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Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-23.00-2.02 (PORTION OF), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, AND 235-23.00-2.01

WHEREAS, on February 25, 2021, the Sussex County Planning and Zoning Office received a request to consider an amendment to the Future Land Use Map identified as Figure 4.5-1 in the Comprehensive Plan in relation to Tax Parcel No. 235-23.00-2.02 (Portion of), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, and 235-23.00-2.01 (the “Property”); and

WHEREAS, the Property is designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan; and the request received is to amend the Area designation of the Property to the Coastal Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation part of Sussex County Parcel. No. 235-23.00-2.02 (Portion of), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, and 235-23.00-2.01 from the Low Density Area to the Coastal Area. The parcels so changed are identified in Exhibit A, attached hereto and incorporated herein.

Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.



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

July 22, 2021

Jamie Whitehouse, AICP
Director, Department of Planning & Zoning
Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: PLUS review 2021-06-12; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would amend the Future Land Use Map for 2 parcels from the Low Density Area to the Coastal Area.

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

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

Parcel 235-23.00-1.00 has been seen through PLUS on several occasions for both residential and commercial use. These projects were active during the Sussex County Comprehensive Plan and the 2020 Strategies for State Policies and Spending in which Sussex County was involved and commented. This parcel is within a Level 4 area according to the 2020 Strategies for State Policies and Spending and low density in the SC plan for several reasons including, but not limited to:

- Parcel 1.00 is subject to the Corridor Capacity Preservation program
- These properties border Out of Play land such as the Cedar Trees Farm District.
- There are significant environmental features contiguous to this site plan including tidal wetlands.
- These parcels are not close to public services such as water, sewer, police, fire, and schools.

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

These parcels consist of approximately 415 acres that would be amended from Low density to Coastal area. Amending the comp plan to designate these parcels as coastal would open up a large number of options for the zoning of this property. In the low density area the owners are allowed a maximum of 2 units per acre where in the Coastal are the density could go as high as 12 units per acre and could allow heavy commercial uses. These uses would be away from public utilities and services.

The Sussex County certification letter dated April 1, 2019 stated the Sussex County comprehensive plan was certified, provided no major changes are enacted. It is the opinion of the Office of State Planning that this change would constitute a major change to the currently certified comprehensive plan and this office, for the reasons stated in this letter, objects to the comprehensive plan amendment.

29 Delaware Code §9103(d) states:

Should the Office of State Planning Coordination make objection to any proposed comprehensive plan or amendments or revisions thereto, then the Office of State Planning Coordination shall immediately enter into negotiation with the county or municipality in an attempt to solicit agreement and resolution. Any agreements reached during these negotiations shall be incorporated into the public record and considered by the governing body prior to final action on the comprehensive plan. If the Office of State Planning Coordination and the county or municipality fail to reach agreement after a period of 45 days, the Office of State Planning Coordination shall report the extent of agreement and areas of continued disagreement to the Cabinet Committee on State Planning Issues for dispute resolution.

This letter serves as our intent to begin the 45 day negotiation period. We will contact the County in the coming days to set up a meeting to discuss our objections and determine the ability to reach an agreement.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- This amendment would facilitate developments known collectively Overbrook Meadows or successors thereto. In September 2014, DelDOT provided comments on a Traffic Impact Study for a commercial development, Overbrook Town Center, which Overbrook Meadows later replaced. Copies of those comments are available at https://deldot.gov/Business/subdivisions/index.shtml?dc=Traffic_Studies
- DelDOT is presently developing plans for a Grade Separated Intersection at this location. Information on that effort is available at <https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T201912201>

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

- DNREC reviewers are not in support of this change due to the parcels lying within areas designated as Out of Play and Level 4 by the Delaware Strategies for State Policies and Spending. In addition, these parcels contain environmental features that are inconsistent with more intensive development. In Low Density areas, a maximum of 2 units per acre are allowed; in the Coastal Areas, up to 12 units per acre are allowed, in addition to heavy commercial uses.
- An analysis of historical data indicates that the northern portion of parcel 235-23.00-2.02 and the small, forested portion on the northern edge of parcel 235-23.00-1.00 have likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.
- Groundwater Recharge Areas are located on parcels 235-23.00-1.00 and 235-23.00-2.02. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.
- Freshwater and marine wetlands are present on the northern half of parcel 235-23.00-2.02 and lie within the Great Marsh Natural Area and the Delaware Ecological Network. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware. The Delaware Ecological Network consists of lands having significant ecological value. Forest disturbances in these areas will jeopardize habitat on the parcel and possibly beyond the parcel's boundary.
- There is an active Bald Eagle (*Haliaeetus leucocephalus*) nest within parcel 235-23.00-2.02. Bald eagles and their nests are protected under the federal Bald and Golden Eagle Protection Act (BGEPA). Additionally, the nest itself is protected by state law (7 Del. C. § 739).
- The following plants or animals are listed as State of Delaware rare, threatened, or endangered species, which have been documented within the project area.
 - The Broad-winged Hawk (*Buteo platypterus*) is a bird listed under State Rank S1B, State Status E, and SGCN Tier 1.
 - The Norther Harrier (*Circus cyaneus*) is a bird listed under State Rank S1B, State Status E, and SGCN Tier 1.
 - The Great Black-backed Gull (*Larus marinus*) is a bird listed under State Rank S1B and SGCN Tier 1.

- The Black-necked Stilt (*Himantopus mexicanus*) is a bird listed under State Rank S2B and SGCN Tier 1.

Please visit the following website for definitions on the specified State Rank, State Status, and SGCN Ranking:

<https://www.dnrec.delaware.gov/fw/NHESP/Documents/Status%20Ranks%20April%202013.pdf>

- The project lies within a zone that will be affected by mosquitoes due to its location near large expanses of freshwater and estuarine wetlands. Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands for mosquito control services beyond what DNREC has the resources to provide.

State Historic Preservation Office – Contact Carlton Hall 736-7400

Tax Parcel# 235-23.00-1.00

- Prehistoric archaeological potential is moderate throughout the parcel. The parcel is mostly well-drained soils, but it is just on the edge of favorable distance to a historic water source. There is one comparable site along another arm of Fisher Creek, next to the one that extends towards this parcel.
- Historic archaeological potential is low. No indication through historic maps or aerials that there were any structures etc. on the land, and adjacent parcels are vacant as well.

Tax Parcel# 235-23.00-2.02

- Prehistoric archaeological potential is low in northern half of the parcel due to poorly drained soils. However, there are higher points in the topography within favorable distance to one of the arms of Old Mill Creek and overlooking the marshland, which is highly favorable for prehistoric archaeological sites. The Delaware SHPO recommends a Phase I survey.
- Historic archaeological potential is high near the farmstead and there is potentially a cemetery there. There also appears to be another farmstead on the property east of the currently existing farmstead. The Delaware SHPO would highly recommend a survey of that area.
- 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 opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

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

David L. Edgell, AICP
Director, Office of State Planning Coordination

Future Land Use Map Amendment

SCTP No. 236-23.00-1.04,
235-23.00-1.30, 235-
23.00-2.00, 235-23.00-
2.01 & 235-23.00-2.02

David C. Hutt, Esquire

Morris James LLP

Public Hearings:

Planning Commission 11/18/2021

County Council 12/14/2021

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TAB “1”

December 29, 2020

The Honorable Michael H. Vincent
The Honorable Samuel R. Wilson, Jr.
The Honorable Irwin G. Burton III
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
Todd F. Lawson, Sussex County Administrator
Sussex County Council
2 The Circle
Georgetown, DE 19947

Re: 2018 Comprehensive Plan

Dear County Council Members and Mr. Lawson:

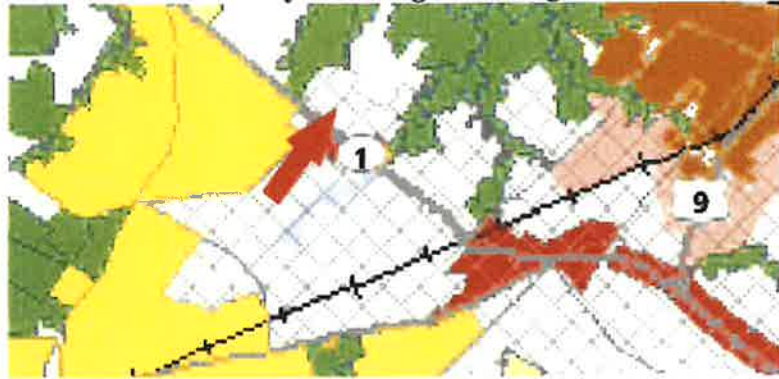
We are sending this letter to express our disappointment and concern regarding changes to our property designations assigned on the Future Land Use Map included in the 2018 Comprehensive Plan update. By way of introduction, we are the current record owners of two pieces of undeveloped property located just north of Lewes on the east side of Route 1. Specifically, the properties are Tax Parcel Nos. 235-23.00-1.00 (the "Chappell Property") and 235-23.00-2.02 (the "Robinson Property") (collectively the "Properties"). Recently the Chappell Property was placed under contract and is now in the process of being sold. Through the buyer's due diligence during the sale process, the Chappells learned that their property was no longer in a "Growth Area" on the Future Land Use Map, which then led to further discussion with neighbors in that area, including the Robinsons.

As you may be aware, the Properties were included in the Environmentally Sensitive Development Area in the Future Land Use Map in the 2008 Comprehensive Plan. For more than a year we monitored the designation of our properties throughout the County's process of preparing the update to the 2008 Comprehensive Plan. At every stage in the process (except for one) the Properties were shown as being in one of the County's Growth Areas.

In fact, the County's website still reflects this history. The drafts of the 2018 Comprehensive Plan update recommended by the Planning Commission and County Council are on the County's website. Both of these drafts show significant portions of the Properties as being in a Growth Area. The following excerpts from the Future Land Map in the draft Comprehensive Plan updates plainly show the Properties as being included within the Environmentally Sensitive Development Area in the 2018 Comprehensive Plan as recommended by the Planning & Zoning Commission (Table 1) and the Coastal Area in the 2018 Comprehensive Plan as recommended by County Council (Table 2).

TABLE 1

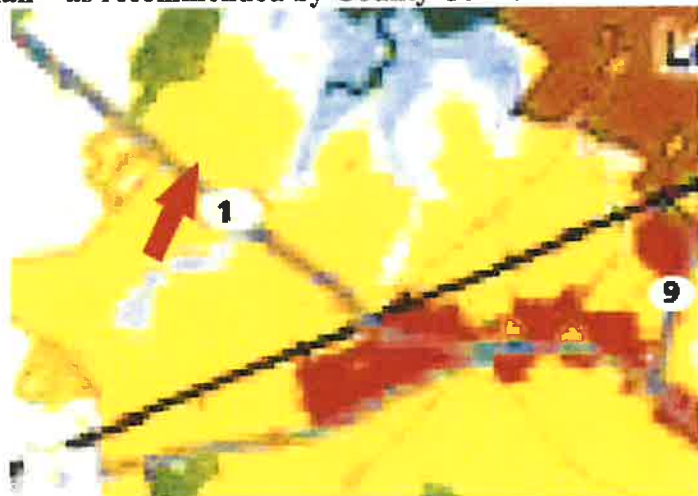
2018 Comprehensive Plan – as recommended by Planning & Zoning Commission



The area where the Properties are located is indicated with a red arrow.

TABLE 2

2018 Comprehensive Plan – as recommended by County Council














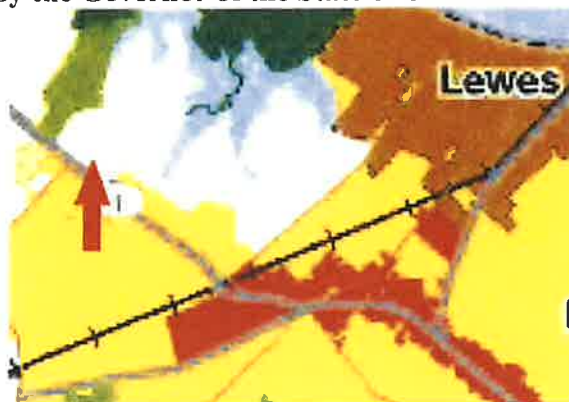
The area where the Properties are located is indicated with a red arrow.

Based on these recommended versions as they were presented to the public, you can imagine our surprise when it was brought to our attention that County Council ultimately submitted a Comprehensive Plan update with a Future Land Use Map to the Governor placing the Properties in the Low Density designation, not a Growth Area as previously indicated. The version ultimately submitted and certified by the Governor is shown below in Table 3.

TABLE 3

2018 Comprehensive Plan – as certified by the Governor of the State of Delaware

 <p>THE SUSSEX PLAN</p> <p>Sussex County Comprehensive Plan</p>	
<p>2045 Future Land Use Map</p>	
<p>Growth Areas</p> <ul style="list-style-type: none">  Municipalities  Town Center  Developing Area  Existing Development Area  Coastal Area  Commercial  Industrial Area <p>Rural Areas</p> <ul style="list-style-type: none">  Low Density  Protected Land  Ag. Preservation District  Ag. Preservation Easement 	



The area where the Properties are located is indicated with a red arrow.

Unfortunately, this surprising change of designation only recently came to our attention as the Chappells prepared to sell the Chappell Property. Through further research and investigation, we learned that the County held a public hearing for comment on the version of the Comprehensive Plan recommended by County Council (Table 2) on October 23, 2018. At the October 23rd public hearing, several speakers were heard including requests to change the Future Land Use Map for specific properties. Our Properties were not mentioned or discussed during that public hearing and the public hearing and record on the County's 2018 Comprehensive Plan update was closed.

Unbeknownst to us, at the next meeting former County Councilman George Cole unilaterally raised the issue of our Properties (among others) to be removed from one of the County's Growth Areas. Specifically at 45:35 of the second audio file on the County's website,

Mr. Cole initiated a discussion about this area. Our Properties (among others) were then re-designated on the Future Land Use Map. This means that, after the versions of the Future Land Use Map recommended by the Planning Commission and County Council were considered without comment on our Properties and after the final public hearing on the Comprehensive Plan where our Properties were not discussed, the County substantively changed the Future Land Use Map for our Properties without notice to anyone.

We did not attend the meetings after the public process was concluded since we were content with the designations recommended by both the Planning Commission and County Council. After being unilaterally raised by County Council on October 30th, and without notice to us (or likely other property owners whose lands were removed from a Growth Area), the Future Land Use Map was further modified. Since learning of the change of designation, we have learned that at its meetings on November 13th and November 27th County Council discussed amongst themselves the designation of the Properties and ultimately voted on November 27th to remove them from a Growth Area.

We understand and acknowledge that it is our responsibility as landowners to monitor County Council's proposed recommendations regarding the Comprehensive Plan as it is published for public review. Our frustration and disappointment is that we performed our duty and monitored the process through the conclusion of the public hearing process and somehow without warning or notice the designation for our Properties was changed—after the public record was closed without a single comment about our Properties (until Mr. Cole's post-public hearing comments). It is difficult to imagine why a property owner would continue to monitor this process when during the entire public process, the designation of its property reflected the property owners' view of their property. County Council's unilateral decision changing the Properties' designation in its final submission to the Governor did not provide us with proper notice of the change in designation nor give us an opportunity to properly present our opposition to such change.


As such, we write this letter to provide County Council with notice that we object to the change in designation and respectfully request that County Council restore the Properties' former designation to include the Properties in the Coastal Area, as previously recommended by County Council and the Planning Commission. We appreciate your anticipated cooperation in this matter.

Sincerely,



Frederick Chappell

Tax Parcel No. 235-23.00-1.00


Thomas Robinson

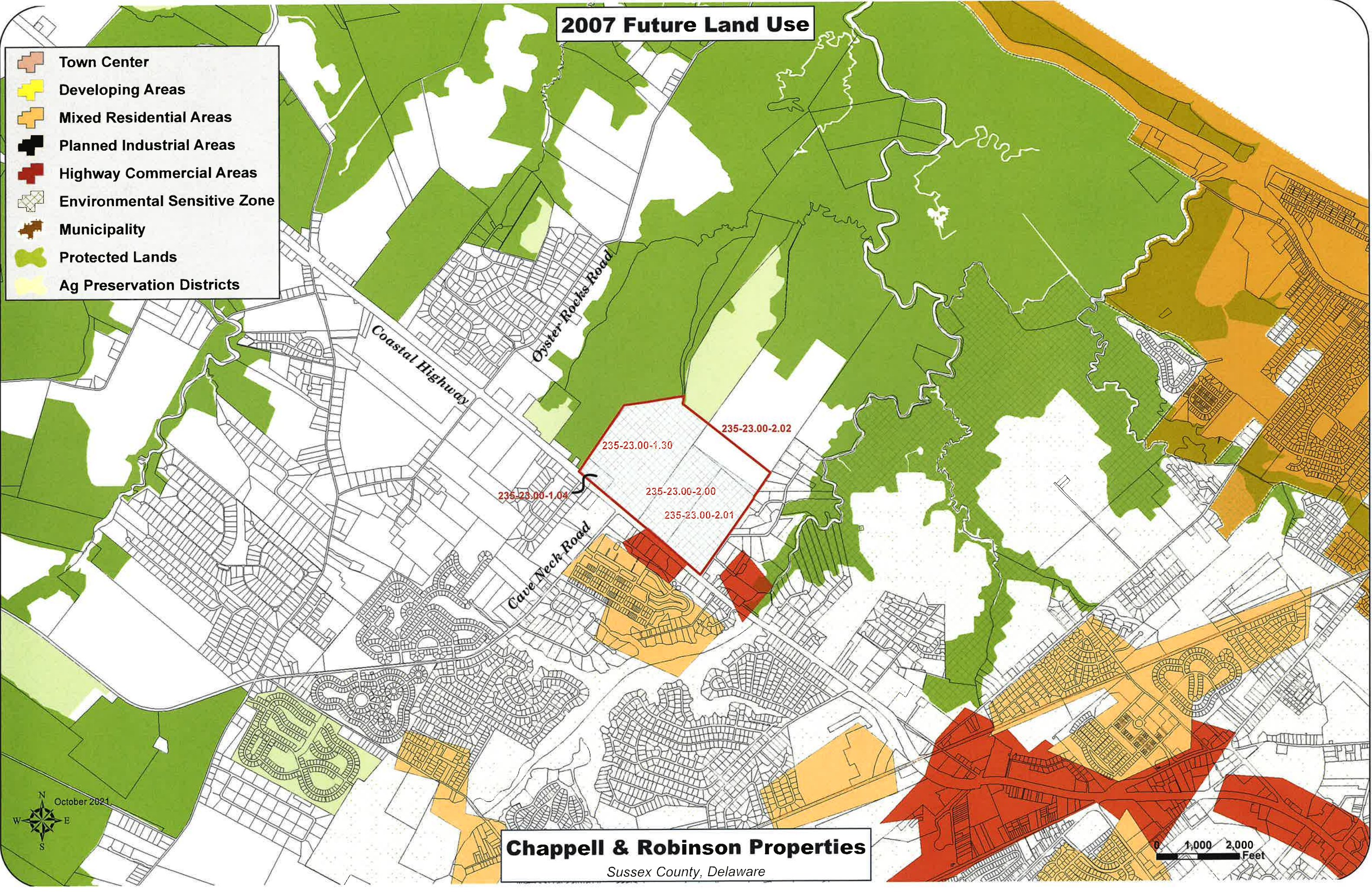
Tax Parcel No. 235-23.00-2.02

Cc: The Honorable Mark G. Schaeffer
The Honorable Cynthia C. Green

TAB “2”

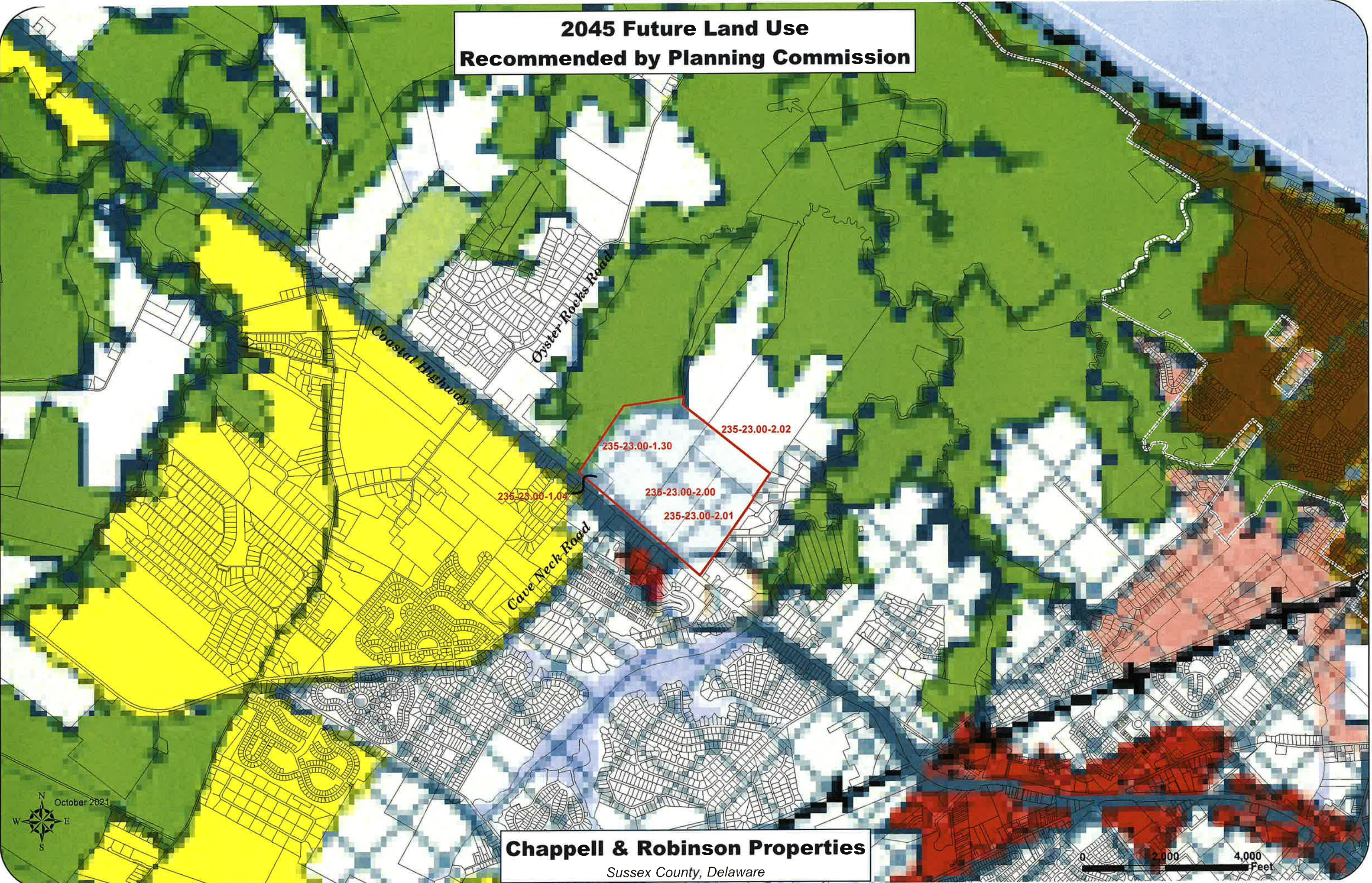
2007 Future Land Use

- Town Center
- Developing Areas
- Mixed Residential Areas
- Planned Industrial Areas
- Highway Commercial Areas
- Environmental Sensitive Zone
- Municipality
- Protected Lands
- Ag Preservation Districts



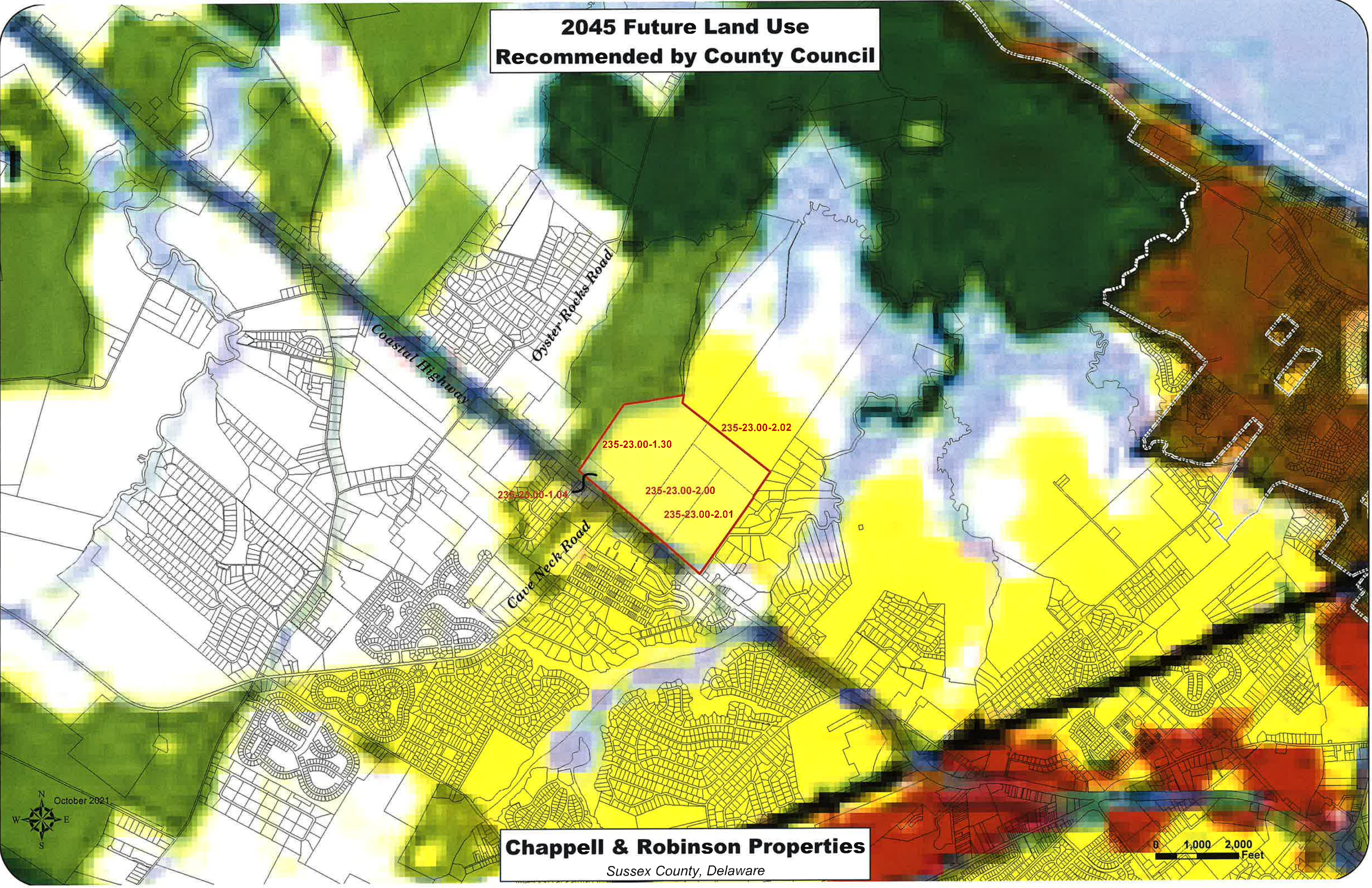
Chappell & Robinson Properties
Sussex County, Delaware

**2045 Future Land Use
Recommended by Planning Commission**



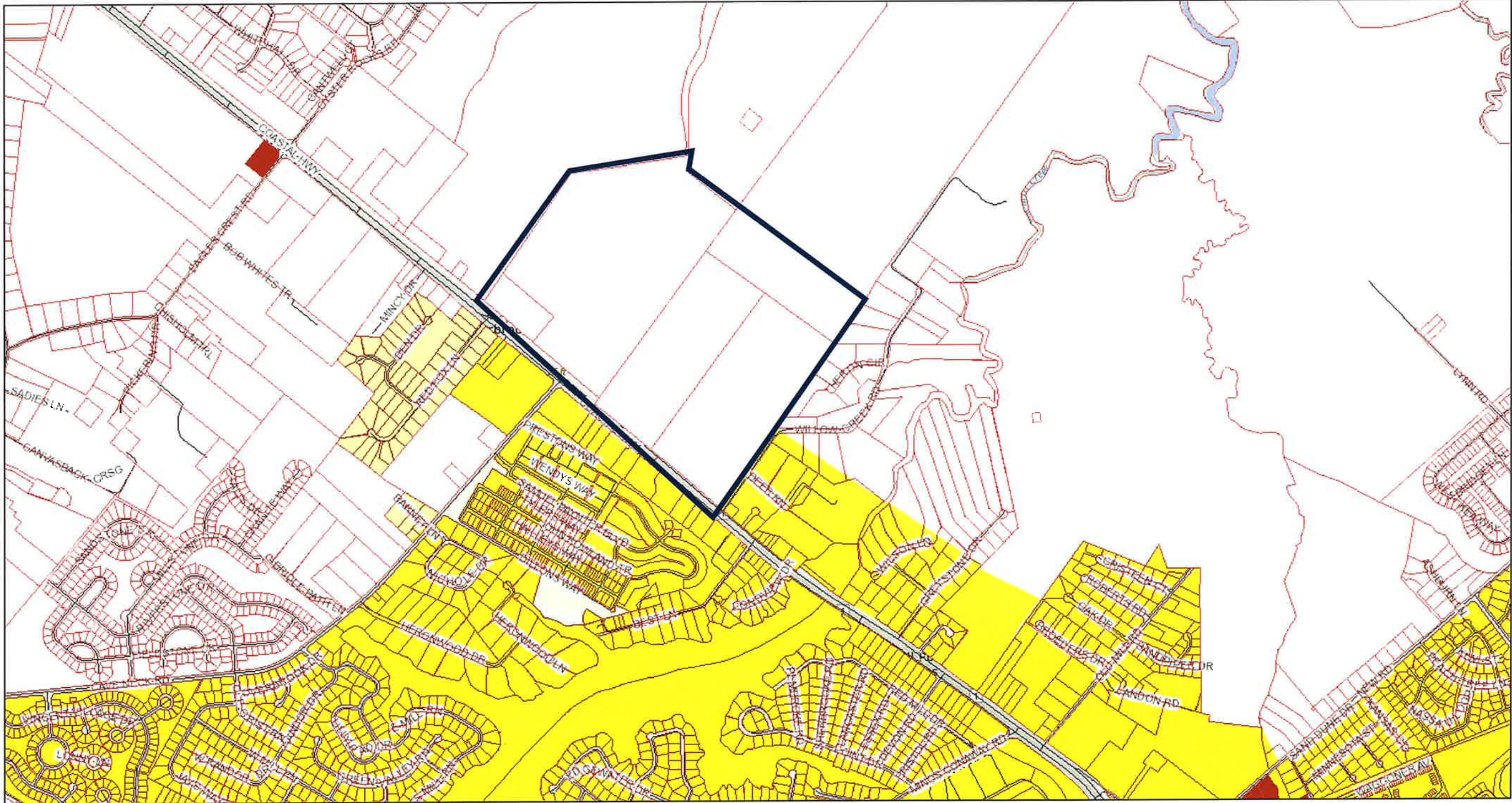
Chappell & Robinson Properties
Sussex County, Delaware

**2045 Future Land Use
Recommended by County Council**



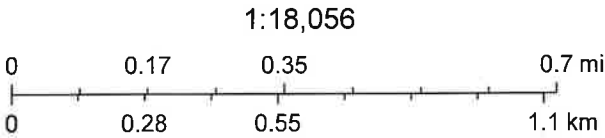
Chappell & Robinson Properties
Sussex County, Delaware

Sussex County



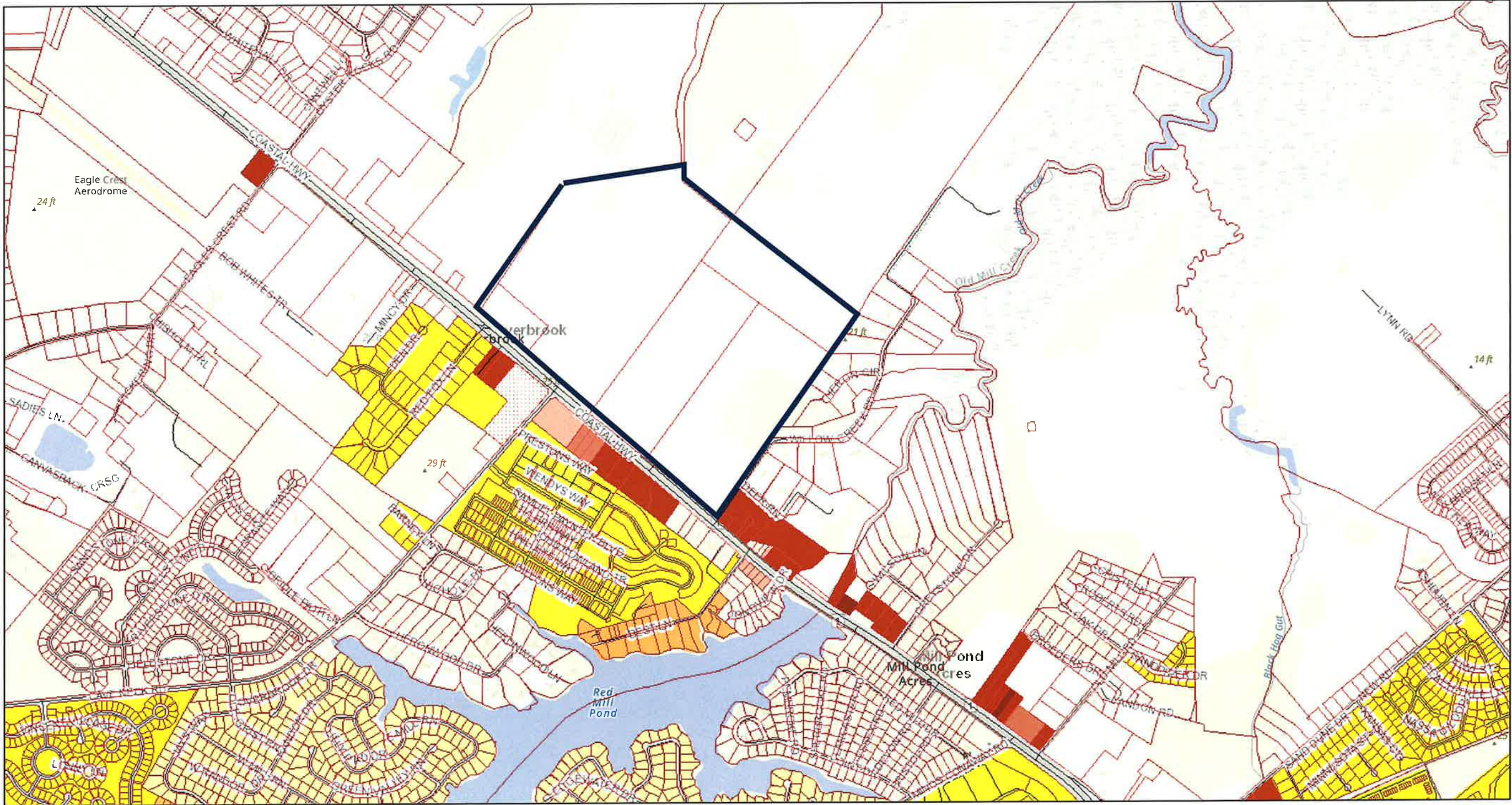
November 8, 2021

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



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

Sussex County



November 8, 2021

Tax Parcels

Streets

Zoning

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

High Density Residential - HR-2

Vacation, Retire, Resident - VRP

Neighborhood Business - B-1

Neighborhood Business - B-2

Business Research - B-3

General Commercial - C-1

General Commercial - C-2

General Commercial - C-3

General Commercial - C-4

General Commercial - C-5

Commercial Residential - CR-1

Institutional - I-1

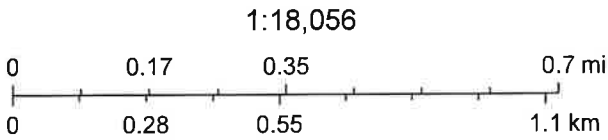
Marine - M

Limited Industrial - LI-1

Light Industrial - LI-2

Heavy Industrial - HI-1

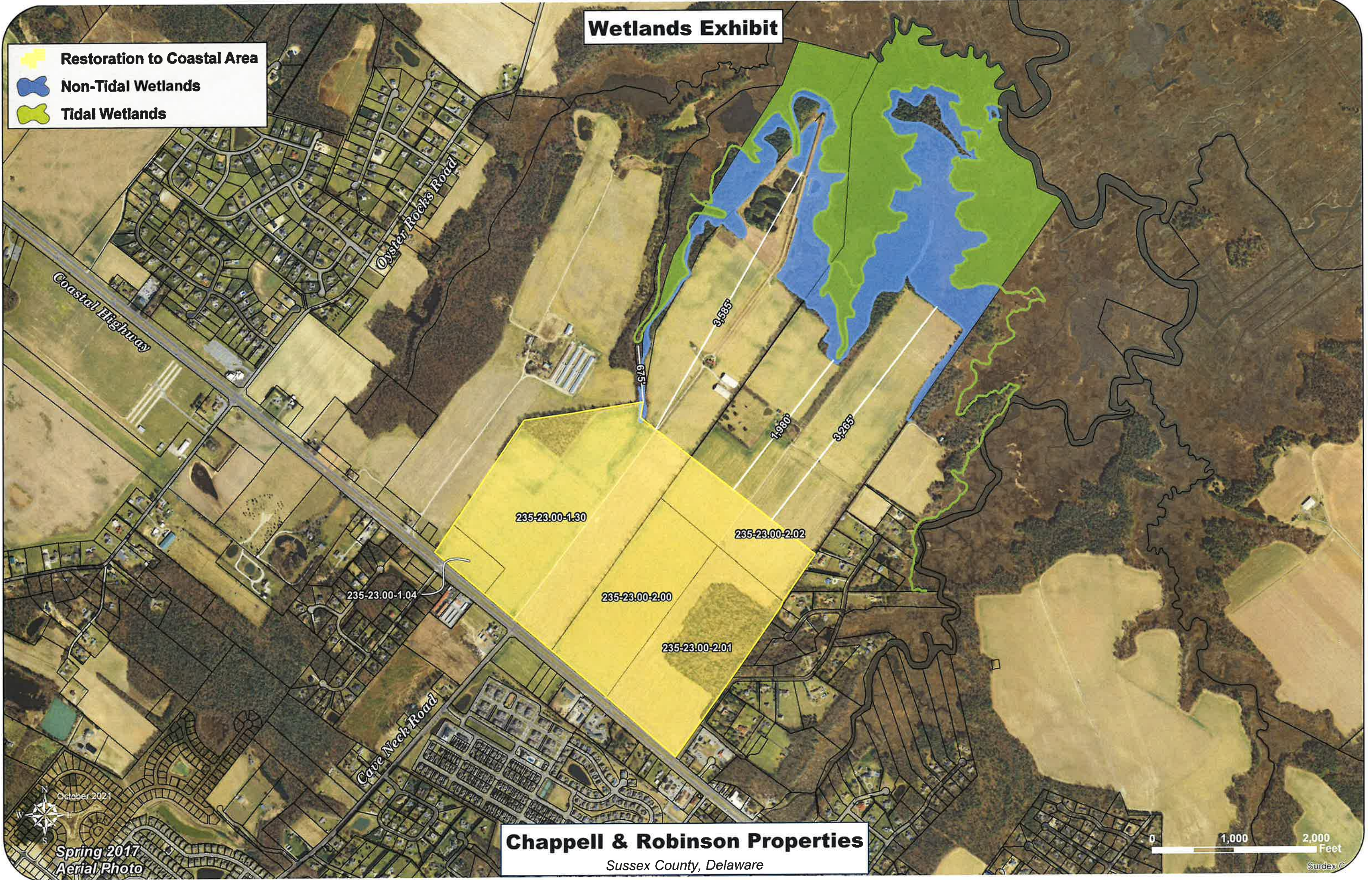
County Boundaries



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

Wetlands Exhibit

- Restoration to Coastal Area
- Non-Tidal Wetlands
- Tidal Wetlands



Utilities Exhibit

Coastal Highway

Tidewater
12" Watermain

Artesian
8" Sewer
Forcemain

235-23.00-1.04

235-23.00-1.30

235-23.00-2.02

235-23.00-2.00

235-23.00-2.01

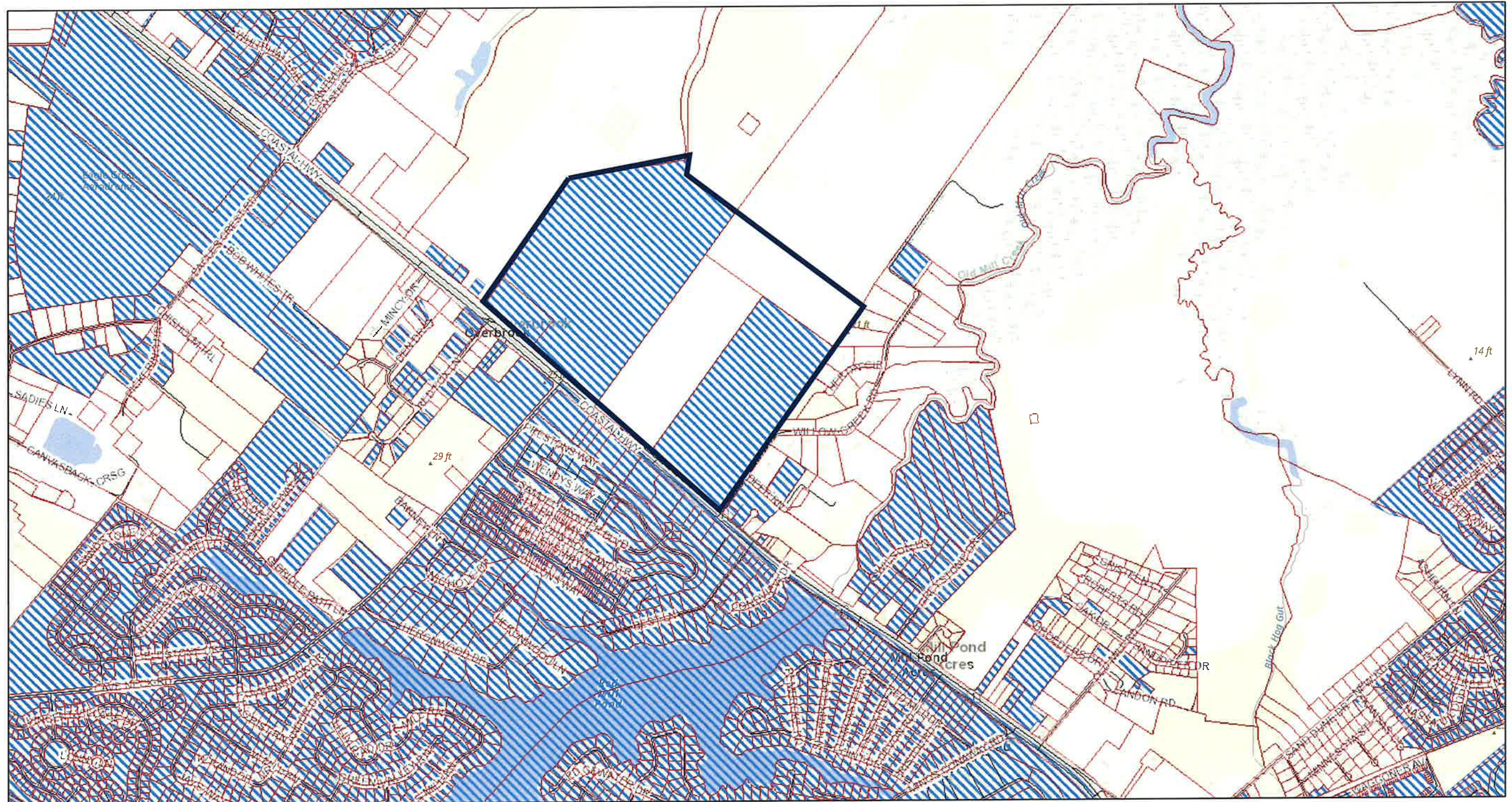
Cave Neck Road

Chappell & Robinson Properties
Sussex County, Delaware

October 2021
Spring 2017
Aerial Photo

0 600 1,200 Feet
Surdex ©

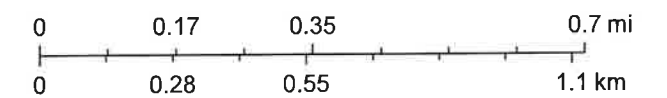
Sussex County



November 8, 2021

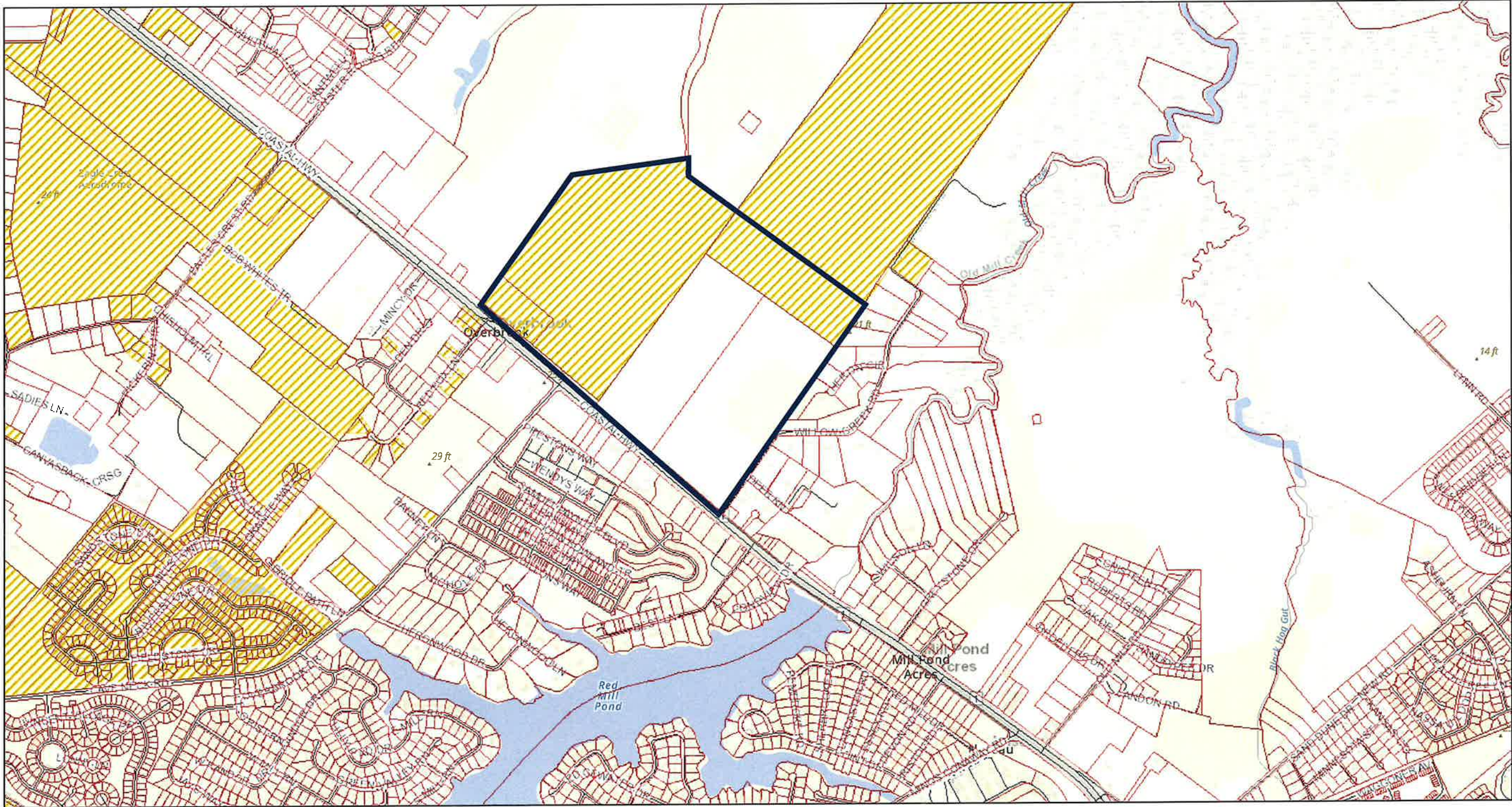
-  Tax Parcels
 Streets
 County Boundaries
 Water CPCN

1:18,056



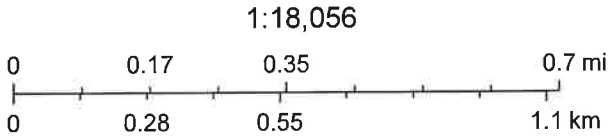
Delaware Public Service Commission, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government

Sussex County



November 8, 2021

-  Tax Parcels
-  Streets
-  County Boundaries
-  Wastewater CPCN



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

TAB “3”

Morris James LLP

David C. Hutt
302.856.0018
dhutt@morrisjames.com

February 25, 2021

Via: Hand Delivery and Email (jamie.whitehouse@sussexcountyde.gov)

Jamie Whitehouse, Director
Sussex County Planning & Zoning Office
2 The Circle, P.O. Box 417
Georgetown, DE 19947

**RE: 2018 Comprehensive Plan, 2045 Future Land Use Map
SCTP No.: 235-23.00-1.00, 1.04 & 2.02**

Dear Mr. Whitehouse:

I am writing to follow-up on our conversation about the above-referenced properties. As you may recall, by letter dated December 29, 2020 the Chappell and Robinson families sent a letter to County Council and the County Administrator regarding the future land designation of their properties on the Future Land Use Map. A copy of that letter is enclosed for your ready reference. Stated more precisely, the letter describes their surprise and frustration regarding the change in their properties' designation from prior iterations of the Future Land Use Map.

As indicated in the prior letter, the change to their properties' designation came to light during the sale of parcel 235-23.00-1.00. The sale of that parcel has been completed and I represent the current owners of that parcel (Seaside Lewes, LLC and Derrickson Properties, LLC as well as the Robinson family which owns parcel 235-23.00-2.02). These owners request the restoration of their properties former designation on the Future Land Use Map so their properties are within the Coastal Area as previously recommended by County Council and the Planning Commission.

To facilitate the process, my clients and I request a meeting with you. In addition, please advise if the County has a more formal application that is needed in order for this request to be reviewed by County Council. We look forward to meeting with you and discussing this restoration of their properties prior designation on the Future Land Use Map.

Very Truly Yours,

MORRIS JAMES LLP

David C. Hutt, Esquire

Enclosure

Cc: Honorable Mark G. Schaeffer (via email)

December 29, 2020

The Honorable Michael H. Vincent
The Honorable Samuel R. Wilson, Jr.
The Honorable Irwin G. Burton III
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
Todd F. Lawson, Sussex County Administrator
Sussex County Council
2 The Circle
Georgetown, DE 19947

Re: 2018 Comprehensive Plan

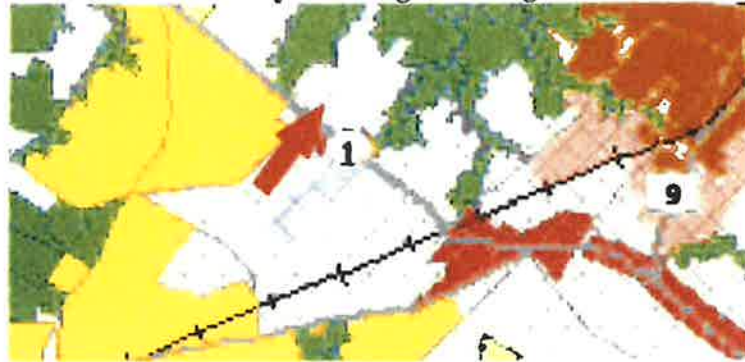
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We are sending this letter to express our disappointment and concern regarding changes to our property designations assigned on the Future Land Use Map included in the 2018 Comprehensive Plan update. By way of introduction, we are the current record owners of two pieces of undeveloped property located just north of Lewes on the east side of Route 1. Specifically, the properties are Tax Parcel Nos. 235-23.00-1.00 (the "Chappell Property") and 235-23.00-2.02 (the "Robinson Property") (collectively the "Properties"). Recently the Chappell Property was placed under contract and is now in the process of being sold. Through the buyer's due diligence during the sale process, the Chappells learned that their property was no longer in a "Growth Area" on the Future Land Use Map, which then led to further discussion with neighbors in that area, including the Robinsons.

As you may be aware, the Properties were included in the Environmentally Sensitive Development Area in the Future Land Use Map in the 2008 Comprehensive Plan. For more than a year we monitored the designation of our properties throughout the County's process of preparing the update to the 2008 Comprehensive Plan. At every stage in the process (except for one) the Properties were shown as being in one of the County's Growth Areas.

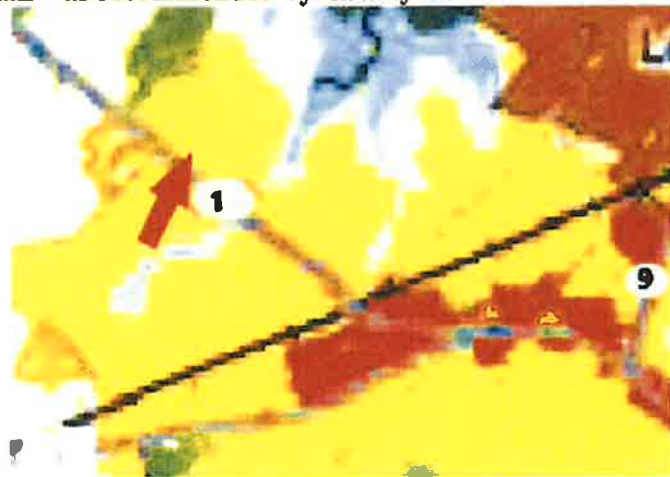
In fact, the County's website still reflects this history. The drafts of the 2018 Comprehensive Plan update recommended by the Planning Commission and County Council are on the County's website. Both of these drafts show significant portions of the Properties as being in a Growth Area. The following excerpts from the Future Land Map in the draft Comprehensive Plan updates plainly show the Properties as being included within the Environmentally Sensitive Development Area in the 2018 Comprehensive Plan as recommended by the Planning & Zoning Commission (Table 1) and the Coastal Area in the 2018 Comprehensive Plan as recommended by County Council (Table 2).

TABLE 1
2018 Comprehensive Plan – as recommended by Planning & Zoning Commission



The area where the Properties are located is indicated with a red arrow.


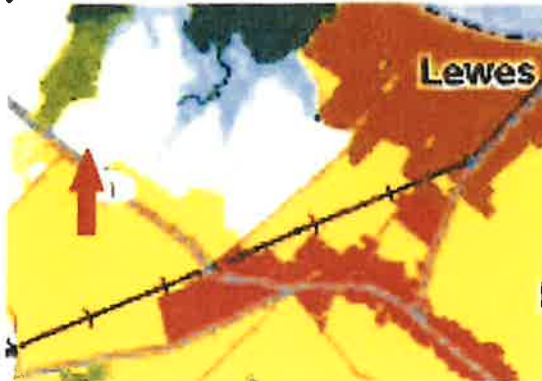











TABLE 2
2018 Comprehensive Plan – as recommended by County Council



The area where the Properties are located is indicated with a red arrow.

Based on these recommended versions as they were presented to the public, you can imagine our surprise when it was brought to our attention that County Council ultimately submitted a Comprehensive Plan update with a Future Land Use Map to the Governor placing the Properties in the Low Density designation, not a Growth Area as previously indicated. The version ultimately submitted and certified by the Governor is shown below in Table 3.

TABLE 3

2018 Comprehensive Plan – as certified by the Governor of the State of Delaware	
 <p>THE SUSSEX PLAN</p> <p>Sussex County Comprehensive Plan</p>	
<p>2045 Future Land Use Map</p> <p>Growth Areas</p> <ul style="list-style-type: none">  Municipalities  Town Center  Developing Area  Existing Development Area  Coastal Area  Commercial  Industrial Area <p>Rural Areas</p> <ul style="list-style-type: none">  Low Density  Protected Land  Ag. Preservation District  Ag. Preservation Easement 	

The area where the Properties are located is indicated with a red arrow.

Unfortunately, this surprising change of designation only recently come to our attention as the Chappells prepared to sell the Chappell Property. Through further research and investigation, we learned that the County held a public hearing for comment on the version of the Comprehensive Plan recommended by County Council (Table 2) on October 23, 2018. At the October 23rd public hearing, several speakers were heard including requests to change the Future Land Use Map for specific properties. Our Properties were not mentioned or discussed during that public hearing and the public hearing and record on the County's 2018 Comprehensive Plan update was closed.

Unbeknownst to us, at the next meeting former County Councilman George Cole unilaterally raised the issue of our Properties (among others) to be removed from one of the County's Growth Areas. Specifically at 45:35 of the second audio file on the County's website,

Mr. Cole initiated a discussion about this area. Our Properties (among others) were then re-designated on the Future Land Use Map. This means that, after the versions of the Future Land Use Map recommended by the Planning Commission and County Council were considered without comment on our Properties and after the final public hearing on the Comprehensive Plan where our Properties were not discussed, the County substantively changed the Future Land Use Map for our Properties without notice to anyone.

We did not attend the meetings after the public process was concluded since we were content with the designations recommended by both the Planning Commission and County Council. After being unilaterally raised by County Council on October 30th, and without notice to us (or likely other property owners whose lands were removed from a Growth Area), the Future Land Use Map was further modified. Since learning of the change of designation, we have learned that at its meetings on November 13th and November 27th County Council discussed amongst themselves the designation of the Properties and ultimately voted on November 27th to remove them from a Growth Area.

We understand and acknowledge that it is our responsibility as landowners to monitor County Council's proposed recommendations regarding the Comprehensive Plan as it is published for public review. Our frustration and disappointment is that we performed our duty and monitored the process through the conclusion of the public hearing process and somehow without warning or notice the designation for our Properties was changed—after the public record was closed without a single comment about our Properties (until Mr. Cole's post-public hearing comments). It is difficult to imagine why a property owner would continue to monitor this process when during the entire public process, the designation of its property reflected the property owners' view of their property. County Council's unilateral decision changing the Properties' designation in its final submission to the Governor did not provide us with proper notice of the change in designation nor give us an opportunity to properly present our opposition to such change.

As such, we write this letter to provide County Council with notice that we object to the change in designation and respectfully request that County Council restore the Properties' former designation to include the Properties in the Coastal Area, as previously recommended by County Council and the Planning Commission. We appreciate your anticipated cooperation in this matter.

Sincerely,


James H. Chappell

Frederick A. Chappell

Tax Parcel No. 235-23.00-1.00


Thomas Robinson

Tax Parcel No. 235-23.00-2.02

Cc: The Honorable Mark G. Schaeffer
The Honorable Cynthia C. Green

TAB “4”

**Preliminary Land Use Service (PLUS) Application
Pre-Update Review Request
Municipal Comprehensive Plans
Comprehensive Plan Amendments
Municipal Ordinances**

Delaware Office of State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

All sections related to your project must be completed. Incomplete applications could lead to delays in scheduling your review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

REQUESTED REVIEW: Check one

Comprehensive Plan Pre-Update Review
Complete Sections 1 and 3 only

☐

Comprehensive Plan or Update
Complete Sections 1 and 3 only

☐

Comprehensive Plan Amendment
Complete Sections 1 and 2 only

☒

Municipal Ordinance Review
Complete Sections 1 and 2 only

☐

Date of most recently certified comprehensive plan:

April 1, 2019

Link to most recently certified comprehensive plan, if available:

If a link to the plan is not available, you must submit a copy of your plan with this application for a Pre-Update Review or a Comprehensive Plan Amendment.

<https://sussexcountye.de.gov/sites/default/files/PDFs/2018CompPlan-Final.pdf>

**Preliminary Land Use Service (PLUS) Application
Pre-Update Review Request
Municipal Comprehensive Plans
Comprehensive Plan Amendments
Municipal Ordinances**

Delaware Office of State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

SECTION 1: MUNICIPAL INFORMATION

Name of Municipality: Sussex County	
Address: Sussex County Administrative Offices PO Box 589 Georgetown, DE, 19947	Contact Person: Jamie Whitehouse, Director of Planning & Zoning
	Phone Number: 302-855-7878
	Fax Number:
	E-mail Address: jamie.whitehouse@sussexcountype.gov

Application prepared by:	
Address: As above	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

**Preliminary Land Use Service (PLUS) Application
Pre-Update Review Request
Municipal Comprehensive Plans
Comprehensive Plan Amendments
Municipal Ordinances**

Delaware Office of State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**SECTION 2. COMPREHENSIVE PLAN AMENDMENT OR MUNICIPAL
ORDINANCE DESCRIPTION**

Please describe the submission.

Summary: This is a request to consider the potential amendment of the Future Land Use Map of the Comprehensive Plan in relation to Tax Parcel No's 235-23.00-1.00 and 235-23.00-2.02. The location of the amendment is shown in Appendix/Exhibit A.

Background: On February 25, 2021, the Sussex County Planning & Zoning Department received a written request to consider the potential amendment of the Future Land Use Map. The Property is designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan.

Sussex County Council wishes to consider the potential amendment of the Future Land Use Map of the Comprehensive Plan to change the area designation of Sussex County Parcel. No's 235-23.00-1.00 and 235-23.00-2.02 as shown in Appendix/Exhibit A, from the Low Density Area to the Coastal Area.

The parcels are located on the north side of SR.1 opposite the intersection of Cave Neck Rd (SCR. 88) and SR. 1. The combined area of the parcels is 415 Acres, more or less.

The County is requesting that the potential amendment of the Future Land Use Map be considered for review at the June 2021 PLUS meeting.

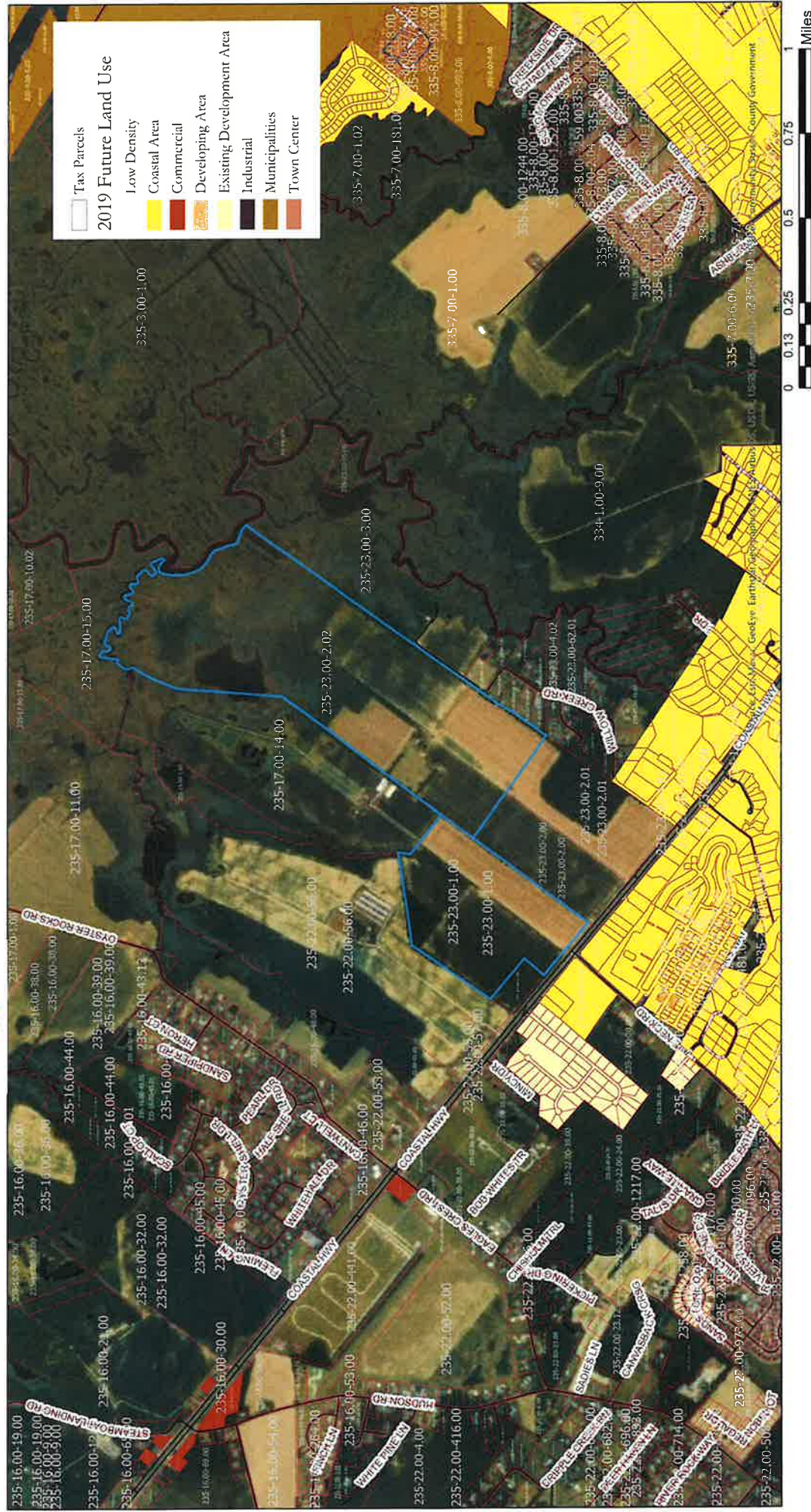
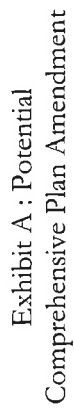
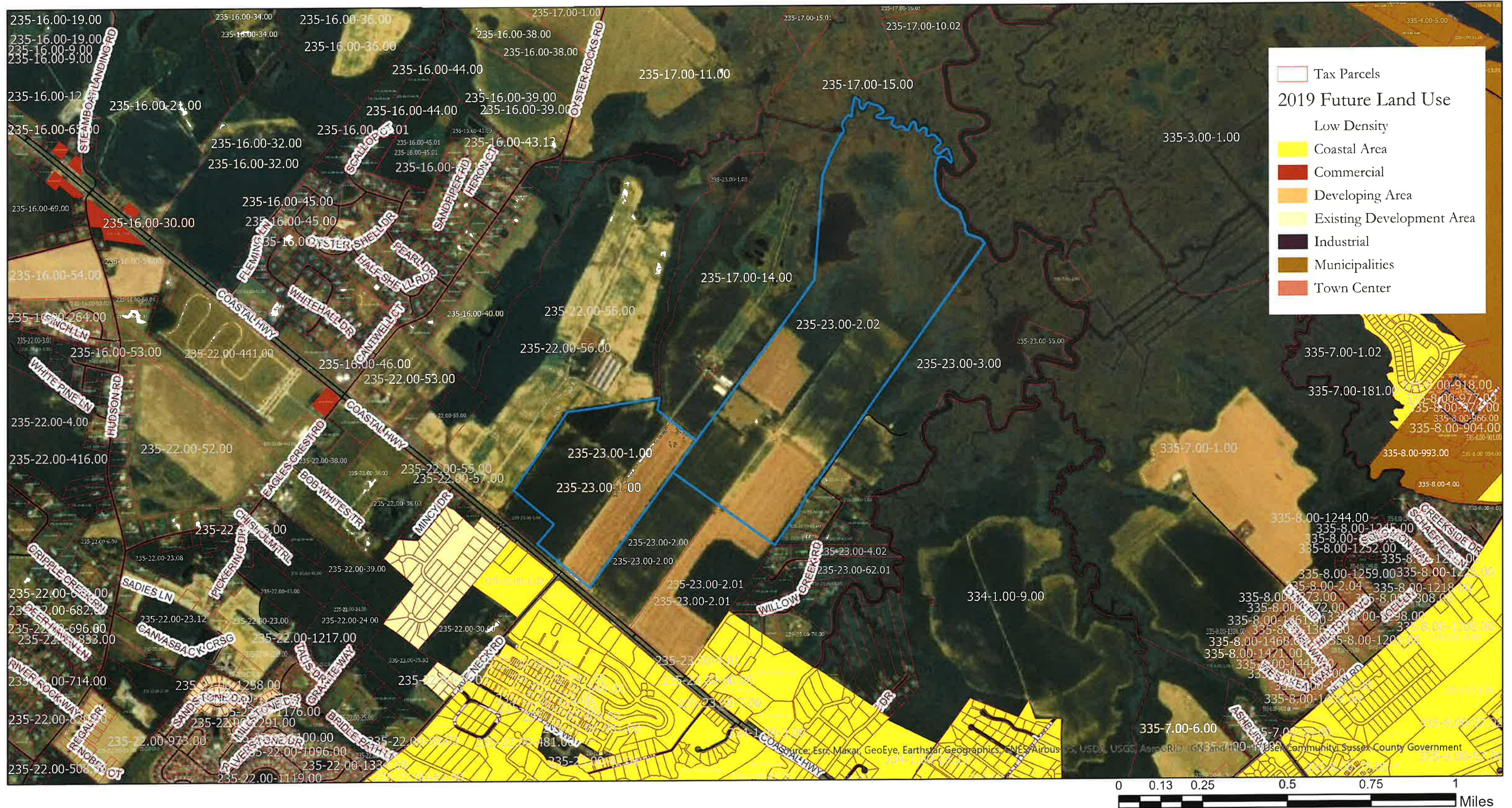
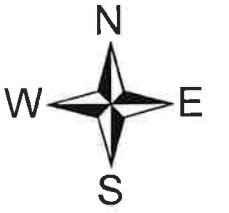


Exhibit A : Potential
Comprehensive Plan Amendment



Sussex County



TAB “5”

**Preliminary Land Use Service (PLUS) Application
Pre-Update Review Request
Municipal Comprehensive Plans
Comprehensive Plan Amendments
Municipal Ordinances**

Delaware Office of State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

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REQUESTED REVIEW: Check one

Comprehensive Plan Pre-Update Review
Complete Sections 1 and 3 only

☐

Comprehensive Plan or Update
Complete Sections 1 and 3 only

☐

Comprehensive Plan Amendment
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☒

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Date of most recently certified comprehensive plan:

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Link to most recently certified comprehensive plan, if available:

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**Preliminary Land Use Service (PLUS) Application
Pre-Update Review Request
Municipal Comprehensive Plans
Comprehensive Plan Amendments
Municipal Ordinances**

Delaware Office of State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

SECTION 1: MUNICIPAL INFORMATION

Name of Municipality: Sussex County	
Address: Sussex County Administrative Offices PO Box 589 Georgetown, DE, 19947	Contact Person: Jamie Whitehouse, Director of Planning & Zoning
	Phone Number: 302-855-7878
	Fax Number:
	E-mail Address: jamie.whitehouse@sussexcountype.gov

Application prepared by:	
Address: As above	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

**Preliminary Land Use Service (PLUS) Application
Pre-Update Review Request
Municipal Comprehensive Plans
Comprehensive Plan Amendments
Municipal Ordinances**

Delaware Office of State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**SECTION 2. COMPREHENSIVE PLAN AMENDMENT OR MUNICIPAL
ORDINANCE DESCRIPTION**

Please describe the submission.

Summary: This is a request to consider the potential amendment of the Future Land Use Map of the Comprehensive Plan in relation to Tax Parcel No's 235-23.00-1.00 and 235-23.00-2.02. The location of the amendment is shown in Appendix/Exhibit A.

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Sussex County Council wishes to consider the potential amendment of the Future Land Use Map of the Comprehensive Plan to change the area designation of Sussex County Parcel. No's 235-23.00-1.00 and 235-23.00-2.02 as shown in Appendix/Exhibit A, from the Low Density Area to the Coastal Area.

The parcels are located on the north side of SR.1 opposite the intersection of Cave Neck Rd (SCR. 88) and SR. 1. The combined area of the parcels is 415 Acres, more or less.

The County is requesting that the potential amendment of the Future Land Use Map be considered for review at the June 2021 PLUS meeting.

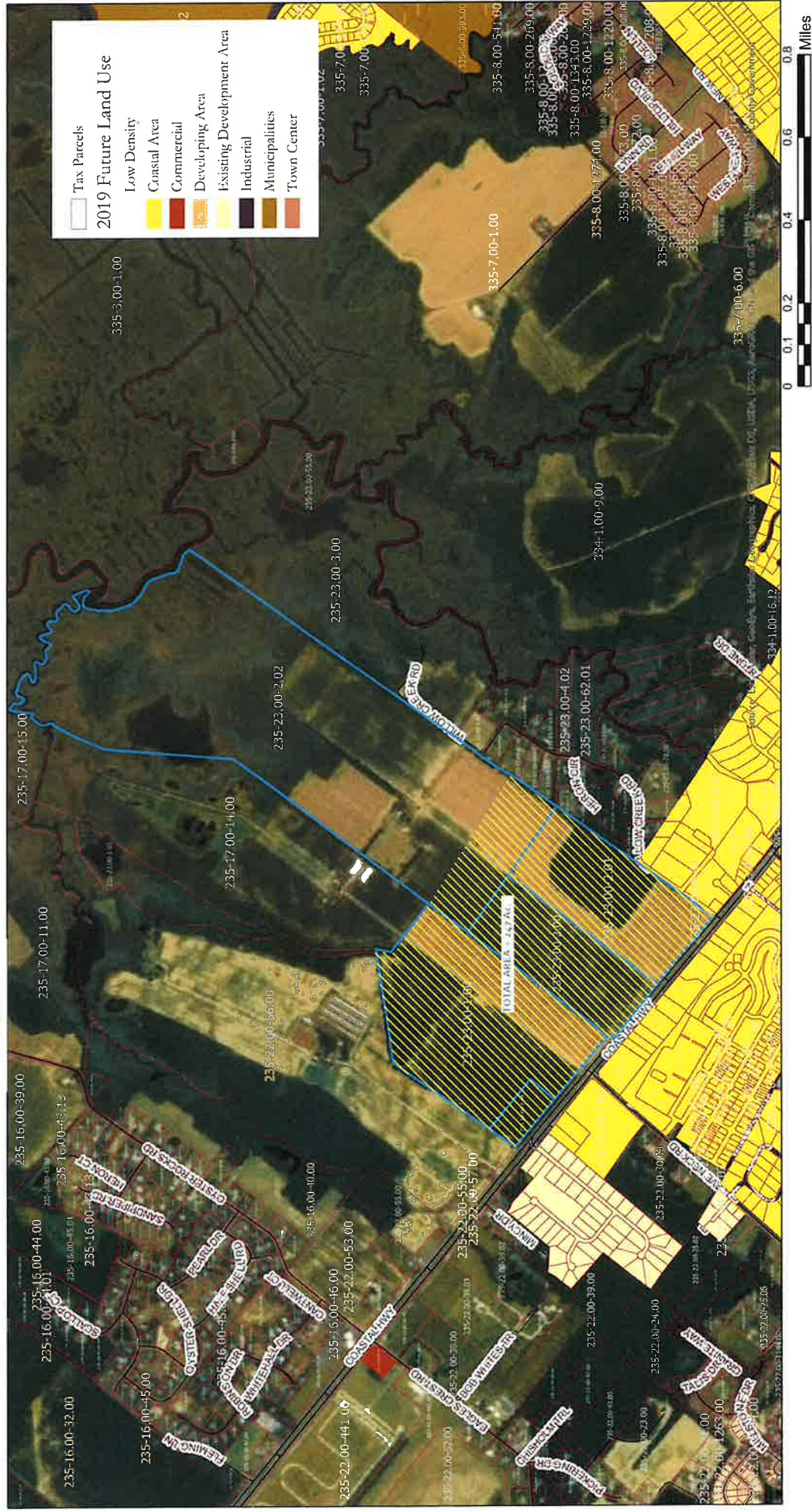
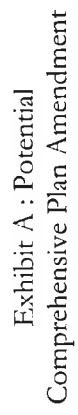
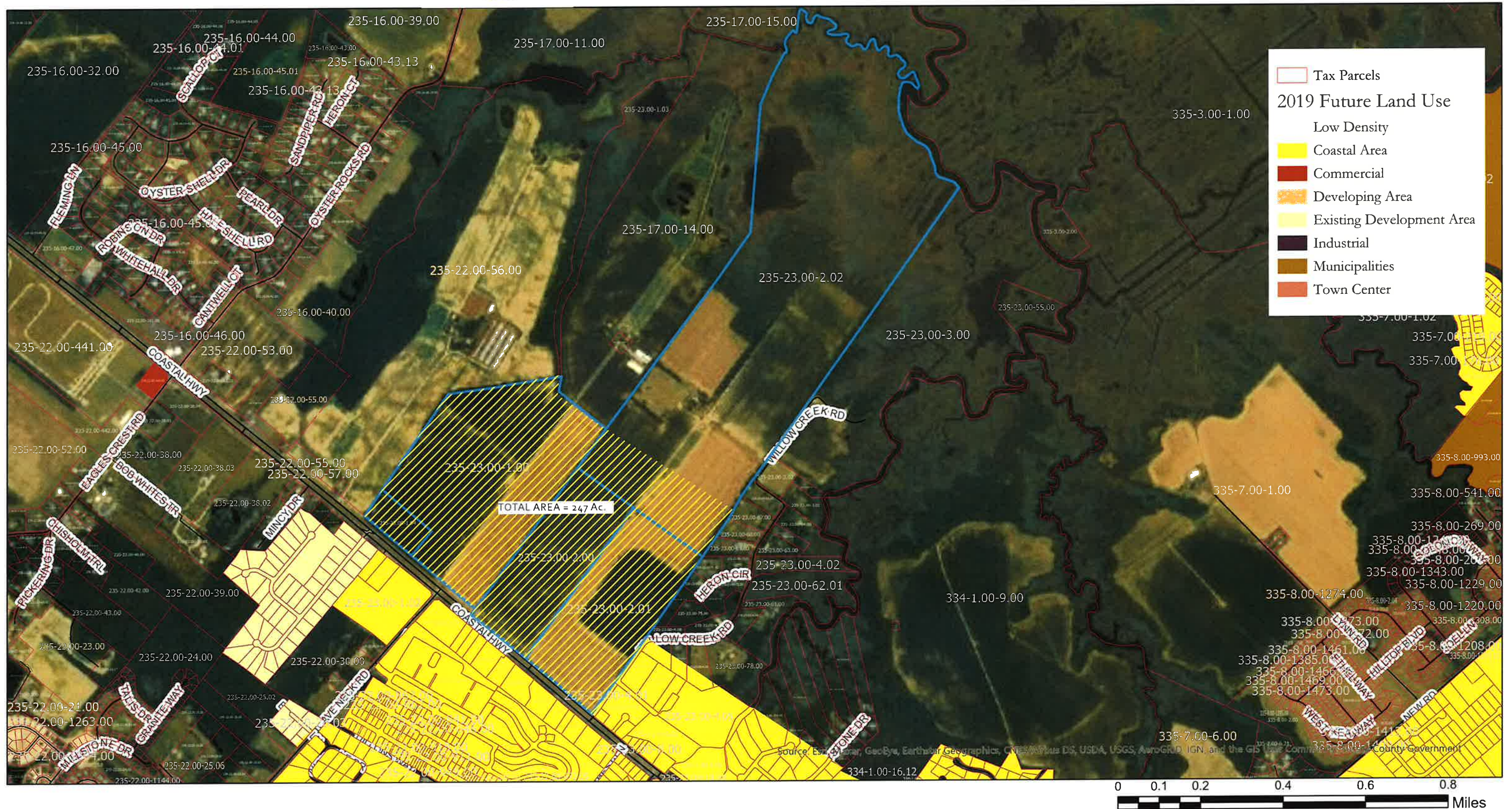
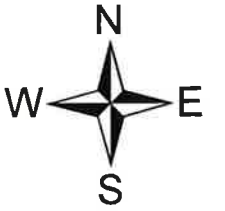


Exhibit A : Potential
Comprehensive Plan Amendment



Sussex County





David C. Hutt
302.856.0018
dhutt@morrisjames.com

February 25, 2021

Via: Hand Delivery and Email (jamie.whitehouse@sussexcountyde.gov)

Jamie Whitehouse, Director
Sussex County Planning & Zoning Office
2 The Circle, P.O. Box 417
Georgetown, DE 19947

**RE: 2018 Comprehensive Plan, 2045 Future Land Use Map
SCTP No.: 235-23.00-1.00, 1.04 & 2.02**

Dear Mr. Whitehouse:

I am writing to follow-up on our conversation about the above-referenced properties. As you may recall, by letter dated December 29, 2020 the Chappell and Robinson families sent a letter to County Council and the County Administrator regarding the future land designation of their properties on the Future Land Use Map. A copy of that letter is enclosed for your ready reference. Stated more precisely, the letter describes their surprise and frustration regarding the change in their properties' designation from prior iterations of the Future Land Use Map.

As indicated in the prior letter, the change to their properties' designation came to light during the sale of parcel 235-23.00-1.00. The sale of that parcel has been completed and I represent the current owners of that parcel (Seaside Lewes, LLC and Derrickson Properties, LLC as well as the Robinson family which owns parcel 235-23.00-2.02). These owners request the restoration of their properties former designation on the Future Land Use Map so their properties are within the Coastal Area as previously recommended by County Council and the Planning Commission.

To facilitate the process, my clients and I request a meeting with you. In addition, please advise if the County has a more formal application that is needed in order for this request to be reviewed by County Council. We look forward to meeting with you and discussing this restoration of their properties prior designation on the Future Land Use Map.

Very Truly Yours,

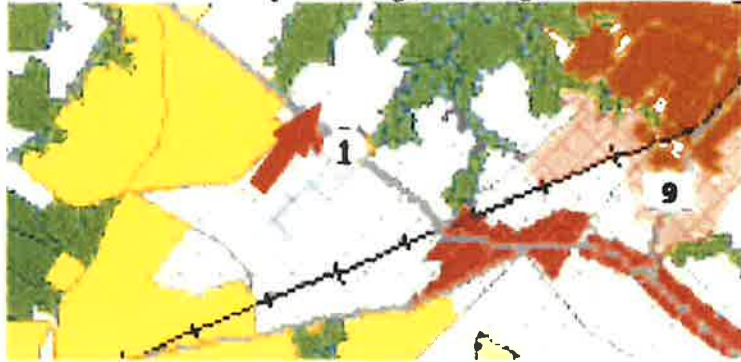
MORRIS JAMES LLP


David C. Hutt, Esquire

Enclosure

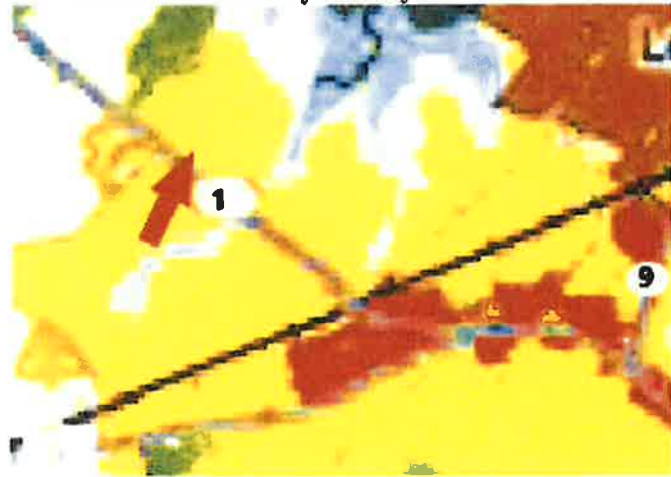
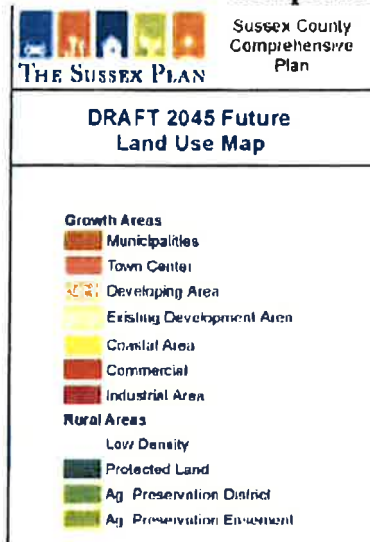
Cc: Honorable Mark G. Schaeffer (via email)

TABLE 1
2018 Comprehensive Plan – as recommended by Planning & Zoning Commission



The area where the Properties are located is indicated with a red arrow.

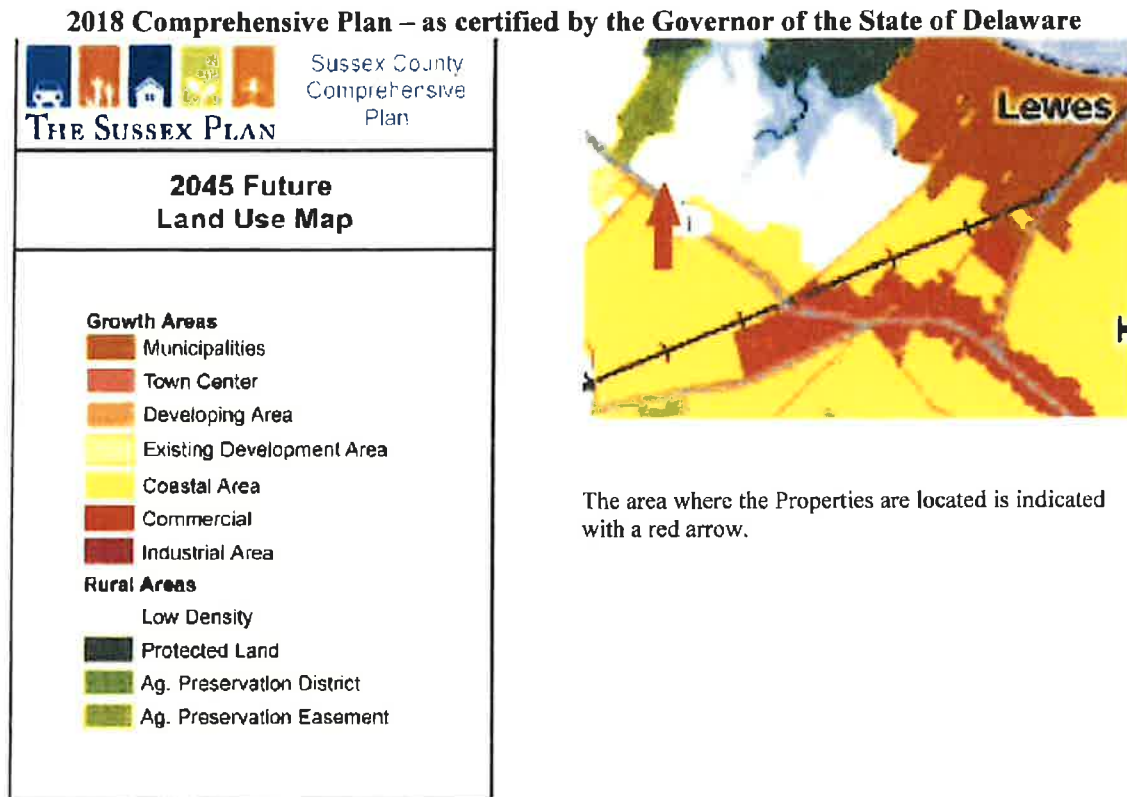
TABLE 2
2018 Comprehensive Plan – as recommended by County Council



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Based on these recommended versions as they were presented to the public, you can imagine our surprise when it was brought to our attention that County Council ultimately submitted a Comprehensive Plan update with a Future Land Use Map to the Governor placing the Properties in the Low Density designation, not a Growth Area as previously indicated. The version ultimately submitted and certified by the Governor is shown below in Table 3.

TABLE 3



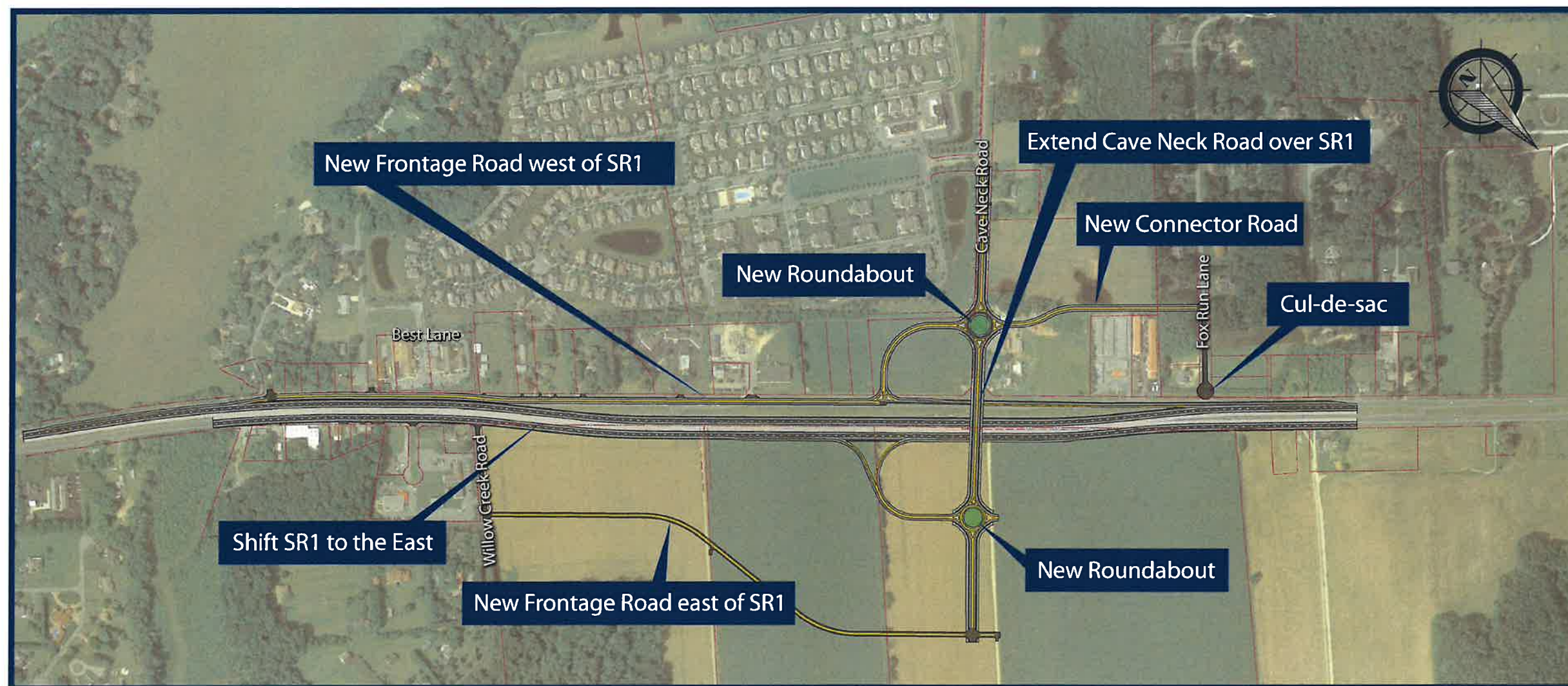
Unfortunately, this surprising change of designation only recently come to our attention as the Chappells prepared to sell the Chappell Property. Through further research and investigation, we learned that the County held a public hearing for comment on the version of the Comprehensive Plan recommended by County Council (Table 2) on October 23, 2018. At the October 23rd public hearing, several speakers were heard including requests to change the Future Land Use Map for specific properties. Our Properties were not mentioned or discussed during that public hearing and the public hearing and record on the County's 2018 Comprehensive Plan update was closed.

Unbeknownst to us, at the next meeting former County Councilman George Cole unilaterally raised the issue of our Properties (among others) to be removed from one of the County's Growth Areas. Specifically at 45:35 of the second audio file on the County's website,

TAB “6”

SR1 and Cave Neck Road Intersection

Selected Alternative



TAB “7”



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

July 22, 2021

Jamie Whitehouse, AICP
Director, Department of Planning & Zoning
Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: PLUS review 2021-06-12; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would amend the Future Land Use Map for 2 parcels from the Low Density Area to the Coastal Area.

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

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

Parcel 235-23.00-1.00 has been seen through PLUS on several occasions for both residential and commercial use. These projects were active during the Sussex County Comprehensive Plan and the 2020 Strategies for State Policies and Spending in which Sussex County was involved and commented. This parcel is within a Level 4 area according to the 2020 Strategies for State Policies and Spending and low density in the SC plan for several reasons including, but not limited to:

- Parcel 1.00 is subject to the Corridor Capacity Preservation program
- These properties border Out of Play land such as the Cedar Trees Farm District.
- There are significant environmental features contiguous to this site plan including tidal wetlands.
- These parcels are not close to public services such as water, sewer, police, fire, and schools.

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

These parcels consist of approximately 415 acres that would be amended from Low density to Coastal area. Amending the comp plan to designate these parcels as coastal would open up a large number of options for the zoning of this property. In the low density area the owners are allowed a maximum of 2 units per acre where in the Coastal area the density could go as high as 12 units per acre and could allow heavy commercial uses. These uses would be away from public utilities and services.

The Sussex County certification letter dated April 1, 2019 stated the Sussex County comprehensive plan was certified, provided no major changes are enacted. It is the opinion of the Office of State Planning that this change would constitute a major change to the currently certified comprehensive plan and this office, for the reasons stated in this letter, objects to the comprehensive plan amendment.

29 Delaware Code §9103(d) states:

Should the Office of State Planning Coordination make objection to any proposed comprehensive plan or amendments or revisions thereto, then the Office of State Planning Coordination shall immediately enter into negotiation with the county or municipality in an attempt to solicit agreement and resolution. Any agreements reached during these negotiations shall be incorporated into the public record and considered by the governing body prior to final action on the comprehensive plan. If the Office of State Planning Coordination and the county or municipality fail to reach agreement after a period of 45 days, the Office of State Planning Coordination shall report the extent of agreement and areas of continued disagreement to the Cabinet Committee on State Planning Issues for dispute resolution.

This letter serves as our intent to begin the 45 day negotiation period. We will contact the County in the coming days to set up a meeting to discuss our objections and determine the ability to reach an agreement.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- This amendment would facilitate developments known collectively Overbrook Meadows or successors thereto. In September 2014, DelDOT provided comments on a Traffic Impact Study for a commercial development, Overbrook Town Center, which Overbrook Meadows later replaced. Copies of those comments are available at https://deldot.gov/Business/subdivisions/index.shtml?dc=Traffic_Studies
- DelDOT is presently developing plans for a Grade Separated Intersection at this location. Information on that effort is available at <https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T201912201>

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

- DNREC reviewers are not in support of this change due to the parcels lying within areas designated as Out of Play and Level 4 by the Delaware Strategies for State Policies and Spending. In addition, these parcels contain environmental features that are inconsistent with more intensive development. In Low Density areas, a maximum of 2 units per acre are allowed; in the Coastal Areas, up to 12 units per acre are allowed, in addition to heavy commercial uses.
- An analysis of historical data indicates that the northern portion of parcel 235-23.00-2.02 and the small, forested portion on the northern edge of parcel 235-23.00-1.00 have likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.
- Groundwater Recharge Areas are located on parcels 235-23.00-1.00 and 235-23.00-2.02. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.
- Freshwater and marine wetlands are present on the northern half of parcel 235-23.00-2.02 and lie within the Great Marsh Natural Area and the Delaware Ecological Network. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware. The Delaware Ecological Network consists of lands having significant ecological value. Forest disturbances in these areas will jeopardize habitat on the parcel and possibly beyond the parcel's boundary.
- There is an active Bald Eagle (*Haliaeetus leucocephalus*) nest within parcel 235-23.00-2.02. Bald eagles and their nests are protected under the federal Bald and Golden Eagle Protection Act (BGEPA). Additionally, the nest itself is protected by state law (7 Del. C. § 739).
- The following plants or animals are listed as State of Delaware rare, threatened, or endangered species, which have been documented within the project area.
 - The Broad-winged Hawk (*Buteo platypterus*) is a bird listed under State Rank S1B, State Status E, and SGCN Tier 1.
 - The Northern Harrier (*Circus cyaneus*) is a bird listed under State Rank S1B, State Status E, and SGCN Tier 1.
 - The Great Black-backed Gull (*Larus marinus*) is a bird listed under State Rank S1B and SGCN Tier 1.

- The Black-necked Stilt (*Himantopus mexicanus*) is a bird listed under State Rank S2B and SGCN Tier 1.

Please visit the following website for definitions on the specified State Rank, State Status, and SGCN Ranking:

<https://www.dnrec.delaware.gov/fw/NHESP/Documents/Status%20Ranks%20April%202013.pdf>

- The project lies within a zone that will be affected by mosquitoes due to its location near large expanses of freshwater and estuarine wetlands. Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands for mosquito control services beyond what DNREC has the resources to provide.

State Historic Preservation Office – Contact Carlton Hall 736-7400

Tax Parcel# 235-23.00-1.00

- Prehistoric archaeological potential is moderate throughout the parcel. The parcel is mostly well-drained soils, but it is just on the edge of favorable distance to a historic water source. There is one comparable site along another arm of Fisher Creek, next to the one that extends towards this parcel.
- Historic archaeological potential is low. No indication through historic maps or aerials that there were any structures etc. on the land, and adjacent parcels are vacant as well.

Tax Parcel# 235-23.00-2.02

- Prehistoric archaeological potential is low in northern half of the parcel due to poorly drained soils. However, there are higher points in the topography within favorable distance to one of the arms of Old Mill Creek and overlooking the marshland, which is highly favorable for prehistoric archaeological sites. The Delaware SHPO recommends a Phase I survey.
- Historic archaeological potential is high near the farmstead and there is potentially a cemetery there. There also appears to be another farmstead on the property east of the currently existing farmstead. The Delaware SHPO would highly recommend a survey of that area.
- 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 opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

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

David L. Edgell, AICP
Director, Office of State Planning Coordination

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

Jamie Whitehouse

From: Doris Ann <dapierce0@gmail.com>
Sent: Wednesday, November 17, 2021 4:50 PM
To: Jamie Whitehouse
Subject: Planning and Zoning request for the PLUS review Comprehensive Plan Amendment for Sussex County parcels 235-23.00-1:00-2:02
Attachments: Subject.docx

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 Members of Planning and zoning

Please see attachment.

Doris P. Pierce
Selbyville, DE 19975

PLUS review Comprehensive Plan Amendment for Sussex County; parcels 235-23.00-1:00 -2:02

November 16, 2021

Dear Members of Planning and Zoning:

Whenever there are proposed changes to Planning and Zoning, it ultimately begins with Money. More money can be made on land sales when they are zoned to attract buyers. To move parcels from Low Density Area to the Coastal Area will impact the future of our climate, marine life and marsh life. Most of us are fearful now what our weather patterns are going to look like in the next two years, let alone the next ten. The destruction of Marsh Lands and Established Forests that buffer the tidal areas are threatened more and more each year because more money can be made by developers building as much as they can to the shores. I wonder if they know they are destroying the natural tidal buffer from rising seas and putting their developments at risk for sea level rise?

In the past several years the Sussex County Council denied changes to the Sussex County Comprehensive Plan Amendment for Parcels 235-23.00-1.00 and 2.02 for obvious reasons. DNREC reviewers are not in support of this change due to the parcels lying within areas that contain environmental features that are inconsistent with more intensive development. Groundwater Recharge Areas are located on these parcels and they have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.

These parcels are a habitat for an active Bald Eagle nest, and other endangered species such as The Broad-winged Hawk, The Norther Harrier and the Great Black-backed Gull which are listed with State Rank S1B protection acts. Do we care about our environment and the creatures that contribute to our preservation of marsh life?

Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands for mosquito control service beyond what DNREC has the resources to provide. This area lies with in a zone that will be affected by mosquitoes due to its location near large expanses of freshwater and estuarine wetlands.

DELDOT will be developing an overpass road system at the conjuncture of Cave Neck Road and Coastal Highway (Rt. 1). This should not signal to developers that commercial and residential has to surround the new roadway. Over development in Sussex County is consuming us. Traffic is overwhelming to navigate through. A better idea is that these parcels be sold or donated to Sussex County as a preserve so that future development does not have to be considered.

I encourage Planning and Zoning to do the right thing and deny any changes to the Sussex County Comprehensive plan that involves these parcels of land.

Sincerely,

Doris P. Pierce,
302-564-7637
Selbyville, DE

FILE COPY

pposition
Exhibit

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, November 16, 2021 2:34 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, November 16, 2021 - 2:34pm

FILE COPY
Opposition
Exhibit

Name: Jeanette E Akhter
Email address: jeakhter@gmail.com
Phone number: 2023209569
Subject: Opposition to proposed ordinance

Message:

I oppose amending The Future Land Use Map of the Comprehensive Plan for the parcels cited in this proposed ordinance:

"AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-23.00-2.02 (PORTION OF), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, AND 235-23.00-2.01"

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, November 16, 2021 2:48 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, November 16, 2021 - 2:48pm

FILE COPY
Opposition
Exhibit

Name: Janet Bastien

Email address: philliefan7@comcast.net

Phone number: 3026642973

Subject: I oppose amending the Comprehensive Plan future land use map

Message: I would like to register my opposition to amending the Sussex County Comprehensive Plan to designate parcels near Cave Neck Road as coastal. Doing so would endanger wildlife and add to expanded growth in this area where it is not fit to do so. There are nesting bald eagles there as well as other wildlife. There is marsh area that must be preserved. Increased density and development do not support the marshland and this wildlife and could also affect ground water supplies. Please work to preserve Delaware's Ecological network and deny amending the plan for these developers

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, November 16, 2021 2:53 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, November 16, 2021 - 2:53pm

FILE COPY
Opposition
Exhibit

Name: Ms M. Sturges Dodge
Email address: msdodge@udel.edu
Phone number: 302-227-1446
Subject: Public Hearing November,18,2021

Message: To the Commissioners, I request you vote to reject the proposed amendment to the Sussex land-use map, and leave the 247 acres near Milton rural-low density. This will provide protection for water supplies for human inhabitants of the area as well as protection for habitats for numerous species of wildlife, several of which are protected and/or in danger. Please honor and respect the scientific judgements of DNREC, the Natural Areas Advisory Council and the opinions of many members of the public and retain this parcel's rural-low density zoning.

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, November 16, 2021 3:04 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, November 16, 2021 - 3:03pm

FILE COPY
Opposition
Exhibit

Name: Mary Schwanky
Email address: schwanky@comcast.net
Phone number: 3023299462
Subject: Opposed to amending the Sussex County Land Use Plan on Nov 18, 2021

Message:

I respectfully urge the Sussex County Council to deny the proposed Ordinance to Amend the Future Land Use Map of the Comprehensive Plan pertaining to the 5 parcels located across from Cave Neck Rd. Along Rte. 1 from Rural Area - Low density to Coastal. The Office of State Planning and DENREC have researched and reinforced the need to preserve these parcels as Rural use. Their reasons are clear and important and need to be the guiding principles related to this land.

Please do not defer to developers. This property and others like it that protect the environment and country atmosphere of Sussex County must be protected. Please fulfill your role and vote "no" on this proposal.

Sincerely,
Mary Schwanky
207 Sundance Lane
Milton, DE. 19968

Jamie Whitehouse

From: Carol Frank <carolfrankdc@gmail.com>
Sent: Tuesday, November 16, 2021 4:28 PM
To: Planning and Zoning
Subject: Comprehensive Plan 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.

I am writing as a resident of Sussex County to oppose the altering of zoning on the comprehensive plan. I think it is important to not overdevelop this area with additional density in residential as well as commercial development. Please stick to the original plan. More development is not always warranted. Thank you, Carol Frank
24 Henlopen Ave
Rehoboth, Delaware

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: Pam Cranston <pamcranston@gmail.com>
Sent: Wednesday, November 17, 2021 9:15 AM
To: Planning and Zoning
Subject: Proposed Amendment to County Plan

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.

To the Sussex County Planning and Zoning Commission:

I understand that a proposal has been submitted to the Sussex County Planning and Zoning Commission to make a major modification to the County's Comprehensive Plan. It would change the land-use designation of approximately 242 acres of land on the east side of Route 1 directly across from Cave Neck Road.

I am **OPPOSED** to this proposal. The Comprehensive Plan was correct in calling for low-density residential development in this area. Altering the designation of this land to high-development "coastal" would only exacerbate existing growth and environmental challenges.

--

All my best,

*Pam Cranston
38198 Terrace Rd.
Rehoboth Beach, DE 19971*

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: Sandy Neverett <neverett999@gmail.com>
Sent: Wednesday, November 17, 2021 8:19 AM
To: Planning and Zoning
Subject: Modification to Sussex County Comprehensive Plan

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.

I understand that a proposal has been submitted to the Commission to change the land-use designation of ~242 acres of land on the east side of Route 1, directly across from Cave Neck Road. As a long time resident of Sussex County, I would like to voice my strong opposition to this proposal. The Comprehensive Plan was correct in calling for low-density residential development in this area. Altering the designation of this land to high-development "coastal" would only exacerbate existing growth and environmental challenges.

Thank you for your consideration.

Sandy Neverett
38198 Terrace Road
Rehoboth Beach, DE 19971

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: kbabad02@gmail.com
Sent: Wednesday, November 17, 2021 8:33 AM
To: Planning and Zoning
Subject: Parcel 235-23.00-1.00

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 have lived here since 2018 and since that time we have experienced substantial growth in our area. It has created a lot of negative issues for our area. We strongly urge you not to approve the proposed zoning changes to the above partial. Thank you for your consideration.

Brenda Dunn
Rehoboth Beach, DE

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: Jamie Ritter <seasail63@gmail.com>
Sent: Wednesday, November 17, 2021 8:30 AM
To: Planning and Zoning
Subject: 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.

It is imperative that no changes be made to the Sussex County Comprehensive Plan, including zoning.

J. Ritter
20932 Ann Ave #6
Rehoboth Beach DE 19971

FILE COPY

Opposition
Exhibit

Jamie Whitehouse

From: Paula Horn <phorn@extremereach.com>
Sent: Wednesday, November 17, 2021 5:53 AM
To: Planning and Zoning
Subject: Proposed zoning changes

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.

I popes the nee zoning changes along the eastern part of route 1 Osceola from Cave Neck Road.

My understanding is it is being considered to change fro R1 to high density coastal.

There are environmental reason and traffic and density issues with more development in this area and we need to be careful and prudent about changing any designations. There is too much building in this area and I feel it is becoming a serious detriment to the area.

Paula Horn
(M) 646-242-3231
(O) 646-344-3402

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: martha redmond <marthr27@hotmail.com>
Sent: Tuesday, November 16, 2021 8:43 PM
To: Planning and Zoning
Subject: Do not change land use designation of Great Marsh

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.

Do not change the land use designation of the Great Marsh. What good is a comp plan if you immediately change it to reflect developers wishes? The public has already weighed in on this issue please represent their not developers wishes.

Martha Redmond

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: jillydud729@comcast.net
Sent: Wednesday, November 17, 2021 9:17 AM
To: Planning and Zoning
Subject: Amending the Future Land Use Map of the Comprehensive Plan

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.

My husband and I live in Paynter's Mill practically directly across from the area under consideration. We have owned and lived here since 2008. We are totally in opposition to once again this coming up. We fought it before and we hope homeowners will fight it again. The Sussex County Council has got to stop approving anything that is brought before them concerning expanding the building in this part of the County. The roads are too crowded, the infrastructure is not in place, and in 2018 the land was designated for low density. We guess the owners of this property think people forgot how hard we fought to oppose before. Please, do the right thing, and deny this request to amend the present Future Land Use Map of the Comprehensive Plan. Over 2,000 homes can be built if this is approved as well as commercial buildings. The environmental effect on this along would be a tragedy.

Jill and John Dudley

16435 John Rowland Trail

Milton, DE

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: Linda Shockley <linda.shockley0715@gmail.com>
Sent: Wednesday, November 17, 2021 9:49 AM
To: Planning and Zoning
Subject: do not cave to special interests

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.

I am expressing my opinion about the proposed development of the land east of Minos-Conway, as quoted from an article in the Delaware State News: "This modification would change the land-use designation of approximately 242 acres of land on the east side of Del. 1, directly across from Cave Neck Road, the former site of the proposed Overbrook Town Center commercial development and the currently proposed Overbrook Meadows residential development."

Why have codes if you're just going to let the rapacious developers roll right over them? These greedy developers ruin the land then waltz away, laughing all the way to the bank. Please preserve our quality of life. Thank you.

Linda M Shockley

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: Zane Jones <zanejones01@gmail.com>
Sent: Wednesday, November 17, 2021 9:50 AM
To: Planning and Zoning
Subject: Overbrook Meadows

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.

I am writing in OPPOSITION of the Overbrook Town Center.

The 242 acres, here in Sussex County at Cave Neck Road and Route One should NOT be overly developed and destroyed by dense population, multi-family dwellings and retail/commercial development. The 484 single family homes proposed will already place a strain on infrastructure and create more traffic congestion, not to mention disrupt the beautiful land. However these SFH's ARE in line with all neighboring communities and nearby towns.

If the zoning is changed to coastal, increasing density and allowing an astounding 2,904 dwellings, this would have a major negative impact on our community.

We are not against development / improvements and understand that progress must move forward to evolve our changing needs and evolving coastal land but do not need more apartments, car parks or densely populated strip malls. Please do not overcrowd our streets, over-congest our land or create more challenges for existing residents of Sussex County.

Thank you.

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: Patrick O'Sullivan <patrick.josullivan@gmail.com>
Sent: Wednesday, November 17, 2021 10:20 AM
To: Planning and Zoning
Subject: Sussex comprehensive plan

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

Hello,

Implement the already approved plan fully first. See what happens. Modifications/New plans can be reviewed later on.

Respectfully,

Patrick J. O'Sullivan

Sent from my iPhone

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: Rita Beier Braman <ritabb23@icloud.com>
Sent: Wednesday, November 17, 2021 10:52 AM
To: Planning and Zoning
Subject: NO to expansive changes to the Sussex County Comprehensive Plan

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.

This voting citizen voices an adamant NO to the big change being proposed to the Sussex County Comprehensive plan...specifically referring to changing the Zoning on Route 1 across from Cave Neck Road from low density to coastal. This goes against the original plans approved in 2018 and results in the opposite of what we're hoping to do: slow the unfettered development and lost of wet lands, forests, natural habitats and open space that makes this area great. No no no...the land was twice preserved from being developed in high density shopping/residential area by the Overbrook Town Center developers. Specifically the parcel is 235-23.00 - 1.00 East of route 1 and north of Minos Conaway. The Office of Delaware State Planning has already stated their opposition. Part of their report reads as follows:

Parcel 235-23.00-1.00 has been seen through PLUS on several occasions for both residential and commercial use. These projects were active during the Sussex County Comprehensive Plan and the 2020 Strategies for State Policies and Spending in which Sussex County was involved and commented. This parcel is within a Level 4 according to the 2020 Strategies for State Policies and Spending and low density in the SC plan for several reasons including, but not limited to:

- Parcel 1.00 is subject to the corridor capacity preservation program
- These properties border out-of-play land such as the Cedar Trees Farm District
- There are significant environmental features contiguous to this site plan including tidal wetlands
- These parcels are not close to public services such as water, sewer, police, fire and schools.

Numerous other groups are opposed and as a homeowner who VERY specifically chose to buy a home in this less populate, up until now 'low density protected' area, we are adamantly opposed! If we had wanted to live in the crowd and noise of Rehoboth we would have. I only heard of this today as it was put on the agenda for the Sussex County Zoning and Planning Commission's agenda for TOMORROW night with little to no notification, nor time for comment from those residents who will be directly affected. we do not have the infrastructure for all of the development already approved. It is time to STOP cowering to the greedy developers (and those who may be benefiting from them 'on the side') and preserve the beauty of Sussex County. PLEASE DO NOT PASS THIS PROPOSAL.

This specific proposal is sussexcountyde.gov/sites/default/files/packets/Ord%2021-09%20Future%20Land%20Use%20Map%20Amendment%20-%20North%20Side%20Rt.%201%20Paperless%20Packet.

Most Sincerely
Rita Beier-Braman
16332 John Rowland Trl
Paynter's Mill, DE 10968
Sent from my iPad

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: Susan O'Sullivan <susan.osullivan55@gmail.com>
Sent: Wednesday, November 17, 2021 10:58 AM
To: Planning and Zoning
Subject: zoning change

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.

To whom it may concern,
I do not agree with the zoning change. We have enough housing becoming available and do not need anymore. If land is for only a certain number of houses or is not commercial to begin with there is a reason for that. The Change would open the land up for potential issues with flooding, traffic and strain on our already fragile infrastructure.

Sincerely,
Susan O'Sullivan

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, November 17, 2021 11:05 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, November 17, 2021 - 11:05am

Name: Sue Claire Harper

Email address: secmate47@gmail.com

Phone number: 302.260.9532

Subject: Opposed to Amending Future Land Use Map across from Cave Neck Road

Message: I want to make clear that I absolutely do NOT support amending the existing Future Land Use Map of the 2018 Comprehensive Plan from Rural Area - Low density to Coastal area as it pertains to the 5 parcels consisting of approximately 248 acres that would change the Land Use designation of this land on the east side of Route 1 directly across from Cave Neck Road, Milton.

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: Frank Schmidt <frankfranboo@yahoo.com>
Sent: Wednesday, November 17, 2021 11:13 AM
To: Planning and Zoning
Subject: Rezoning Sussex County Plan

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.

I must say I was surprised to see this article in the "Delaware State News" that a meeting on Thursday, November 18th was being held regarding changing the Sussex comprehensive plan for Cave Neck and east side of Route 1 land on such short notice to public. In less than 2 years the lawyers, builders, and even some land owners are trying to change what was decided on by the Council on how to properly use the land to protect "Wet Lands, wild life, and the environment from being destroyed and allow proper progress to move forward in a manor that fits "ALL CITIZENS". Once again "GREED" is pushing us in the wrong direction. I am asking the Council to please vote "NO" to this plan and stick with a plan that makes sense. We are 1 mile from the intersection of Cave Neck and Rt1.

Frank & Fran Schmidt

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: conteestat <conteestat@aol.com>
Sent: Wednesday, November 17, 2021 11:19 AM
To: Planning and Zoning
Subject: Opposition to modifying the comprehensive plan

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.

I am opposed to the land-use proposal that you are currently considering involving Cave Neck Rd.

I am opposed for the following reasons:

- the comprehensive plan was created and is reviewed often for the primary purpose of insuring that consistent protections of wetlands and wildlife are maintained;
- the designation now requested would result in a MAJOR CHANGE something the Plan prohibits;
- the office of state planning has stated its opposition;
- there is no access to public services;
- DENREC is opposed to this proposal;

If you want to undermine the years of public input and desired goals of the development of the comprehensive plan then approval of this proposal would do it.

The Great Marsh preserve needs to be preserved.

Linda Schulte
Selbyville DE 19975

Sent from my Verizon, Samsung Galaxy smartphone

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: Sandy Shalk <sandy_shalk@yahoo.com>
Sent: Wednesday, November 17, 2021 12:16 PM
To: Planning and Zoning
Subject: Modification to the Sussex County Comprehensive Plan

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To Whom it May Concern:

It is our view that the county should not change the zoning from **AR-1 to Coastal** for the land east of Route 1 (directly across from Cave Neck Road). This is the land currently proposed for Overbrook Meadows.

We don't need denser development with the possibility of commercial use.

Thank you,

Alexander and Christine Shalk
Overbrook Shores, Milton.

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: gstewart <greig.m.stewart@gmail.com>
Sent: Wednesday, November 17, 2021 12:32 PM
To: Planning and Zoning
Cc: newsroom@capegazette.com
Subject: Re: AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235- 23.00-2.02 (PORTION OF), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, AND 235-23.00-2.01

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Unless this amendment is paired with traffic, water, sewage and emergency management plans, this plan should be seen as a non-starter.

Sincerely,

Greig Stewart
38166 Terrace Road
Rehoboth Beach, DE 19971

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, November 17, 2021 3:12 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, November 17, 2021 - 3:12pm

Name: Michael L Berger

Email address: edadvice@comcast.net

Phone number: 3026444142

Subject: Proposed Amendment to the Future Land Use Map of the Comp. Plan

Message: I strongly OPPOSE the Ordinance to Amend the Future Land Use Map of the Comprehensive Plan to change the designation of the land on the East side of Route 1 from Low density to Coastal area. We need to preserve, not develop, the remaining open land in this area. If preservation is not possible, then we need to minimize development by encouraging low density residential communities. I would implore you to listen to the residents of the County, not the commercial developers who care little for the quality of life in this area. Thank you for your consideration of my views.

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: J.L. Fisher <jayelfisher@gmail.com>
Sent: Wednesday, November 17, 2021 3:27 PM
To: Planning and Zoning
Subject: Comprehensive Plan Amendment PLUS review 2021-06-12

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.

Jamie Whitehouse, Director
Sussex County Planning and Zoning Office

I am writing to state my opposition to the proposed amendment to the Sussex County Comprehensive plan. I oppose the application for many reasons including but not limited to the impact to sensitive environmental areas on and adjacent to the subject parcels, lack of public infrastructure, and the fact the Comprehensive Plan was approved only three years ago designating the approximately 415 acre site in the Low Density Area. As far as I am aware there was no mistake in placing this site in the Low Density Area and there has been no significant change in the neighborhood of the parcels in the intervening three years that would justify amending the Comprehensive Plan to allow the density that could be designated the parcels in the Coastal Area.

Regards,
JL Fisher
300 Brick Lane Milton DE

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: slf711@aol.com
Sent: Wednesday, November 17, 2021 3:35 PM
To: Planning and Zoning
Subject: Modification to Sussex County Comprehensive Plan

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.

To: Jamie Whitehouse, Director
Sussex County Planning and Zoning Office

I am writing to state my opposition to the proposal to amend the Sussex County Comprehensive plan. I am in opposition to this application because of the impact to sensitive environmental areas on and adjacent to the subject parcels, lack of public infrastructure, and the fact the Sussex County Comprehensive Plan was approved only three years ago designating the approximately 415 acre site in the Low Density Area. I am not aware of any changes in the neighborhood over the last three years that would justify amending the Sussex County Comprehensive Plan to allow increase density by designating the parcels in the Coastal Area.

Regards,

Susan Fisher
300 Brick Lane
Milton, DE 19968

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: outlook_8CDBF2B9FD2A6416@outlook.com <cwiegang@comcast.net>
Sent: Wednesday, November 17, 2021 12:50 PM
To: Planning and Zoning
Subject: Proposed Modification and Land Use Designation Change

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 Sir/Madame;

Please register my vote AGAINST increasing the density allowance and other proposed modifications to the 242 acre tract on the east side of Rte 1 across from Cave Neck Road.

I understand you intend to discuss this tomorrow 11/18 – I am opposed to this change.

Claudia Wiegand
36 Eleanor Lee Lane E
Rehoboth Beach, DE 19971

Sent from Mail for Windows

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: jon16210@aol.com
Sent: Wednesday, November 17, 2021 12:53 PM
To: Planning and Zoning
Subject: Cave Neck Rd SR-1 land designation

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

Hello,

I am a resident of Lewes living off of Minos Conaway Rd. and write in opposition to the potential land designation change to the property east of SR1 in the cave neck area. This area needs to be preserved as it is a major marsh area and development would decrease our quality of life. This area was also designated to be preserved and classified as environmentally important in our last county comprehensive plan. This comprehensive plan went into effect just a few years ago and took many years to put together. Why would we all of a sudden change course? Please do not allow this change.

Sincerely,
Jonathan Bernard

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: Kathy Conti Salamone <KCSalamone@msn.com>
Sent: Wednesday, November 17, 2021 2:51 PM
To: Planning and Zoning
Subject: Route 1 Development

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.

Think about what's best for both current and future residents, not developers who continue to make money at the expense of the community.

Kathy Salamone
Millsboro

Sent from Mail for Windows

FILE COPY
**Opposition
Exhibit**

Jamie Whitehouse

From: Ryan O'Sullivan <osully@gmail.com>
Sent: Wednesday, November 17, 2021 2:52 PM
To: Planning and Zoning
Subject: Sussex County Comprehensive Plan Zoning Change

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Planning and Zoning Board Members,

On 11/18 at 5pm ET the board is going to discuss changing a 242 acre lot of land from low density to coastal. Due to the already congested roadways in the area that need extensive improvements and widening just from already built and approved incoming communities, as well as stress on our other infrastructure in the area, I vehemently oppose this change in designation.

The low density development will still allow our community to grow, but will do so in a more responsible way. This will allow time for local leaders to build up the additional infrastructure that will be needed to continue supporting our area during this time of extreme population growth.

Sincerely,

Ryan O'Sullivan

FILE COPY
**Opposition
Exhibit**

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, November 17, 2021 3:42 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, November 17, 2021 - 3:41pm

Name: Joesph Fisher
Email address: jlf589@aol.com
Phone number: 12404252690
Subject: Comprehensive Plan Amendment PLUS review 2021-06-12
Message:

I am writing to state my opposition to the proposed amendment to the Sussex County Comprehensive plan. I oppose the application for many reasons including but not limited to the impact to sensitive environmental areas on and adjacent to the subject parcels, lack of public infrastructure, and the fact the Comprehensive Plan was approved only three years ago designating the approximately 415 acre site in the Low Density Area. As far as I am aware there was no mistake in placing this site in the Low Density Area and there has been no significant change in the neighborhood of the parcels in the intervening three years that would justify amending the Comprehensive Plan to allow the density that could by designating the parcels in the Coastal Area.

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: Constance Santarelli <dsantar101@icloud.com>
Sent: Wednesday, November 17, 2021 3:04 PM
To: Planning and Zoning
Subject: Rezoning!!

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Please recognize the problems for all Sussex County residents if you redone the requested property. Infrastructure cannot keep up with new developments constantly being approved.

Constance Santarelli
Rehoboth Beach

Sent from my iPhone

FILE COPY

Opposition
Exhibit

Jamie Whitehouse

From: Jill Landon <jillydorothy@icloud.com>
Sent: Wednesday, November 17, 2021 3:29 PM
To: pandz@sussexcountyde.gov.
Subject: Land use East of Route1, Cave Neck Rd intersection

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Please do not change the zoning for this property to coastal. I own 5 acres within a mile of Cave Neck on the east side of Hwy 1...Old Mill Road...Lewes, De. We enjoy the present zoning which helps to protect the sensitive environment. I'm concerned that the zoning change will put the entire area in jeopardy to include the great marsh. It will spurn unnecessary growth in an area that needs to be protected from over growth. Col. William Landon, 32174 Landon Road, Lewes, De 302-644-0493

Sent from my iPhone

FILE COPY
**Opposition
Exhibit**

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Wednesday, November 17, 2021 3:29 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, November 17, 2021 - 3:29pm

Name: Margaret Saul
Email address: margaretsaul@comcast.net Phone number: 3028274457
Subject: Amendment for land use of Great Marsh at Cave Neck and Rt1
Message:

I oppose any change in land use to the Great Marsh, at Cave Neck and RT.1.
Congestion, environment, a county already overwhelmed with building and not the necessary resources for residents to have a safe, hospitable place to reside. Perhaps it is time for Sussex Co. to consider the needs/ will of its residents above the bank accounts of those that are destroying our community with over building, overcrowding, lack of infrastructure to support these plans.

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: Richard Freitag <richfreitag@gmail.com>
Sent: Wednesday, November 17, 2021 3:31 PM
To: Planning and Zoning
Subject: Sussex Comprehensive Plan Changes

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

Hello,

It is my understanding that a proposal has been submitted to the Sussex County Planning and Zoning Commission to make a modification to the Sussex County Comprehensive Plan.

This Plan was finalized 3 years ago and I see no reason to make any changes for the near future because the growth of the county is out of control. Leave the plan as it is.

Also, it seems as if the County was trying to keep this a secret for some reason and it was not announced to the general public. You need to at least notify us a little better so we can understand the scope of this change.

Thank You,

Richard Freitag
38174 Terrace Road
Rehoboth Beach, DE

571-238-2037

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: Lisa Schofield <rfhp18@gmail.com>
Sent: Wednesday, November 17, 2021 3:50 PM
To: Planning and Zoning
Subject: Sussex County Comprehensive Plan

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 afternoon,

I am writing to express my intense opposition to the proposal before the Sussex County Council related to changing the current low-density land-use designation and AR-1 zoning currently in the Sussex County Comprehensive Plan to a Coastal designation which would allow for high density and commercial use. The Sussex County Council must deny this proposal and maintain the current designation. Eastern Sussex County is becoming more dense by the month with all the building that is occurring which has meant loss of habitat for wildlife, trees, opens spaces, and wetlands. Additionally, the constant development is the reason we have ever-worsening congestion on the roads, inadequate infrastructure and under-resourced public services such as fire, police, utilities, etc.

Perhaps the Council could focus their attention on alternative revenue sources to fund the County's coffers. The transfer tax is a major driver of the problem. A material amount of the county's revenue comes from building and real estate transactions. This of course means the County Council operates under a revenue model that incents the Council to permit as much building and growth as possible. But at what cost? We all know the costs - terrible traffic, disappearing wildlife, more light pollution, more air pollution, more noise pollution, loss of beauty that comes with green spaces and wetlands...and the list goes on.

Responsible stewardship of Sussex County is in the Council's hands and we citizens expect better from this counsel.

Regards,
Lisa Schofield
Rehoboth Beach
703.628.1032

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Monday, November 15, 2021 8:36 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Monday, November 15, 2021 - 8:35pm

FILE COPY
Opposition
Exhibit

Name: David Bryan

Email address: davebryan00@gmail.com

Phone number: 3022912708

Subject: Reject Ordinance to Amend the Future Land Use Map of the Comprehensive Plan

Message:

In the July 21, Delaware State Agencies PLUS review #2021-06-12; Sussex County Comprehensive Plan Amendment, the Office for State Planning Coordination provided comment to include;

According to the Delaware Office of State Planning, there are significant environmental features contiguous to this site plan including tidal wetlands.

These parcels are not close to public services such as water, sewer, police, fire, and schools.

DNREC reviewers are not in support of this change due to the parcels lying within designated as Out of Play and Level 4 by the Delaware Strategies for State policies and Spending. In addition, these parcels contain environmental features that are inconsistent with more intensive development.

An analysis of historical data indicates that the northern portion of parcel 235-23.00-2.02 and the small, forested portion on the northern edge of parcel 235-23.00-1.00 have likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.

Groundwater Recharge Areas are located on parcels 235-23.00-1.00 and 235-23.00-2.02. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.

Freshwater and marine wetlands are present on the northern half of parcel 235-23.00-2.02 and lie within the Great Marsh Natural Area and the Delaware Ecological Network. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware. The Delaware Ecological Network consists of lands having significant ecological value. Forest disturbances in these areas will jeopardize the parcel and possibly beyond the parcel's boundary.

An analysis of historical data indicates that the northern portion of parcel 235-23.00-2.02 and the small, forested portion on the northern edge of parcel 235-23.00-1.00 have likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.

Groundwater Recharge Areas are located on parcels 235-23.00-1.00 and 235-23.00-2.02. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.

Freshwater and marine wetlands are present on the northern half of parcel 235-23.00-2.02 and lie within the Great Marsh Natural Area and the Delaware Ecological Network. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware. The Delaware Ecological Network consists of lands having significant ecological value. Forest disturbances in these areas will jeopardize habitat on the parcel and possibly beyond the parcel's boundary.

There is an active Bald Eagle (*Haliaeetus leucocephalus*) nest within parcel 235-23.00-2.02. Bald eagles and their nests are protected under the federal Bald and Golden Eagle Protection Act (BGEPA). Additionally, the nest itself is protected by state law (7 Del. C. § 73e). The following plants or animals are listed as State of Delaware rare, threatened, or endangered species, which have been documented within the project area.

The Broad-winged Hawk (*Buteo platypterus*) is a bird listed under State Rank S1B, State Status E, and SGCN Tier I.

The Northern Harrier (*Circus cyaneus*) is a bird listed under State Rank S1B, State Status E, and SGCN Tier 1.

The Great Black-backed Gull (*Larus marinus*) is a bird listed under State Rank S1B and SGCN Tier 1. a PLUS review
2021-06-12 Page 4 of 5

The Black-necked Stilt (*Himantopus mexicanus*) is a bird listed under State Rank S2B and SGCN Tier 1

The Sussex County certification letter dated April 1, 2019 stated the Sussex County comprehensive plan was certified, provided no major changes are enacted. It is the opinion of the Office of State Planning that this change would constitute a major change to the currently certified comprehensive plan and this office, for the reasons stated in their letter, object to the comprehensive plan.

The P & Z Commission should do the right thing and recommend denial of this request to amend the present Future Land Use Map of the Comprehensive Plan.

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Monday, November 15, 2021 5:57 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form
Categories: Jamie

FILE COPY
Opposition
Exhibit

RECIPIENTS: Jamie Whitehouse

Submitted on Monday, November 15, 2021 - 5:57pm

Name: James LaBella
Email address: labella24@verizon.net
Phone number: 9736003111
Subject: Future Land Use Map

Message:

I am against any changes to the Future Land Use Map of the Comprehensive plan. There is no good reason to amend the plan and many reasons why the Commission should not touch there areas. I am referring to tax parcels:

235-23.00-2.02, 2.00, 1/04, 2.00, 2.01.

Please stop the madness, enough is enough. Stop the overdevelopment in the county, it is killing the area.

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Monday, November 15, 2021 2:35 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Monday, November 15, 2021 - 2:35pm

FILE COPY
Opposition
Exhibit

Name: Robert Cerf
Email address: cerfrdude@yahoo.com
Phone number: 302-645-7711
Subject: Zoning amending east of Cave Neck Rd
Message: I'm wholeheartedly against any change. Protect the natural resources and drainage of this area so that Sussex County does not become urban sprawl like everywhere else! Thank you.

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Monday, November 15, 2021 2:15 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Monday, November 15, 2021 - 2:14pm

FILE COPY

Opposition
Exhibit

Name: Carmel Walters
Email address: carmelwalters@yahoo.com
Phone number: 703-717-3132
Subject: Amending the Comprehensive Plan

Message:

The Ordinance to Amend the Future Land Use Map of the Comprehensive Plan pertains to 5 parcels consisting of approximately 248 acres that would be amended from Rural Area - Low density to Coastal area. This modification would change the Land Use designation of land on the East side of Route 1 directly across from Cave Neck Road, Milton, the former site of the proposed Overbrook Town Center commercial development and the currently proposed Overbrook Meadows residential development.

I strongly oppose this action.

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, November 16, 2021 10:35 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, November 16, 2021 - 10:35am

FILE COPY
Opposition
Exhibit

Name: Leslie Alter
Email address: leslie.alter@gmail.com
Phone number: 3022009519
Subject: Amending The Future Land Use Map of the Comprehensive Plan
Message:

We are in opposition to Amending The Future Land Use Map of the Comprehensive Plan Please do the right thing and recommend denial of this request to amend the present Future Land Use Map of the Comprehensive Plan.

Thank You
Leslie Alter

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, November 16, 2021 8:54 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, November 16, 2021 - 8:54am

FILE COPY
Opposition
Exhibit

Name: William Easton

Email address: bleaston1@gmail.com

Phone number: 302-339-2508

Subject: AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX
PARCEL NO. 532-12.00-1.00, 532-12.00-

Message: I strongly oppose these moves to amend the future land use map for these parcels. Please deny these proposed ordinances. Please protect these environmentally and culturally sensitive areas from overdevelopment and exploitation.

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, November 16, 2021 7:12 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, November 16, 2021 - 7:12am

FILE COPY
Opposition
Exhibit

Name: Diane Cardwell

Email address: docardwell@gmail.com

Phone number: 302-684-3160

Subject: Great Marsh

Message: Please do not change the comp plan to allow greater development in the coastal marsh area across from Cave Neck Road

Jamie Whitehouse

From: Jerry <jerrybegood@gmail.com>
Sent: Sunday, November 14, 2021 7:15 PM
To: Robin Griffith; Doug Hudson; John Rieley; Michael H. Vincent; Mark Schaeffer; Lopez, Ernesto B (LegHall); Schwartzkopf, Peter (LegHall); Planning and Zoning; Jamie Whitehouse; BriggsKing, Ruth (LegHall); steve@stevesmyk.com; Shirley Wiesendanger; Michael Varonka; Ann Spillane; dotty Deems; Jane Lewis; LAURA MARROLLI; ladyjuliet77@gmail.com; Roger Lewis
Subject: The Great Marsh in peril again?

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This Ordinance to Amend the Future Land Use Map of the Comprehensive Plan pertains to 5 parcels consisting of approximately 248 acres that would be amended from Rural Area - Low density to Coastal area. This modification would change the Land Use designation of land on the East side of Route 1 directly across from Cave Neck Road, Milton, the former site of the proposed Overbrook Town Center commercial development and the currently proposed Overbrook Meadows residential development.

All,

When will the quality of life for the present residents as well as the plethora of wildlife be first and foremost. The extinction of Sussex County natural habitats are decimating human life sustaining food chain necessity daily. The incredible rapid deforestation being allowed has increased air pollution while continuing to wreak havoc with more and more predicted flooding. Of late thankfully, we have been spared our typical turbulent weather, it's quite obvious we will not be lucky forever as tremendous flooding, home destroying dangerous weather has been very near us. It's just a matter of when not if.. Each year our odds increase exponentially as history has shown.

It's selfish, bizarre and outrageous profiteering by handfuls of deep pocketed developers takes precedence over science. We urge all legislators to take these warnings seriously maintaining the present smart zoning in all Sussex County as well as future amendments that would provide for safety of all.

Deny this application w/o remedy.

Best regards,

Jerry & Christine LaForgia. Lewes

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Sunday, November 14, 2021 5:25 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Sunday, November 14, 2021 - 5:24pm

Name: Lewis R. Podolske

Email address: LPodolske@aol.com

Phone number: 3029330145

Subject: Opposition to proposed changes in land designation under the Comprehensive Plan.

Message:

As a Sussex County homeowner I object to the following proposed changes in designation under the Comprehensive Plan.

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-

23.00-2.02 (PORTION OF), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, AND 235-23.00-2.01

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Sunday, November 14, 2021 3:50 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Sunday, November 14, 2021 - 3:50pm

Name: Amy Schnerr
Email address: schnerr@outlook.com
Phone number: 302-217-1692
Subject: Oppose amending the future land-use map of the comprehensive plan

Message:

Dear planning and zoning officials,
please vote "no" to amending the future land-use map of the comprehensive plan. The density is too high, The parcel is too far from any existing utilities, and it is not the right place for development that would be allowed if you amended the plan.

Sincerely,
Amy Schnerr

FILE COPY

Opposition
Exhibit

Jamie Whitehouse

From: Joe Reed <joe@reedventures.net>
Sent: Wednesday, December 1, 2021 8:02 AM
To: Jamie Whitehouse
Subject: Re: Ord 21-09 Future Land Use Map Amendment/Correction
Attachments: Maps as recommended by PZ & CC.pdf

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Good morning Jamie,

Is this application still on the agenda with County Council for December 14th or has it been postponed? The discussion at the end of the Planning Commission meeting led me to believe it may be postponed. I have no problem if you decide to delay until a future date. I'm out of town on December 14th anyway.

Also, can you put the attached exhibit in the file and circulate.

Thanks,
Joe

On Tue, Nov 23, 2021 at 9:57 AM Joe Reed <joe@reedventures.net> wrote:
Mr. Whitehouse,

After listening to the discussion at the end of the Planning Commission meeting, there appears to be some confusion over this map amendment application. It also appears the record is still open. Therefore, I would like to make a few points that may help clarify this application:

1. The properties have been in the development district since at least 2007/2008.
2. The properties remained in the development district throughout all the workshops and hearings for the 2018 update (2045 FLUM).
3. The maps on the County website today still show the property in the development district on the map as recommended by the Planning Commission and the map as recommended by County Council. Refer to letter from David Hutt dated December 29, 2020.
4. The property owners and/or their representatives attended and monitored all the public meetings on the 2018 map update. They were never notified or given an opportunity to comment on this apparent last-minute modification after the public process had ended. How is that transparent government or even legal?
5. In reviewing all the available documents and the County Council recordings, I surmise the intent of the last-minute revision was to adjust the Coastal Area designation back to the line in the 2008 FLUM (same as this proposed map amendment). The map as recommended by County Council had the Coastal Area designation for these properties expanded by about 50% and closer to the Great Marsh. See attached exhibit.
6. The SARG emails and other communications about this application are a bit misleading and I suspect have generated a lot of letters in opposition to this application. There is no land use application proposed for these properties. Maintaining the Coastal Area designation simply provides the land owners the option to apply in the future for some neighborhood business uses at the new \$65,000,000+ DelDOT interchange to be built on the property. I do not have any land planning

degrees, but I've attended a lot of land planning seminars and it seems to me that some neighborhood business uses (grocery store, pharmacy, medical offices, restaurant, pickleball facility, etc) may be appropriate at that interchange in the future. As we all know, being in the Coastal Area only provides the property owners the option to apply for approval for some commercial use, but does not guarantee any uses other than residential at 2 units per acre.

7. This application in no way is a threat to the Great Marsh. A huge buffer (approx 1/2 mile) of Low Density lands will still exist between the subject lands and the Great Marsh.
8. The design traffic numbers for the interchange are based on some anticipated commercial uses and not just 2 units/acre as was stated by David Edgell from the Office of State Planning Coordination. He was incorrect about this fact just as he was incorrect about availability of water, sewer, fire protection, police, schools, etc. The interchange design traffic numbers can be verified by the project manager from DelDOT.
9. Some neighborhood business at this interchange would eliminate the need for all the current and future residents of the Rt 88 Corridor from having to travel south of 5 Points for essentially all services. It would also help to alleviate some of the traffic on Rt 1 between 5 Points and Rehoboth. Regardless, the public will have an opportunity to comment and you will make the decision on the merit of any future application, if and when one is made.
10. It was noted by either the Planning Commission or County Council during the Chappell Farms application across the highway that single family residential use is not conducive or desirable adjacent to a huge interchange and overpass. We agree.
11. It seems illogical that the County would remove 4-lane highway frontage lands out of the development district when the only thing that has changed since the last FLUM is that DelDOT is building a \$65,000,000+ grade separated interchange on the property. If these lands were not already in the Coastal Area development district, I would think you would have been adding them to the development district due to the interchange.
12. We are simply asking the Planning Commission to reaffirm the decision they already made on this matter during the public process in 2018/2019.

Since the record is still open, can you please circulate this email to the Planning Commission members?

Thank you for your assistance with helping to rectify this property rights injustice.

Respectfully,
Joe Reed

Jamie Whitehouse

From: Joe Reed <joe@reedventures.net>
Sent: Tuesday, November 23, 2021 9:58 AM
To: Jamie Whitehouse
Subject: Ord 21-09 Future Land Use Map Amendment/Correction
Attachments: Maps as recommended by P&Z and County Council.pdf

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Mr. Whitehouse,

After listening to the discussion at the end of the Planning Commission meeting, there appears to be some confusion over this map amendment application. It also appears the record is still open. Therefore, I would like to make a few points that may help clarify this application:

- 1.
- 2.
3. The properties have been in the development district since at least 2007/2008.
- 4.
- 5.
- 6.
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8. the 2018 update (2045 FLUM).
- 9.
- 10.
- 11.
12. The maps on the County website today still show the property in the development district on the
13. map as recommended by the Planning Commission and the map as recommended by County Council. Refer to letter from David Hutt dated December 29, 2020.
- 14.
- 15.
- 16.
17. The property owners and/or their representatives attended and monitored all the public meetings
18. on the 2018 map update. They were never notified or given an opportunity to comment on this apparent last-minute modification after the public process had ended. How is that transparent government or even legal?
- 19.
- 20.
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22. In reviewing all the available documents and the County Council recordings, I surmise the intent
23. of the last-minute revision was to adjust the Coastal Area designation back to the line in the 2008 FLUM (same as this proposed map amendment). The map as recommended by County Council had the Coastal Area designation for these properties expanded by about
24. 50% and closer to the Great Marsh. See attached exhibit.
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- 26.
- 27.

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 29. have generated a lot of letters in opposition to this application. There is no land use application
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 30. business uses at the new \$65,000,000+ DelDOT interchange to be built on the property. I do not have
 any land planning degrees, but I've attended a lot of land planning seminars and it seems to me that
 some neighborhood business uses (grocery store, pharmacy,
 31. medical offices, restaurant, pickleball facility, etc) may be appropriate at that interchange in the future.
 As we all know, being in the Coastal Area only provides the property owners the option to apply for
 approval for some commercial use, but does not
 32. guarantee any uses other than residential at 2 units per acre.
 33.
 34.
 35.
 36. This application in no way is a threat to the Great Marsh. A huge buffer (approx 1/2 mile) of Low
 37. Density lands will still exist between the subject lands and the Great Marsh.
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 48. future residents of the Rt 88 Corridor from having to travel south of 5 Points for essentially all services.
 It would also help to alleviate some of the traffic on Rt 1 between 5 Points and Rehoboth. Regardless,
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 49. and you will make the decision on the merit of any future application, if and when one is made.
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 54. across the highway that single family residential use is not conducive or desirable adjacent to a huge
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 57.
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 60. been adding them to the development district due to the interchange.
 61.
 62.
 63.
 64. We are simply asking the Planning Commission to reaffirm the decision they already made on this
 65. matter during the public process in 2018/2019.

66.

Since the record is still open, can you please circulate this email to the Planning Commission members?

Thank you for your assistance with helping to rectify this property rights injustice.

Respectfully,
Joe Reed

Jamie Whitehouse

From: Joe Reed <joe@reedventures.net>
Sent: Friday, December 3, 2021 4:26 PM
To: Jamie Whitehouse
Subject: Ord 21-09 Future Land Use Map Amendment/Correction
Attachments: 2018 Maps as recommended by PZ & CC.pdf

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Good afternoon Jamie,

Sorry to be a nuisance, but can you put the attachment in the file and circulate it to County Council members?

I also want to clarify that we are not accusing anyone of doing anything in the "dark of night". I did not own the property at the time, and therefore, had no reason to follow the FLUM process for these lands. However, the Robinson and Chappell families did closely follow the 2018 update process and I'm told attended all the meetings. We have been informed these lands were removed from the Coastal Area after the public comment period was over. The owners were never notified and never had a chance to present their case on why the lands should remain in the development district as they had been since 2007/2008. The addition of a planned \$69,000,000 interchange on the property should have been a persuasive argument.

Thank you for your assistance. Have a great weekend!

Regards,
Joe Reed
Seaside at Lewes, LLC (owner of former lands of Chappell & Hopkins)

Joe Reed
302-430-4060



The content of this email is confidential and intended for the recipient specified in the message only. It is strictly forbidden to share any part of this message with any third party without a written consent of the sender.

DEC 03 2021

SUSSEX COUNTY
PLANNING & ZONING

2045 Future Land Use Recommended by County Council

- Coastal Area
- Commercial
- Existing Development Area
- Municipality
- Protected Lands

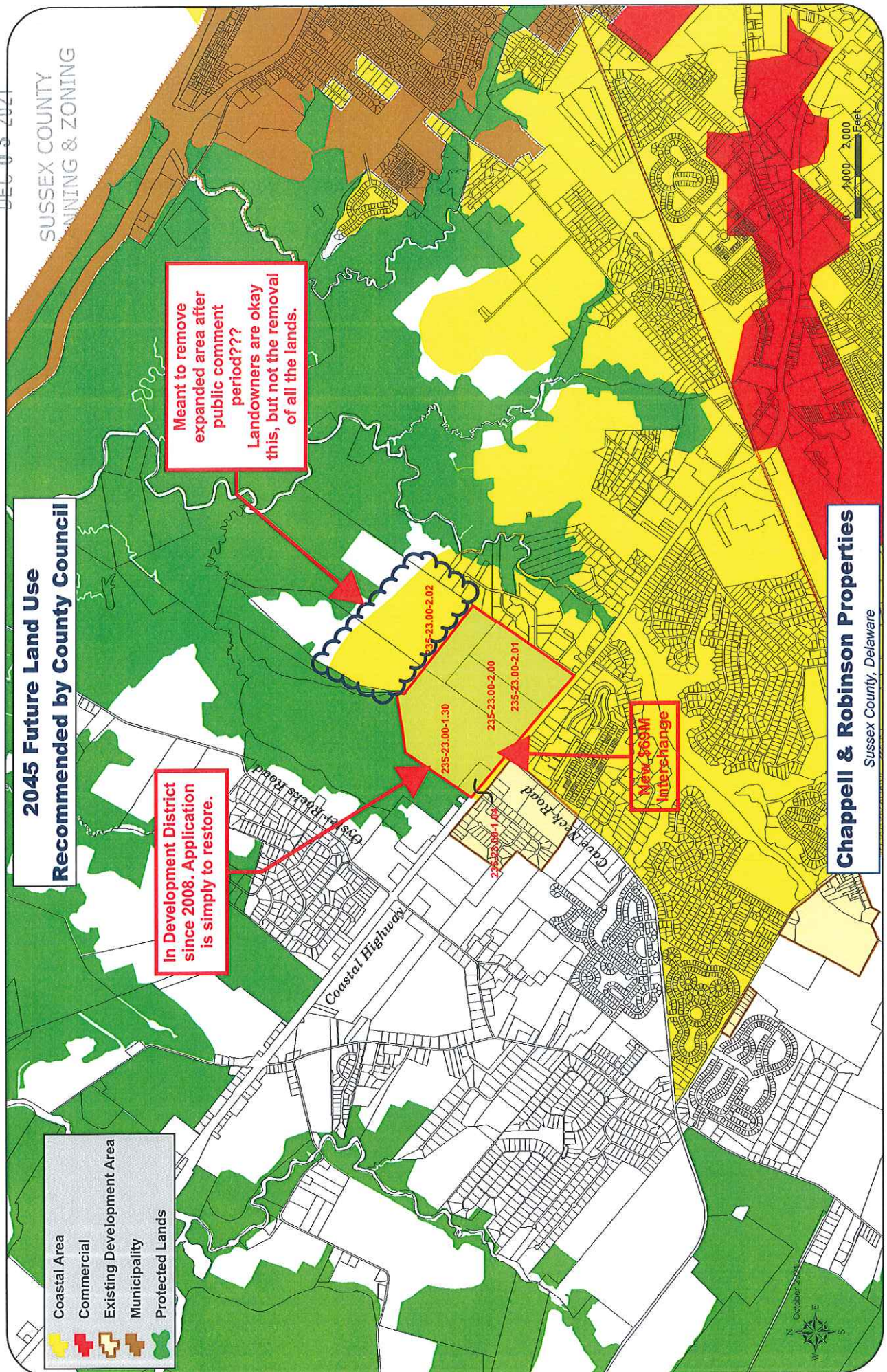
In Development District
since 2008. Application
is simply to restore.

Meant to remove
expanded area after
public comment
period???
Landowners are okay
with this, but not the removal
of all the lands.

New 800M
Interchange

Chappell & Robinson Properties
Sussex County, Delaware

0 1,000 2,000 Feet



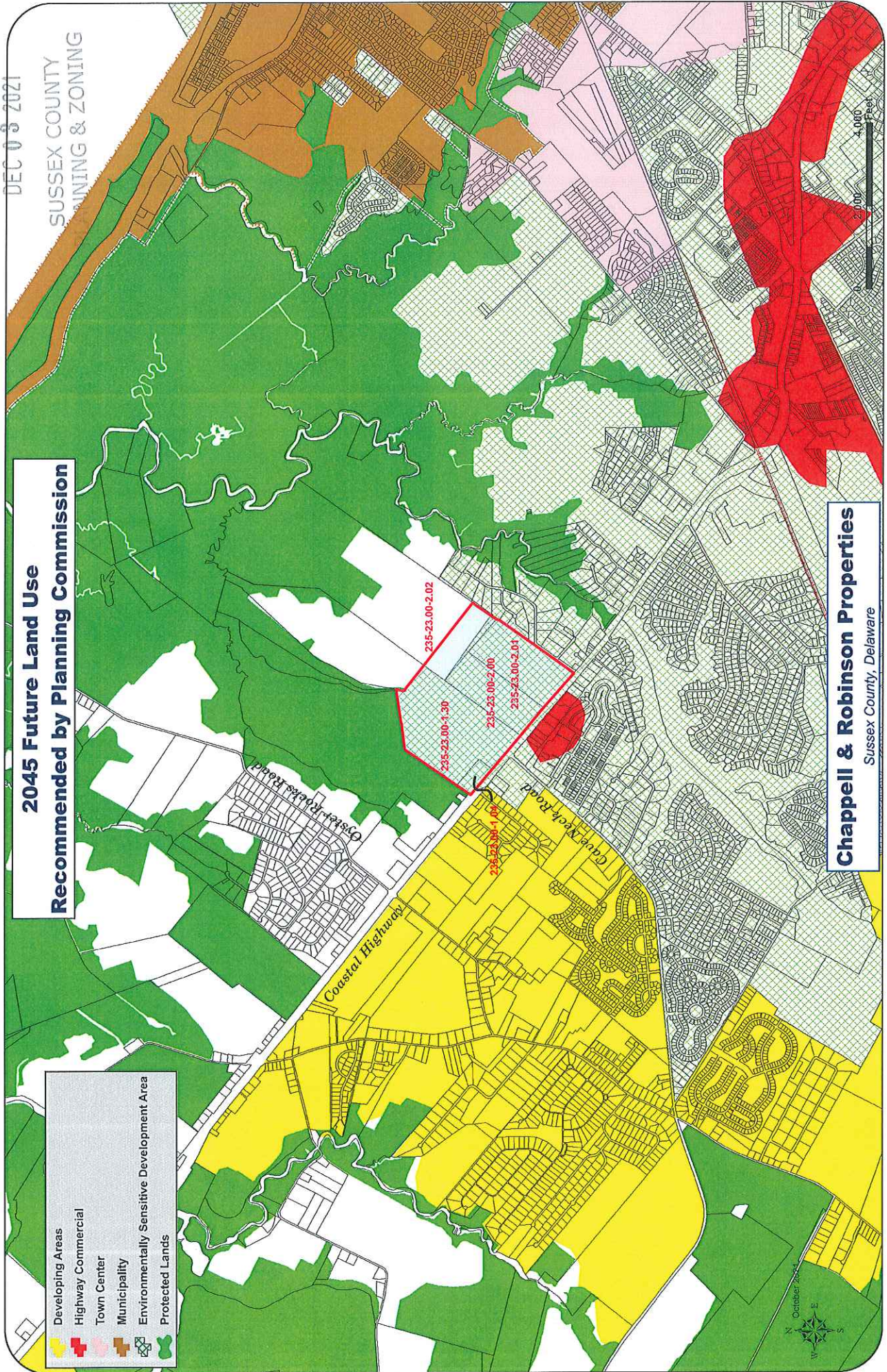
RECEIVED

DEC 03 2021

SUSSEX COUNTY
PLANNING & ZONING

2045 Future Land Use Recommended by Planning Commission

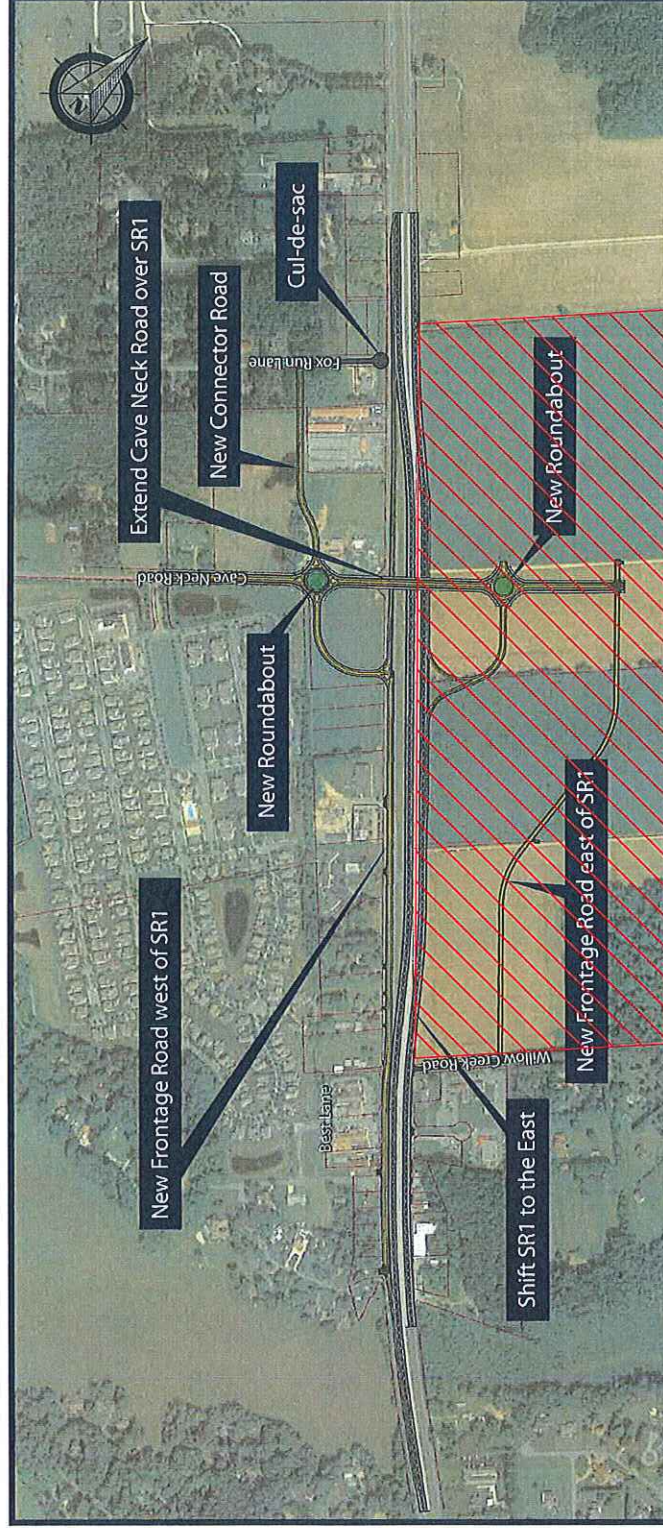
- Developing Areas
- Highway Commercial
- Town Center
- Municipality
- Environmentally Sensitive Development Area
- Protected Lands



Chappell & Robinson Properties
Sussex County, Delaware

SR1 and Cave Neck Road Intersection

Selected Alternative



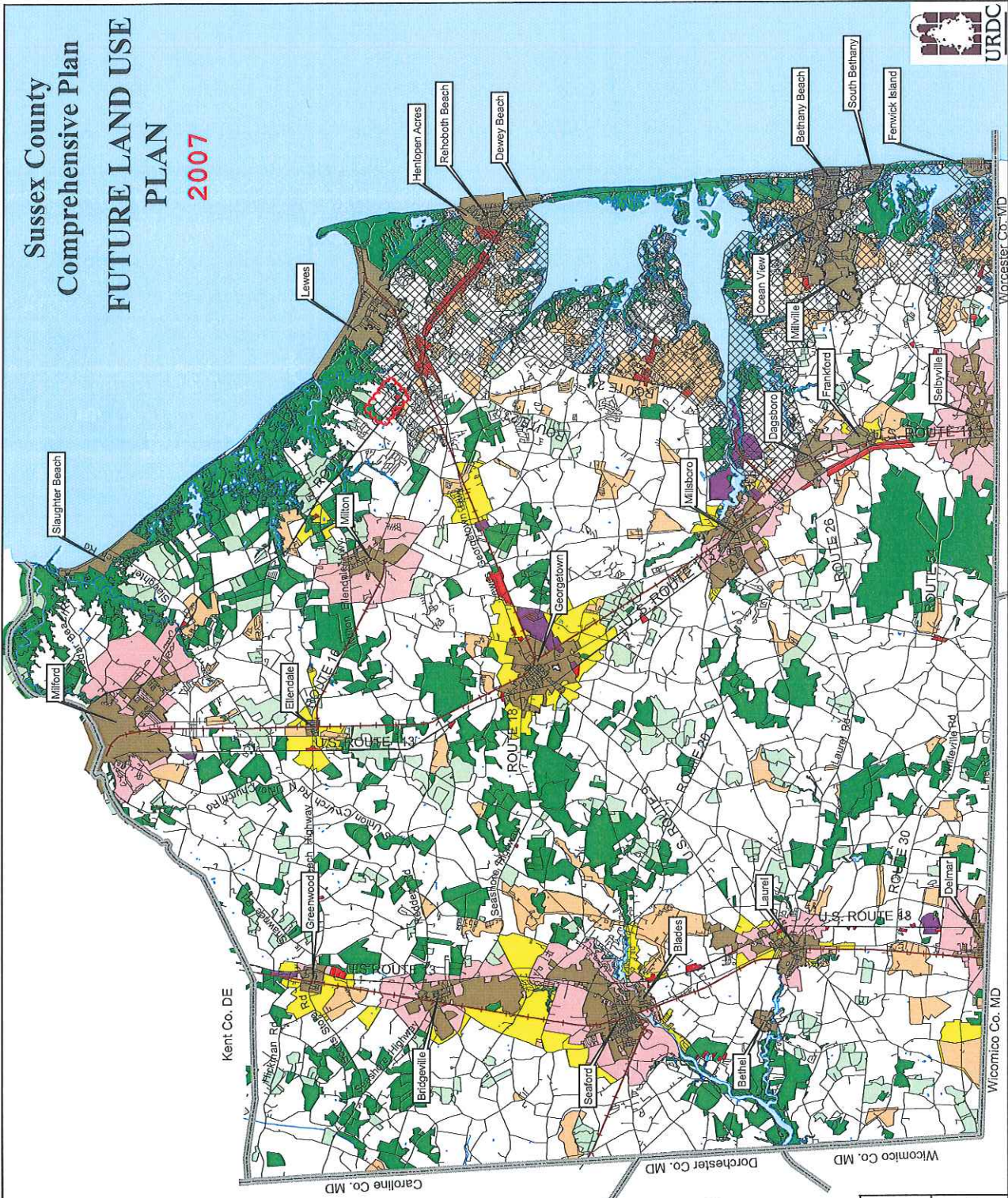
RECEIVED

DEC 03 2021

SUSSEX COUNTY
PLANNING & ZONING

DEC 03 2021

Sussex County Comprehensive Plan FUTURE LAND USE PLAN 2007



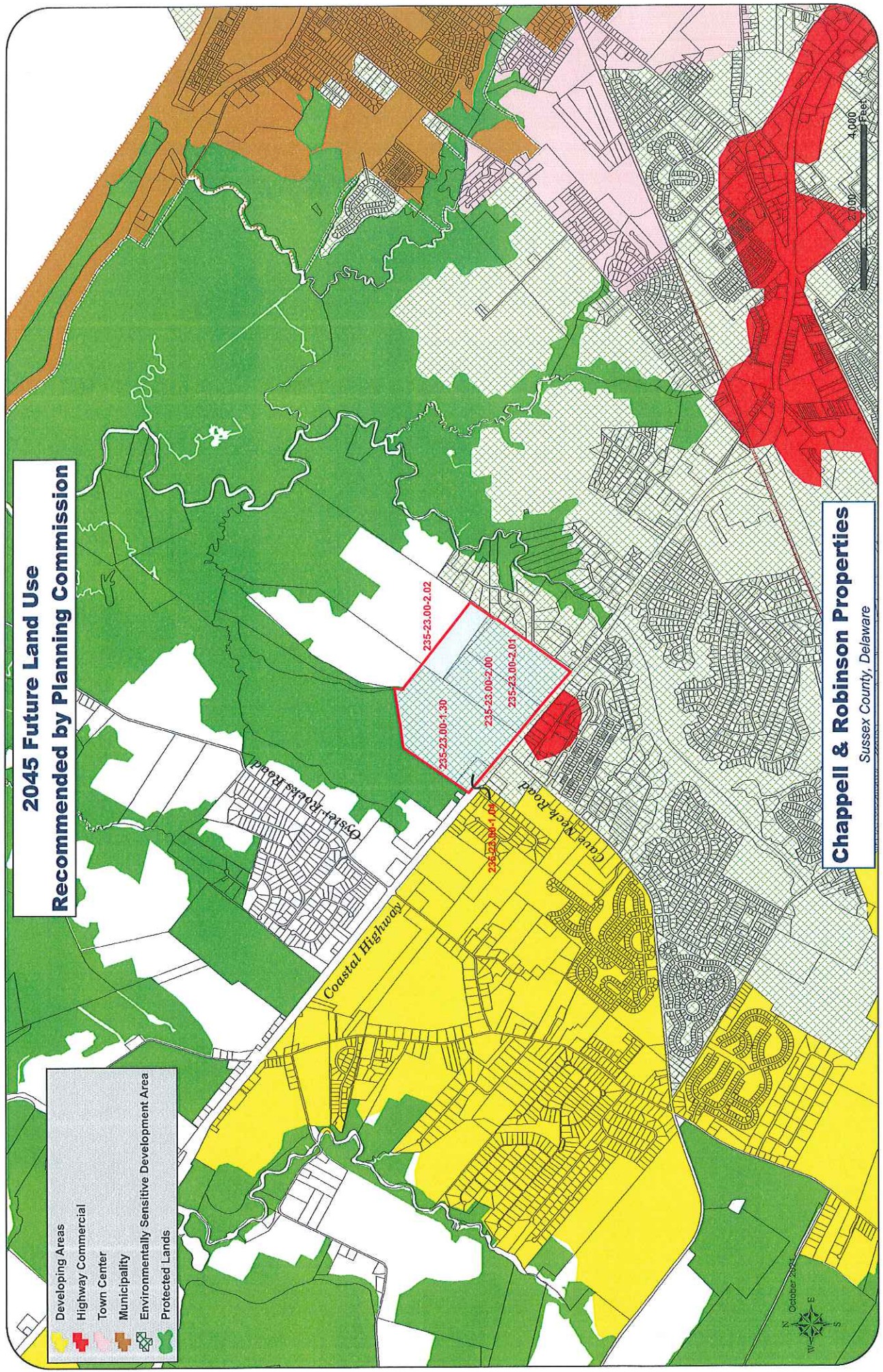
SR1 and Cave Neck Road Intersection

Selected Alternative

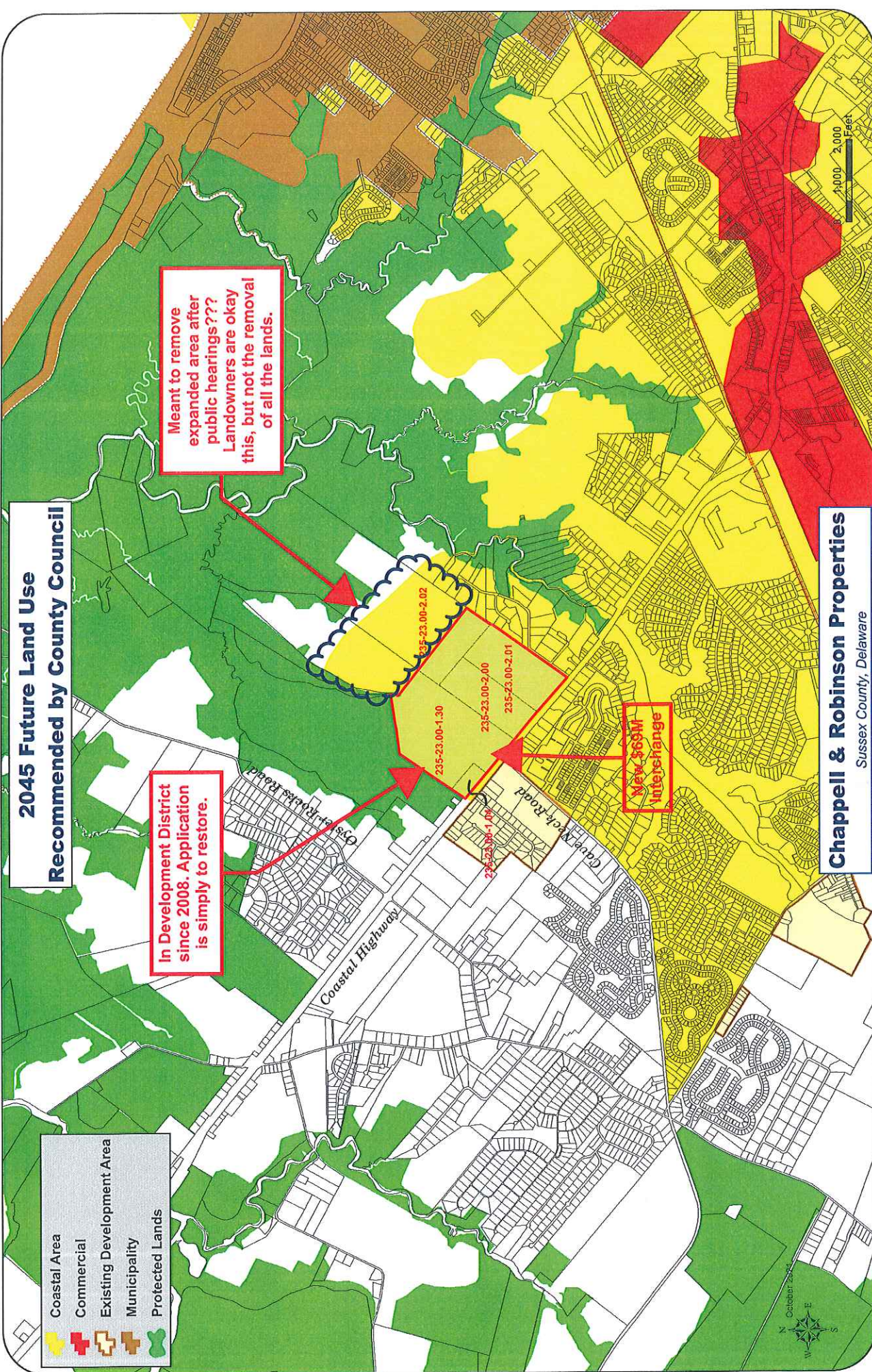


2045 Future Land Use Recommended by Planning Commission

- Developing Areas
- Highway Commercial
- Town Center
- Municipality
- Environmentally Sensitive Development Area
- Protected Lands



Chappell & Robinson Properties
Sussex County, Delaware



**2045 Future Land Use
Recommended by County Council**

- Coastal Area
- Commercial
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since 2008. Application
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Meant to remove
expanded area after
public hearings???
Landowners are okay
this, but not the removal
of all the lands.

New \$69M
Interchange

Chappell & Robinson Properties
Sussex County, Delaware

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Sunday, November 28, 2021 10:04 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Sunday, November 28, 2021 - 10:03pm

Name: Chris Noonan Sturm

Email address: cnsturm@gmail.com

Phone number: 240-423-0955

Subject: Oppose rezoning of parcel to "coastal" on Route 1 North

Message: Greetings, I am writing to oppose the proposed rezoning of the parcel on Route 1 North near Cave Neck Road and adjacent to the Great Marsh to "coastal," which will increase the density enormously. I am concerned that this puts a huge strain on and creates risk to the Great Marsh, which is vital to the health and safety of the environment and people who live in this area. I live in the Nassau, in Lewes and often visit the Great Marsh area. We are fortunate to have such a valuable buffer to protect us from flood, cleanse our waters, and provide habitat to wildlife. I urge you to deny this rezoning and to limit the development of this parcel as much as possible. Thank you and regards, Chris Noonan Sturm

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Friday, November 26, 2021 9:41 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

Follow Up Flag: Follow up
Flag Status: Flagged

RECIPIENTS: Jamie Whitehouse

Submitted on Friday, November 26, 2021 - 9:41am

Name: David Breen
Email address: nextlevel.db@gmail.com
Phone number: 9783400665
Subject: Apology - Chairman Wheatley
Message:
Chairman Wheatley,

On November 18th, I called into the P&Z Hearing concerning the Sussex Proposed Ordinance 21-09.

During my public comments on the phone, you interrupted my comments because you felt my comments had been presented earlier by an individual in the Chambers.

I have been present in the Chambers many times and online many other times. You never interrupt the applicant or their expert representative(s) no matter how many times or different ways they present the same information repeatedly. On that day, the applicant's representative referenced 5 -times that somehow the record had been modified and that the applicant had not realized that.

You were correct in interrupting and asking me to move on because the speaker before me had covered much of what my comments referenced. My apology for responding so curtly [that it is your habit to throw your hands up and interrupt public speakers].

If the same repetitive standards were applied to the applicant, their representative and expert testimonial as the public, the P&Z meetings would be noticeably reduced in terms of time.

Sincerely,

Dave Breen

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Monday, November 22, 2021 6:50 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Monday, November 22, 2021 - 6:50am

Name: Mark Facciolo

Email address: facciolofamily@gmail.com

Phone number: 3024404860

Subject: Overbrook meadows

Message:

I oppose the change in zoning to allow high density housing in Overbrook meadows. Feel free to reach out to discuss.

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Sunday, November 21, 2021 1:15 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Sunday, November 21, 2021 - 1:14pm

Name: Suzanne Segarra

Email address: suzanne.segarra@gmail.com Phone number: 678-441-4016

Subject: Overbrook Meadows

Message: I strongly oppose Overbrook Meadows in Sussex County.

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Sunday, November 21, 2021 1:04 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Sunday, November 21, 2021 - 1:04pm

Name: Robert Doordan
Email address: albred1@outlook.com
Phone number: 3027031366
Subject: Land-Use designations

Message:

We are greatly opposed to changes in the land-use designation of the former Overbrook Meadows which will designate the property(s) as 'coastal area'. The changes will lead to safety issue and diminish the happiness of local citizens.

"The purpose of government is to enable the people of a nation to live in safety and happiness. Government exists for the interests of the governed, not for the governors." – Thomas Jefferson

FILE COPY

**Opposition
Exhibit**

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Sunday, November 21, 2021 9:30 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Sunday, November 21, 2021 - 9:30am

Name: Ann Hollander
Email address: thehollanders@yahoo.com
Phone number: 2153856966
Subject: Opposed to proposed zoning change - Overbrook Meadows

Message:

As a Sussex County resident and tax-payer, I strongly oppose the proposed change of the Overbrook Meadows property designation from rural-low density to coastal area. Such rezoning would have irreparable effects on Delaware's delicate ecosystem, add to the already difficult traffic problems in the area, stretch community resources even thinner, and continue to destroy what is the natural beauty of the area.

Thank you for giving my comment your attention.

FILE COPY
Opposition
Exhibit

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Saturday, November 20, 2021 2:28 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Saturday, November 20, 2021 - 2:27pm

Name: Barbara German
Email address: btgerman@icloud.com
Phone number: 8626863196
Subject: Rezoning Overbrook Meadows

Message:

As a resident of Sussex County, I strongly oppose the Rezoning of Overbrook Meadows! This is NOT responsible growth but is a continuation of more stress on our infrastructure. This area is not capable of supporting the current growth as it is now with the addition of more cars and people, it will turn from a once rural area to an overcrowded nightmare.

Slow the growth...vote NO!

FILE COPY
**Opposition
Exhibit**

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Thursday, November 18, 2021 5:03 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, November 18, 2021 - 5:03pm

Name: Jacob Burton

Email address: p.burton623@gmail.com

Phone number: 3028586460

Subject: Overbrook Project

Message: We are in support of the Overbrook Project. Our area is continuing to grow without the proper shopping accommodations of a populated area, especially in the summer concerning our tourist numbers. As the are continues to grow with persons relocating we have to consider the needs of all the people in the area, old and new.

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SUPPORT EXHIBIT