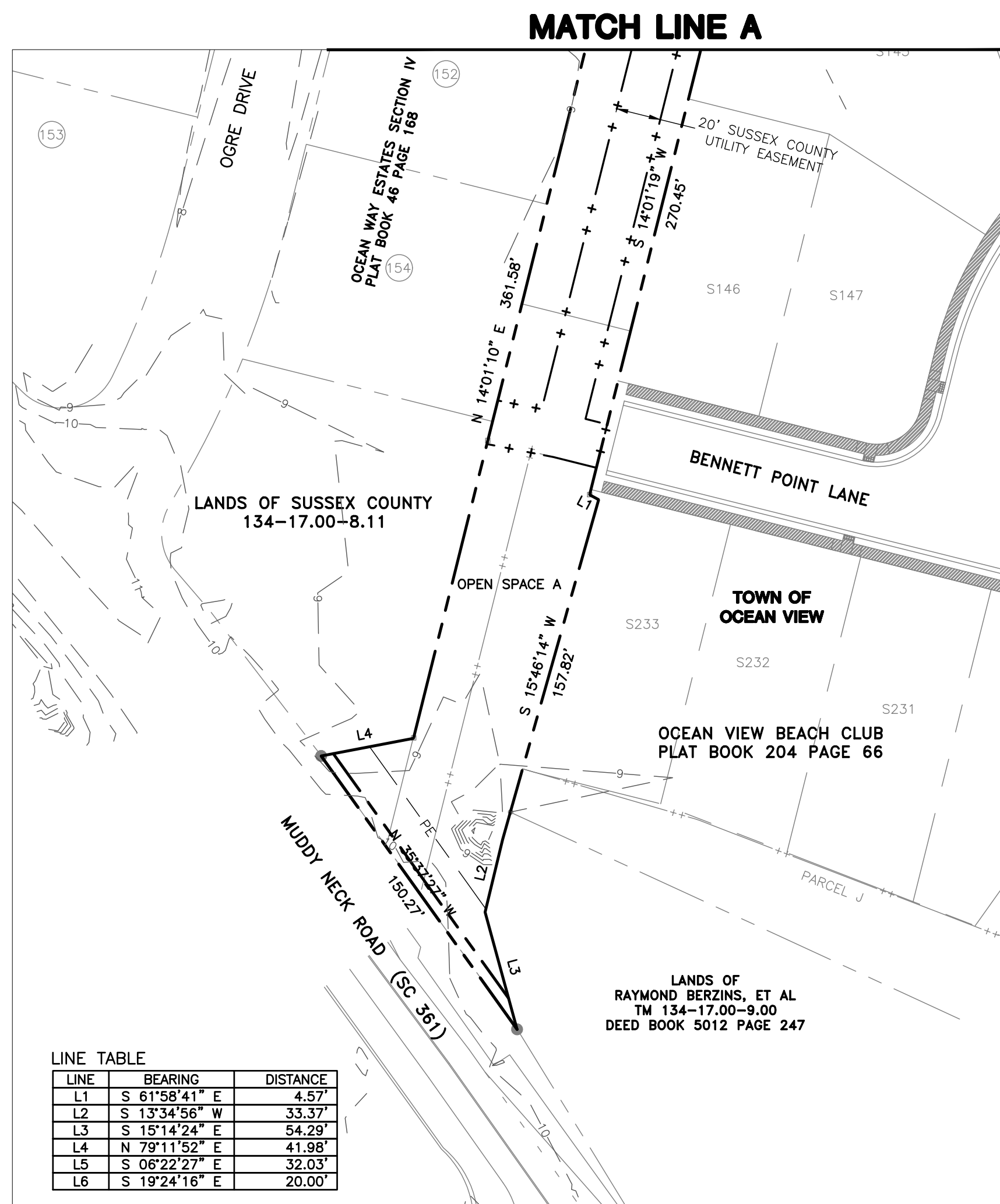
**LANDS OF LIGHTHIPE, LLC
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE**

Revisions:
2021-02-19 TOWN OF
OCEAN VIEW COMMENTS

Date: **AUGUST 2020**
Scale: **1"=150'**
Dwn.By: **JMV**
Proj.No.: **1443F001**
Dwg.No.:

P-02

OVERVIEW



GENERAL LANDSCAPE NOTES

1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
2. THE LAND DEVELOPER SHALL BE HELD RESPONSIBLE FOR THE HEALTH AND SURVIVAL OF THE TREES INCLUDING REGULAR NECESSARY WATERING FOR A MINIMUM OF TWO YEARS OR UNTIL SUCH LATER DATE AS THE MAINTENANCE RESPONSIBILITIES ARE TRANSFERRED TO A HOMEOWNERS ASSOCIATION, PROVIDED HOWEVER THAT THE DEVELOPER SHALL REPLACE ANY TREES THAT DIE DURING THE MINIMUM TWO YEAR DEVELOPER MAINTENANCE PRIOR TO TRANSFERRING MAINTENANCE RESPONSIBILITIES TO A HOMEOWNERS ASSOCIATION.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
4. NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.
5. ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)
6. EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
7. ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 6'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.
8. THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF BARK MULCH PER SPECIFICATIONS.
9. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.
10. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.
11. THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.

*THE AREAS DESIGNATED FOR A 30' FORESTED BUFFER SHALL INCLUDE AN ADDITIONAL TWO CANOPY TREES, FOUR UNDERSTORY TREES AND 10 SHRUBS PER 100 LINEAR FEET OF BUFFER (SEE SHRUB SCHEDULE BELOW).

LANDSCAPE PLANT SCHEDULE

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE
DECIDUOUS TREE				
AS		Acer saccharum 'Green Mountain'	SUGAR MAPLE	1 3/4 - 2" Cal., B&B
QM		Quercus phellos	WILLOW OAK	1 3/4 - 2" Cal., B&B
FG		Fagus grandifolia	AMERICAN BEECH	1 3/4 - 2" Cal., B&B
TC		Tilia cordata	LITTLELEAF LINDEN	1 3/4 - 2" Cal., B&B
EVERGREEN TREE				
PS		Pinus strobus	EASTERN WHITE PINE	5'/6' Ht., B&B
JV		Juniperus virginiana	EASTERN RED CEDAR	5'/6' Ht., B&B
IO		Ilex opaca	AMERICAN HOLLY	5'/6' Ht., B&B

LANDSCAPE SHRUB SCHEDULE

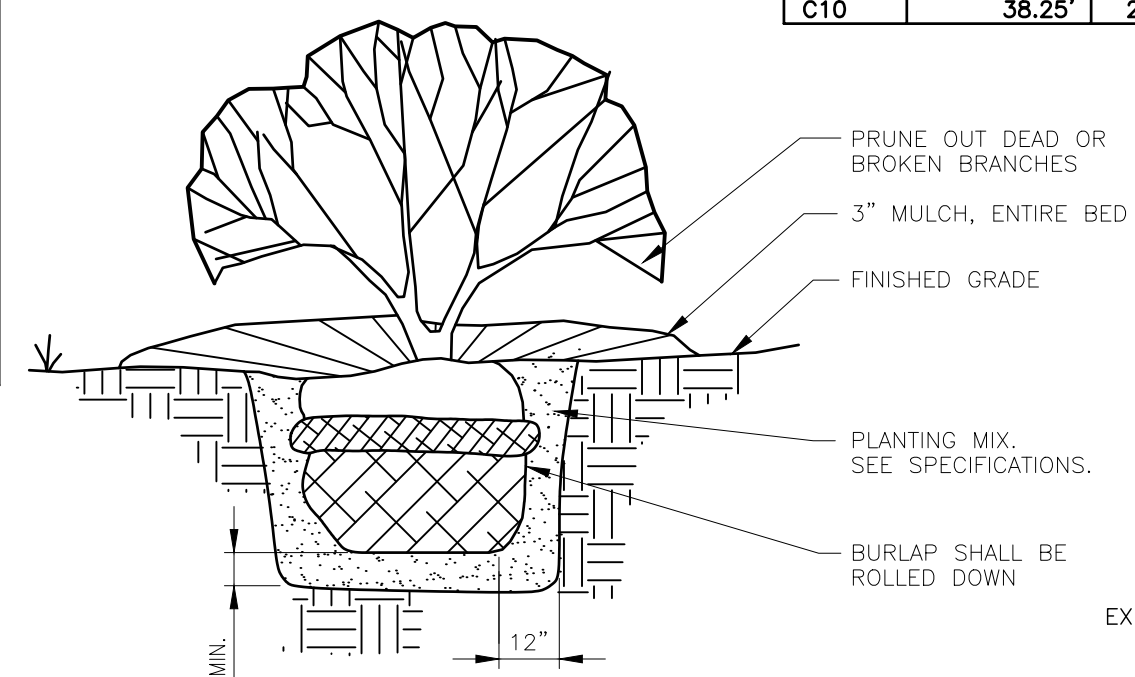
BOTANICAL NAME	COMMON NAME	SIZE AT INSTALLATION	APPROX. SIZE AT 20 YEARS HT. x W	SPACING
ARONIA arbutifolia	RED CHOKEBERRY	24"-36", B&B	6'x6'	4' OC
BACCHARIS halimifolia	HIGH TIDE BUSH	24"-36", B&B	8'x8'	AS SHOWN
CALLICARPA americana	AMERICAN BEAUTY BUSH	24"-36", B&B	6'x6'	4' OC
CEANOTHUS americanus	NEW JERSEY TEA	24"-36", B&B	3'x3'	3' OC
HAMAMELIS virginiana	WITCH HAZEL	24"-36", B&B	15'x20'	AS SHOWN
ILEX laevigata	SMOOTH WINTERBERRY	24"-36", B&B	10'x10'	AS SHOWN
SAMBUCUS nigra ssp. canadensis	BLACK ELDER	24"-36", B&B	6'x15'	AS SHOWN
VIBURNUM dentatum	SOUTHERN ARROWWOOD	24"-36", B&B	10'x6'	AS SHOWN

CURVE TABLE

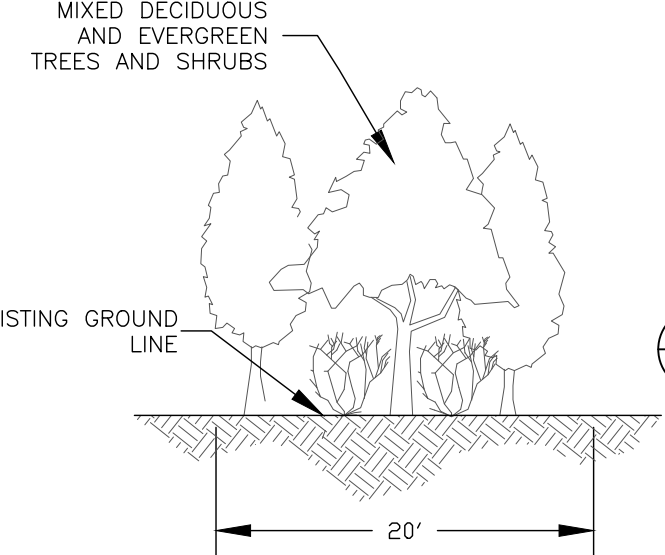
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	39.27'	25.00'	90°00'00"	N 00°01'10" W	35.36'
C2	13.16'	175.00'	4°18'28"	S 47°10'24" E	13.15'
C3	37.39'	25.00'	85°41'32"	S 87°49'36" W	34.00'
C4	96.27'	215.00'	25°39'18"	S 57°48'29" W	95.47'
C5	73.88'	165.00'	25°39'18"	N 57°48'29" E	73.27'
C6	46.70'	215.00'	12°26'39"	N 61°23'41" E	46.60'
C7	11.33'	215.00'	3°01'07"	N 89°07'34" E	11.33'
C8	38.39'	165.00'	13°19'50"	N 51°38'45" E	38.30'
C9	35.48'	165.00'	12°19'27"	S 64°28'24" W	35.42'
C10	38.25'	215.00'	10°11'32"	N 50°04'36" E	38.20'

LEGEND

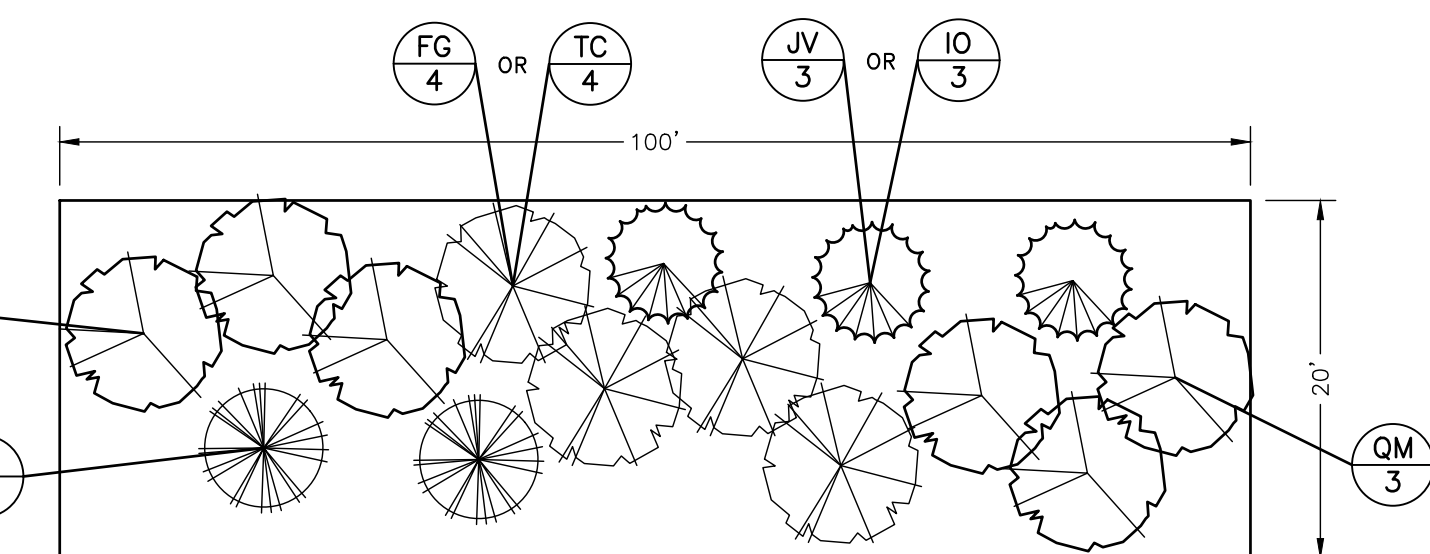
- OCEAN VIEW CORPORATE LIMITS
- RPC ZONING DISTRICT LINE
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- BUILDING SETBACK LINE
- WATERS OF THE UNITED STATES
- FEMA REGULATORY FLOOD ELEVATION 5.0
- FLOOD ZONE LINE
- EXISTING CONTOUR
- 1007 LOT DESIGNATION



SHRUB PLANTING DETAIL
NOT TO SCALE



BUFFER DETAIL



TYPICAL FORESTED BUFFER 100' x 20'
NO SCALE

LANDS OF LIGHTHIPE, LLC
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

Revisions:
2021-02-19 TOWN OF OCEAN VIEW COMMENTS

Date: **AUGUST 2020**
Scale: **1"=50'**
Dwn.By: **JMV**
Proj.No.: **1443F001**
Dwg.No.:

P-03

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SUSSEX COUNTY, DELAWARE
EASTON, MARYLAND

PRELIMINARY SITE PLAN

P:\Integrity Communities\1443F001 Lightiipe Residual\1443F001 Preliminary Plan.dwg Mar 02, 2021 - 4:22pm vanj

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August 13, 2020

Mr. Jamie Whitehouse
Sussex County Planning and Zoning
2 The Circle, P.O. Box 589
Georgetown, DE 19947

**Re: Ocean View Beach Club North (fka Lighthipe)
MR-RPC Rezoning
Service Level Evaluation Request (SLER)
Tax Map: 1-34-17.00-12.02
DBF# 1443F001.B01**

Dear Jamie:

This letter transmits the Service Level Evaluation Request (SLER) for the above referenced project. The subject site is located on tax parcel 1-34-17.00-12.02 and consists of approximately 5.25± acres. This parcel was originally part of a much larger parcel 1-34-17.00-12.00 (Ocean View Beach Club North), which has been rezoned to MR/RPC (49.66± acres). The subject portion was residual lands which were not originally proposed as part of the Ocean View Beach Club North residential subdivision. It is currently zoned AR-1 (Agricultural Residential). The developers are proposing a MR/RPC zoning consistent with the adjacent zoning for the Ocean View Beach Club and the existing Ocean View Beach Club North which are both currently under construction. The Rezoning Plan is enclosed.

Twenty-one (21) townhomes are proposed. Site access will be proposed via the existing interconnection to Ocean View Beach Club, which has a site access along Muddy Neck Road (Sussex Road 361). No new site access is proposed. Briefly, the existing site access for Ocean View Beach Club can accommodate the total cumulative traffic for the approved Ocean View Beach Club and all of the proposed traffic for Ocean View Beach Club North. Per the DeIDOT Auxiliary Lane Worksheet, no revisions are required to the site access design.

Ocean View Beach Club is approved for 150 single family homes, 150 townhomes, and 1,500 square feet of specialty retail. Ocean View Beach Club North is approved for 123 single family homes and 41 townhomes. One (1) single family lot will be removed to allow for the proposed 21 additional townhomes. The new proposal for Ocean View Beach Club North includes a total of 122 single family homes and 62 townhomes.

Mr. Jamie Whitehouse
August 13, 2020
Page 2

The existing Ocean View Beach Club site access along Muddy Neck Road aligns with Oceanside Parkway (Clearwater subdivision entrance). The existing entrance includes a 220-foot total length left-turn lane and a 240-foot total length right-turn lane that are each sufficient for the proposed total land use with full build-out of Ocean View Beach Club and Ocean View Beach Club North. The total land uses using the site access are proposed to consist of 272 single-family detached houses, 212 townhouses (186 multi-family, low-rise, and 26 multi-family, mid-rise), and 1,500 square feet of specialty retail space (shopping center).

Summary

This letter transmits a Service Level Evaluation Request (SLER) for the subject site. The existing site access is projected to accommodate the additional traffic from the proposed addition to Ocean View Beach Club North per current DelDOT practices.

The following enclosures are provided to support the request:

- Service Level Evaluation Request (SLER) Application;
- Ocean View Beach Club North Rezoning Plan;
- Sussex County Comprehensive Plan;
- Trip generation calculations illustrating the approved Ocean View Beach Club volumes and approved and projected Ocean View Beach Club North volumes;
- DelDOT Auxiliary Lane Worksheet – Muddy Neck Road.

Please process the SLER at your earliest convenience. DelDOT has been copied (with enclosures) as well. We request that you please forward DelDOT's response to us upon receipt. We look forward to receiving DelDOT's response such that we can proceed with official submission of the subject proposed MR-RPC rezoning application for the addition to the Ocean View Beach Club North Subdivision.

If you should have any questions regarding this project, please feel free to call our office.

Sincerely,
Davis, Bowen & Friedel, Inc.



Wendy Carpenter, P.E.
Traffic Engineer

P:\Integrity Communities\1443F001 Lighthipe\TRAFFIC\Submit\SLER - August 2020\Ocean View Beach Club North - SLER - Cover Letter.docm

Enclosures

Cc: T. William Brockenbrough, Jr., DelDOT
Claudy Joinville, DelDOT
Shawn Smith, Integrity Communities
Zac Crouch, Davis, Bowen & Friedel, Inc,

PLANNING & ZONING
Jamie Whitehouse, AICP, MRTPI
Director
(302) 855-7878 T
(302) 854-5079 F



Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date:

Site Information:

Site Address/Location:

Tax Parcel Number:

Current Zoning:

Proposed Zoning: /RPC

Land Use Classification:

Proposed Use(s):

Square footage of any proposed buildings or number of units:

Applicant Information:

Applicant's Name:

Applicant's Address:

City:

State:

Zip Code:

Applicant's Phone Number:

Applicant's e-mail address:

PLEASE SEND RESPONSE TO:
Zac Crouch
Davis, Bowen & Friedel, Inc.
1 Park Avenue
Milford, DE 19963
PHONE (302) 424-1441
FAX (302) 424-0430
wzc@dbfinc.com



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

Last updated 3-12-20

6



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

JENNIFER COHAN
SECRETARY

September 9, 2020

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 **Lighthipe, LLC** rezoning application, which we received on August 17, 2020. This application is for a 5.25-acre parcel (Tax Parcel: 134-17.00-12.02). The subject land is located on the northeast side of Muddy Neck Road (Sussex Road 361), just northeast of the intersection of Muddy Neck Road and Beaver Dam Road (Sussex Road 368). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to MR (Medium-Density Residential) with a residential planned community (RPC) overlay to develop 21 townhouses.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Muddy Neck Road where the subject land is located, which is from the south Ocean View limits to Beaver Dam Road, are 3,904 and 5,024 vehicles per day, respectively.

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

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



Mr. Jamie Whitehouse
Page 2 of 2
September 9, 2020

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.

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

Sincerely,

Trey Bustel For

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Lighthipe, LLC, Applicant
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, 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

7

TOWN OF OCEAN VIEW
201 CENTRAL AVENUE
OCEAN VIEW, DE 19970

VIA EMAIL AND USPS

January 13, 2021

Mr. Todd E. Lawson
County Administrator, Sussex County, Delaware
Sussex County Administrative Office Bldg.,
1st Floor
2 The Circle, P.O. Box 589
Georgetown, Delaware 19974

RE: Ocean View Beach Club North Proposed Revision to Record Plan
Document #2019000026899, BK: 288, PG: 23
C/Z 1931 – Lands of Lighthipe LLC

Dear Mr. Lawson:

This correspondence is being generated due to concerns the Town of Ocean View has with the proposed revision to the Ocean View Beach Club North (OVBCN) Record Plan. This revision is known as C/Z 1931 – Lands of Lighthipe LLC. The developer is seeking approval for the construction of 21 new town homes on a 5.25 +/- acre tract of land within OVBCN previously recorded as “residual lands”. Our concerns are as follows:

1. Should the re-zoning request be approved, the proposed construction of the new private street from existing Gooseberry Avenue servicing 21 additional multi-family dwelling units is not in keeping with the characteristics of the entire Ocean View Beach Club Community as a whole. Specifically, while both communities contain multi-family dwellings, the proposed layout of the street and orientation of the homes is not in character from a design standpoint with the existing communities. These additional multi-family dwellings will have a direct impact on Ocean View Residents living on Fogland Lane, which is adjacent to the 5.25 +/- acre tract of land previously recorded as “residual lands”.
2. Should the re-zoning request be approved, the proposed 50-foot-wide private street appears to extend to the edge of the 20-foot forested buffer. This forested buffer borders Ocean View Town Limits and encompasses a Non-Jurisdictional Agricultural Ditch as shown on Sheet R-02 of the Record Plan. The northwest terminus of the proposed private street appears to encroach on the top of the bank of this existing Agricultural Ditch as shown on sheet P-03 of the Ocean View Beach Club North Rezoning Plan.

3. Sheet P-03 of the proposed revision to the Record Plan shows a typical section of forested buffer 20 feet wide by 100 feet long. This typical section includes the planting of 15 deciduous trees and evergreen trees that can be expected to reach a mature height of 50 to 70 feet with one species of tree expected to grow over 100 feet tall. The existing ditch along the western property boundary takes up the entire width of the 20' buffer shown. Planting of these trees in the portion of the buffer that includes this Agricultural Drainage Ditch will be impossible without choking the conveyance of water. The ditch is tidally influenced and often has standing water, which could lead to concerns of root saturation making the trees potentially unstable. Should the proposed re-zoning be approved, if a planted buffer is required or preferred along this property line, it will need to be to the east in addition to any open space provided and ten feet away from the Agricultural Ditch for necessary ditch maintenance.

Should the Sussex County Planning and Zoning Commission approve this request for re-zoning, the Town of Ocean View is requesting that the proposed private street which extends from Gooseberry Avenue through existing Lot 45 to the Agricultural Ditch be reduced in length to allow for the 20-foot-wide forested buffer to be planted between the Agricultural Ditch and the terminus of the proposed street. The private street as currently proposed will also adversely impact the residents of Ocean View that live in the Ocean Way Estates Community along Ogre Drive.

In the spirit of interagency cooperation, the Town of Ocean View respectfully requests the opportunity to review and provide comments on any revised plans moving forward.

Sincerely,



Kenneth L. Cimino
Director of Planning, Zoning and Development

CC: Douglas B. Hudson, Sussex County Council, District 4
James Whitehouse, Director of Planning & Zoning, Sussex County
Hans Medlarz, County Engineer, Sussex County
John Reddington, Mayor, Town of Ocean View
Thomas Maly, Mayor Pro-Tem, Ocean View Town Council, District 3
Carol S. Houck, Town Manager, Town of Ocean View
Dennis L. Schrader, Town Solicitor, Morris James, LLP
James H. Lober, P.E., Town Engineer, The Kercher Group
Jessica Watson, Sediment and Stormwater Program Manager, SCD
Senator W. Gerald Hocker, 20th Legislative District

May 27, 2021

Convergence Investments
172 Center Street, Suite 204
P.O. Box 1686
Jackson, WY 83001

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

Attn: Spencer Van Schaack
VP Development

Re: Town of Ocean View Response
Integrity Communities
Lighthipe Residual Parcel
1443F001

Dear Mr. Van Schaack:

In response to the letter generated by the town of Ocean View, on January 13, 2021, to Mr. Todd Lawson, the Sussex County Administrator, we offer the following item by item response:

- 1. Should the re-zoning request be approved, the proposed construction of the new private street from existing Gooseberry Avenue servicing 21 additional multi-family dwelling units is not in keeping with the characteristics of the entire Ocean View Beach Club Community as a whole. Specifically, while both communities contain multi-family dwellings, the proposed layout of the street and orientation of the homes is not in character from a design standpoint with the existing communities. These additional multi-family dwellings will have a direct impact on Ocean View Residents living on Fogland Lane, which is adjacent to the 5.25+/- acre tract of land previously recorded as "residual lands".*

The proposed multi-family units are in harmony with Ocean View Beach Club. There are numerous cases where single family homes adjoin, are across the road from or are separated by open space from multi-family units. Yes, residents along Fogland Lane will be impacted, they will have new neighbors. They will also be separated by a twenty-foot forested buffer and a twenty-foot easement.

- 2. Should the re-zoning request be approved, the proposed 50-foot-wide private street appears to extend to the edge of the 20-foot forested buffer. This forested buffer borders Ocean View Town Limits and encompasses a Non-Jurisdictional Agricultural Ditch as shown on Sheet R-02 of the Record Plan. The northwest terminus of the proposed private street appears to encroach on the top of the bank of this existing Agricultural Ditch as shown on sheet P-03 of the Ocean View Beach Club North Rezoning Plan.*

We revised the layout to mitigate concerns of the Town of Ocean View. The fifty-foot (50') private road has been shortened and all lots have been shifted to the east.

3. *Sheet P-03 of the proposed revision to the Record Plan shows a typical section of forested buffer 20 feet wide by 100 feet long. This typical section includes the planting of 15 deciduous trees and evergreen trees that can be expected to reach a mature height of 50 to 70 feet with one species of tree expected to grow over 100 feet tall. The existing ditch along the western property boundary takes up the entire width of the 20 buffer shown. Planting of these trees in the portion of the buffer that includes this Agricultural Drainage Ditch will be impossible without choking the conveyance of water. The ditch is tidally influenced and often has standing water, which could lead to concerns of root saturation making the trees potentially unstable. Should the proposed re-zoning be approved, if a planted buffer is required or preferred along this property line, it will need to be to the east in addition to any open space provided and ten feet away from the Agricultural Ditch for necessary ditch maintenance.*

In addition to the roadway being shortened we have provided an additional twenty-foot (20') area for the forested buffer, eliminating any impacts to the agricultural ditch.

In closing, we believe the attached revised plan set addresses the concerns made by the town of Ocean View.

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.



John M. VanSickle
Designer

Enclosures

8



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 24, 2020

W. Zachary Crouch, P.E.
Davis, Bowen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS review 2020-08-05; Lands of Lighthipe, LLC

Dear Mr. Crouch:

Thank you for meeting with State agency planners on August 26, 2020 to discuss the proposed plans for the Lands of Lighthipe, LLC project. According to the information received you are seeking review of a proposed rezoning of 5.253 acres from AR-1 to MR-1 RPC and a proposed site plan for 21 residential units along Muddy Neck Road in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

This project is located in Investment Level 2 according to the 2015 *Strategies for State Policies and Spending*. It is also located within the Town of Millville. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. State investments will support growth in these areas. Our office has no objections to the proposed rezoning and development of this project in accordance with the town codes and ordinances

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Gooseberry Avenue and the internal layout of the site are necessarily outside DelDOT's jurisdiction. However, the site frontage on Muddy Neck Road (Sussex Road 361 aka West Avenue) must be designed in accordance with DelDOT's

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

Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 124 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual and Land Use Code 220, DelDOT estimates the trip generation of 21 townhouses at 118 vehicle trip ends per day and the weekday morning and evening peak hour trip ends at 11 and 15, respectively. Therefore, a TIS is not warranted.

The purpose of a TIS is to determine needed off-site improvements. Presently the shoulder of Muddy Neck Road narrows significantly across the site frontage, from about 16 feet near Beaver Dam Road to about 6 feet, before 12 feet approaching Ogre Drive. DelDOT anticipates requiring shoulder widening to provide a smooth transition between the two wider sections.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Muddy Neck Road. North of Beaver Dam Road, Muddy Neck Road is classified as a Major Collector Road. Therefore, by this regulation, the dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."**

- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. DelDOT recommends that the developer provide a bicycle and pedestrian path from the west end of the proposed street to the west end of Bennett Point Lane and from there to the Shared Use Path on Muddy Neck Road, discussed below. While an extension of the proposed street to Bennett Point Lane would be desirable for circulation, significant design exceptions would seem necessary and DelDOT does not recommend it. Regarding the design of the path, Sections 3.5.4.4 and 5.3 of the Manual are available as guidance.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build an SUP along their frontage on Muddy Neck Road. How to tie the path into Muddy Neck Road will need to be resolved in the plan review process. DelDOT would prefer to have the developer connect the path to Ogre Drive but preliminarily it does not appear that enough right-of-way is available.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Muddy Neck Road.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480
Concerns Identified Within the Development Footprint

Special Flood Hazard Area

- According to the newest Flood Insurance Rate Maps (FIRM), a portion of this parcel (along the southern tip) is situated within the 100-year floodplain (1% annual chance of flooding), also referred to as a Special Flood Hazard Area. This is the area where the National Flood Insurance Program's floodplain management regulations must be enforced, and the mandatory purchase of flood insurance applies under some circumstances.
- If rezoning is approved and the site is developed, the applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at <https://maps.dnrec.delaware.gov/floodplanning/default.html>.

- General contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921. Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx>

Stormwater Management

- If rezoning is approved and the site is developed, projects disturbing greater than 5,000 square feet require the development and approval of a Sediment and Stormwater Plan prior to any land disturbing activity taking place on the site.
- The plan must be approved by the appropriate agency. This agency will vary depending on the location of the project. The appropriate agency for this project is identified below.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Appropriate plan review agency contact: Sussex Conservation District at (302) 856-2105. Website: <https://www.sussexconservation.org/>
- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

Hydric Soil Group

- Hydric Soil Group A/D soils (very poorly drained) have been identified on the site. These soil types are not conducive to infiltration stormwater Best Management Practices (BMPs) such as bioretention and infiltration basins, which must meet minimum infiltration requirements.
- If development of the site occurs, all BMPs that propose to use infiltration or natural recharge shall include a soils investigation.
- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

Water Quality

- This site lies within the Inland Bays Watershed, where stricter stormwater standards may apply for construction, pending zoning approval.
- Please consult with the Sussex Conservation District to determine if stricter standards may apply for development in this area.

- Contact: Sussex Conservation District at (302) 856-2105. Website: <https://www.sussexconservation.org/>

Tax Ditches

- Right-of-ways restrict certain activities within a set distance from the tax ditch, which varies by location. Permanent obstructions, such as stormwater management areas, buildings, sheds, and streets are not allowed within the tax ditch right-of way.
- Contact the DNREC Drainage Program to discuss the existing tax ditch right-of-way prior to the project application meeting.
- Contact: DNREC Drainage Program at (302) 855-1930. Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/TaxDitches.aspx>

State Historic Preservation Office – Contact Carlton Hall 736-7400

- Prehistoric is low to moderate. Poorly drained soils that are prime farmland if properly drained, but the parcel is within distance to remnant/relic waterways that are now part of the canals (shown on Beers). No comparable sites nearby.
- Historic potential is moderate to high. A previous archaeological survey determined that three sites (two tenant sites and one outbuilding activity area) were in the area near the northeast border. The survey did not extend more south or west, so this parcel may have remains attributed to these sites as well. The survey cites it as the James Farm, which may be associated with Captain J. James (shown on Beers).
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design,

and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT's requirements regarding the interconnection of subdivision streets are in Section 3.5 of the Manual. The streets in Ocean View Beach Club and the adjoining development of Ocean Way Estates are privately maintained, and therefore are subject only to the requirements of the local land use agency. However, DelDOT finds that the planning and engineering basis for the requirements in Section 3.5 is valid without regard to jurisdiction. Therefore, DelDOT recommends that Sussex County do three things:
 - Require Lighthipe, LLC to further modify their plan to provide right-of-way for a street connection to the cul-de-sac at the south end of East Riga Dive in Ocean Way Estates. The present application is an opportunity to do that.
 - Require Lighthipe, LLC to build a stub street in that right-of-way up to their property line.
 - Work with Lighthipe, LLC and the owners of East Riga Drive, that is the Ocean Way Estates Homeowners Association, and possibly Berzins Enterprises, to obtain an interconnection between the Ocean View Beach Club and Ocean Way Estates street systems at that point.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Muddy Neck Road.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

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

Sea Level Rise

- This site is vulnerable to permanent inundation as a result of sea level rise, modelled at the 6 and 7-foot levels. By 2050, sea levels are projected to rise by 0.7 – 1.9 feet; by end

of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation of land, higher tide levels caused by sea level rise will result in increasing frequency and severity of flood events.

- In areas of future sea level rise, avoid construction of permanent structures and infrastructure, particularly those below 3 feet mean higher high water. All infrastructure and structures on site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing freeboard of structures, ensuring that critical infrastructure is elevated to withstand future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control.
- Contact: DNREC Climate and Sustainability Section at (302) 735-3480.
Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/climate-change/flood-risk-avoidance/>

Water Quality

- To support the State's water quality efforts, reduce the amount of pollutants that enter local waterways by limiting the disturbance of natural habitat and the amount of impervious cover, as well as increasing the use of green infrastructure. Employ green-technology storm water management and rain gardens (in lieu of open-water management structures) to mitigate or reduce nutrient and bacterial pollutant runoff.

Wetlands

- To protect the function and integrity of wetlands, DNREC reviewers recommend a 50-foot vegetative buffer from the edge of any wetlands. Buffers are an integral component of aquatic and wetland habitats. Buffers reduce sediment and pollutants that may enter a waterway, which can negatively impact aquatic organisms and habitat.
- Contact: U.S. Army Corps of Engineers (Dover Office) at DoverRegulatoryFieldOffice@usace.army.mil or (267) 240-5278.
Website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>

Tax Ditches

- Tax ditches on the property should be checked for function and cleaned if needed prior to the construction of homes. Wetland permits may be required before cleaning ditches. All measures should be taken to ensure the project does not hinder any off-site drainage or create any off-site drainage problems downstream by the release of onsite stormwater.

Concerns Identified Outside of the Development Footprint

Drainage Issues

- Drainage concerns exist in the area of this project, where a number of drainage complaints have been reported to DNREC. All measures should be taken to ensure the

project does not hinder any off-site drainage or create any off-site drainage problems downstream by the release of onsite stormwater.

- Contact: DNREC Drainage Program at (302) 855-1930.
Website: <http://www.dnrec.delaware.gov/swc/Pages/DrainageTaxDitchWaterMgt.aspx>

Additional Sustainable Practices

Air Pollution and Greenhouse Gas Reduction

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution. Renewable energy infrastructure such as solar or geothermal will further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy. Website: www.de.gov/greenenergy, www.de.gov/eef.
- Install electric vehicle charging infrastructure to assist Delaware in achieving its clean transportation goals. The Division of Climate, Coastal, & Energy offers incentives for clean transportation (electric vehicle charging). These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality Website: www.de.gov/cleantransportation.
- Air pollution is also directly related to increased motorized transportation activity. Incorporating nonmotorized connectivity and installing bicycle racks where feasible will help to facilitate non-vehicular travel modes.
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.

Solid Waste Reduction

- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.

Sussex County Housing – Contact: Brandy Nauman 855-7779

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.

- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountype.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.
- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

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

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

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

CC: Sussex County Planning Department

9

May 27, 2021

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

Attn: Mr. Jamie Whitehouse
Director

RE: Lands of Lighthipe, LLC
TM 134-17.00-12.02
PLUS Review 2020-08-05
DBF# 1443F001.B01

Mr. Whitehouse,

We have read and reviewed the comments provided during the PLUS Review of the Project on August 26, 2020 and received from the Office of State Planning dated September 24th, 2020. We offer the following item-by-item response narrative for your review:

Strategies for State Policies and Spending

This project is located in Investment Level 2 according to the 2015 Strategies for State Policies and Spending. It is also located within the Town of Millville. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. State investments will support growth in these areas. Our office has no objections to the proposed rezoning and development of this project in accordance with the town codes and ordinances

Thank you for your clarification of the state Investment Level 2 designation. The project is located outside of the municipal boundary of Ocean View and will fall under Sussex County jurisdiction.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The site access on Gooseberry Avenue and the internal layout of the site are necessarily outside DelDOT's jurisdiction. However, the site frontage on Muddy Neck Road (Sussex Road 361 aka West Avenue) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>. **Access will be provided through the existing Lighthipe development. The developer will work with DelDOT to determine any improvements that may be required along***

the frontage of Muddy Neck Road.

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.delDOT.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

A pre-submittal meeting will be set up prior to plans being submitted for review.

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

Developer will work with DelDOT and provide the required fees when appropriate.

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 124 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual and Land Use Code 220, DelDOT estimates the trip generation of 21 townhouses at 118 vehicle trip ends per day and the weekday morning and evening peak hour trip ends at 11 and 15, respectively. Therefore, a TIS is not warranted.

The purpose of a TIS is to determine needed off-site improvements. Presently the shoulder of Muddy Neck Road narrows significantly across the site frontage, from about 16 feet near Beaver Dam Road to about 6 feet, before 12 feet approaching Ogre Drive. DelDOT anticipates requiring shoulder widening to provide a smooth transition between the two wider sections.

The developer's engineer is working closely with DelDOT regarding the types of improvements required.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Muddy Neck Road. North of Beaver Dam Road, Muddy Neck Road is classified as a Major Collector Road. Therefore, by this regulation, the dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"

A 5' wide right-of-way is shown to be dedicated to the State of Delaware.

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"

A 15' wide permanent easement will be provided along Muddy Neck Road.

- *Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. DelDOT recommends that the developer provide a bicycle and pedestrian path from the west end of the proposed street to the west end of Bennett Point Lane and from there to the Shared Use Path on Muddy Neck Road, discussed below. While an extension of the proposed street to Bennett Point Lane would be desirable for circulation, significant design exceptions would seem necessary and DelDOT does not recommend it. Regarding the design of the path, Sections 3.5.4.4 and 5.3 of the Manual are available as guidance.*
Sidewalks will be provided on both sides of the proposed road and will tie into the existing subdivision and the existing Gooseberry Ave.
- *Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build an SUP along their frontage on Muddy Neck Road. How to tie the path into Muddy Neck Road will need to be resolved in the plan review process. DelDOT would prefer to have the developer connect the path to Ogre Drive but preliminarily it does not appear that enough right-of-way is available.*
The developer will work with DelDOT regarding the requirements of the SUP along the Muddy Neck frontage.
- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Muddy Neck Road.*
Stormwater will be located well away from the State right-of-way.
- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.*
Existing and proposed utilities will be shown on the plans. Should utilities need to be relocated a utility relocation will be submitted to DelDOT.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480
Concerns Identified Within the Development Footprint

Special Flood Hazard Area

- *According to the newest Flood Insurance Rate Maps (FIRM), a portion of this parcel (along the southern tip) is situated within the 100-year floodplain (1% annual chance of flooding), also referred to as a Special Flood Hazard Area. This is the area where the National Flood Insurance Program's floodplain management regulations must be enforced, and the mandatory purchase of flood insurance applies under some circumstances.*
- *If rezoning is approved and the site is developed, the applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at*

<https://maps.dnrec.delaware.gov/floodplanning/default.html>.

- *General contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921. Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx>*

Thank you for the clarification of the flood plain. We do not anticipate disturbances to the area within the flood plain. The developer will follow all local ordinances and regulations regarding areas within the flood plain.

Stormwater Management

- *If rezoning is approved and the site is developed, projects disturbing greater than 5,000 square feet require the development and approval of a Sediment and Stormwater Plan prior to any land disturbing activity taking place on the site.*
- *The plan must be approved by the appropriate agency. This agency will vary depending on the location of the project. The appropriate agency for this project is identified below.*
- *Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.*
- *Appropriate plan review agency contact: Sussex Conservation District at (302) 856-2105. Website: <https://www.sussexconservation.org/>*
- *General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.*

Developer will provide a detailed sediment and stormwater plan to the Sussex Conservation District for their review and approval.

Hydric Soil Group

- *Hydric Soil Group A/D soils (very poorly drained) have been identified on the site. These soil types are not conducive to infiltration stormwater Best Management Practices (BMPs) such as bioretention and infiltration basins, which must meet minimum infiltration requirements.*
- *If development of the site occurs, all BMPs that propose to use infiltration or natural recharge shall include a soils investigation.*
- *Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.*

A soils investigation with soil borings will be performed and submitted to the Sussex Conservation District for their review and approval.

Water Quality

- *This site lies within the Inland Bays Watershed, where stricter stormwater standards may apply for construction, pending zoning approval.*
- *Please consult with the Sussex Conservation District to determine if stricter standards may apply for development in this area.*
- *Contact: Sussex Conservation District at (302) 856-2105. Website: <https://www.sussexconservation.org/>*
The development will adhere to all stormwater standards and regulations and will be submitted to the Sussex Conservation District for their review and approval.

Tax Ditches

- *Right-of-ways restrict certain activities within a set distance from the tax ditch, which varies by location. Permanent obstructions, such as stormwater management areas, buildings, sheds, and streets are not allowed within the tax ditch right-of-way.*
- *Contact the DNREC Drainage Program to discuss the existing tax ditch right-of-way prior to the project application meeting.*
- *Contact: DNREC Drainage Program at (302) 855-1930. Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/TaxDitches.aspx>*
The landowner and developer worked with DNREC drainage program regarding the completed upgrades to the tax ditch. We do not anticipate any additional disturbances to the tax ditch crossing the site.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- *Prehistoric is low to moderate. Poorly drained soils that are prime farmland if properly drained, but the parcel is within distance to remnant/relic waterways that are now part of the canals (shown on Beers). No comparable sites nearby.*
- *Historic potential is moderate to high. A previous archaeological survey determined that three sites (two tenant sites and one outbuilding activity area) were in the area near the northeast border. The survey did not extend more south or west, so this parcel may have remains attributed to these sites as well. The survey cites it as the James Farm, which may be associated with Captain J. James (shown on Beers).*
- *If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).*
- *If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the*

National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Thank you for the information regarding potential prehistoric, historic archaeological sites and the potential for unmarked graves. We do not anticipate any federal funding for this project.

Recommendations/Additional Information

*This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.*

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *DelDOT's requirements regarding the interconnection of subdivision streets are in Section 3.5 of the Manual. The streets in Ocean View Beach Club and the adjoining development of Ocean Way Estates are privately maintained, and therefore are subject only to the requirements of the local land use agency. However, DelDOT finds that the planning and engineering basis for the requirements in Section 3.5 is valid without regard to jurisdiction. Therefore, DelDOT recommends that Sussex County do three things:*
 - *Require Lighthipe, LLC to further modify their plan to provide right-of-way for a street connection to the cul-de-sac at the south end of East Riga Drive in Ocean Way Estates. The present application is an opportunity to do that.*
 - *Require Lighthipe, LLC to build a stub street in that right-of-way up to their property line.*
 - *Work with Lighthipe, LLC and the owners of East Riga Drive, that is the Ocean Way Estates Homeowners Association, and possibly Berzins Enterprises, to obtain an interconnection between the Ocean View Beach Club and Ocean Way Estates street systems at that point.*

The developer will work with DelDOT and Sussex County is regards to your recommendation to connect the existing Lighthipe subdivision to E. Riga Drive. Please be aware that part of the lighthipe subdivision has already been approved, recorded and infrastructure has been installed.

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access*

to Muddy Neck Road.

No direct access will be permitted to Muddy Neck Road.

- *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*

Comments will be addressed prior to the preliminary Sussex County Council meeting.

- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.*

The latest Standard General Notes will be used.

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

Sea Level Rise

- *This site is vulnerable to permanent inundation as a result of sea level rise, modelled at the 6 and 7-foot levels. By 2050, sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation of land, higher tide levels caused by sea level rise will result in increasing frequency and severity of flood events.*
- *In areas of future sea level rise, avoid construction of permanent structures and infrastructure, particularly those below 3 feet mean higher high water. All infrastructure and structures on site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing freeboard of structures, ensuring that critical infrastructure is elevated to withstand future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control.*
- *Contact: DNREC Climate and Sustainability Section at (302) 735-3480.
Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/climate-change/flood-risk-avoidance/>*

Thank you for the projected impacts of Sea Level Rise.

Water Quality

- *To support the State's water quality efforts, reduce the amount of pollutants that enter local waterways by limiting the disturbance of natural habitat and the amount of impervious cover, as well as increasing the use of green infrastructure. Employ green-technology storm water management and rain gardens (in lieu of open-water management structures) to mitigate or reduce nutrient and bacterial pollutant runoff.*
Stormwater will be treated for quantity and quality to limit the amount of runoff of pollutants.

Wetlands

- *To protect the function and integrity of wetlands, DNREC reviewers recommend a 50-foot vegetative buffer from the edge of any wetlands. Buffers are an integral component*

of aquatic and wetland habitats. Buffers reduce sediment and pollutants that may enter a waterway, which can negatively impact aquatic organisms and habitat.

- *Contact: U.S. Army Corps of Engineers (Dover Office) at DoverRegulatoryFieldOffice@usace.army.mil or (267) 240-5278. Website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>*

Wetlands do not exist on the 5 acre site, we do not anticipate disturbing within 50' of any wetlands.

Tax Ditches

- *Tax ditches on the property should be checked for function and cleaned if needed prior to the construction of homes. Wetland permits may be required before cleaning ditches. All measures should be taken to ensure the project does not hinder any off-site drainage or create any off-site drainage problems downstream by the release of onsite stormwater. **The tax ditch was recently reconfigured and functioning properly. We do not anticipate any direct changes to the tax ditch with this project.***

Concerns Identified Outside of the Development Footprint

Drainage Issues

- *Drainage concerns exist in the area of this project, where a number of drainage complaints have been reported to DNREC. All measures should be taken to ensure the project does not hinder any off-site drainage or create any off-site drainage problems downstream by the release of onsite stormwater.*
- *Contact: DNREC Drainage Program at (302) 855-1930. Website: <http://www.dnrec.delaware.gov/swc/Pages/DrainageTaxDitchWaterMgt.aspx> **The developer will work with DNREC and the Sussex County Conservation District to ensure off-site drainage problems are not created.***

Additional Sustainable Practices

Air Pollution and Greenhouse Gas Reduction

- *Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution. Renewable energy infrastructure such as solar or geothermal will further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy. Website: www.de.gov/greenenergy, www.de.gov/eeif.*
- *Install electric vehicle charging infrastructure to assist Delaware in achieving its clean transportation goals. The Division of Climate, Coastal, & Energy offers incentives for clean transportation (electric vehicle charging). These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality Website: www.de.gov/cleantransportation.*
- *Air pollution is also directly related to increased motorized transportation activity. Incorporating nonmotorized connectivity and installing bicycle racks where feasible*

will help to facilitate non-vehicular travel modes.

- *Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.*

Thank you for recommendations on reducing impact for the development.

Solid Waste Reduction

The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.

Thank you for recommendations on reducing impact for the development.

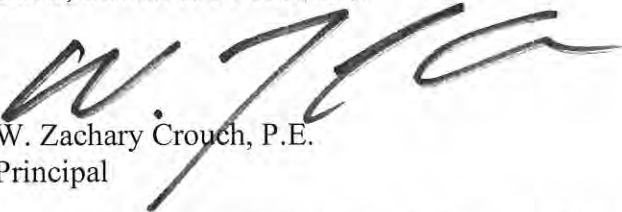
Sussex County Housing – Contact: Brandy Nauman 855-7779

- *Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.*
- *For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County’s “Affordable Housing Support Policy”. The policy along with other resources are available on the County’s Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County’s Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.*
- *The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.*
- *Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.*

Thank you for the information regarding affordable housing. The housing within this project will match the existing Lighthipe Community. We will consider the possibilities affordable house provides in future projects.

On behalf of the Developer we thank the State for providing us with these comments. Please contact me at (302) 424-1441 if you have any questions or need additional information.

Sincerely,
Davis, Bowen & Friedel, Inc.



W. Zachary Crouch, P.E.
Principal

10



May 26th, 2021

Sussex County Planning and Zoning Office
2 The Circle
P.O. Box 417
Georgetown, DE 19947

**Re: Ocean View Beach Club – Incorporation of Additional Property into
OVBC North and OVBC Communities**

To whom it may concern:

Lighthipe, LLC (the "Declarant") is the declarant under the Amended and Restated Declaration of Ocean View Beach Club North Fee Ownership Community ("OVBC North") recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware (the "Recorder's Office") in Book 5185, Page 111 (the "OVBC North Declaration"), and Windansea LLC (the "Master Declarant") is the master declarant under the Amended and Restated Master Declaration of Ocean View Beach Club ("OVBC") recorded in the Recorder's Office in Book 5185, Page 17 (the "Master Declaration").

This letter is being provided to you in connection with a Sussex County Council Planning and Zoning meetings scheduled for June 10, 2021 and July 27, 2021, concerning the rezoning of +/-5.25 acres of undeveloped land currently identified as Tax Parcel 134-17.00-12.02 (the "Additional Property"). The contents of this letter provide a description of the Declarant's and Master Declarant's authority under the OVBC North Declaration and the Master Declaration, respectively, as well as certain public offering memoranda, to incorporate the Additional Property into OVBC North and the overall OVBC community. This letter also describes the community associations to which the Additional Property will be submitted.

Authority of Lighthipe, LLC to Incorporate Additional Property into OVBC North

Under Article VIII of the OVBC North Declaration, the Declarant reserves certain Development Rights (as defined therein). One such Development Right includes the right to add to OVBC North the Additional Property pursuant to Section 8.09 of the OVBC North Declaration as follows:

"Section 8.09. Declarant Development Rights. The following Section 8.09 is included in this Declaration in accordance with the requirements of DUCIOA. In addition to all other Development Rights

set forth in this Declaration, Declarant hereby reserves the following Development Rights:

(a) **To Add the Additional Property.** In accordance with the provisions of DUCIOA and the Master Declaration, Declarant hereby reserves the Development Right to add to the Property the Additional Property, together with the right to add to, improve, and connect to the Community Common Area, including any right-of-ways and any other public utilities as may be necessary for the development of the Additional Property. This Development Right must be exercised not later than thirty (30) years from the date that this Declaration is recorded in the Recorder's Office."

Further to the above quoted Development Right, the Public Offering Statement for Ocean View Beach Club North Fee Ownership Community, effective as of September 1, 2020 (the "OVBC North POS"), discloses in Article VI thereof that the Declarant has reserved the Development Rights identified in the OVBC Declaration, Master Declaration and other declarations identified in the OVBC North POS. Section VII.A of the OVBC North POS further notes that the Units (as defined therein) located in OVBC North are subject to the Declaration and the Master Declaration.

Authority of Windansea, LLC to Incorporate Additional Property into OVBC

Similarly, the Master Declarant reserves certain Declarant Rights (as defined in the Master Declaration) pursuant to Article VIII of the Master Declaration. One such Development Right includes the right to add to OVBC the Additional Property pursuant to Section 8.09 of the Master Declaration as follows:

"Section 8.09. Master Declarant Development Rights. The following Section 8.09 is included in this Master Declaration in accordance with the requirements of DUCIOA. In addition to all other Development Rights set forth in this Master Declaration, the Master Declarant hereby reserves the following Development Rights:

(a) **To Add the Additional Property.** In accordance with the provisions of Section 12.02 hereof,¹ Master Declarant hereby reserves the Development Right to add to the Project the Additional Property, as described on **Exhibit A-2**, together with the right to add to, improve, and connect to the Master Common Area, including any right-of-ways and the SWM Facilities and any other public utilities as may be necessary for the development of the Additional Property. This Development Right must be exercised not later than thirty (30) years from the date that this Master Declaration is recorded in the Recorder's Office."

¹ Section 12.02 states that Additional Property may be added to the Project (as defined therein) in accordance with the provisions of Section 8.09(a) through execution and recording of a Supplemental Declaration for such Additional Property.



Further to the above quoted Development Right, the Public Offering Statement for Ocean View Beach Club discloses on page four thereof that the Master Declarant retains the right to add to the Property (as defined therein) the Additional Property together with the right to add to, improve, and connect to the Common Elements (as defined therein), including any right-of-ways and the SWM facilities and any other public utilities as may be necessary for the development of the Additional Property.

Treatment of Additional Property After Incorporation into OVBC North and OVBC

Pursuant to the OVBC North Declaration, OVBC North is governed by Ocean View Beach Club North Community Association, Inc. (the "North Association"). OVBC North is also bound by, and the authority of the North Association is subject to, the Master Declaration and the authority of Ocean View Beach Club Master Community Association, Inc. (the "Master Association"), as described in Section 2.03 of each of the OVBC North Declaration and the Master Declaration. Pursuant to Section 3.01 of the Master Declaration, the North Association, together with the other Community Associations (as defined in the Master Declaration) is a member of the Master Association. Pursuant to Section 3.01 of the OVBC North Declaration, each Owner (as defined therein) of a Lot (as defined therein) is a member of the North Association.

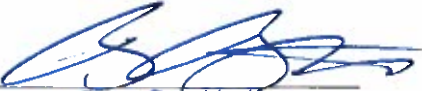
Accordingly, after the incorporation of the Additional Property into OVBC North and the overall OVBC community, each Lot Owner, upon such Owner's acquisition of a Lot located within the Additional Property, will be a member of the North Association and will be allocated votes equal to the number of Lots owned by such Owner, as provided in Section 3.02(a) of the OVBC North Declaration. Each such member retains the right to vote on matters permitted or required to be voted on by the members of the North Association under the OVBC North Declaration and the certificate of incorporation and bylaws of the North Association, which includes the right to vote for members of the board of directors of the North Association. Likewise, pursuant to Section 3.02(a) of the Master Declaration, the North Association is allocated votes equal to the number of Lots within the OVBC North community and retains the right to vote on matters permitted or required to be voted on by the members of the Master Association under the Master Declaration and the certificate of incorporation and bylaws of the Master Association.

Should you have any questions regarding any of the foregoing matters, please feel free to contact us at your convenience.


Respectfully yours,



LIGHTHIPE, LLC

By: 
Name: Ben Bartlett
Title: Authorized Member

WINDANSEA, LLC

By: 
Name: Ben Bartlett
Title: Authorized Member

11

ORDINANCE NO. 2411

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 49.66 ACRES, MORE OR LESS

WHEREAS, on the 16th day of December 2014, a zoning application, denominated Change of Zone No. 1768 was filed on behalf of Convergence Communities; and

WHEREAS, on the 9th day of April 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 30th day of July 2015, said Planning and Zoning Commission recommended that Change of Zone No. 1768 be approved with conditions; and

WHEREAS, on the 19th day of May 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of MR-RPC Medium Density Residential District – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situated in Baltimore Hundred, Sussex County, Delaware, and lying north of Road 361 (Muddy Neck Road), east and south of Ocean Way Estates Subdivision, west of the Assawoman Canal, and also north of the Ocean View Beach Club Community in the Town of Ocean View with access from Nantasket Avenue, Old Orchard Avenue, Ocean Beach Avenue, and Gooseberry Avenue and being more particularly described per the attached legal description provided by Davis, Bowen & Friedel, Inc., and containing 49.66 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

RECEIVED

SEP 15 2015

PLANNING & ZONING
COMM. OF SUSSEX COUNTY

This Ordinance was adopted subject to the following conditions:

- A. The maximum number of residential units shall not exceed 164 units, which shall consist of 120 single family units and 44 townhouse units.
- B. Site plan review shall be required for each phase of development.
- C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's requirements, or in accordance with any further modification required by DelDOT.
- D. The development shall be served as part of a Sussex County Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.
- E. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as so required by applicable regulations.
- F. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with the Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.
- G. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As so proffered by the Applicant, street design shall include sidewalks on both sides of all streets.
- H. The Applicant shall submit, as part of the site plan review, a landscape plan showing the proposed tree and shrub landscape design.
- I. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
- J. The Applicant shall cause to be formed a homeowner's or condominium association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.

- K. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State Permits. The wetland areas shall be clearly marked on the site with permanent markings.
- L. There shall be a 50 foot buffer from all tidal wetlands.
- M. As proffered by the Applicant, owners and residents of the proposed development shall be entitled to use all of the recreational amenities of the adjacent Ocean View Beach Club development under the same rights, responsibilities and fees applicable to owners and residents of the Ocean View Beach Club.
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.
- O. The Applicant shall notify potential purchasers and actual purchasers through sales literature and deeds that the property is in the County's jurisdiction; this requirement shall automatically terminate in the event this parcel is annexed (into the Town of Ocean View).

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2411 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF AUGUST 2015.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Convergence Communities to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District – Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 49.66 acres, more or less, land lying north of Road 361 (Muddy Neck Road), east and south of Ocean Way Estates Subdivision, west of Assawoman Canal, and also north of Ocean View Beach Club Community in the Town of Ocean View with access from Nantasket Avenue, Old Orchard Avenue, Ocean Beach Avenue, and Gooseberry Avenue (911 Address: None Available) (Tax Map I.D. 134-17.00-12.00).
- B. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Bethany Beach Sanitary Sewer District Planning Area; that wastewater capacity is available for the project; that Ordinance 38 construction will be required; that the proposed project must extend mainline sewer and make its connection in the 15-inch gravity line in Ogre Drive; that alternatively, a connection point may be available along the parcel's southerly property line when the Ocean View Beach Club completes construction of the sewer system to serve that community; that the project is capable of being annexed into the Bethany Beach Sanitary Sewer District following completion of certain administrative procedures; that sewer service and connection to the sewer system is mandatory; that the project is within system design assumptions and adequate sewer capacity is available; that the proposed development will require a developer installed collection system in accordance with County standard requirements and procedures and the South Coastal Area Planning Study, 2005 Update; that the County Engineer must approve the connection point; that the Engineering Department requires that a Sewer Concept Plan be submitted for review and approval prior to requesting annexation

into the District; that the Concept Plan shall include provisions for an 8-inch connection point extended to the remaining portion of the parcel; that one-time system connection charges and annual front footage and service charges will apply; and that there will need to be a memorandum of understanding signed prior to annexation, obligating the developer to pay front footage assessment and system connection charges in accordance with County policies and procedures for non-exempt properties.

C. The Council found that Doug Freedman, the Applicants' representative, was present with James Fuqua, Esquire of Fuqua, Yori & Willard, P.A., and Zac Crouch, Professional Engineer with Davis, Bowen and Friedel, Inc. and that they stated that the applicants are proposing to develop this 49 acre site with 164 residential units (120 single family dwellings and 44 townhouse units); that the site is located to the rear of the Ocean View Beach Club development, now under construction, which is developing 300 residential units (150 single family dwellings and 150 multi-family dwellings) and 1.6 acres of commercial within the Town of Ocean View; that residential developments surround the property with Ocean Way Estates Subdivision to the north and west, the Assawoman Canal and Sea Colony West Residential Planned Community to the east, and the Clearwater Residential Planned Community, Waterside Residential Planned Community, and Bethany Meadows and other developments to the south; that the Convergence Communities are purchasing the property from the Trustees of Episcopal Church, except for a 5.25 acre parcel with an access easement which is intended for a church in the future; that the property was originally gifted to the Trustees by Mary Lighthipe; that the Trustees went into an agreement with Martha's Light, LLC who applied for a Conditional Use for a continuing care retirement facility; and that the facility was never built and that the applicants are now applying for this Residential Planned Community.

D. Council also found that water will be provided by Tidewater Utilities, Inc.; that central sewer will be provided by Sussex County; that the site is located in the Millville Fire Company service area; that Delmarva Power will provide electrical service; that access is proposed through the Ocean View Beach Club which is being developed by the same developers; that recreational amenities will serve both projects; that a fitness center, spa, indoor and outdoor swimming pools, and sports courts will be provided; that according to the Strategies for State Policies and Spending documents, the site is located in an Investment Level 2 Area, where the State anticipates growth to take place; that according to the Sussex County Comprehensive Plan, the site is located in the Environmentally Sensitive Developing District Overlay Zone and that the housing types are appropriate; that the project complies with the purpose of the MR Medium Density Residential District and is surrounded by MR Medium Density Residential zoning and lands improved with residential planned communities, making the residential planned community portion of the application consistent; that the 164 units gross calculation is 3.23 units per acre; that the Ocean View Beach Club density is 4.2 units are acre; that the project is basically an infill between the other projects in the area with a similar or lower density; that they did not consider the Bonus Density provisions of the Zoning Ordinance; that since the Comprehensive Plan references that a Residential Planned Community is appropriate it should be considered; and that 75% of the project is single family residential.

E. Council further found that a Traffic Impact Study was not required due to improvements already designed for the general area; that the developers will be participating in an Area Wide Signal Agreement if required by DelDOT; that the project is within a Flood Zone Area which has a 5-foot Base Flood Elevation; that all units will be above the Base Flood Elevation; that the site is located within the Inland Bays Watershed; that streets will be built to County standards and specifications; that stormwater management facilities and erosion and sedimentation control facilities will be improved per the requirements of the Sussex Conservation District; that the existing ditches will remain and be cleaned out; that the pipes in the ditches will be cleared and some probably enlarged; that they are planning on using wet ponds, bio-swales and bio-strips in the design; that a 20-foot wide landscape buffer will surround the project; that additional trails and recreational tot-lots will be installed in this project; that single family homes will be built along the entire perimeter; that 80% of all the lots front onto open space; that interconnection is proposed to the State

Assawoman Canal Trail; that 50-foot wide buffers will be provided from all tidal wetlands; that they will be resubmitting for a jurisdictional determination for the wetlands; that sidewalks will be provided along both sides of all streets; that the Ocean View Beach Club is proposing to provide a shuttle service to the beaches and shopping; that adequate parking is available in amenity areas; that streets, sidewalks and trails interconnect to the Ocean View Beach Club; that the Applicants chose to apply to the County, rather than the Town of Ocean View; that sidewalks are located within the street right-of-ways and trails are in open spaces; that streets will have curb and guttering; and that the density for this project is similar to area projects.

F. Based on the Findings (1 through 9) and Conditions (A through O) of the Planning & Zoning Commission, as said Conditions were amended by the Council, Council found that:

1. The proposed MR-RPC project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County because the proposed project is in a Developing Area as established by the Comprehensive Land Use Plan.
2. The proposed rezoning to an MR-RPC meets the purpose of both the MR and the RPC zoning designations since it provides for a superior living environment where County sewer and central water are available.
3. Sewer service will be provided as part of a County operated Sanitary Sewer District, and adequate wastewater capacity is available for the project.
4. Central water will be provided to the project.
5. With the conditions placed upon this project, the RPC designation is appropriate for this parcel of land in that the purpose of a RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity.
6. The development will be required to comply with all DeIDOT requirements, including entrance locations and roadway improvements.
7. This application, with the conditions placed upon it, is consistent with the surrounding areas which include a mix of single family residential and multi-family residential developments.
8. There was no opposition to this application reported during the public hearing.
9. Based on the record, recommendation and findings of the Planning & Zoning Commission and the record created before Council, the Council approved this Application subject to sixteen (16) conditions, as amended by Council.

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TOWN OF OCEAN VIEW

P.O. BOX 3 · 32 WEST AVENUE

OCEAN VIEW, DE 19970

April 12, 2007

William Scott, Esq.
Scott and Shuman
38017 Fenwick Shoals Boulevard
Selbyville, DE 19975

Dear Mr. Scott:

This letter is sent to you as the representative of the three parcels that sought and were granted annexation into the Town of Ocean View. A copy of Ordinance 214, An Ordinance Annexing into the Town Limits of the Town of Ocean View, 85.43 Acres, More Or Less, Being the Lands of Talivadis Berzins and the Trustees of the Protestant Episcopal Church of Delaware, is enclosed. This ordinance was adopted by the Town Council on March 6, 2007, and was effective on April 7, 2007, because no one filed a petition calling for an annexation referendum in the time allotted for such a filing.

You informed the Town Clerk that you would be responsible for submitting the required material for all three annexed parcels. I therefore ask that you please submit five sealed copies of the plat and legal descriptions of all three portions of the property that were annexed into the Town of Ocean View as soon as possible so that this annexation can be recorded, and the appropriate agencies can be notified.

Thank you for your cooperation. Please feel free to call me at 539-9797 if you have any questions or need any assistance.

Sincerely,



Conway Gregory
Town Manager

Enclosure

ORDINANCE NO. 214

**AN ORDINANCE ANNEXING INTO THE TOWN LIMITS OF
THE TOWN OF OCEAN VIEW, 85.43 ACRES, MORE OR LESS,
BEING THE LANDS OF TALIVADIS BERZINS AND
THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH OF DELAWARE.**

BE IT ORDAINED and enacted by the Town Council of the Town of Ocean View:

WHEREAS, Article IV, Section 4.101, et. seq. of "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE" provides that the Town Council shall have the authority to annex any territory contiguous to this Town;

WHEREAS, the Town Council deemed it appropriate to consider the annexation of a tract of land containing 85.43 acres, more or less, situate in Sussex County, Delaware, being the lands of Talivadis Berzins and the Trustees of the Protestant Episcopal Church of Delaware, and;

WHEREAS, the Town Council referred the proposed annexation to Planning & Zoning Commission and the Long Range Finance Committee to investigate the advisability of such annexation of a tract of land containing 85.43 acres, more or less, situate in Sussex County, Delaware, being the lands of Talivadis Berzins and the Trustees of the Protestant Episcopal Church of Delaware and said Committee have made their report to the Town Council within two (2) months from the date of referral and recommending such annexation.

NOW, THEREFORE, be it ordained and enacted by the Town Council of Ocean View as follows:

Section 1. The territory containing 85.43 acres, more or less, as hereinafter described is annexed into the Town Limits of the Town of Ocean View. Said property is more particularly described in Exhibit "A", attached hereto and made a part hereof as if more particularly set out herein.

Section 2. The territory annexed into the Town of Ocean View shall be rezoned, as follows:

A. The territory containing 13.25 acres, more or less, as more particularly described in Exhibit "B", attached hereto and made a part hereof as if more particularly set out herein, shall be designated on the Zoning Maps of the Town of Ocean View as R-2 Residential District.

B. The territory containing 71.61 acres, more or less, as more particularly described in Exhibit "C", attached hereto and made a part hereof as if more particularly set out herein, shall be designated on the Zoning Maps of the Town of Ocean View as R-3 Multifamily

Residential District/ RPC Residential Planned Community District, subject to the following conditions:

1. The maximum number of residential units shall not exceed 300, of which not less than 50% shall be single-family detached dwellings.
2. The construction of the project shall be phased over a period of 7 years with no more than 75 certificates of occupancy being issued within any given calendar year, commencing the date of final approval of this application by the Town Council.
3. The maximum area of commercial/retail/office space shall be five (5) acres, more or less. Permitted uses shall be limited to those in the GB District and other uses designed to serve the RPC.
4. The master site plan and the site plan for each phase of development shall be reviewed and approved by the Town of Ocean View Planning & Zoning Commission.
5. All entrances and roadway improvements required by Delaware Department of Transportation (DelDOT) shall be completed by the applicant.
6. The RPC will conform to the specific development criteria of the R-3 zone, except as noted and as allowed through the use of the RPC District in order to achieve a superior living environment and design ingenuity.
 - a. The RPC may include proposed mixed use buildings (e.g. residential and commercial/retail/office).
 - b. All streets, roads and sidewalks shall be constructed in compliance with the requirements of Town of Ocean View Standards. Sidewalks shall be constructed on both sides of streets or roads, when adjacent to dwelling units or parking areas. Street lighting shall be constructed in compliance with Town requirements and shall be maintained by the homeowners' or condominium owners' association.
 - c.

Minimum front yard, principle structure:	10 feet
Minimum front yard, covered porches and stoops:	5 feet
Minimum side yard, principle structure:	5 feet
Minimum side yard, accessory structure:	3 feet
Total both sides:	10 feet
Minimum rear yard, principle structure:	30 feet
Minimum rear yard, detached garage and acc. uses:	10 feet
Off-street parking spaces per dwelling unit:	2 with 50% satisfied on-street
Off-street parking spaces, size:	9'x18' for residential
Building Height for multi-family only:	3 stories
Lot coverage:	75% max., 60% avg.

Driveways, where garages exist, shall be not less than 25' in length as measured from the inside of the sidewalk.

6. Recreational facilities, e.g., swimming pool and community buildings shall be constructed and open to use by the residents not later than the time of the issuance of the 60th Certificate of Occupancy.
7. The RPC shall include open space of one-third (1/3) total acreage (not including streets, streets, driveways, etc.) and may include passive recreation uses, e.g., bike paths, walking trails, parks, gardens, or the like.
8. A homeowner's or condominium owners' association shall be formed to provide for the perpetual maintenance, repair and replacement of streets, roads, curbs, sidewalks, street lighting, buffers, storm water management facilities, recreational facilities and other common areas.
9. The RPC shall contain not less than fifty percent (50%) of its housing types as single-family dwellings.
10. The RPC shall be served by Sussex County Regional Wastewater Facility per Sussex Engineering Department regulations and specifications.
11. The RPC shall be served by a central water system providing drinking water and fire protection as needed per applicable regulations and approval of the Department of Natural Resources, the State Fire Marshal's Office, the Public Service Commission, and the State of Delaware Office of Public Health.
12. Stormwater management and erosion and sediment control shall equal or exceed all applicable State and County regulations.
13. The applicant shall comply with all wetland regulations imposed by the Army Corps of Engineers and The State of Delaware. State and Federal wetlands shall be maintained as non-disturbance areas, except for disturbance authorized by a valid Federal or State permit. Limited crossings shall be permitted as necessary in the Buffer Zone. There shall be no construction in any wetlands without valid permits.
14. The applicant shall establish "best management practices" in regard to protection of the Assawoman Canal and wetlands. The applicant shall file a Nutrient Loading Assessment Protocol with the appropriate State agency.
15. The applicant shall provide, at no cost, a parcel of land appropriate for use by the Delaware DART bus program as a bus shelter, if deemed appropriate by said organization. The location and size of said parcel shall be as mutually agreed upon by the parties involved.
16. The applicant shall coordinate and cooperate with the local school district's transportation manager to establish school bus stop areas.

17. The applicant shall cooperate and coordinate with the State and County Emergency Preparedness Office to develop and implement an emergency evacuation plan.
18. The RPC shall not contain a marina, individual boat dock facilities, or boat launching facilities, other than a community pier and related facilities for non-motorized watercraft as may be approved and in accordance with all necessary permits and regulations.
19. No site preparation, site disturbance, site excavation, or other site construction shall be commenced until all permits required by all other laws, ordinances, rules, and regulations shall have been issued and the approved final site plan is recorded, except such site work for which a permit has been issued by the Sussex Conservation District. The site work authorized by the Sussex Conservation District permit may be commenced upon submission of copies of the application for permits from the Sussex County Engineering Department and DelDOT to the Planning and Zoning Commission and submission of a bond in an amount equal to 125% of the cost of the site work authorized by the Sussex Conservation District and in a form acceptable to the Town Solicitor. The bond shall be released upon the issuance of all other permits and the filing of an approved Master Plan or Final Site Plan.

C. The territory containing 0.57 acres, more or less, as more particularly described in Exhibit "D", attached hereto and made a part hereof as if more particularly set out herein, shall be designated on the Zoning Maps of the Town of Ocean View as R-1 Single-Family Residential District.

Section 3. A. The applicants shall pay an impact fee of \$1,436 per dwelling unit as its proportionate share of the Town's reasonably anticipated capital costs of supplying municipal or public services to the owner's property, including but not limited to all capital expenditures and improvements by the Town reasonably necessary or appropriate for public works projects and administrative and police services.

B. The applicants shall pay to the Ocean View \$500 per dwelling unit to the Town of Ocean View Emergency Services Enhancement Funding Program for the benefit of volunteer fire service and other organized providers of fire protection and emergency services within the Town of Ocean View.

C. The impact fees shall be payable as determined by ordinance.

Section 4. This Ordinance shall be effective upon the occurrence of the following:

- (a) Its adoption by a majority of all members elected to the Council; and

(b) More than thirty-one days shall have elapsed from date of its final passage without the filing of a petition calling for an annexation referendum.

Section 5. A copy of this Ordinance signed by the Mayor and certified by the Town Clerk, with the Town Seal affixed, together with a plot of the annexed area, shall be forthwith filed for recording in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

TOWN OF OCEAN VIEW

{SEAL}

By: Gary L. Meredith
Mayor

Attest: Marie C. Roman
Town Clerk

First Reading: February 6, 2007

Second Reading: March 6, 2007

ADOPTED: March 6, 2007

EXHIBIT "A"

Perimeter Legal Description of Proposed Annexation Area

Berzins Enterprises, Integrity Communities East LLC, Trustees of the Protestant Episcopal Church of Delaware, Applicants

BEGINNING AT A CONCRETE MONUMENT AT A COMMON CORNER OF THE LANDS NOW OR FORMERLY OF MARY C. FINIELLO AND OCEAN WAY ESTATES SECTION FOUR; THENCE BY AND WITH THE LANDS NOW OR FORMERLY OF MARY C. FINIELLO AND THE LANDS OF NOW OR FORMERLY GERALD B. AND CYNTHIA RICHARDSON AND HUNTERS RUN SUBDIVISION NORTH 19°19'22" EAST FOR A DISTANCE OF 1984.53' TO A CONCRETE MONUMENT AT A COMMON CORNER OF OCEAN WAY ESTATES SECTION FOUR AND HUNTERS RUN SUBDIVISION AND OCEAN WAY ESTATES SECTION THREE; THENCE BY AND WITH LOT 115 NORTH 55°10'53" EAST FOR A DISTANCE OF 138.14' TO A POINT OF THE LINE OF THE RIGHT OF WAY OF MILDA DRIVE; THENCE BY AND WITH THE RIGHT OF WAY OF MILDA DRIVE ON A ARC TO THE RIGHT THAT CONNECTS MILDA DRIVE TO THE RIGHT OF WAY OF OGRE DRIVE AND HAVING A RADIUS OF 50.00' AND A ARC LENGTH OF 57.93' AND SUBTENDED BY A CHORD BEARING OF SOUTH 13°51'54" EAST AND A CHORD LENGTH OF 54.74' TO A POINT ON THE RIGHT OF WAY OF OGRE DRIVE; THENCE BY AND WITH SAID RIGHT OF WAY SOUTH 19°19'22" WEST FOR A DISTANCE OF 220.68' TO A POINT; ON THE LINE OF LOTS 117 AND 118 THENCE CROSSING THE RIGHT OF WAY OF OGRE DRIVE SOUTH 49°31'51" EAST FOR A DISTANCE OF 53.61' TO A POINT OF CURVATURE ON LOT 82; THENCE ON A ARC TO THE RIGHT THAT CONNECTS THE RIGHT OF WAY OF OGRE DRIVE TO THE RIGHT OF WAY OF MILDA DRIVE AND HAVING A RADIUS OF 25.00' AND A ARC LENGTH OF 39.28' AND SUBTENDED BY A CHORD BEARING OF NORTH 64°19'22" EAST AND A CHORD LENGTH OF 35.36' TO A POINT OF REVERSE CURVATURE ON THE RIGHT OF WAY OF MILDA DRIVE; THENCE BY AND WITH SAID RIGHT OF WAY THE FOLLOWING COURSES ON A ARC TO THE LEFT AND HAVING A RADIUS OF 548.69' AND A ARC LENGTH OF 172.54' AND SUBTENDED BY A CHORD BEARING OF SOUTH 79°41'08" EAST AND A CHORD LENGTH OF 171.83' TO A POINT; THENCE SOUTH 88°41'39" EAST FOR A DISTANCE OF 123.15' TO A POINT ON THE LINE OF LOT 78 OF OCEAN WAY ESTATES SECTION 3; THENCE BY AND WITH LOT 78 SOUTH 01°18'21" WEST FOR A DISTANCE OF 135.00' TO A POINT ON THE LINE OF THE LANDS NOW OR FORMERLY OF THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH OF DELAWARE; THENCE BY AND WITH THE LANDS NOW OR FORMERLY OF THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH THE FOLLOWING COURSES NORTH 88° 41' 39" WEST FOR A DISTANCE OF 17.61' TO A CONCRETE MONUMENT; THENCE NORTH 88°40'49" WEST FOR A DISTANCE OF 237.59' TO A CONCRETE MONUMENT; THENCE SOUTH 19°19'22" WEST FOR A DISTANCE OF 1477.68' TO A POINT; THENCE BY AND WITH THE LANDS OF NOW OR FORMERLY THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH NORTH 75°31'09" EAST FOR A DISTANCE OF 60.17' TO A POINT ON THE COMMON CORNER OF THE LANDS NOW OR FORMERLY OF TALIVADIS BERZINS et.al. AND THE LANDS NOW OR FORMERLY OF THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH; THENCE NORTH 75°31'09" EAST FOR A DISTANCE OF 616.37' TO A POINT; THENCE NORTH 89°23'07" EAST FOR A DISTANCE OF 1,170.60' TO A POINT; THENCE NORTH 59°55'52" EAST FOR A DISTANCE OF 544.83' TO A POINT; THENCE NORTH 83°12'39" EAST FOR A DISTANCE OF 65.13' TO A POINT ON THE LINE OF THE ASSAWOMAN CANAL

AND THE BOUNDARY OF THE LANDS OF THE UNITED STATES OF AMERICA; THENCE BY AND WITH THE LANDS OF THE UNITED STATES OF AMERICA SOUTH 19°59'50" EAST FOR A DISTANCE OF 947.22' TO A POINT AND COMMON CORNER OF THE LANDS OF THE UNITED STATES OF AMERICA AND THE LANDS NOW OR FORMERLY OF CIRCLE 'J' VENTURES LLC.; THENCE BY AND WITH THE LANDS NOW OR FORMERLY OF CIRCLE 'J' VENTURES LLC. THE FOLLOWING COURSES SOUTH 69°25'50" WEST FOR A DISTANCE OF 96.96' TO A POINT; THENCE SOUTH 64°08'08" WEST FOR A DISTANCE OF 471.77' TO A POINT; THENCE SOUTH 37°42'55" WEST FOR A DISTANCE OF 221.76' TO A POINT; THENCE SOUTH 08°41'48" WEST FOR A DISTANCE OF 256.44' TO A POINT; THENCE NORTH 86°46'13" EAST FOR A DISTANCE OF 59.08' TO A POINT; THENCE SOUTH 16°21'55" WEST FOR A DISTANCE OF 387.58' TO A POINT ON THE NORTHERLY RIGHT OF WAY OF SUSSEX COUNTY ROUTE 361 SAID ROAD HAVING A RIGHT OF WAY WIDTH OF 70 FEET AND BEING A COMMON CORNER OF THESE LANDS AND THE LANDS NOW OR FORMERLY OF CIRCLE 'J' LLC.; THENCE BY AND WITH SAID RIGHT OF WAY THE FOLLOWING COURSES NORTH 72°36'50" WEST FOR A DISTANCE OF 1448.60' TO A POINT OF CURVATURE; THENCE WITH A ARC TO THE RIGHT AND HAVING A RADIUS OF 1006.75' AND A ARC LENGTH OF 384.97' AND SUBTENDED BY A CHORD BEARING OF NORTH 61°39'33" WEST AND A CHORD LENGTH OF 382.63' TO A POINT AT THE LANDS OF N/F MICHAEL ADKINS THENCE BY AND WITH THE LANDS NOW OR FORMERLY OF MICHAEL ADKINS NORTH 41°25'14" EAST FOR A DISTANCE OF 150.79' TO A POINT; THENCE BY AND WITH THE LANDS NOW OR FORMERLY OF MICHAEL ADKINS AND THE LANDS NOW OR FORMERLY OF DONALD F. AVERILL NORTH 34°45'36" WEST FOR A DISTANCE OF 349.14' TO A POINT AT A COMMON CORNER OF THE LANDS NOW OR FORMERLY OF DONALD F. AVERILL AND NOW OR FORMERLY OF RAYMOND BERZINS et.al. THENCE BY AND WITH THE NOW OR FORMERLY LANDS OF RAYMOND BERZINS, et.al NORTH 67°52'10" WEST FOR A DISTANCE OF 225.04' TO A POINT ON THE LINE OF THE LANDS NOW OR FORMERLY OF THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH OF DELAWARE; THENCE SOUTH 24°01'48" WEST FOR A DISTANCE OF 33.37' TO A POINT; THENCE SOUTH 09°46'42" EAST FOR A DISTANCE OF 54.29' TO A POINT ON THE NORTHERLY RIGHT OF WAY OF SUSSEX COUNTY ROUTE 361 ALSO KNOWN AS MUDDY NECK ROAD AND HAVING A RIGHT OF WAY OF 70 FEET AND BEING A COMMON CORNER OF THE LANDS NOW OR FORMERLY OF RAYMOND BERZINS et.al. AND THE LANDS NOW OR FORMERLY OF THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH; THENCE BY AND WITH SAID RIGHT OF WAY NORTH 30°19'18" WEST FOR A DISTANCE OF 150.26' TO A POINT ON THE LINE OF THE LANDS OF NOW OR FORMERLY TALIVADIS BERZINS et.al. ALSO BEING THE LINE OF OCEAN WAY ESTATES SECTION FOUR; THENCE BY AND WITH SAID RIGHT OF WAY NORTH 32°00'54" WEST FOR A DISTANCE OF 81.17' TO A POINT; THENCE BY AND WITH SAID RIGHT OF WAY NORTH 35°34'30" WEST FOR A DISTANCE OF 104.55' TO A POINT; THENCE BY AND WITH SAID RIGHT OF WAY NORTH 40°02'11" WEST FOR A DISTANCE OF 75.15' TO A CONCRETE MONUMENT ALSO BEING THE POINT OF BEGINNING, SAVE AND EXCEPT A PARCEL OR PIECE OF LAND DESIGNATED AS LOT 155 ON A PLAT RECORDED IN PLOT BOOK 46 AT PAGE 168 IN THE RECORDER OF DEEDS FOR SUSSEX COUNTY, STATE OF DELAWARE AND FURTHER DESCRIBED IN DEED BOOK 1740 AT PAGE 225 IN THE RECORDER OF DEEDS FOR SUSSEX COUNTY, STATE OF DELAWARE WHICH CONVEYS SAID PARCEL OR PIECE OF LAND TO THE SUSSEX COUNTY COUNCIL.

THE PROPOSED ANNEXATION AREA CONTAINING 85.43 ACRES OF LAND MORE OR LESS.

EXHIBIT "B"

PARCEL 8.01

ALL THAT CERTAIN PIECE OR PARCEL OF LAND LYING AND BEING SITUATE IN BALTIMORE HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE AND BEING MORE PARTICULARLY DESCRIBED AS THE LANDS NOW OR FORMERLY OF TALIVADIS BERZINS et.al AND PLATTED AS OCEAN WAY ESTATES SECTION FOUR AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT AT A COMMON CORNER OF OCEAN WAY ESTATES SECTION FOUR AND HUNTERS RUN SUBDIVISION AND OCEAN WAY ESTATES SECTION THREE; THENCE BY AND WITH LOT 115 NORTH 55°10'53" EAST FOR A DISTANCE OF 138.14' TO A POINT OF THE LINE OF THE RIGHT OF WAY OF MILDA DRIVE; THENCE BY AND WITH THE RIGHT OF WAY OF MILDA DRIVE ON A ARC TO THE RIGHT THAT CONNECTS MILDA DRIVE TO THE RIGHT OF WAY OF OGRE DRIVE AND HAVING A RADIUS OF 50.00' AND A ARC LENGTH OF 57.93' AND SUBTENDEED BY A CHORD BEARING OF SOUTH 13°51'54" EAST AND A CHORD LENGTH OF 54.74' TO A POINT ON THE RIGHT OF WAY OF OGRE DRIVE; THENCE BY AND WITH SAID RIGHT OF WAY SOUTH 19°19'22" WEST FOR A DISTANCE OF 220.68' TO A POINT; ON THE LINE OF LOTS 117 AND 118 THENCE CROSSING THE RIGHT OF WAY OF OGRE DRIVE SOUTH 49°31'51" EAST FOR A DISTANCE OF 53.61' TO A POINT OF CURVATURE ON LOT 82; THENCE ON A ARC TO THE RIGHT THAT CONNECTS THE RIGHT OF WAY OF OGRE DRIVE TO THE RIGHT OF WAY OF MILDA DRIVE AND HAVING A RADIUS OF 25.00' AND A ARC LENGTH OF 39.28' AND SUBTENDEED BY A CHORD BEARING OF NORTH 64°19'22" EAST AND A CHORD LENGTH OF 35.36' TO A POINT OF REVERSE CURVATURE ON THE RIGHT OF WAY OF MILDA DRIVE; THENCE BY AND WITH SAID RIGHT OF WAY THE FOLLOWING COURSES ON A ARC TO THE LEFT AND HAVING A RADIUS OF 548.69' AND A ARC LENGTH OF 172.54' AND SUBTENDEED BY A CHORD BEARING OF SOUTH 79°41'08" EAST AND A CHORD LENGTH OF 171.83' TO A POINT; THENCE SOUTH 88°41'39" EAST FOR A DISTANCE OF 123.15' TO A POINT ON THE LINE OF LOT 78 OF OCEAN WAY ESTATES SECTION 3; THENCE BY AND WITH LOT 78 SOUTH 01°18'21" WEST FOR A DISTANCE OF 135.00' TO A POINT ON THE LINE OF THE LANDS NOW OR FORMERLY OF THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH OF DELAWARE; THENCE BY AND WITH THE LANDS NOW OR FORMERLY OF THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH THE FOLLOWING COURSES NORTH 88° 41' 39" WEST FOR A DISTANCE OF 17.61' TO A CONCRETE MONUMENT; THENCE NORTH 88°40'49" WEST FOR A DISTANCE OF 237.59' TO A CONCRETE MONUMENT; THENCE SOUTH 19°19'22" WEST FOR A DISTANCE OF 1839.26' TO A POINT; THENCE SOUTH 84°29'35" WEST FOR A DISTANCE OF 41.98' TO A POINT ON THE NORTHERLY RIGHT OF WAY OF SUSSEX COUNTY ROUTE 361 ALSO KNOWN AS MUDDY NECK ROAD AND HAVING A RIGHT OF WAY OF 70 FEET; THENCE BY AND WITH SAID RIGHT OF WAY THE FOLLOWING COURSES NORTH 32°00'54" WEST FOR A DISTANCE OF 81.17' TO A POINT; THENCE NORTH 35°06'41" WEST FOR A DISTANCE OF 24.69'; THENCE NORTH 35°34'30" WEST FOR A DISTANCE OF 104.55' TO A POINT; THENCE NORTH 40°02'11" WEST FOR A DISTANCE OF 75.15' TO A CONCRETE MONUMENT AT A COMMON CORNER OF THE LANDS NOW OR FORMERLY OF MARY C. FINIELLO AND OCEAN WAY ESTATES SECTION FOUR; THENCE BY AND WITH THE LANDS NOW OR FORMERLY OF MARY C. FINIELLO AND THE LANDS OF NOW OR FORMERLY GERALD B. AND CYNTHIA RICHARDSON AND

HUNTERS RUN SUBDIVISION NORTH 19°19'22" EAST FOR A DISTANCE OF 1984.53' TO A CONCRETE MONUMENT ALSO BEING THE POINT OF BEGINNING, CONTAINING 13.25 ACRES MORE OR LESS AS SHOWN ON A PLAT RECORDED IN PLOT BOOK 46 AT PAGE 168 IN THE RECORDER OF DEEDS FOR SUSSEX COUNTY, STATE OF DELAWARE.

SAVE AND EXCEPT A PARCEL OR PIECE OF LAND DESIGNATED AS LOT 155 ON A PLAT RECORDED IN PLOT BOOK 46 AT PAGE 168 IN THE RECORDER OF DEEDS FOR SUSSEX COUNTY, STATE OF DELAWARE AND FURTHER DESCRIBE IN DEED BOOK 1740 AT PAGE 225 IN THE RECORDER OF DEEDS FOR SUSSEX COUNTY, STATE OF DELAWARE WHICH CONVEYS SAID PARCEL OR PIECE OF LAND TO THE SUSSEX COUNTY COUNCIL.

EXHIBIT "C"

Parcel 11

ALL THAT CERTAIN PIECE OR PARCEL OF LAND LYING AND BEING SITUATE IN BALTIMORE HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE AND BEING MORE PARTICULARLY DESCRIBED AS THE LAND OF NOW OR FORMERLY TALIVADIS BERZINS ET.AL AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY OF SUSSEX COUNTY ROUTE 361 ALSO KNOWN AS MUDDY NECK ROAD, SAID ROAD HAVING A RIGHT OF WAY WIDTH OF 70 FEET AND BEING A COMMON CORNER OF THESE LANDS AND THE LANDS NOW OR FORMERLY OF CIRCLE 'J' LLC.; THENCE BY AND WITH SAID RIGHT OF WAY THE FOLLOWING COURSES NORTH 72°36'50" WEST FOR A DISTANCE OF 1448.60' TO A POINT OF CURVATURE; THENCE WITH A ARC TO THE RIGHT AND HAVING A RADIUS OF 1006.75' AND A ARC TO THE RIGHT AND HAVING A RADIUS OF 1006.75' AND A ARC LENGTH OF 384.97' AND SUBTENDED BY A CHORD BEARING OF NORTH 66°31'51" WEST AND A CHORD LENGTH OF 382.63' TO A POINT AT THE LANDS OF N/F MICHAEL ADKINS THENCE BY AND WITH THE LANDS NOW OR FORMERLY OF MICHAEL ADKINS NORTH 41°25'14" EAST FOR A DISTANCE OF 150.79' TO A POINT; THENCE BY AND WITH THE LANDS NOW OR FORMERLY OF MICHAEL ADKINS AND THE LANDS NOW OR FORMERLY OF DONALD F. AVERILL NORTH 34°45'36" WEST FOR A DISTANCE OF 349.14' TO A POINT AT A COMMON CORNER OF THE LANDS NOW OR FORMERLY OF DONALD F. AVERILL AND NOW OR FORMERLY OF RAYMOND BERZINS et.al. THENCE BY AND WITH THE NOW OR FORMERLY LANDS OF RAYMOND BERZINS, et.al NORTH 67°52'10" WEST FOR A DISTANCE OF 225.04' TO A POINT ON THE LINE OF THE LANDS NOW OR FORMERLY OF THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH OF DELAWARE; THENCE BY AND WITH THE LANDS NOW OR FORMERLY OF THE PROTESTANT EPISCOPAL CHURCH THE FOLLOWING COURSES NORTH 20°39'15" EAST FOR A DISTANCE OF 157.82' TO A POINT; THENCE NORTH 57°05'40" WEST FOR A DISTANCE OF 4.57' TO A POINT; THENCE NORTH 18°54'20" EAST FOR A DISTANCE OF 270.45' TO A POINT; THENCE NORTH 75°31'09" EAST FOR A DISTANCE OF 616.37' TO A POINT; THENCE NORTH 89°23'07" EAST FOR A DISTANCE OF 1,170.60' TO A POINT; THENCE NORTH 59°55'52" EAST FOR A DISTANCE OF 544.83' TO A POINT; THENCE NORTH 83°12'39" EAST FOR A DISTANCE OF 65.13' TO A POINT ON THE LINE OF THE ASSAWOMAN CANAL AND THE BOUNDARY OF THE LANDS OF THE UNITED STATES OF AMERICA; THENCE BY AND WITH THE LANDS OF THE UNITED STATES OF AMERICA SOUTH 19°59'50" EAST FOR A DISTANCE OF 947.22' TO A POINT AND COMMON CORNER OF THE LANDS OF THE UNITED STATES OF AMERICA AND THE LANDS NOW OR FORMERLY OF CIRCLE 'J' VENTURES LLC.; THENCE BY AND WITH THE LANDS NOW OR FORMERLY OF CIRCLE 'J' VENTURES LLC. THE FOLLOWING COURSES SOUTH 69°25'50" WEST FOR A DISTANCE OF 96.96' TO A POINT; THENCE SOUTH 64°08'08" WEST FOR A DISTANCE OF 471.77' TO A POINT; THENCE SOUTH 37°42'55" WEST FOR A DISTANCE OF 221.76' TO A POINT; THENCE SOUTH 08°41'48" WEST FOR A DISTANCE OF 256.44' TO A POINT; THENCE NORTH 86°46'13" EAST FOR A DISTANCE OF 59.08' TO A POINT; THENCE SOUTH 16°21'55" WEST FOR A DISTANCE OF 387.58' TO A POINT ON THE NORTHERLY RIGHT OF WAY OF SUSSEX COUNTY ROUTE 361 ALSO BEING THE POINT OF BEGINNING, CONTAINING 71.61 ACRES OF LAND MORE OR LESS.

EXHIBIT "D"

Parcel 12 PART OF

ALL THAT CERTAIN PIECE OR PARCEL OF LAND LYING AND BEING SITUATE IN BALTIMORE HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE AND BEING MORE PARTICULARLY DESCRIBED AS PART OF THE LANDS OF THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH OF DELAWARE AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY OF SUSSEX COUNTY ROUTE 361 ALSO KNOWN AS MUDDY NECK ROAD AND HAVING A RIGHT OF WAY OF 70 FEET AND BEING A COMMON CORNER OF THE LANDS NOW OR FORMERLY OF RAYMOND BERZINS et.al. AND THE LANDS NOW OR FORMERLY OF THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH; THENCE BY AND WITH SAID RIGHT OF WAY NORTH 30°19'18" WEST FOR A DISTANCE OF 150.26' TO A POINT ON THE LINE OF THE LANDS OF NOW OR FORMERLY TALIVADIS BERZINS et.al. ALSO BEING THE LINE OF OCEAN WAY ESTATES SECTION FOUR; THENCE BY AND WITH THE LINE OF OCEAN WAY ESTATES SECTION FOUR THE FOLLOWING COURSES NORTH 84°29'35" EAST FOR A DISTANCE OF 41.98' TO A POINT; THENCE NORTH 19°19'22" EAST FOR A DISTANCE OF 361.58' TO A POINT; THENCE BY AND WITH THE LANDS OF NOW OR FORMERLY THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH NORTH 75°31'09" EAST FOR A DISTANCE OF 60.17' TO A POINT ON THE COMMON CORNER OF THE LANDS NOW OR FORMERLY OF TALIVADIS BERZINS et.al. AND THE LANDS NOW OR FORMERLY OF THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH; THENCE BY AND WITH THE LANDS NOW OR FORMERLY OF TALIVADIS BERZINS et.al. THE FOLLOWING COURSES SOUTH 18°54'20" WEST FOR A DISTANCE OF 270.45' TO A POINT; THENCE SOUTH 57°05'40" EAST FOR A DISTANCE OF 4.57' TO A POINT; THENCE SOUTH 20°39'15" WEST FOR A DISTANCE OF 157.82' TO A POINT; THENCE SOUTH 24°01'48" WEST FOR A DISTANCE OF 33.37' TO A POINT; THENCE SOUTH 09°46'42" EAST FOR A DISTANCE OF 54.29' TO A POINT ON THE NORTHERLY RIGHT OF WAY OF SUSSEX COUNTY ROUTE 361 ALSO BEING THE POINT OF BEGINNING CONTAINING 0.57 ACRES MORE OR LESS AND BEING TRACT II AS SHOWN ON A PLAT RECORDED IN PLOT BOOK 11 AT PAGE 67 IN THE RECORDER OF THE DEED FOR SUSSEX COUNTY, STATE OF DELAWARE.

13

OCEAN VIEW BEACH CLUB NORTH

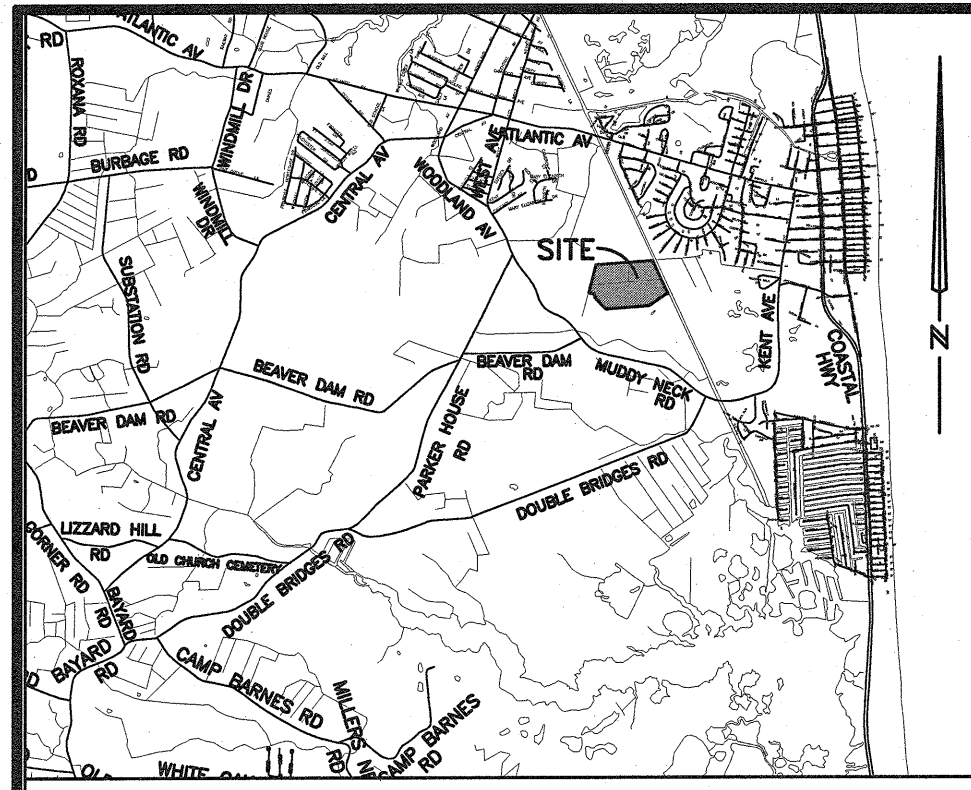
(FORMERLY LIGHTHIPE SUBDIVISION)
RESIDENTIAL PLANNED COMMUNITY

BALTIMORE HUNDRED,
SUSSEX COUNTY, DELAWARE

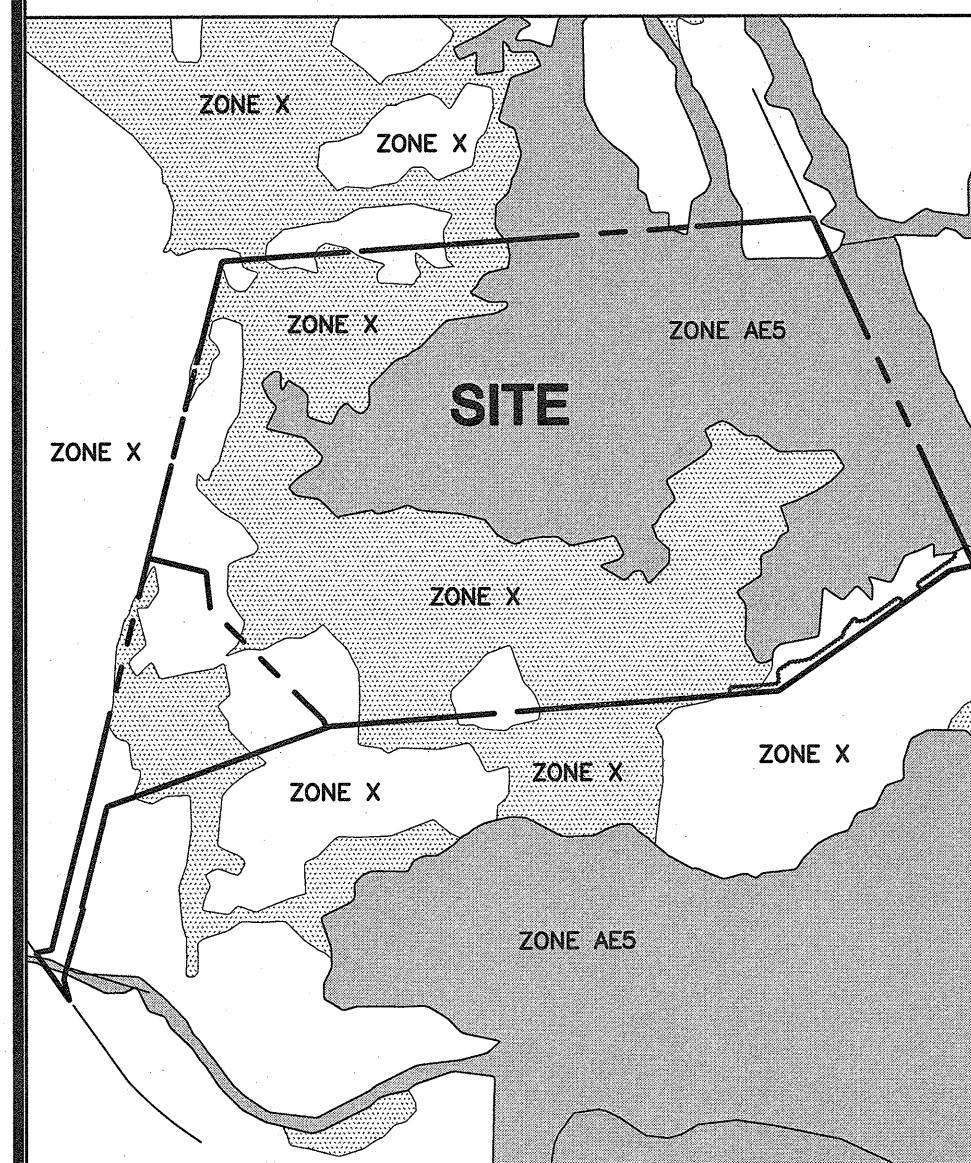
DBF # 1443F001

RECORD PLAN

REVISED: MAY 30, 2019



VICINITY MAP SCALE: 1" = 1 MILE



FLOODPLAIN MAP SCALE: 1" = 500' DATE: MARCH 16, 2015

PRIVATE SUBDIVISION STREETS

PROPOSED ROAD	FROM STA.	TO STA.	LENGTH
GOOSEBERRY AVE	0+00.00	33+39.68	0.63 MI.
BEACH CLUB AVE	15+59.00	26+12.57	0.20 MI.
OLD ORCHARD AVE	12+38.00	22+88.35	0.20 MI.
NANTASKET AVE	4+55.00	15+06.23	0.20 MI.
KITTS LANE	0+00.00	3+79.58	0.07 MI.
FOWLER LANE	0+00.00	4+74.22	0.09 MI.

LEGEND

- PROPERTY LINE
- - - RIGHT-OF-WAY LINE
- BUILDING SETBACK LINE
- + - + - EASEMENT LINE
- WATERS OF U.S.
- FEMA REGULATORY FLOOD ELEVATION 5.0
- FLOOD ZONE LINE
- IRON ROD WITH CAP SET
- CONCRETE MONUMENT SET



SCALE: 1" = 300'

SHEET INDEX

R-01	RECORD TITLE PLAN
R-02	BOUNDARY SURVEY
R-03	RECORD PLAN OVERVIEW
R-04 - R-07	RECORD PLANS
R-08	LINE & CURVE TABLES, STREET SECTION

OWNER:
THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH OF DELAWARE
2020 N TATNALL ST.
WILMINGTON, DELAWARE 19802
PH: 302-656-5441
FX: 302-656-7342

DEVELOPER/EQUITABLE OWNER:
CONVERGENCE COMMUNITIES
172 CENTER STREET, SUITE 204
JACKSON HOLE, WY 83001
PH: 307-734-1654
FX: 307-739-1248

dbf DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS

SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (410) 424-1441
EASTON, MARYLAND (410) 770-4744

ROAD
MUDDY NECK ROAD (S361)
FUNCTIONAL CLASSIFICATION - LOCAL
AADT (DELAWARE TRAFFIC SUMMARY 2015) = 2,841
10 YR PROJECTED AADT = 1.16 X 2,841 = 3,296
10 YR PROJECTED AADT + SITE ADT (3,827) = 7,123
DIRECTIONAL SPLIT = 61.81% / 38.19%
PEAK HOUR = 15.43% X 3,296 = 509
6.28% TRUCK % X 509 = 32
SPEED - POSTED = 45 MPH
TRAFFIC PATTERN GROUP = 7

TRAFFIC DIAGRAM
NO SCALE

LEGEND
- WKDY ADT
- PM PEAK
- SAT PEAK
- TRIP DISTRIBUTION

DESIGN

TYPE OF DEV.	ITE SQ FT/	CODE UNITS	PM	SAT	WKDY
SINGLE-FAMILY HOMES	210	273	259	252	2,648
TOWNHOUSES/CONDOS	230	191	102	98	1,129
SPECIALTY RETAIL	826	1,500	25	7	66
TOTAL			386	357	3,841
INTERNAL CAPTURE			-5	0	-14
EXTERNAL TRIPS			380	357	3,827

NOTE:
-TRIP GENERATION IS BASED ON ITE TRIP GENERATION MANUAL 9TH EDITION.
-TRIPS INCLUDE OCEAN VIEW BEACH CLUB AND LIGHTHIPE TRIPS.
-OCEAN VIEW BEACH CLUB WAS APPROVED FOR 150 SINGLE FAMILY HOMES, 150 TOWNHOUSES/CONDOS AND 1,500 SQ. FT. SPECIALTY RETAIL.
-LIGHTHIPE IS PROPOSED TO CONSIST OF 123 SINGLE FAMILY HOMES AND 41 TOWNHOUSES/CONDOS.
-DESIGN VEHICLE: SU-30.

GENERAL NOTES:

- All entrances shall conform to the Delaware Department of Transportation's (DelDOT's) current Development Coordination Manual (DCM) and shall be subject to its approval.
- Shrubbery, plantings, signs and/or other visual barriers that could obstruct the sight distance of a driver preparing to enter the roadway are prohibited within the defined departure sight triangle area established on this plan. If the established departure sight triangle area is outside the right-of-way lines, at a minimum one side of the owner's land, a sight easement should be established and recorded with all affected property owners to maintain the required sight distance.
- Upon completion of the construction of the sidewalk or shared-use path across this project's frontage and physical connection to adjacent existing facilities, the developer, the property owners or both associated with this project, shall be responsible to remove any existing road tie-in connections located along adjacent properties, and restore the area to grass. Such actions shall be completed at DelDOT's discretion, and in conformance with DelDOT's "Shared-Use Path and/or Sidewalk Termination Policy".
- Subdivision streets constructed within the limits of the right-of-way are private as shown on this plan and are to be maintained by the Developer, property owners or both. The State of Delaware assumes no maintenance responsibilities for the future maintenance of these streets.
- The sidewalk shall be the responsibility of the developer, the property owners or both within this subdivision. The State of Delaware assumes no responsibility for the future maintenance of the sidewalk and/or shared-use path.
- All lots shall have access from the internal subdivision street.
- The developer shall be required to furnish and place right-of-way monuments on the dedicated subdivision street right-of-way in accordance with Section 3.2.4.1 of the Development Coordination Manual, and the requirements of the land use agency. Right-of-way monuments shall be placed along the right-of-way lines, at a minimum on one side of the street at every change in horizontal alignment to provide a permanent reference for the re-establishing the centerline and right-of-way line.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTORS' RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN "TRAFFIC CONTROLS FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY AND EMERGENCY OPERATIONS." (LATEST EDITION)
- ALL STEEL USED IN CATCH BASINS MUST BE 60 KSI.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS, AND NIGHTTIME FARMING OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.
- NO BUILDING PERMIT WILL BE ISSUED UNTIL EITHER ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED, CONSTRUCTED, OR PLACED FOR THE LOT FOR WHICH THE BUILDING PERMIT IS TO BE ISSUED IN A MANNER ACCEPTABLE TO THE COUNTY AND STATE, OR UNTIL THE DEVELOPER FILES A PERFORMANCE BOND OR OTHER GUARANTEE WITH THE COUNTY FOR ANY UNCOMPLETED PUBLIC OR PRIVATE STREET OR OTHER REQUIRED IMPROVEMENT.
- AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL BUFFER AREAS, AND THE STORMWATER MANAGEMENT AREA, SHALL BE OWNED AND MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. THE DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED.
- THE FINAL OVERLAY OF HOT MIX - TYPE C FOR ALL STREETS WITHIN THE DEVELOPMENT WILL NOT BE PERMITTED UNTIL 75% OF THE HOMES ARE COMPLETELY CONSTRUCTED. IF FINAL OVERLAY IS CONDUCTED WITHOUT THE COUNTY KNOWLEDGE AND/OR APPROVAL, THEN THE COUNTY HAS THE RIGHT TO HAVE THE OWNER/DEVELOPER ROTOMILL AND OVERLAY, WITH ALL COSTS BEING PAID FOR BY THE DEVELOPER.
- A TEN (10) FOOT STRIP IS HEREBY RESERVED AS AN EASEMENT FOR DRAINAGE AND UTILITIES ALONG ALL STREET RIGHT OF WAYS.

DEVELOPER / OWNER STATEMENT

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT MY DIRECTION, I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW. PERPETUAL MAINTENANCE OF STREETS AND COMMON AREAS SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER AND/OR HOMEOWNERS ASSOCIATION.

[Signature]
LIGHIPE LLC
172 CENTER STREET, SUITE 204
JACKSON HOLE, WY 83001
DATE: 6/12/19

ENGINEER'S STATEMENT

I, W. ZACHARY CROUCH, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

[Signature]
W. ZACHARY CROUCH, P.E.
DAVIS, BOWEN & FRIEDEL, INC.
23 NORTH WALNUT STREET
MILFORD, DELAWARE, 19963
DATE: 7-1-2019

WETLANDS CERTIFICATION

WE, THE UNDERSIGNED, HEREBY STATE THAT THE STATE AND/OR FEDERAL WETLANDS BOUNDARIES DELINEATED UPON THIS PLAN ARE ACCURATELY SHOWN AND THAT THE DELINEATION WAS PERFORMED UNDER OUR SUPERVISION AND IN ACCORDANCE WITH THE APPROPRIATE STATE OR FEDERAL STANDARD FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS.

[Signature]
DAVID BAILEY, TEN BEARS ENVIRONMENTAL
1080 SOUTH CHAPEL STREET
NEWARK, DELAWARE 19702
DATE: 6/12/19

SUSSEX CONSERVATION DISTRICT

APPROVED
SEDIMENT CONTROL & STORMWATER MANAGEMENT

Reviewed by: *[Signature]* Date: *7/2/19*

Approved by: *[Signature]* Date: *7/2/19*

PRESIDENT OF SUSSEX COUNTY COUNCIL
NAME: *[Signature]* DATE: *7-2-19*

CHAIRMAN/SECRETARY OF PLANNING AND ZONING COMMISSION
NAME: *[Signature]* DATE: *7/24/19*

CONFORMED COPY
Document # 201900026899 BK: 288 PG: 21
On 7/26/2019 at 2:57:44 PM
RECORDER OF DEEDS Scott Dailey
Sussex County
Consideration: \$0.00

THIS PLAN SUPERCEDES IN PART PART THE PLAN PREVIOUSLY RECORDED IN PLAT BOOK 246 PAGE 15 ON APRIL 27, 2017 IN THE OFFICE OF RECORDER OF DEEDS FOR SUSSEX COUNTY.
PURPOSE:
1. REVISE NAME OF DEVELOPMENT FROM "LIGHIPE SUBDIVISION" TO "OCEAN VIEW BEACH CLUB NORTH"
2. REVISED LOTS 48-64, 70-75, 94-103, AND 129-133.

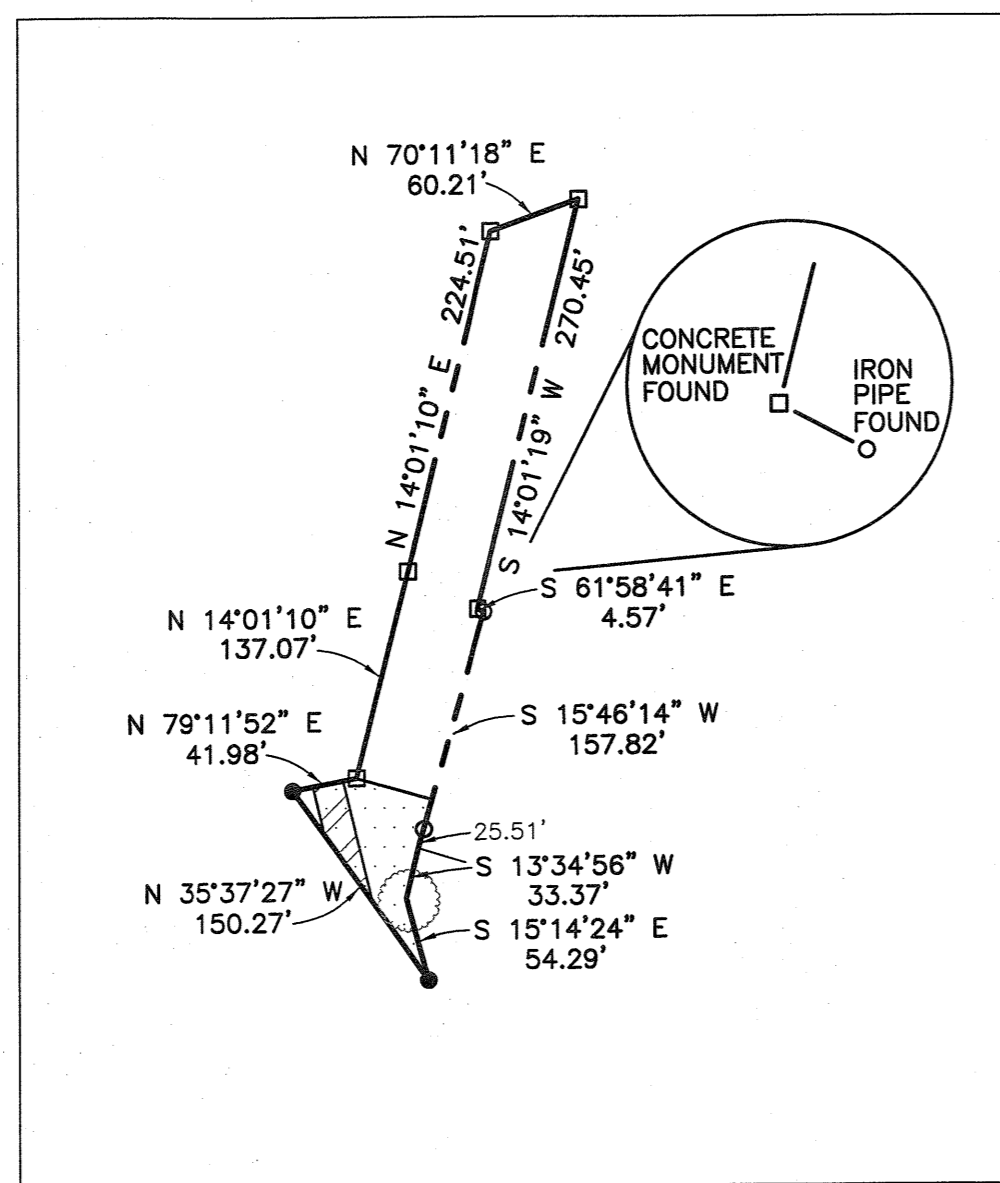
R-01

**SCHEDULE B
EXCEPTIONS FROM COVERAGE
FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT NUMBER 736151/177940
1-34-17.00-12.00 (TRACTS 1 & 2)**

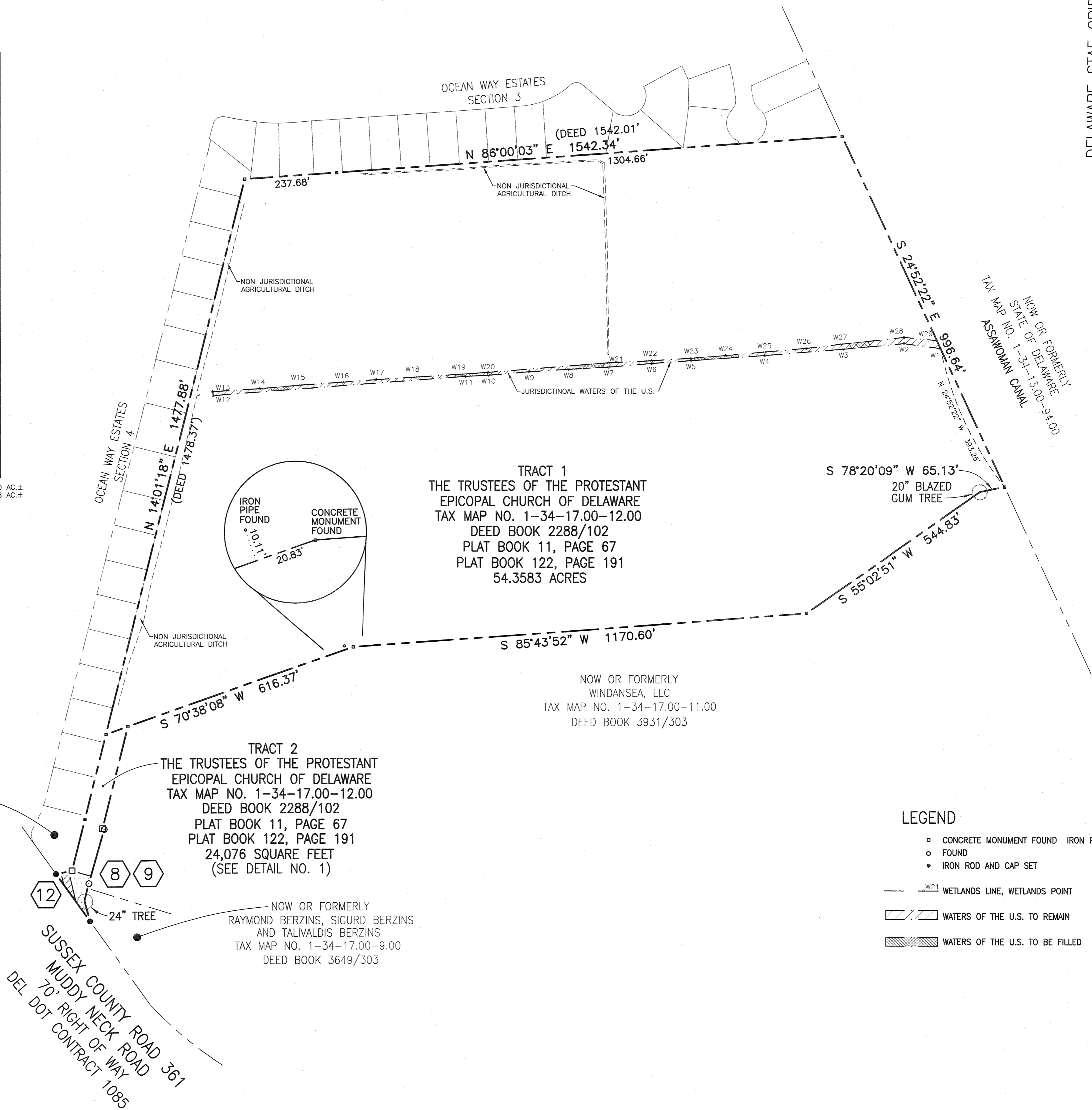
- 8. Tax Ditch Order: Sussex Soil Conservation District vs. McCabe Tax Ditch, recorded January 4, 2007 in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Tax Ditch Book 4, Page 146.
SHOWN ON SURVEY
- 9. Tax Ditch Order: Sussex Soil Conservation District vs. McCabe Tax Ditch, recorded March 12, 2009 in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Tax Ditch Book 6, Page 47.
SHOWN ON SURVEY
- 10. Right of Way Agreement between Orlando Cooper and Delaware Power and Light Company dated March 18, 1948 and recorded in the Office as aforesaid in Deed Book 378, Page 322.
TOO VAGUE TO PLOT
- 11. Easement Agreement between Talivaldis Berzins and Gaida Berzins and Sea TV Company dated May 3, 1973 and recorded in the Office as aforesaid in Deed Book 705, Page 703.
TOO VAGUE TO PLOT
- 12. Deed of Easement between Harold H. Lighthipe and Mary A.S. Lighthipe, Trustees of the Mary A. S. Lighthipe Revocable Trust and Sussex County dated January 18, 1995 and recorded in the Office as aforesaid in Deed Book 2034, Page 290.
SHOWN ON SURVEY
- 13. Boundary Line Agreement between Dorothy R. Collen, William P. Short, Jr. and Mary E. Short, his wife, Mary A. S. Lighthipe and Harold H. Lighthipe, her husband, and Talivaldis Berzins and Gaida Berzins, his wife, dated January 30, 1974 and recorded in the Office as aforesaid in Deed Book 727, Page 656.
AFFECTS SUBJECT PROPERTY
- 14. Conditions and Restrictions as contained in Deed from Talivaldis Berzins and Gaida Berzins, his wife, and Sea TV Company and William P. Short, Jr. and Mary A. S. Lighthipe, dated October 24, 1974 and recorded in the Office as aforesaid in Deed Book 742, Page 510.
AFFECTS SUBJECT PROPERTY
- 15. Conditions and Restrictions as contained in Deed between Mary A. S. Lighthipe, Trustee of the Mary A. S. Lighthipe Revocable Trust and The Trustees of the Protestant Episcopal Church of Delaware dated May 8, 1998 and recorded in the Office as aforesaid in Deed Book 2288, Page 102.
AFFECTS SUBJECT PROPERTY
- 16. Conditions and Restrictions as contained in An Ordinance Annexing into the Town Limits of the Town of Ocean View (Ordinance No. 214), dated March 6, 2007 and recorded in the Office as aforesaid in Deed Book 3026, Page 249.
AFFECTS SUBJECT PROPERTY
- 17. Declaration Regarding Agreement in Principal between The Trustees of the Protestant Episcopal Church of the Diocese of Delaware, Berzins Enterprises, Inc., Raymond Berzins, Sigurd Berzins, Talivaldis Berzins, Intraquil Partners, LLC 1/k/a Integrity Communities East, LLC, St. Martha's Episcopal Church and Peninsula United Methodist Homes, Inc., recorded March 19, 2009, in the Office as aforesaid in Deed Book 3662, Page 277.
AFFECTS SUBJECT PROPERTY
- 18. Notes appearing on the Plat of Lands of William P. Short, Jr. and Mary A. S. Lighthipe, recorded in the Office as aforesaid in Plat Book 11, Page 67.
AFFECTS SUBJECT PROPERTY
- 19. Notes appearing on the Annexation Plan "Canal Landing" recorded in the Office as aforesaid in Plat Book 122, Page 191.
AFFECTS SUBJECT PROPERTY
- 20. Riparian rights of others in and to the waters of Assawoman Canal through portions of the subject property.

WATERS U.S.		
0.4030 ACRES±		
FROM WP	ANGLE	DISTANCE
1	N 82°16'33" W	95.00
2	S 84°51'17" W	157.05
3	S 85°27'16" W	203.96
4	S 86°04'33" W	190.20
5	S 86°04'36" W	101.43
6	S 85°18'36" W	110.99
7	S 87°01'04" W	103.53
8	S 86°34'31" W	101.07
9	S 85°03'58" W	105.28
10	S 87°12'01" W	59.63
11	S 85°41'25" W	651.27
12	N 07°55'09" W	10.33
13	N 86°36'34" E	121.37
14	N 84°59'08" E	105.60
15	N 86°04'51" E	106.83
16	N 85°48'30" E	86.85
17	N 88°14'20" E	101.76
18	N 86°21'03" E	118.63
19	N 86°11'01" E	67.09
20	N 85°30'22" E	311.50
21	N 87°33'04" E	111.40
22	N 86°27'31" E	102.03
23	N 85°40'22" E	89.14
24	N 84°51'24" E	100.57
25	N 85°05'28" E	106.36
26	N 83°10'58" E	90.80
27	N 83°55'46" E	162.48
28	S 84°30'59" E	85.02
29	S 24°52'22" E	22.70

EX. WATERS OF THE U.S.: 0.4030 AC.±
WATER OF THE U.S. TO BE FILLED: 0.0618 AC.±

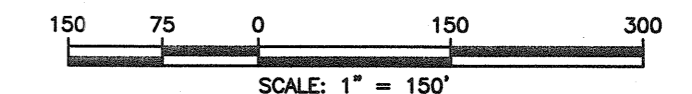


DETAIL NO. 1
NOT TO SCALE

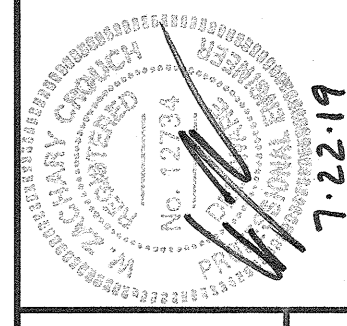


- LEGEND**
- CONCRETE MONUMENT FOUND
 - FOUND
 - IRON ROD AND CAP SET
 - W21 WETLANDS LINE, WETLANDS POINT
 - ▨ WATERS OF THE U.S. TO REMAIN
 - ▩ WATERS OF THE U.S. TO BE FILLED

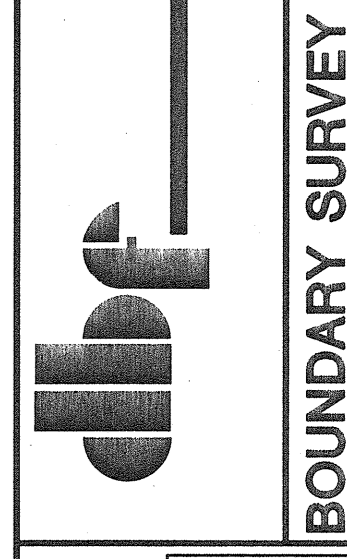
BOUNDARY SURVEY
OF THE LANDS OF
**THE TRUSTEES OF THE PROTESTANT
EPISCOPAL CHURCH OF DELAWARE**
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE



DELAWARE STATE GRID
NAD 83



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441



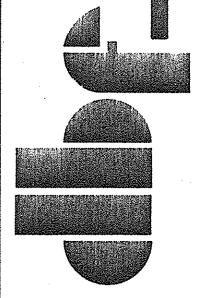
**OCEAN VIEW BEACH CLUB NORTH
(FORMERLY LIGHTHIPE)
SUSSEX COUNTY, DELAWARE**

THIS PLAT SUPERSEDES IN PART PART OF THE PLAT PREVIOUSLY RECORDED IN PLAT BOOK 246 PAGE 15 ON APRIL 27, 2017 IN THE OFFICE OF RECORDER FOR SUSSEX COUNTY.
PURPOSE:
1. REVERSE NAME OF DEVELOPMENT FROM "LIGHTHIPE SUBDIVISION" TO "OCEAN VIEW BEACH CLUB NORTH"
2. REVERSE LOTS 48-64, 70-75, 84-103, AND 129-133.

REVISED:
08/12/16 ROAD NAMES
10/07/16 AGENCY COMMENTS
11/01/16 TUI COMMENTS
11/09/16 DELDOT COMMENTS
01/30/17 AGENCY COMMENTS
02/09/17 SCE COMMENTS
03/09/17 P&Z COMMENTS
05/03/19 REVERSE LOTS 48-64, 70-75, 84-103, 129-133
05/30/19 TUI COMMENTS, CORRECT CONDITIONS
07/17/19 TUI COMMENTS

Date: **APRIL 3, 2015**
Scale: **1" = 150'**
Dwn.By: **TPS/RAK**
Proj.No.: **1443F001**
Dwg.No.:

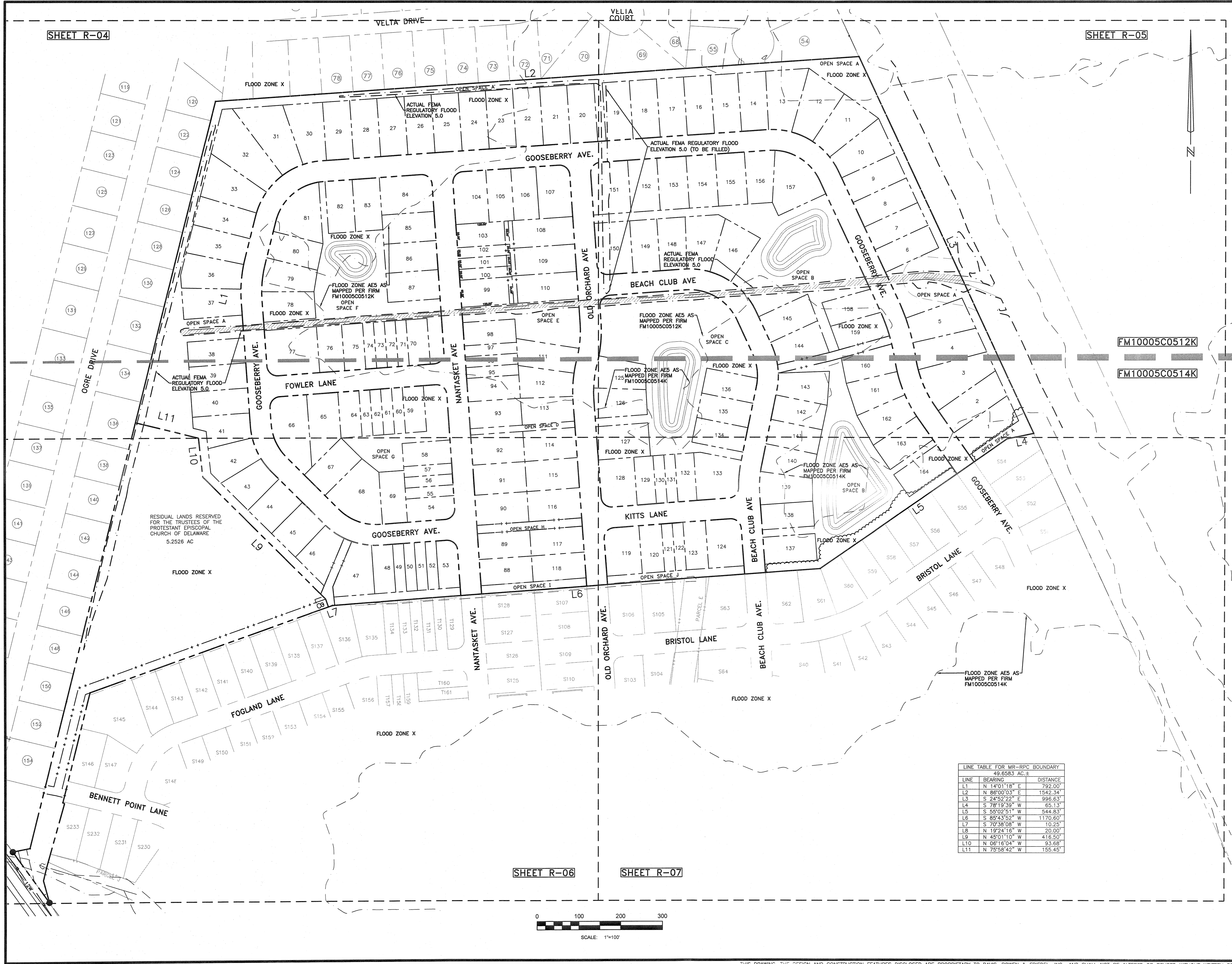
R-02



**OCEAN VIEW BEACH CLUB NORTH
 (FORMERLY LIGHTHIPE)
 SUSSEX COUNTY, DELAWARE**

REVISED:
 08/12/16 ROAD NAMES
 10/07/16 AGENCY COMMENTS
 11/01/16 TUI COMMENTS
 11/09/16 DELDOT COMMENTS
 01/30/17 AGENCY COMMENTS
 02/09/17 SCE COMMENTS
 03/09/17 P&Z COMMENTS
 05/03/19 REVISE LOTS 48-64,
 70-75, 94-103,
 129-133
 05/30/19 TUI COMMENTS,
 CORRECT CONDITIONS

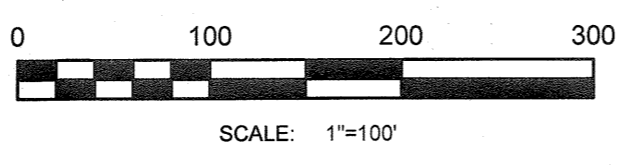
Date: APRIL 3, 2015
 Scale: 1" = 100'
 Dwn.By: TFS/RAK
 Proj.No.: 1443F001
 Dwg.No.:

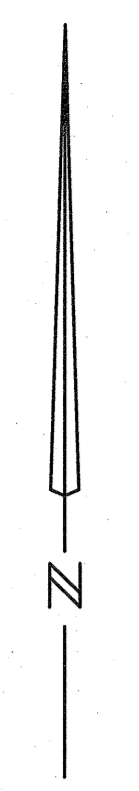


FM10005C0512K
 FM10005C0514K

LINE TABLE FOR MR-RPC BOUNDARY
 49.6583 AC. ±

LINE	BEARING	DISTANCE
L1	N 14°01'18" E	792.00'
L2	N 88°00'03" E	1542.34'
L3	S 24°52'22" E	996.63'
L4	S 78°19'39" W	65.13'
L5	S 55°02'51" W	544.83'
L6	S 85°43'52" W	1170.50'
L7	S 70°38'08" W	10.25'
L8	N 19°24'16" W	20.00'
L9	N 45°01'10" W	416.50'
L10	N 06°16'04" W	93.68'
L11	N 75°58'42" W	155.45'





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DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS
 SALISBURY, MARYLAND (410) 543-8891
 MILFORD, DELAWARE (302) 424-1441



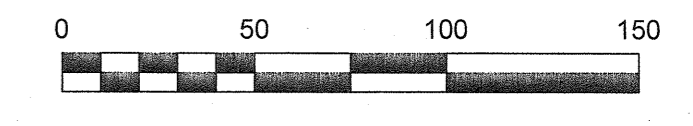
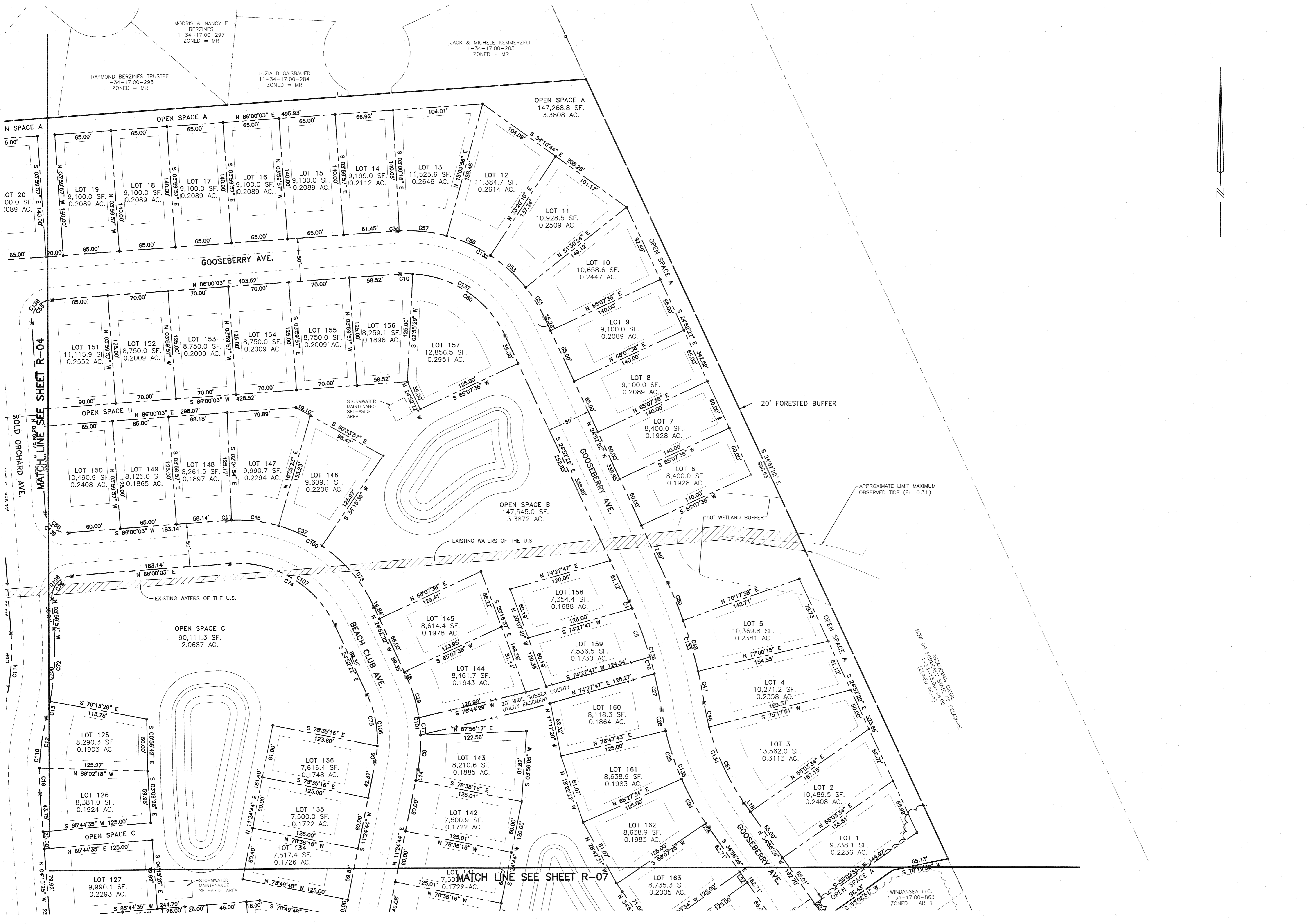
RECORD PLAN

OCEAN VIEW BEACH CLUB NORTH (FORMERLY LIGHTHIPE) SUSSEX COUNTY, DELAWARE

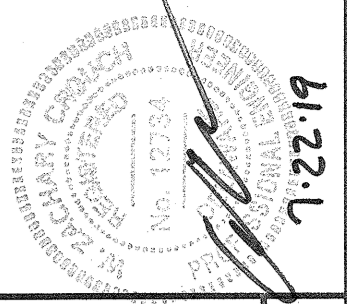
REVISED:
 08/12/16 ROAD NAMES
 10/07/16 AGENCY COMMENTS
 11/01/16 TUI COMMENTS
 11/09/16 DELDOT COMMENTS
 01/30/17 AGENCY COMMENTS
 02/09/17 SCE COMMENTS
 03/09/17 PR2 COMMENTS
 05/03/19 REVISE LOTS 48-64,
 70-75, 94-103,
 129-133
 05/30/19 TUI COMMENTS,
 CORRECT CONDITIONS

Date: APRIL 3, 2015
 Scale: 1" = 50'
 Dwn.By: TPS/RAK/JEB
 Proj.No.: 1443F001
 Dwg.No.:

R-05



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 MILFORD, DELAWARE (302) 424-1441



RECORD PLAN

OCEAN VIEW BEACH CLUB NORTH
(FORMERLY LIGHTHIPE)
 SUSSEX COUNTY, DELAWARE

REVISED:
 09/12/16 ROAD NAMES
 10/07/16 AGENCY COMMENTS
 11/01/16 TUI COMMENTS
 11/05/16 DELDOT COMMENTS
 01/30/17 AGENCY COMMENTS
 02/09/17 SCE COMMENTS
 03/09/17 P&Z COMMENTS
 05/03/19 REVISE LOTS 48-64,
 70-75, 94-103,
 129-133
 05/30/19 TUI COMMENTS,
 CORRECT CONDITIONS

Date: **APRIL 3, 2015**
 Scale: **1" = 50'**
 Dwn.By: **TPS/RAK/JEB**
 Proj.No.: **1443F001**
 Dwg.No.:

R-07

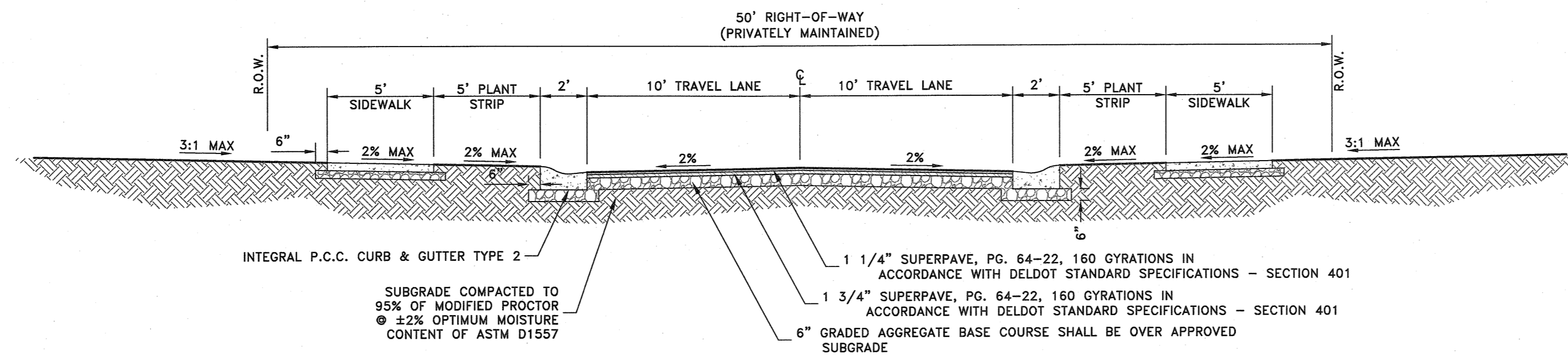
THIS PLAN SUPERCEDES IN PART PART THE PLAN PREVIOUSLY RECORDED IN
 PLAY BOOK 246 PAGE 15 ON APRIL 27, 2017 IN THE OFFICE OF RECORDER
 OF DEEDS FOR SUSSEX COUNTY.
 1. REVISE NAME OF DEVELOPMENT FROM "LIGHTHIPE SUBDIVISION" TO
 "OCEAN VIEW BEACH CLUB NORTH"
 2. REVISED LOTS 48-64, 70-75, 94-103, 129-133, AND 129-133.



LINE	BEARING	DISTANCE
L12	S 04°15'25" E	15.00'
L13	N 03°59'57" W	15.00'
L14	N 11°24'44" E	11.79'
L15	N 14°01'18" E	15.90'
L16	N 24°52'22" W	6.50'
L17	S 86°00'03" W	11.80'
L18	N 34°56'26" W	12.69'
L19	S 86°00'03" W	7.05'
L20	S 85°48'13" W	9.39'
L21	N 86°00'03" E	4.74'
L22	S 34°56'26" E	15.00'
L23	S 70°38'08" W	10.25'
L24	N 19°24'16" W	20.00'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	39.27'	25.00'	90°00'00"	S 48°59'57" E	35.36'
C2	39.27'	25.00'	90°00'00"	S 41°00'03" W	35.36'
C3	23.02'	175.00'	7°32'07"	N 89°46'06" E	23.00'
C4	9.67'	475.00'	1°09'58"	S 24°17'23" E	9.67'
C5	60.23'	475.00'	7°15'54"	S 20°04'27" E	60.19'
C6	18.70'	125.00'	8°34'16"	S 07°07'36" W	18.68'
C7	13.46'	325.00'	2°22'20"	S 03°04'15" E	13.45'
C8	18.27'	275.00'	3°48'22"	N 09°30'33" E	18.26'
C9	41.15'	175.00'	13°28'27"	N 04°40'30" E	41.06'
C10	15.11'	125.00'	6°55'26"	N 89°27'46" E	15.10'
C11	5.86'	175.00'	1°55'04"	S 86°57'34" W	5.86'
C12	58.72'	275.00'	12°14'05"	N 08°04'45" E	58.61'
C13	19.41'	325.00'	3°25'17"	N 12°29'09" E	19.40'
C14	54.35'	175.00'	17°47'36"	S 55°17'41" E	54.13'
C15	4.21'	175.00'	1°22'43"	S 45°42'32" E	4.21'
C16	29.21'	175.00'	9°33'46"	S 08°58'40" W	29.17'
C17	41.32'	175.00'	13°31'42"	S 38°15'19" E	41.22'
C18	54.16'	175.00'	17°43'55"	S 22°37'30" E	53.94'
C19	29.85'	275.00'	6°13'07"	N 01°08'52" W	29.83'
C20	66.77'	275.00'	13°54'37"	N 07°03'59" E	66.60'
C21	56.94'	275.00'	11°51'47"	N 01°40'28" E	56.84'
C22	20.68'	275.00'	4°18'27"	N 02°02'33" W	20.67'
C23	55.86'	325.00'	9°50'54"	S 03°02'22" W	55.79'
C24	58.63'	325.00'	10°20'09"	S 28°42'31" E	58.55'
C25	58.63'	325.00'	10°20'09"	S 18°22'22" E	58.55'
C26	6.04'	325.00'	1°03'51"	S 34°24'31" E	6.04'
C27	42.82'	475.00'	5°09'55"	S 11°26'47" E	42.81'
C28	24.62'	325.00'	4°20'28"	S 11°02'04" E	24.62'
C29	55.97'	180.57'	17°45'33"	N 17°44'24" W	55.75'
C30	25.13'	275.00'	5°14'05"	S 11°34'45" W	25.12'
C31	35.36'	325.00'	6°13'59"	S 11°04'48" W	35.34'
C32	66.06'	325.00'	11°38'44"	S 05°20'49" W	65.94'
C33	37.62'	25.00'	86°13'07"	S 42°38'01" W	34.17'
C34	3.04'	175.00'	0°59'40"	S 86°29'52" W	3.04'
C35	13.32'	325.00'	2°20'52"	S 12°50'52" W	13.32'
C36	7.95'	175.00'	2°36'08"	S 15°19'21" W	7.95'
C37	55.50'	175.00'	18°10'16"	N 64°49'29" W	55.27'
C38	39.27'	25.00'	90°00'00"	N 49°15'25" W	35.36'
C39	39.27'	25.00'	90°00'00"	S 49°15'25" E	35.36'
C40	39.27'	25.00'	90°00'00"	N 40°44'35" E	35.36'
C41	30.50'	325.00'	5°22'36"	S 01°30'29" E	30.49'
C42	48.02'	175.00'	15°43'15"	S 78°36'13" E	47.87'
C43	39.27'	25.00'	90°00'00"	S 48°59'57" E	35.36'
C44	39.27'	25.00'	90°00'00"	N 41°00'03" E	35.36'
C45	55.50'	175.00'	18°10'17"	N 82°59'45" W	55.27'
C46	28.02'	275.00'	5°50'20"	N 11°46'59" W	28.01'
C47	37.86'	525.00'	4°07'55"	N 10°55'47" W	37.85'
C48	61.49'	525.00'	6°42'37"	N 16°21'04" W	61.45'
C49	59.52'	325.00'	10°29'37"	S 06°25'37" W	59.44'
C50	39.27'	25.00'	90°00'00"	N 48°59'57" W	35.36'
C51	41.60'	175.00'	13°37'14"	N 31°40'59" W	41.50'
C52	45.41'	175.00'	14°52'08"	S 78°33'59" W	45.29'
C53	55.50'	175.00'	18°10'14"	N 47°34'43" W	55.27'
C54	39.27'	25.00'	90°00'00"	S 48°59'57" E	35.36'
C55	39.27'	25.00'	90°00'00"	N 41°00'03" E	35.36'
C56	55.50'	175.00'	18°10'14"	N 65°44'57" W	55.27'
C57	55.50'	175.00'	18°10'14"	N 83°55'11" W	55.27'
C58	146.76'	125.00'	67°16'09"	N 47°39'22" E	138.47'
C59	55.50'	175.00'	18°10'13"	S 25°42'32" E	55.27'
C60	135.70'	125.00'	62°12'09"	S 55°58'27" E	129.14'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C70	39.18'	25.00'	89°48'10"	S 40°54'08" W	35.29'
C71	10.28'	125.00'	4°42'36"	N 83°38'44" E	10.27'
C72	83.81'	325.00'	14°46'28"	N 03°23'17" E	83.57'
C73	39.27'	25.00'	90°00'00"	N 41°00'03" E	35.36'
C74	150.81'	125.00'	69°07'35"	S 59°26'10" E	141.83'
C75	60.46'	125.00'	27°42'50"	S 11°00'58" E	59.87'
C76	20.00'	475.00'	2°24'48"	S 15°14'07" E	20.00'
C77	20.01'	175.00'	6°33'06"	N 05°20'16" W	20.00'
C78	94.28'	175.00'	30°51'58"	N 40°18'21" W	93.14'
C79	20.01'	175.00'	6°33'06"	S 67°28'02" E	20.00'
C80	47.34'	525.00'	5°10'00"	N 22°17'22" W	47.33'
C100	211.13'	175.00'	69°07'35"	S 59°26'10" E	198.56'
C101	110.83'	175.00'	36°17'06"	S 06°43'49" E	108.98'
C102	75.21'	275.00'	15°40'09"	S 03°34'59" W	74.97'
C103	39.27'	25.00'	90°00'00"	N 49°15'25" W	35.36'
C104	37.62'	25.00'	86°13'07"	N 42°38'01" E	34.17'
C105	67.43'	325.00'	11°53'16"	N 05°28'05" E	67.31'
C106	79.16'	125.00'	36°17'06"	N 06°43'49" W	77.85'
C107	150.81'	125.00'	69°07'35"	N 59°26'10" W	141.83'
C108	39.27'	25.00'	90°00'00"	S 41°00'03" W	35.36'
C109	103.21'	325.00'	18°11'45"	S 05°05'55" W	102.78'
C110	88.57'	275.00'	18°27'13"	S 04°58'11" W	88.19'
C111	39.27'	25.00'	90°00'00"	S 49°15'25" E	35.36'
C112	39.27'	25.00'	90°00'00"	S 40°44'35" W	35.36'
C113	104.67'	325.00'	18°27'13"	N 04°58'11" E	104.22'
C114	87.33'	275.00'	18°11'45"	N 05°05'55" E	86.97'
C115	39.27'	25.00'	90°00'00"	N 48°59'57" W	35.36'
C116	39.27'	25.00'	90°00'00"	S 41°00'03" W	35.36'
C117	39.27'	25.00'	90°00'00"	N 48°59'57" W	35.36'
C118	39.27'	25.00'	90°00'00"	N 41°00'03" E	35.36'
C119	39.36'	25.00'	90°11'50"	N 49°05'52" W	35.42'
C120	39.18'	25.00'	89°48'10"	N 40°54'08" E	35.29'
C121	39.27'	25.00'	90°00'00"	N 48°59'57" W	35.36'
C122	157.03'	125.00'	71°58'45"	S 50°00'40" W	146.91'
C123	87.44'	275.00'	18°13'05"	S 04°54'45" W	87.07'
C124	39.27'	25.00'	90°00'00"	S 49°11'47" E	35.36'
C125	39.27'	25.00'	90°00'00"	S 40°48'13" W	35.36'
C126	89.06'	125.00'	40°49'23"	S 24°36'29" E	87.19'
C127	106.86'	125.00'	48°58'48"	S 69°30'34" E	103.63'
C128	149.60'	175.00'	48°58'48"	N 69°30'34" W	145.09'
C129	124.69'	175.00'	40°49'23"	N 24°36'29" W	122.07'
C130	103.34'	325.00'	18°13'05"	N 04°54'45" E	102.90'
C131	219.85'	175.00'	71°58'45"	N 50°00'40" E	205.67'
C132	211.13'	175.00'	69°07'35"	S 59°26'10" E	198.56'
C133	146.69'	525.00'	16°00'33"	S 16°52'06" E	146.21'
C134	125.16'	275.00'	26°04'37"	S 21°54'08" E	124.08'
C135	147.92'	325.00'	26°04'37"	N 21°54'08" W	146.64'
C136	132.72'	475.00'	16°00'33"	N 16°52'06" W	132.29'
C137	150.81'	125.00'	69°07'35"	N 59°26'10" W	141.83'
C138	39.27'	25.00'	90°00'00"	S 41°00'03" W	35.36'
C139	39.27'	25.00'	90°00'00"	S 48°59'57" E	35.36'
C63	39.27'	25.00'	90°00'00"	N 49°11'47" W	35.36'
C64	89.06'	125.00'	40°49'23"	N 24°36'29" W	87.19'
C65	39.27'	25.00'	90°00'00"	N 40°48'13" E	35.36'
C66	55.49'	175.00'	18°10'07"	S 62°02'51" W	55.26'
C67	55.50'	175.00'	18°10'10"	S 43°52'43" W	55.26'
C68	39.36'	25.00'	90°11'50"	S 49°05'52" E	35.42'
C69	62.21'	275.00'	12°57'40"	S 02°28'52" W	62.08'
C61	97.14'	275.00'	20°14'17"	N 24°49'18" W	96.63'
C62	106.86'	125.00'	48°58'48"	N 69°30'34" W	103.63'



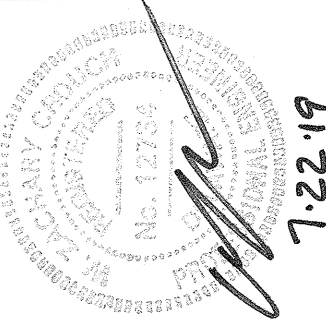
RESIDENTIAL STREET SECTION

ORDINANCE NO. 2411

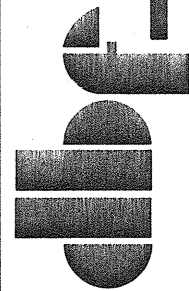
This Ordinance was adopted subject to the following conditions:

- A. The maximum number of residential units shall not exceed 164 units, which shall consist of 123 single family units and 41 townhouse units.
- B. Site plan review shall be required for each phase of development.
- C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's requirements, or in accordance with any further modification required by DelDOT.
- D. The development shall be served as part of a Sussex County Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.
- E. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as so required by applicable regulations.
- F. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with the Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.
- G. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As so proffered by the Applicant, street design shall include sidewalks on both sides of all streets.
- H. The Applicant shall submit, as part of the site plan review, a landscape plan showing the proposed trees and shrub landscape design.
- I. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
- J. The Applicant shall cause to be formed a homeowners or condominium association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.
- K. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State Permits. The wetland areas shall be clearly marked on the site with permanent markings.
- L. There shall be a 50 foot buffer from all tidal wetlands.
- M. As proffered by the Applicant, owners and residents of the proposed development shall be entitled to use all of the recreational amenities of the adjacent Ocean View Beach Club development under the same rights, responsibilities and fees applicable to owners and residents of the Ocean View Beach Club.
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.
- O. The Applicant shall notify potential purchasers and actual purchasers through sales literature and deeds that the property is in the County's jurisdiction; this requirement shall automatically terminate in the event this parcel is annexed (into the Town of Ocean View).

*revised number of units was approved by Planning Commission on March 23, 2017.



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS



THIS PLAN SUPERCEDES IN PART THE PLAN PREVIOUSLY RECORDED IN PLAT BOOK 246 PAGE 15 ON APRIL 27, 2017 IN THE OFFICE OF RECORDER OF DEEDS FOR SUSSEX COUNTY.
1. REVISE NAME OF DEVELOPMENT FROM "LIGHTHOUSE SUBDIVISION" TO "OCEAN VIEW BEACH CLUB NORTH"
2. REVISED LOTS 48-64, 70-75, 94-103, 120-123, AND 129-133.

OCEAN VIEW BEACH CLUB NORTH
(FORMERLY LIGHTHOUSE)
SUSSEX COUNTY, DELAWARE

REVISED:
09/12/16 ROAD NAMES
11/01/16 AGENCY COMMENTS
11/01/16 TUI COMMENTS
11/09/16 DELDOT COMMENTS
01/30/17 AGENCY COMMENTS
02/09/17 SCE COMMENTS
03/09/17 PAZ COMMENTS
05/03/18 REVISE LOTS 48-64,
70-75, 94-103,
129-133
05/30/19 TUI COMMENTS,
CORRECT CONDITIONS

Date: APRIL 3, 2015
Scale: 1" = 5'
Dwn.By: TPS/RAK/JEB
Proj.No.: 1443F001
Dwg.No.:

R-08

14

May 27, 2021

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

Attn: Mr. Jamie Whitehouse
Director of Planning

RE: Extension of Oceanview Beach Club-North
Environmental Assessment and Public Facility Evaluation Report
Tax Parcel No.: 1-34-17.00-12.02
DBF #1443F001

Dear Mr. Whitehouse:

On behalf of our client, Lighthipe, LLC (Developer, Equitable Owner), we are submitting an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3. ES-1 Environmentally Sensitive Development District Overlay Zone (ESDDOZ), Subparagaph B (2). We offer the following information that comprises our report:

- (a) *Proposed drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.*

The proposed improvements will meet or exceed the state regulations for quantity control. We intend to use a combination of traditional wet basins as well as Green Technology to meet the quantity requirement. The proposed site through the use of Green Technology and other Best Management Practices.

- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.*

The proposed project is located in Tidewater Utility, Inc.'s franchise area and they hold the Certificate of Public Necessity (CPCN). A letter from Tidewater states they are willing and able to provide public water for this project. Impacts to the groundwater and other systems have been evaluated as part of Tidewater's CPCN.

- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems.*

The proposed project is located within the Bethany Beach Sanitary Sewer Planning Area. We propose annexation into the sewer district to facilitate central sewer service to the project.

- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.*

The proposed project is permitted to participate in an Area Wide Study and pay the area wide study fee. This area of the County has been studied numerous times. The contributions and requirements will be finalized as part of DelDOT's review process.

- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.*

There is no known state or federally listed endangered or threatened species on this site.

- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site.*

The property is impacted by both Tidal and "404" Federal Non-tidal wetlands as delineated by JCM-ECI in October of 2005.

- (g) *Provisions for open space as defined in §115-4.*

The proposed project provides 3.17 acres of open space. Active open space will contain recreational features. The passive open space parcels contain buffers, stormwater management and wetlands that are being preserved.

- (h) *A description of provisions for public and private infrastructure.*

The Developer will construct gravity sewer lines to serve this parcel. The Developer will also construct the internal water mains in the project that will be owned and maintained by Tidewater Utilities' Inc. The internal roadways will be constructed by the Developer and privately maintained. Electric will be provided by Delmarva Power.

- (i) *Economic, recreational or other benefits.*

The proposed project will create a considerable number of jobs during construction. Future residents of Sussex County will pay county taxes.

Mr. Jamie Whitehouse
Sussex County Planning and Zoning Commission
May 27, 2021
Page 3 of 3

- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.*

There are no known archaeological sites or National Register-listed property on this parcel.

- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.*

The proposed application and mitigation measures comply with the current Sussex County Comprehensive Plan.

- (l) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan.*

All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan.

If you have any questions or need additional information, please call me at (302) 424-1441.

Sincerely,
Davis, Bowen & Friedel, Inc.



W. Zachary Crouch, P.E.
Principal

15

May 27, 2021

*Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.*

Georgetown Administrative Building
Planning and Zoning Department
2 The Circle
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse
Director of Planning

Re: Extension of Oceanview Beach Club-North
Chapter 99-9 C Response
Tax Parcel No.: 1-34-17.00-12.02
DBF # 1443F001

Dear Chairman Wheatley and Members of the Commission,

On behalf of our client, Lighthipe, LLC (Developer, Owner), we are pleased to provide you with our written response to the items listed in Chapter 99-9C.

The proposed Lighthipe Subdivision provides careful consideration of the following items in Sussex County Chapter 99-9C:

- 1. Integration of the proposed subdivision into the existing terrain and surrounding landscape.**
 - a. The subdivision includes a 20' forested buffer along all adjacent properties.
 - b. All privately owned land surrounding the proposed subdivision is currently residential use.

- 2. Minimal use of wetlands and floodplains.**
 - a. A wetlands delineation was performed by JCM-ECI in October of 2005. The investigation found State and Federal Wetlands. (locations shown on site plan)
 - b. The impact of the 100-Year floodplain is confined to the existing ditches according to FEMA Map 10005C0515J (Dated January 6, 2005) as well as preliminary proposed FIRM maps for Sussex County.

3. Preservation of natural and historical features.

- a. According to SHPO, there are no known archaeological sites or National Register-listed property on this parcel.

4. Preservation of open space and scenic views.

- a. There is a total of approximately 3.17 acres of open space provided for this project, which is 60.4% of the RPC area (based on 5.25 acres).
- b. There is an additional buffer along the ditches to provide a wider buffer per the Town's recommendations.

5. Minimization of tree, vegetation and soil removal and grade changes.

- a. Grade changes will be minimized to the extent necessary to provide road construction to meet design requirements and to ensure proper lot drainage.
- b. The site will be "balanced," which will minimize the need for soil to be removed or hauled to the site.
- c. There are no existing wooded areas on the site. A 20 ft. forested buffer is proposed around the perimeter of the site.

6. Screening of objectionable features from neighboring properties and roadways.

- a. A 20' forested buffer is proposed along the adjacent residential communities. The buffer will screen the subdivision from neighboring properties.

7. Provision for water supply.

- a. Tidewater Utilities, Inc. will supply all homes with central water.

8. Provision for sewage disposal.

- a. The proposed project is located within the Bethany Beach Sanitary Sewer Planning Area. We propose annexation into the sewer district to facilitate central sewer service to the project.

9. Prevention of pollution of surface and groundwater.

- a. The storm drainage system will capture 100% of all drainage from the site.

- b. Best Available Technologies (BATs) will be used during the design and construction of the property.
- c. Best Management Practices (BMPs) will be used during the design and construction of the property.
- d. The site will utilize Green Technology where feasible for the project.

10. Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater is maximized.

- a. The stormwater management areas will be designed to meet all local, state and federal guidelines for sediment and nutrient removal.
- b. An Erosion and Sediment Control Plan will be developed and implemented as required by the Sussex Conservation District and DNREC. The plan will specify in detail how the project is to be constructed to limit the amount of sediment and other pollutants from leaving the site during construction.
- c. All storms will be controlled and discharge at the pre-development rate. The 100-year storm will be safely routed through this site.

11. Provision for safe vehicular and pedestrian movement within the site and to adjacent roadways.

- a. The interior of the subdivision contains sidewalks on both sides of the street providing pedestrian connection throughout the site as well as to adjoining properties.
- b. The road design will conform to Sussex County standards and specifications and will be turned over to the homeowners association for maintenance upon acceptance by the County.
- c. Street lighting will be provided for this project.

12. Effect on area property values.

- a. Based on historical land trends in Sussex County, the property values around the proposed subdivision will increase with the development.

13. Preservation and conservation of farmland.

- a. Developing in a Level 2-3 area as preferred by State Planning preserves other lands for farmland.

14. Effect on schools, public buildings and community facilities.

- a. The increase in tax revenue to the school district will assist in the maintenance and operations of the public school system.
- b. The trend towards seniors moving to Sussex County will provide tax revenue without adding large numbers of potential new students.

15. Effect on area roadways and public transportation.

- a. The subdivision streets will be designed to Sussex County standards and specifications. The development will pay into the Area Wide Study fee which will contribute to necessary improvements in the area.

16. Compatibility with other area land uses.

- a. The subdivision conforms to the designated zoning for the property and is consistent with the surrounding land use as mentioned above.

17. Effect on area waterways.

- a. The subdivision will be designed to discharge the same rate of runoff as the existing runoff from the site. In addition, the overall stormwater management design will improve the quality of runoff.
- b. The site will comply with all TMDLs and PCS's as adopted by the State.

On behalf of our client, we thank you for your review and consideration of this response. If you should have any questions or concerns, please contact our office at 424-1441

Sincerely,
Davis, Bowen & Friedel, Inc.



W. Zachary Crouch, P.E.
Principal

16



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

FINAL JD

JAN 6 2010

Regulatory Branch
Applications Section I

SUBJECT: CENAP-OP-R-2009-212-23 (JD)
Project Name: Protestant Episcopal Church of Delaware

RECEIVED

James C. McCulley IV
James C. McCulley IV Environmental Consultants, Incorporated
100 West Commons Boulevard, Suite 301
New Castle, Delaware 19720

JAN 07 2010

LANDMARK ENG, INC

Dear Mr. McCulley:

The plan identified on the following page depicts the extent of Federal jurisdiction on the subject property. The basis of our determination of jurisdiction is also provided (Enclosures 1 and 2).

Pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, a Department of the Army permit is required for work or structures in navigable waters of the United States and the discharge of dredged or fill material into waters of the United States including adjacent and isolated wetlands. Any proposal to perform the above activities within the area of Federal jurisdiction requires the prior approval of this office.

This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participating in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

This letter is valid for a period of five (5) years. However, this jurisdictional determination is issued in accordance with current Federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify the jurisdictional determination at any time should the existing site conditions or Federal regulations change, or should the information provided by you prove to be false, incomplete or inaccurate.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form (Enclosure 3). If you request to appeal this

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): Jan. 6, 2010

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENAP-OP-R-2009-212 (NJD)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Delaware County/parish/borough: Sussex City: Ocean View
Center coordinates of site (lat/long in degree decimal format): Lat. 38.531389° N, Long. -75.077778° W.
Universal Transverse Mercator:

Name of nearest waterbody: Assawoman Canal

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Assawoman Canal

Name of watershed or Hydrologic Unit Code (HUC): 02060010

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: 1-6-2010
 Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
 Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There Are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
 Wetlands adjacent to TNWs
 Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
 Non-RPWs that flow directly or indirectly into TNWs
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
 Impoundments of jurisdictional waters
 Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.
Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Pick List

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: Two drainage ditches on the site are man-made drainage ditches excavated wholly in and draining only uplands and which do not carry a relatively permanent flow of water (see Section III. F. below).

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

(b) **General Tributary Characteristics (check all that apply):**

- Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: Pick List

Primary tributary substrate composition (check all that apply):

- | | | |
|--|--|-----------------------------------|
| <input type="checkbox"/> Silts | <input type="checkbox"/> Sands | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input type="checkbox"/> Vegetation. Type/% cover: | |
| <input type="checkbox"/> Other. Explain: | | |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: Pick List

Tributary gradient (approximate average slope): %

(c) **Flow:**

Tributary provides for: Pick List

Estimate average number of flow events in review area/year: Pick List

Describe flow regime:

Other information on duration and volume:

Surface flow is: Pick List. Characteristics:

Subsurface flow: Pick List. Explain findings:

- Dye (or other) test performed:

Tributary has (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Bed and banks | |
| <input type="checkbox"/> OHWM ⁶ (check all indicators that apply): | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community |
| <input type="checkbox"/> other (list): | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: | |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|--|
| <input checked="" type="checkbox"/> High Tide Line indicated by: | <input checked="" type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷ibid.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

TNWs: linear feet width (ft), Or, acres.

Wetlands adjacent to TNWs: acres.

2. RPWs that flow directly or indirectly into TNWs.

Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:

Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
- Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): Two drainage ditches on the site are man-made drainage ditches excavated wholly in and draining only uplands and which do not carry a relatively permanent flow of water (see Section IV. B. below).

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Plan by McCrone Inc, Nov.2005, rev. 12-29-09.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
 - Corps navigable waters' study:
 - U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
 - U.S. Geological Survey map(s). Cite scale & quad name: Bethany Beach, DE.
 - USDA Natural Resources Conservation Service Soil Survey. Citation: Sussex Co.
 - National wetlands inventory map(s). Cite name: Bethany Beach, DE.
 - State/Local wetland inventory map(s): .
 - FEMA/FIRM maps:
 - 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
 - Photographs: Aerial (Name & Date): .
or Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: Rapanos ET. UX., Et. AL. v. United States, 547 US 04-1034 and 04-1384 (2006) (Rapanos); National Association of Homebuilders v. US Army Corps of Engineers, et. al., D.C. District Court Case No. 1:06-cv-00502 (July 26, 2006).
- Applicable/supporting scientific literature: .
- Other information (please specify): Guidance Memo dated December 2, 2008, entitled: "Clean Water Act Jurisdiction Following the US Supreme Court's Decision in Rapanos v. United States & Carabell v. United States", and Regulatory Guidance Letters 07-01 (Documentation of JD's - JDIS Guidebook).

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): Jan. 6, 2010

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENAP-OP-R-2009-212 (TNW)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Delaware County/parish/borough: Sussex City:
Center coordinates of site (lat/long in degree decimal format): Lat. 38.531389° N, Long. -75.077778° W.
Universal Transverse Mercator:

Name of nearest waterbody: Assawoman Canal

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Assawoman Canal

Name of watershed or Hydrologic Unit Code (HUC): 02060010

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: 1-6-2010

Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 170 linear feet: width (ft) and/or acres.

Wetlands: 0 acres.

c. Limits (boundaries) of jurisdiction based on: Established by mean (average) high waters.

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

(b) **General Tributary Characteristics (check all that apply):**

- Tributary is: Natural
 Artificial (man-made). Explain: this is a tidal portion of a man-made agricultural drainage ditch.
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: Pick List.

Primary tributary substrate composition (check all that apply):

- | | | |
|--|--|-----------------------------------|
| <input type="checkbox"/> Silts | <input type="checkbox"/> Sands | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input type="checkbox"/> Vegetation. Type/% cover: | |
| <input type="checkbox"/> Other. Explain: | | |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: Pick List

Tributary gradient (approximate average slope): %

(c) **Flow:**

Tributary provides for: Pick List

Estimate average number of flow events in review area/year: Pick List

Describe flow regime:

Other information on duration and volume:

Surface flow is: Pick List. Characteristics:

Subsurface flow: Pick List. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Bed and banks | |
| <input type="checkbox"/> OHWM ⁶ (check all indicators that apply): | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community |
| <input type="checkbox"/> other (list): | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: | |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|--|
| <input checked="" type="checkbox"/> High Tide Line indicated by: | <input checked="" type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:
 TNWs: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.
2. RPWs that flow directly or indirectly into TNWs.
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Plan by McCrone, Nov. 2005, rev. 12-29-2010.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Bethany Beach, DE.
- USDA Natural Resources Conservation Service Soil Survey. Citation: Sussex Co.
- National wetlands inventory map(s). Cite name: Bethany Beach, DE.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Aerial Photos by JCMECI with delineation report.
or Other (Name & Date): Ground Photos " " .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: Rapanos ET UX., ET AL. v. United States, 547 U.S. 04-1034 and 04-1384 (2006)(Rapanos); National Association of Homebuilders v. US Army Corps of Engineers, et. al., D.C. District Court Case No. 1:06-cv-00502 (July 26, 2006).
- Applicable/supporting scientific literature: .
- Other information (please specify): Regulatory Guidance Letters 07-01 (Documentation of JD's - JDIS Guidebook).

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Protestant Episcopal Church of Delaware	File No: CENAP-OP-R-2009-212	Date: Jan. 6, 2010
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecw/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the Philadelphia District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations (JD) associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the Philadelphia District Engineer. Your objections must be received by the Philadelphia District Engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the Philadelphia District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the Philadelphia District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

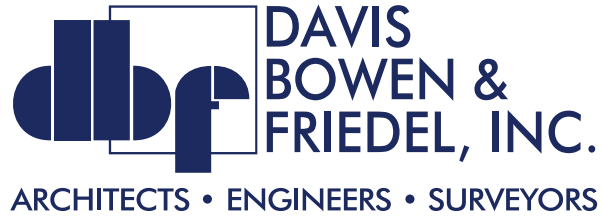
B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the Philadelphia District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-ET-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the North Atlantic Division Engineer within 60 days of the date of this notice with a copy furnished to the Philadelphia District Engineer.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-ET-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the North Atlantic Division Engineer within 60 days of the date of this notice with a copy furnished to the Philadelphia District Engineer.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the North Atlantic Division Engineer, ATTN: CENAD-ET-O, Fort Hamilton Military Community, Building 301, General Lee Avenue, Brooklyn, NY 11252-6700. This form must be received by the North Atlantic Division Engineer within 60 days of the date of this notice with a copy furnished to the Philadelphia District Engineer.



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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 24, 2020

W. Zachary Crouch, P.E.
Davis, Bowen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS review 2020-08-05; Lands of Lighthipe, LLC

Dear Mr. Crouch:

Thank you for meeting with State agency planners on August 26, 2020 to discuss the proposed plans for the Lands of Lighthipe, LLC project. According to the information received you are seeking review of a proposed rezoning of 5.253 acres from AR-1 to MR-1 RPC and a proposed site plan for 21 residential units along Muddy Neck Road in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

This project is located in Investment Level 2 according to the 2015 *Strategies for State Policies and Spending*. It is also located within the Town of Millville. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. State investments will support growth in these areas. Our office has no objections to the proposed rezoning and development of this project in accordance with the town codes and ordinances

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Gooseberry Avenue and the internal layout of the site are necessarily outside DelDOT's jurisdiction. However, the site frontage on Muddy Neck Road (Sussex Road 361 aka West Avenue) must be designed in accordance with DelDOT's

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

Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 124 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual and Land Use Code 220, DelDOT estimates the trip generation of 21 townhouses at 118 vehicle trip ends per day and the weekday morning and evening peak hour trip ends at 11 and 15, respectively. Therefore, a TIS is not warranted.

The purpose of a TIS is to determine needed off-site improvements. Presently the shoulder of Muddy Neck Road narrows significantly across the site frontage, from about 16 feet near Beaver Dam Road to about 6 feet, before 12 feet approaching Ogre Drive. DelDOT anticipates requiring shoulder widening to provide a smooth transition between the two wider sections.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Muddy Neck Road. North of Beaver Dam Road, Muddy Neck Road is classified as a Major Collector Road. Therefore, by this regulation, the dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."**

- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. DelDOT recommends that the developer provide a bicycle and pedestrian path from the west end of the proposed street to the west end of Bennett Point Lane and from there to the Shared Use Path on Muddy Neck Road, discussed below. While an extension of the proposed street to Bennett Point Lane would be desirable for circulation, significant design exceptions would seem necessary and DelDOT does not recommend it. Regarding the design of the path, Sections 3.5.4.4 and 5.3 of the Manual are available as guidance.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build an SUP along their frontage on Muddy Neck Road. How to tie the path into Muddy Neck Road will need to be resolved in the plan review process. DelDOT would prefer to have the developer connect the path to Ogre Drive but preliminarily it does not appear that enough right-of-way is available.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Muddy Neck Road.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480
Concerns Identified Within the Development Footprint

Special Flood Hazard Area

- According to the newest Flood Insurance Rate Maps (FIRM), a portion of this parcel (along the southern tip) is situated within the 100-year floodplain (1% annual chance of flooding), also referred to as a Special Flood Hazard Area. This is the area where the National Flood Insurance Program's floodplain management regulations must be enforced, and the mandatory purchase of flood insurance applies under some circumstances.
- If rezoning is approved and the site is developed, the applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at <https://maps.dnrec.delaware.gov/floodplanning/default.html>.

- General contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921. Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx>

Stormwater Management

- If rezoning is approved and the site is developed, projects disturbing greater than 5,000 square feet require the development and approval of a Sediment and Stormwater Plan prior to any land disturbing activity taking place on the site.
- The plan must be approved by the appropriate agency. This agency will vary depending on the location of the project. The appropriate agency for this project is identified below.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Appropriate plan review agency contact: Sussex Conservation District at (302) 856-2105. Website: <https://www.sussexconservation.org/>
- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

Hydric Soil Group

- Hydric Soil Group A/D soils (very poorly drained) have been identified on the site. These soil types are not conducive to infiltration stormwater Best Management Practices (BMPs) such as bioretention and infiltration basins, which must meet minimum infiltration requirements.
- If development of the site occurs, all BMPs that propose to use infiltration or natural recharge shall include a soils investigation.
- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

Water Quality

- This site lies within the Inland Bays Watershed, where stricter stormwater standards may apply for construction, pending zoning approval.
- Please consult with the Sussex Conservation District to determine if stricter standards may apply for development in this area.

- Contact: Sussex Conservation District at (302) 856-2105. Website: <https://www.sussexconservation.org/>

Tax Ditches

- Right-of-ways restrict certain activities within a set distance from the tax ditch, which varies by location. Permanent obstructions, such as stormwater management areas, buildings, sheds, and streets are not allowed within the tax ditch right-of way.
- Contact the DNREC Drainage Program to discuss the existing tax ditch right-of-way prior to the project application meeting.
- Contact: DNREC Drainage Program at (302) 855-1930. Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/TaxDitches.aspx>

State Historic Preservation Office – Contact Carlton Hall 736-7400

- Prehistoric is low to moderate. Poorly drained soils that are prime farmland if properly drained, but the parcel is within distance to remnant/relic waterways that are now part of the canals (shown on Beers). No comparable sites nearby.
- Historic potential is moderate to high. A previous archaeological survey determined that three sites (two tenant sites and one outbuilding activity area) were in the area near the northeast border. The survey did not extend more south or west, so this parcel may have remains attributed to these sites as well. The survey cites it as the James Farm, which may be associated with Captain J. James (shown on Beers).
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design,

and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT's requirements regarding the interconnection of subdivision streets are in Section 3.5 of the Manual. The streets in Ocean View Beach Club and the adjoining development of Ocean Way Estates are privately maintained, and therefore are subject only to the requirements of the local land use agency. However, DelDOT finds that the planning and engineering basis for the requirements in Section 3.5 is valid without regard to jurisdiction. Therefore, DelDOT recommends that Sussex County do three things:
 - Require Lighthipe, LLC to further modify their plan to provide right-of-way for a street connection to the cul-de-sac at the south end of East Riga Dive in Ocean Way Estates. The present application is an opportunity to do that.
 - Require Lighthipe, LLC to build a stub street in that right-of-way up to their property line.
 - Work with Lighthipe, LLC and the owners of East Riga Drive, that is the Ocean Way Estates Homeowners Association, and possibly Berzins Enterprises, to obtain an interconnection between the Ocean View Beach Club and Ocean Way Estates street systems at that point.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Muddy Neck Road.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

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

Sea Level Rise

- This site is vulnerable to permanent inundation as a result of sea level rise, modelled at the 6 and 7-foot levels. By 2050, sea levels are projected to rise by 0.7 – 1.9 feet; by end

of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation of land, higher tide levels caused by sea level rise will result in increasing frequency and severity of flood events.

- In areas of future sea level rise, avoid construction of permanent structures and infrastructure, particularly those below 3 feet mean higher high water. All infrastructure and structures on site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing freeboard of structures, ensuring that critical infrastructure is elevated to withstand future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control.
- Contact: DNREC Climate and Sustainability Section at (302) 735-3480.
Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/climate-change/flood-risk-avoidance/>

Water Quality

- To support the State's water quality efforts, reduce the amount of pollutants that enter local waterways by limiting the disturbance of natural habitat and the amount of impervious cover, as well as increasing the use of green infrastructure. Employ green-technology storm water management and rain gardens (in lieu of open-water management structures) to mitigate or reduce nutrient and bacterial pollutant runoff.

Wetlands

- To protect the function and integrity of wetlands, DNREC reviewers recommend a 50-foot vegetative buffer from the edge of any wetlands. Buffers are an integral component of aquatic and wetland habitats. Buffers reduce sediment and pollutants that may enter a waterway, which can negatively impact aquatic organisms and habitat.
- Contact: U.S. Army Corps of Engineers (Dover Office) at DoverRegulatoryFieldOffice@usace.army.mil or (267) 240-5278.
Website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>

Tax Ditches

- Tax ditches on the property should be checked for function and cleaned if needed prior to the construction of homes. Wetland permits may be required before cleaning ditches. All measures should be taken to ensure the project does not hinder any off-site drainage or create any off-site drainage problems downstream by the release of onsite stormwater.

Concerns Identified Outside of the Development Footprint

Drainage Issues

- Drainage concerns exist in the area of this project, where a number of drainage complaints have been reported to DNREC. All measures should be taken to ensure the

project does not hinder any off-site drainage or create any off-site drainage problems downstream by the release of onsite stormwater.

- Contact: DNREC Drainage Program at (302) 855-1930.
Website: <http://www.dnrec.delaware.gov/swc/Pages/DrainageTaxDitchWaterMgt.aspx>

Additional Sustainable Practices

Air Pollution and Greenhouse Gas Reduction

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution. Renewable energy infrastructure such as solar or geothermal will further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy. Website: www.de.gov/greenenergy, www.de.gov/eef.
- Install electric vehicle charging infrastructure to assist Delaware in achieving its clean transportation goals. The Division of Climate, Coastal, & Energy offers incentives for clean transportation (electric vehicle charging). These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality Website: www.de.gov/cleantransportation.
- Air pollution is also directly related to increased motorized transportation activity. Incorporating nonmotorized connectivity and installing bicycle racks where feasible will help to facilitate non-vehicular travel modes.
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.

Solid Waste Reduction

- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.

Sussex County Housing – Contact: Brandy Nauman 855-7779

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.

- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountype.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.
- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

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

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

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

CC: Sussex County Planning Department

May 27, 2021

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheelleton, AIA, LEED GA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

Sussex County Administrative Building
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, Delaware 19947

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Attn: Mr. Jamie Whitehouse
Director of Planning

SUSSEX COUNTY
PLANNING & ZONING

RE: Extension of Oceanview Beach Club-North
Environmental Assessment and Public Facility Evaluation Report
Tax Parcel No.: 1-34-17.00-12.02
DBF #1443F001

Dear Mr. Whitehouse:

On behalf of our client, Lighthipe, LLC (Developer, Equitable Owner), we are submitting an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3. ES-1 Environmentally Sensitive Development District Overlay Zone (ESDDOZ), Subparagraph B (2). We offer the following information that comprises our report:

- (a) *Proposed drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.*

The proposed improvements will meet or exceed the state regulations for quantity control. We intend to use a combination of traditional wet basins as well as Green Technology to meet the quantity requirement. The proposed site through the use of Green Technology and other Best Management Practices.

- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.*

The proposed project is located in Tidewater Utility, Inc.'s franchise area and they hold the Certificate of Public Necessity (CPCN). A letter from Tidewater states they are willing and able to provide public water for this project. Impacts to the groundwater and other systems have been evaluated as part of Tidewater's CPCN.

- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems.*

The proposed project is located within the Bethany Beach Sanitary Sewer Planning Area. We propose annexation into the sewer district to facilitate central sewer service to the project.

- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.*

The proposed project is permitted to participate in an Area Wide Study and pay the area wide study fee. This area of the County has been studied numerous times. The contributions and requirements will be finalized as part of DelDOT's review process.

- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.*

There is no known state or federally listed endangered or threatened species on this site.

- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site.*

The property is impacted by both Tidal and "404" Federal Non-tidal wetlands as delineated by JCM-ECI in October of 2005.

- (g) *Provisions for open space as defined in §115-4.*

The proposed project provides 3.17 acres of open space. Active open space will contain recreational features. The passive open space parcels contain buffers, stormwater management and wetlands that are being preserved.

- (h) *A description of provisions for public and private infrastructure.*

The Developer will construct gravity sewer lines to serve this parcel. The Developer will also construct the internal water mains in the project that will be owned and maintained by Tidewater Utilities' Inc. The internal roadways will be constructed by the Developer and privately maintained. Electric will be provided by Delmarva Power.

- (i) *Economic, recreational or other benefits.*

The proposed project will create a considerable number of jobs during construction. Future residents of Sussex County will pay county taxes.

- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.*

There are no known archaeological sites or National Register-listed property on this parcel.

- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.*

The proposed application and mitigation measures comply with the current Sussex County Comprehensive Plan.

- (l) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan.*

All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan.

If you have any questions or need additional information, please call me at (302) 424-1441.

Sincerely,
Davis, Bowen & Friedel, Inc.



W. Zachary Crouch, P.E.
Principal

May 27, 2021

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

Attn: Mr. Jamie Whitehouse
Director

RE: Lands of Lighthipe, LLC
TM 134-17.00-12.02
PLUS Review 2020-08-05
DBF# 1443F001.B01

Mr. Whitehouse,

We have read and reviewed the comments provided during the PLUS Review of the Project on August 26, 2020 and received from the Office of State Planning dated September 24th, 2020. We offer the following item-by-item response narrative for your review:

Strategies for State Policies and Spending

This project is located in Investment Level 2 according to the 2015 Strategies for State Policies and Spending. It is also located within the Town of Millville. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. State investments will support growth in these areas. Our office has no objections to the proposed rezoning and development of this project in accordance with the town codes and ordinances

Thank you for your clarification of the state Investment Level 2 designation. The project is located outside of the municipal boundary of Ocean View and will fall under Sussex County jurisdiction.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The site access on Gooseberry Avenue and the internal layout of the site are necessarily outside DelDOT's jurisdiction. However, the site frontage on Muddy Neck Road (Sussex Road 361 aka West Avenue) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.*

Access will be provided through the existing Lighthipe development. The developer will work with DelDOT to determine any improvements that may be required along

Michael R. Wigley, AIA, LEED AP
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PLANNING & ZONING

the frontage of Muddy Neck Road.

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.delDOT.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
A pre-submittal meeting will be set up prior to plans being submitted for review.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
Developer will work with DelDOT and provide the required fees when appropriate.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 124 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual and Land Use Code 220, DelDOT estimates the trip generation of 21 townhouses at 118 vehicle trip ends per day and the weekday morning and evening peak hour trip ends at 11 and 15, respectively. Therefore, a TIS is not warranted.

The purpose of a TIS is to determine needed off-site improvements. Presently the shoulder of Muddy Neck Road narrows significantly across the site frontage, from about 16 feet near Beaver Dam Road to about 6 feet, before 12 feet approaching Ogre Drive. DelDOT anticipates requiring shoulder widening to provide a smooth transition between the two wider sections.

The developer's engineer is working closely with DelDOT regarding the types of improvements required.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Muddy Neck Road. North of Beaver Dam Road, Muddy Neck Road is classified as a Major Collector Road. Therefore, by this regulation, the dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."
A 5' wide right-of-way is shown to be dedicated to the State of Delaware.
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."

A 15' wide permanent easement will be provided along Muddy Neck Road.

- *Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. DelDOT recommends that the developer provide a bicycle and pedestrian path from the west end of the proposed street to the west end of Bennett Point Lane and from there to the Shared Use Path on Muddy Neck Road, discussed below. While an extension of the proposed street to Bennett Point Lane would be desirable for circulation, significant design exceptions would seem necessary and DelDOT does not recommend it. Regarding the design of the path, Sections 3.5.4.4 and 5.3 of the Manual are available as guidance. Sidewalks will be provided on both sides of the proposed road and will tie into the existing subdivision and the existing Gooseberry Ave.*
- *Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build an SUP along their frontage on Muddy Neck Road. How to tie the path into Muddy Neck Road will need to be resolved in the plan review process. DelDOT would prefer to have the developer connect the path to Ogre Drive but preliminarily it does not appear that enough right-of-way is available. The developer will work with DelDOT regarding the requirements of the SUP along the Muddy Neck frontage.*
- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Muddy Neck Road. Stormwater will be located well away from the State right-of-way.*
- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated. Existing and proposed utilities will be shown on the plans. Should utilities need to be relocated a utility relocation will be submitted to DelDOT.*

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480
Concerns Identified Within the Development Footprint

Special Flood Hazard Area

- *According to the newest Flood Insurance Rate Maps (FIRM), a portion of this parcel (along the southern tip) is situated within the 100-year floodplain (1% annual chance of flooding), also referred to as a Special Flood Hazard Area. This is the area where the National Flood Insurance Program's floodplain management regulations must be enforced, and the mandatory purchase of flood insurance applies under some circumstances.*
- *If rezoning is approved and the site is developed, the applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at*

<https://maps.dnrec.delaware.gov/floodplanning/default.html>.

- *General contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921. Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx>*

Thank you for the clarification of the flood plain. We do not anticipate disturbances to the area within the flood plain. The developer will follow all local ordinances and regulations regarding areas within the flood plain.

Stormwater Management

- *If rezoning is approved and the site is developed, projects disturbing greater than 5,000 square feet require the development and approval of a Sediment and Stormwater Plan prior to any land disturbing activity taking place on the site.*
- *The plan must be approved by the appropriate agency. This agency will vary depending on the location of the project. The appropriate agency for this project is identified below.*
- *Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.*
- *Appropriate plan review agency contact: Sussex Conservation District at (302) 856-2105. Website: <https://www.sussexconservation.org/>*
- *General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.*

Developer will provide a detailed sediment and stormwater plan to the Sussex Conservation District for their review and approval.

Hydric Soil Group

- *Hydric Soil Group A/D soils (very poorly drained) have been identified on the site. These soil types are not conducive to infiltration stormwater Best Management Practices (BMPs) such as bioretention and infiltration basins, which must meet minimum infiltration requirements.*
- *If development of the site occurs, all BMPs that propose to use infiltration or natural recharge shall include a soils investigation.*
- *Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.*

A soils investigation with soil borings will be performed and submitted to the Sussex Conservation District for their review and approval.

Water Quality

- *This site lies within the Inland Bays Watershed, where stricter stormwater standards may apply for construction, pending zoning approval.*
- *Please consult with the Sussex Conservation District to determine if stricter standards may apply for development in this area.*
- *Contact: Sussex Conservation District at (302) 856-2105. Website: <https://www.sussexconservation.org/>*
The development will adhere to all stormwater standards and regulations and will be submitted to the Sussex Conservation District for their review and approval.

Tax Ditches

- *Right-of-ways restrict certain activities within a set distance from the tax ditch, which varies by location. Permanent obstructions, such as stormwater management areas, buildings, sheds, and streets are not allowed within the tax ditch right-of-way.*
- *Contact the DNREC Drainage Program to discuss the existing tax ditch right-of-way prior to the project application meeting.*
- *Contact: DNREC Drainage Program at (302) 855-1930. Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/TaxDitches.aspx>*
The landowner and developer worked with DNREC drainage program regarding the completed upgrades to the tax ditch. We do not anticipate any additional disturbances to the tax ditch crossing the site.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- *Prehistoric is low to moderate. Poorly drained soils that are prime farmland if properly drained, but the parcel is within distance to remnant/relic waterways that are now part of the canals (shown on Beers). No comparable sites nearby.*
- *Historic potential is moderate to high. A previous archaeological survey determined that three sites (two tenant sites and one outbuilding activity area) were in the area near the northeast border. The survey did not extend more south or west, so this parcel may have remains attributed to these sites as well. The survey cites it as the James Farm, which may be associated with Captain J. James (shown on Beers).*
- *If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).*
- *If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the*

National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Thank you for the information regarding potential prehistoric, historic archaeological sites and the potential for unmarked graves. We do not anticipate any federal funding for this project.

Recommendations/Additional Information

*This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.*

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *DelDOT's requirements regarding the interconnection of subdivision streets are in Section 3.5 of the Manual. The streets in Ocean View Beach Club and the adjoining development of Ocean Way Estates are privately maintained, and therefore are subject only to the requirements of the local land use agency. However, DelDOT finds that the planning and engineering basis for the requirements in Section 3.5 is valid without regard to jurisdiction. Therefore, DelDOT recommends that Sussex County do three things:*
 - *Require Lighthipe, LLC to further modify their plan to provide right-of-way for a street connection to the cul-de-sac at the south end of East Riga Dive in Ocean Way Estates. The present application is an opportunity to do that.*
 - *Require Lighthipe, LLC to build a stub street in that right-of-way up to their property line.*
 - *Work with Lighthipe, LLC and the owners of East Riga Drive, that is the Ocean Way Estates Homeowners Association, and possibly Berzins Enterprises, to obtain an interconnection between the Ocean View Beach Club and Ocean Way Estates street systems at that point.*

The developer will work with DelDOT and Sussex County is regards to your recommendation to connect the existing Lighthipe subdivision to E. Riga Drive. Please be aware that part of the lighthipe subdivision has already been approved, recorded and infrastructure has been installed.

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access*

to Muddy Neck Road.

No direct access will be permitted to Muddy Neck Road.

- *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*

Comments will be addressed prior to the preliminary Sussex County Council meeting.

- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.*

The latest Standard General Notes will be used.

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

Sea Level Rise

- *This site is vulnerable to permanent inundation as a result of sea level rise, modelled at the 6 and 7-foot levels. By 2050, sea levels are projected to rise by 0.7 – 1.9 feet; by end of century sea levels are projected to increase by 1.7 – 5.0 feet. In addition to permanent inundation of land, higher tide levels caused by sea level rise will result in increasing frequency and severity of flood events.*
- *In areas of future sea level rise, avoid construction of permanent structures and infrastructure, particularly those below 3 feet mean higher high water. All infrastructure and structures on site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing freeboard of structures, ensuring that critical infrastructure is elevated to withstand future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control.*
- *Contact: DNREC Climate and Sustainability Section at (302) 735-3480.
Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/climate-change/flood-risk-avoidance/>*

Thank you for the projected impacts of Sea Level Rise.

Water Quality

- *To support the State's water quality efforts, reduce the amount of pollutants that enter local waterways by limiting the disturbance of natural habitat and the amount of impervious cover, as well as increasing the use of green infrastructure. Employ green-technology storm water management and rain gardens (in lieu of open-water management structures) to mitigate or reduce nutrient and bacterial pollutant runoff.*
Stormwater will be treated for quantity and quality to limit the amount of runoff of pollutants.

Wetlands

- *To protect the function and integrity of wetlands, DNREC reviewers recommend a 50-foot vegetative buffer from the edge of any wetlands. Buffers are an integral component*

of aquatic and wetland habitats. Buffers reduce sediment and pollutants that may enter a waterway, which can negatively impact aquatic organisms and habitat.

- *Contact: U.S. Army Corps of Engineers (Dover Office) at DoverRegulatoryFieldOffice@usace.army.mil or (267) 240-5278.
Website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>*

Wetlands do not exist on the 5 acre site, we do not anticipate disturbing within 50' of any wetlands.

Tax Ditches

- *Tax ditches on the property should be checked for function and cleaned if needed prior to the construction of homes. Wetland permits may be required before cleaning ditches. All measures should be taken to ensure the project does not hinder any off-site drainage or create any off-site drainage problems downstream by the release of onsite stormwater.
The tax ditch was recently reconfigured and functioning properly. We do not anticipate any direct changes to the tax ditch with this project.*

Concerns Identified Outside of the Development Footprint

Drainage Issues

- *Drainage concerns exist in the area of this project, where a number of drainage complaints have been reported to DNREC. All measures should be taken to ensure the project does not hinder any off-site drainage or create any off-site drainage problems downstream by the release of onsite stormwater.*
- *Contact: DNREC Drainage Program at (302) 855-1930.
Website: <http://www.dnrec.delaware.gov/swc/Pages/DrainageTaxDitchWaterMgt.aspx>
The developer will work with DNREC and the Sussex County Conservation District to ensure off-site drainage problems are not created.*

Additional Sustainable Practices

Air Pollution and Greenhouse Gas Reduction

- *Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution. Renewable energy infrastructure such as solar or geothermal will further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy.
Website: www.de.gov/greenenergy, www.de.gov/eeif.*
- *Install electric vehicle charging infrastructure to assist Delaware in achieving its clean transportation goals. The Division of Climate, Coastal, & Energy offers incentives for clean transportation (electric vehicle charging). These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality Website: www.de.gov/cleantransportation.*
- *Air pollution is also directly related to increased motorized transportation activity. Incorporating nonmotorized connectivity and installing bicycle racks where feasible*

will help to facilitate non-vehicular travel modes.

- *Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.*

Thank you for recommendations on reducing impact for the development.

Solid Waste Reduction

The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.

Thank you for recommendations on reducing impact for the development.

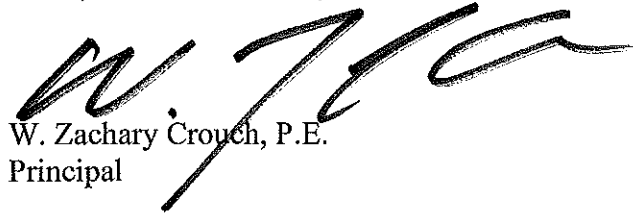
Sussex County Housing – Contact: Brandy Nauman 855-7779

- *Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.*
- *For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.*
- *The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.*
- *Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.*

Thank you for the information regarding affordable housing. The housing within this project will match the existing Lighthipe Community. We will consider the possibilities affordable house provides in future projects.

On behalf of the Developer we thank the State for providing us with these comments. Please contact me at (302) 424-1441 if you have any questions or need additional information.

Sincerely,
Davis, Bowen & Friedel, Inc.



W. Zachary Crouch, P.E.
Principal

May 27, 2021

*Michael R. Wigley, AIA, LEED AP
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Georgetown Administrative Building
Planning and Zoning Department
2 The Circle
Georgetown, DE 19947

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MAY 27 2021

Attn: Mr. Jamie Whitehouse
Director of Planning

SUSSEX COUNTY
PLANNING & ZONING

Re: Extension of Oceanview Beach Club-North
Chapter 99-9 C Response
Tax Parcel No.: 1-34-17.00-12.02
DBF # 1443F001

Dear Chairman Wheatley and Members of the Commission,

On behalf of our client, Lighthipe, LLC (Developer, Owner), we are pleased to provide you with our written response to the items listed in Chapter 99-9C.

The proposed Lighthipe Subdivision provides careful consideration of the following items in Sussex County Chapter 99-9C:

1. **Integration of the proposed subdivision into the existing terrain and surrounding landscape.**
 - a. The subdivision includes a 20' forested buffer along all adjacent properties.
 - b. All privately owned land surrounding the proposed subdivision is currently residential use.

2. **Minimal use of wetlands and floodplains.**
 - a. A wetlands delineation was performed by JCM-ECI in October of 2005. The investigation found State and Federal Wetlands. (locations shown on site plan)
 - b. The impact of the 100-Year floodplain is confined to the existing ditches according to FEMA Map 10005C0515J (Dated January 6, 2005) as well as preliminary proposed FIRM maps for Sussex County.

3. Preservation of natural and historical features.

- a. According to SHPO, there are no known archaeological sites or National Register-listed property on this parcel.

4. Preservation of open space and scenic views.

- a. There is a total of approximately 3.17 acres of open space provided for this project, which is 60.4% of the RPC area (based on 5.25 acres).
- b. There is an additional buffer along the ditches to provide a wider buffer per the Town's recommendations.

5. Minimization of tree, vegetation and soil removal and grade changes.

- a. Grade changes will be minimized to the extent necessary to provide road construction to meet design requirements and to ensure proper lot drainage.
- b. The site will be "balanced," which will minimize the need for soil to be removed or hauled to the site.
- c. There are no existing wooded areas on the site. A 20 ft. forested buffer is proposed around the perimeter of the site.

6. Screening of objectionable features from neighboring properties and roadways.

- a. A 20' forested buffer is proposed along the adjacent residential communities. The buffer will screen the subdivision from neighboring properties.

7. Provision for water supply.

- a. Tidewater Utilities, Inc. will supply all homes with central water.

8. Provision for sewage disposal.

- a. The proposed project is located within the Bethany Beach Sanitary Sewer Planning Area. We propose annexation into the sewer district to facilitate central sewer service to the project.

9. Prevention of pollution of surface and groundwater.

- a. The storm drainage system will capture 100% of all drainage from the site.

- b. Best Available Technologies (BATs) will be used during the design and construction of the property.
- c. Best Management Practices (BMPs) will be used during the design and construction of the property.
- d. The site will utilize Green Technology where feasible for the project.

10. Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater is maximized.

- a. The stormwater management areas will be designed to meet all local, state and federal guidelines for sediment and nutrient removal.
- b. An Erosion and Sediment Control Plan will be developed and implemented as required by the Sussex Conservation District and DNREC. The plan will specify in detail how the project is to be constructed to limit the amount of sediment and other pollutants from leaving the site during construction.
- c. All storms will be controlled and discharge at the pre-development rate. The 100-year storm will be safely routed through this site.

11. Provision for safe vehicular and pedestrian movement within the site and to adjacent roadways.

- a. The interior of the subdivision contains sidewalks on both sides of the street providing pedestrian connection throughout the site as well as to adjoining properties.
- b. The road design will conform to Sussex County standards and specifications and will be turned over to the homeowners association for maintenance upon acceptance by the County.
- c. Street lighting will be provided for this project.

12. Effect on area property values.

- a. Based on historical land trends in Sussex County, the property values around the proposed subdivision will increase with the development.

13. Preservation and conservation of farmland.

- a. Developing in a Level 2-3 area as preferred by State Planning preserves other lands for farmland.

14. Effect on schools, public buildings and community facilities.

- a. The increase in tax revenue to the school district will assist in the maintenance and operations of the public school system.
- b. The trend towards seniors moving to Sussex County will provide tax revenue without adding large numbers of potential new students.

15. Effect on area roadways and public transportation.

- a. The subdivision streets will be designed to Sussex County standards and specifications. The development will pay into the Area Wide Study fee which will contribute to necessary improvements in the area.

16. Compatibility with other area land uses.

- a. The subdivision conforms to the designated zoning for the property and is consistent with the surrounding land use as mentioned above.

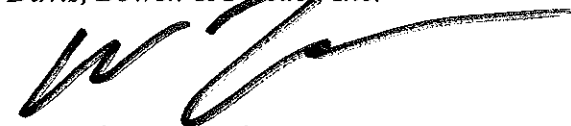
17. Effect on area waterways.

- a. The subdivision will be designed to discharge the same rate of runoff as the existing runoff from the site. In addition, the overall stormwater management design will improve the quality of runoff.
- b. The site will comply with all TMDLs and PCS's as adopted by the State.

On behalf of our client, we thank you for your review and consideration of this response. If you should have any questions or concerns, please contact our office at 424-1441

Sincerely,

Davis, Bowen & Frieden Inc.



W. Zachary Crouch, P.E.

Principal