

## Ashley Paugh

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**From:** Hale Jason <Jason.Hale@cape.k12.de.us>  
**Sent:** Wednesday, September 3, 2025 11:02 AM  
**To:** Planning and Zoning  
**Subject:** FW: [External] CZ2001 (Belmead) Rezoning application for site adjacent to Beacon Middle School  
**Attachments:** Public Comment in Opposition to CZ2001 Sept 2025 Submitted by The Route 24 Alliance.pdf

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I don't recall whether I previously submitted comments for the County Council public hearing on September 16 regarding rezoning application **CZ2001**. To ensure our position is on the record:

- **Cape Henlopen School District continues to oppose any additional growth until an impact-fee program is in place and collecting.**
- **Our buildings in the Beacon Middle/Love Creek Elementary area are at or above capacity.**
- While CZ2001 is a commercial rezoning, we echo concerns raised by community members that **increased traffic could adversely affect school operations and student safety**—particularly during arrival and dismissal, bus queuing, and pedestrian movements near the campuses.

I'm happy to discuss enrollment, capacity, and operational impacts in more detail. Thank you and have a great day.



*Jason S. Hale, Ed.D., CPA*

Director of Operations

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**From:** William mailander <mailanderw@gmail.com>  
**Date:** Tuesday, September 2, 2025 at 12:07 PM  
**To:** Hale Jason <Jason.Hale@cape.k12.de.us>, Hanwell Janis <Janis.Hanwell@cape.k12.de.us>  
**Cc:** Judy Rose Seibert <mizjudyrose@msn.com>  
**Subject:** [External] CZ2001 (Belmead) Rezoning application for site adjacent to Beacon Middle School

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Mr. Hale & Ms. Hanwell:

Please find attached, a public comment in opposition to CZ2001. This public comment was submitted today for posting to the land use docket in this matter.

Mr. Hale, you will recall that you submitted a letter in opposition in association with the Planning & Zoning Commission hearing. You are no doubt aware that the Commission recommended approval of this rezoning application and that the applicant took issue with your statement about school capacity. There is a public hearing scheduled before the County Council scheduled for September 16th.

Ms. Hanwell, I read a recent article in the Cape Gazette where you reportedly had commented on the need for a greater focus on identifying appropriate sites for future school use and development.

Please see section III, pages 7-10, where it was suggested that the Council take into account the close proximity of this proposed rezoning and development to both the Love Creek Elementary and Beacon Middle schools and that these adjacent parcels would be more appropriate for future public institutional use.

To the extent you agree that the Cape School District could use this land in the future or you have other bases (e.g., school safety concerns) for opposition to this proposed project, you still have time to express these views before the public hearing scheduled for September 16th.

Appreciate your time in reviewing this matter and hope you agree that the proposed development is inappropriate for this location and you are willing to provide your input to the Council. Happy to discuss this matter further if you like.

Bill Mailander  
Lewes, DE

## **Public Comment in Opposition to CZ 2001**

### **Before the County Council for Decision**

**September 2, 2025**

**Submitted by: The Route 24 Alliance**

**The Route 24 Alliance is an unincorporated association of concerned citizens who are committed to monitoring and providing input to the County regarding proposed development along or near Rt. 24 that has the potential, if not likelihood, of having an adverse impact on the intended function of this arterial roadway and our quality of life. Prepared by Rosalind and William Mailander in association with The Route 24 Alliance association.**

We respectfully request that this document be included in the public record established for CZ 2001 and distributed at the appropriate time for review by the County Administrator, the Director of Planning & Zoning and each member of the County Council.

### **Introduction**

The applicant in CZ 2001 seeks a rezoning for two parcels of land containing approximately 39.22 acres, currently located in an AR-1 Agricultural-Residential District, to a C-4 Planned Commercial District. As more fully discussed below, the CZ2001 applicant cannot meet important minimum requirements for a C-4 Planned Commercial District, a C-4 rezoning and the proposed high-intensity mixed commercial-residential use would be incompatible with the nearby and current land uses and a C-4 rezoning at this site location would not be in conformity with the Comprehensive Plan. For these reasons, we ask the Council to deny CZ2001.

### **I. Council is Required to Ensure that the Developer-Initiated C-4 Rezoning for the Proposed Development Project Would Be Consistent with the Future Land Use Map and Plan and would Not Have a Negative Impact on the Current and Nearby Land Uses**

**A. The Future Land Use Map is in many respects a Vision created at a point in time to illustrate future expected development. Visions are, by their nature, long-term aspirations and may not fully anticipate or account for unforeseen changes and circumstances. The CZ2001 site location and the nearby area is a case in point. The Future Land Use Map does not accurately reflect the current and nearby land uses nor does it address how they might differ from the category of uses depicted in the Map. Consequently, its Value for Evaluating Individual**

**Rezoning Applications is Limited and Should Only Serve as a starting point for reviewing and evaluating CZ2001.**

According to the Future Land Use Map (FLUM), the CZ2001 site location falls within the Commercial Area designation among the various future land use plan categories. Table 4.5-2 shows the following zoning districts as being potentially appropriate for future rezoning in this Commercial Area: Agricultural Residential Districts (AR-1); Business Community District (B-2); Business Research (B-3); Medium Commercial District (C-2); Heavy Commercial District (C-3); Planned Commercial District (C-4); Service/Limited Manufacturing District (C-5); Institutional District (I-1); and, Marine District (M). The applicant is seeking to rezone the site from AR-1 to C-4 (Planned Commercial District).

It is important to note for this application that the Future Land Use Map does not accurately reflect the current land uses for adjacent and nearby parcels located in close proximity to the CZ2001 site location: (1) Both the Love Creek Elementary and Beacon Middle schools are properly located in the I-1 (Institutional District) as acknowledged in the CZ2001 application; (2) Ordinance No. 2922 amended the FLUM for parcel 334-12.00-16.04, a parcel adjacent to the Love Creek Elementary school, from a commercial area to the coastal area so that this parcel would fall under one land use classification. While not addressed by either the Planning and Zoning Department or the Planning and Zoning Commission, there are different applicable rules resulting from these changes that are relevant to this matter and must be considered by the Council.

Fortunately, the Future Land Use Plan recognizes that there can be a variety of circumstances presented in an evaluation of a rezoning application and that the Council has broad discretion to consider any and all circumstances and public comment as it relates to its determination of whether a particular parcel of land located in this planning area is appropriate for the zoning district sought. In this regard, the Plan contains Strategies, Goals and Objectives (i.e., policy) intended to implement the Plan and also inform the Council how it should address the variety of circumstances that can be presented. See §§ 4.6 and 4.7 (Implementation of the Future Land Use Plan through Strategies) of Chapter 4 of the Sussex County Comprehensive Plan. Further, the zoning code is expected to contain the detailed regulations necessary for implementing these policies. See § 4.4.1 (the Future Land use Plan and Zoning), Sussex County Comprehensive Plan.

A discussion of some of these rules follows.

**B. The Applicable Zoning Code Regulations and the Strategies, Goals and Objectives of the Future Land Use Plan, not the FLUM, will Largely Govern the Council's Evaluation of the CZ2001 application.**

While any of the zoning districts identified in Table 4.5-2 of the FLUM may theoretically be eligible for rezoning, all site locations may not be appropriate and the applicable zoning regulations and the Implementation Strategies, Goals and Objectives of the Future Land Use Plan will control the Council's evaluation of CZ2001 and its ultimate

determination of whether the site location is appropriate for the C-4 rezoning sought by the applicant.

Each rezoning application is to be reviewed on its own merit to determine if the requested rezoning is consistent with the FLUM and does not have a negative impact on the surrounding area or the County in general. See Reed Farms, LLC v. Sussex Cnty. Council, C.A. 2021-0552-BSD (Del. Ch. Jul 18, 2025) at 4, citing § 4.5 of Chapter 4 of the Comprehensive Plan. Rezoning under the FLUM, therefore, requires much more than a developer selecting from a pre-determined menu of potentially eligible zoning districts. The record must demonstrate that the rezoning applicant has fully met all applicable zoning code regulations and standards by competent and substantial evidence in order to receive favorable consideration of its rezoning request. The Council must then consider whether the proposed development will negatively impact the nearby land uses and the County in general as a necessary condition to approval.

## **II. The CZ2001 Applicant Cannot Meet Important Code Requirements Thereby Making the CZ2001 Site Location Inappropriate for a C-4 Rezoning in this Commercial Area Future Land Use Plan Category.**

(a) CZ2001 fails to meet the **Minimum** District Requirement for interconnectivity with adjacent parcels.

- (i) Section 115-83.25(F)(4)(b) requires interconnectivity with adjacent parcels (see also, §§ 115-220(B)(16); 115-221(B)(18).

Section 115-83.25(F)(4)(b) provides: "Internal access streets should be provided to serve large scale retail uses. Individual access points for individual uses onto an existing collector or arterial roadway shall not be permitted. **Interconnectivity with adjacent parcels shall be required.**

A Planned Commercial District will be permitted only in accordance with a development plan approved by County Council in accordance with the requirements and procedures contained in this Section (i.e., 115-83.25). Section 115-83.25(F)(1).

In a March 7, 2025, letter from the Planning & Zoning Department staff to the applicant, **the applicant was requested to provide interconnectivity (stub/easement) to all parcels adjacent to parcels 40.01 and 40.06 on the Preliminary Site Plan pursuant to zoning code §115-220(B)(16).**

The applicant responded: "[t]he plans currently show an interconnectivity stub to the western adjacent parcel 39.00, along the east/west access road. The project considered connectivity to the east, but the connection would stub to an existing running track at the Beacon Middle School. Should the School District desire an interconnection, we can revisit the feasibility of that connection. At this time, the interconnection would not provide benefit to

either parcel. Any subject interconnection would be subject to a cross-access easement and agreement with adjacent parcel owners." Parcel 334-18.00-39.00 is residential land owned by Ms. Kristi L. Smith, according to the County property records.

The applicant failed to address the need for interconnectivity to all adjacent parcels as requested in the March 7, 2025 letter. This failure is significant, if understandable, given the site location and its inability to provide the required interconnectivity.

Unfortunately, there is no further reference in the record to explain why the mandatory interconnectivity requirement with adjacent parcels was not enforced by either the Planning and Zoning Department or the Planning and Zoning Commission.

Instead, in recommending approval of the CZ2001 application, the Planning and Zoning Commission addressed the interconnectivity requirement as follows: "[t]here shall be interconnectivity provided to the property to the east of this site to Tax Parcel 334-18.00-42.00, with signage on the site indicating that future interconnectivity is a possibility at this location. There shall not be any interconnectivity provided to the residential property to the south of this site." In recognition that interconnectivity to a residential parcel was not permitted, the Commission recommended an alternative and possible interconnection point to an undeveloped parcel. As we have and will discuss further, however, this attempt to satisfy the minimum requirement that interconnectivity with adjacent parcels is required, completely misses the mark.

- (ii) Interconnectivity with adjacent parcels **shall** be required. The word "shall" is properly interpreted as a mandatory term and consistently applied by Delaware Courts to remove any discretion. See Heil v. Nationwide Mut. Ins. Co., 372 A.2d 1077 (Del. 1977). Such a requirement, therefore, cannot be waived.

In ascertaining legislative intent (i.e., in this matter when the Council is acting to amend the zoning map through an Ordinance it is acting in a legislative capacity), Delaware courts utilize the plain meaning rule. See In re Adoption of Swanson, 623 A.2d 1095, 1096-97 (Del. 1993) (if a statute as a whole is unambiguous and there is no reasonable doubt as to the meaning of the words used, the court's role is limited to an application of the literal meaning of the words used). Application of the plain meaning rule is dispositive in this matter.

The term "interconnectivity" is not defined in the zoning code and must therefore be given its plain and ordinary meaning. See New Singular Wireless PCS v. Sussex Cty. Bd. Of Adjustment, 65 A.3d 607, 611 (Del.

2013). According to the Cambridge dictionary, the term interconnected means: "different parts or things connected or related to each other." Merriam-Webster defines interconnectivity to be "to connect with one another, to be or become mutually connected." DelDOT defines interconnectivity as physical connections of roadways and sidewalks between two or more independent developments or residential subdivisions. See DelDOT Development Coordination Manual, Definitions, effective May 2019.

The term "interconnectivity" is also found in §§ 115-29(M)(8), 115-37(C)(8), 115-45(F)(8), 115-53(K)(8), 115-77.1(D)(c), and 115-83.3(D)(c), and its usage in these provisions provides further support for the interpretation that the term "interconnectivity" means, in accordance with its plain and ordinary meaning, a physical connection between adjacent parcels for their mutual benefit.

Moreover, the use of the plural noun "parcels" following the word "adjacent" means that interconnectivity is required for at least two or more adjacent parcels if not all adjacent parcels. See Ins. Comm'r of State v. Sun Life Assurance Co. of Canada (US), 21 A.3d 15, 21 (Del. 2011). Recall that the Planning and Zoning Department had requested the applicant to provide interconnectivity to all adjacent parcels.

Therefore, the minimum district requirement set forth in the zoning code: **"interconnectivity with adjacent parcels shall be required,"** is properly interpreted to be a mandatory requirement that there be interconnectivity – not just the possibility of interconnectivity – to at least two adjacent parcels, if not all adjacent parcels.

Unless and until this minimum requirement in the zoning code is amended, the County government simply has no discretion to waive or lessen this minimum district requirement for this application. If the Council wanted to allow for waiver or lessening of this requirement, it knows how to legislatively do so. See Ordinance No. 3061, adopted in December 2024, concerning amendments to Chapter 99 of the code (with one amendment being: "that there will be safe and efficient vehicular and pedestrian movement within the site and to and from adjacent developed properties with interconnectivity where appropriate.") Since Council elected not to provide the same level of discretion for interconnectivity in § 115-83.25 as contained in Ordinance No 3061, Council must enforce this requirement in accordance with the plain meaning of the zoning code provisions. The applicant has not and cannot meet this requirement and its application must be denied.

- (iii) Interconnectivity is also important for mitigating the degradation of the functionality of Rt. 24 and for emergency response times.

Section 1.6.5 of the DelDOT Development manual states: "Private direct access may only be permitted on an arterial if there is no other reasonable

access from a lower classification roadway." The inability of the CZ2001 to provide the required interconnectivity is the reason why the intent of this regulation to limit direct access onto Rt.24 cannot be fulfilled and would, if approved, result in further degradation of the functionality of this arterial roadway.

In a July 14, 2023 Cape Gazette editorial, the benefits of interconnectivity were highlighted, to include faster emergency response times. In this regard, the editorial quoted a statement made by Mr. Glenn Marshall of the Sussex County Emergency Medical Services at an earlier Coastal Corridors meeting, that response times were often faster if they do not have to travel on Rt.9 and that interconnected communities could further improve response times. We know of no reason that Mr. Marshall would feel any differently about the traffic congestion on Rt. 24 and benefits of interconnectivity.

(b) CZ2001 fails to meet the **Minimum** District requirement that the site be served by adequate existing or planned infrastructure.

- (i) Section 115-83.25(B) requires the land area to be served by adequate existing or planned infrastructure.

Road Capacity is currently exceeded for the two-lane segment of Rt. 24 from the CZ2001 site across the Love Creek bridge. A traffic engineer, engaged by the Rt. 24 Alliance, provided data from the current Highway Capacity Manual (HCM), 7<sup>th</sup> ed., Exhibit 16-16, published by the Transportation Research Board (TRB), which states that the road capacity for a two-lane signalized arterial highway (one lane in each direction), LOS D, at speeds of 45 mph, ranges from 11,900 Annual Average Daily Trips (AADT) to 15,900 AADT. The 2022 DelDOT Traffic Summary reported in the McCormick Taylor TIS (pg. 10) listed an average daily traffic volume for Rt. 24 as being 18,591 trips in 2022. Clearly, this evidence demonstrates that the capacity for the two-lane segment of Rt.24 is already far in excess of the recognized capacity standard discussed above.

The Traffic Impact Study for CZ2001 is also woefully inadequate due to its failure to account for the additional traffic expected from the Atlantic Fields project that has already been through PLUS review. According to § 2.4 of the 2022 DelDOT Road Design Manual, traffic volumes estimated for 10 years after the expected completion of a project should be used. Atlantic Fields was mentioned by the applicant in its March 2025 Powerpoint presentation Executive Summary. The PLUS application submitted by the applicant for Atlantic Fields, shows that this development is projected to add 13,135 additional vehicle trips on an average workday. CZ2001 and Atlantic Fields together, if approved, will add 19,591 vehicle trips to an already overburdened Rt.24.

This data shows that the CZ2001 cannot meet the requirements of § 115-83.25(B) and its application for a rezoning to C-4 must be denied.

(c) The failure to meet these minimum and mandatory requirements requires denial of CZ2001.

Implementation of the Comprehensive Plan is dependent upon and relies on the County's zoning regulations to carry out the Future Land Use Plan. See § 4.4 of the Comprehensive Plan. No development shall be permitted except in conformity with the land use map or map series **and with land development regulations enacted to implement the other elements of the adopted comprehensive plan.** See 9 Del. C. § 6959(a). Since the applicant cannot meet these requirements, the application is not in conformity with the Plan and the site location is inappropriate for the C-4 rezoning sought. CZ2001 cannot be permitted and must be denied.

### **III. CZ2001 is Inconsistent with several important Implementation Strategies, Goals and Objectives for Future Land Use in general and those relating to compatibility in particular.**

If approved, CZ2001 would represent an extraordinary departure from the nearby land uses that are Institutional, Residential, Agricultural and Undeveloped Land with environmental features that may limit how this undeveloped land can be developed in the future.

(a) The Comprehensive Plan contemplates that the Strategies, Goals and Objectives contained in Chapter 4 (i.e, policy) will be used to implement the Future Land Use Plan.

- (i) Section 4.6.3 concerns future commercial and industrial development and states that "[i]t is important that commercial and industrial development occurs in a scale, intensity, and distance appropriate to adjacent residential neighborhoods;
- (ii) Section 4.6.3 also states that "[b]ased on the future land-use map it is expected that educational and public facilities would be constructed where the bulk of new development is to be encouraged and anticipated, given that this is where the demand is expected to be greatest;
- (iii) Objective 4.1.1 seeks to promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth;
- (iv) Objective 4.1.2 seeks to discourage incompatible land uses through the enforcement of existing land use controls, or through development of new controls, where appropriate;

- (v) Objective 4.1.3 seeks to promote commercial and industrial development in designated commercial, office, and industrial areas in a scale/intensity/distance appropriate to adjacent residential neighborhoods;
- (vi) Objective 4.2.1 seeks to engage in planning that considers the efficient location of public services and infrastructure;
- (vii) Objective 4.2.2 seeks to facilitate more intergovernmental coordination efforts so that development and infrastructure expansion takes a regional approach rather than a site-specific approach;
- (viii) Goal 4.4 seeks to minimize the adverse impacts of future development on existing development;
- (ix) Objective 4.4.1 seeks to ensure that new development complements the character of the existing surrounding communities

Taken together, these strategies, goals and objectives appearing in Chapter 4 (Future Land Use) of the Comprehensive Plan are intended to inform the County and the public how decisions will be made relating to future land use in general and with respect to developer-initiated rezoning applications in particular. The above listed policy statements, primarily relate to the County's obligation to:

- Ensure that any rezoning and related development will be compatible with the surrounding neighborhood and to discourage incompatible land uses;
- Take into account that educational and public facilities are expected to be located where the majority of new development is to occur as projected in the FLUM to meet the public's need in the most efficient and convenient manner; and,
- The availability of supporting infrastructure is critically important to any future land use decision, to include developer-initiated rezoning requests.

These policy statements (e.g., "adjacent neighborhoods", "existing development", and "surrounding communities") also strongly suggest that compatibility is to be determined by comparing the proposed development with adjacent and immediately nearby land uses and not the broad comparison area suggested by the applicant. The broader the area used, the less meaningful it becomes for comparison purposes.

As noted above, the nearby land uses are predominately Institutional, Residential (single family), Agricultural and Undeveloped Land with environmental features that may limit the development options for this land. There are no large apartment buildings in this immediate area and, while there are some commercial uses nearby, all are small in size and scope and have little impact on traffic congestion on Rt. 24. On the other hand, the development project proposed by the CZ2001 is a significant departure from

the current existing land uses, will not be compatible with these existing land uses, and as noted above, will not be supported by existing or planned infrastructure.

In particular, the Council should note and take into account that the current land uses for this immediate comparison area now include the Love Creek and Beacon Middle schools. The location of these public facilities, properly located in an I-1 (Institutional) zoning district, arguably represents a significant change in character and use of land in the immediate comparison area from when the FLUM was created.

Indeed, from a planning perspective, all attempts should be made to discourage any development on both the CZ2001 site location and the undeveloped land adjacent to the Love Creek Elementary school unless for future educational and public facilities. As noted in the Future Land Use Plan, educational and public facilities are expected to be located where the majority of new development is to occur and where the public's need can be met in the most efficient and convenient manner.

A recent amendment of 9 Del. C. § 6956(g)(11) to require an educational element be included in any future update to the comprehensive plan is relevant to your review of CZ2001. This statutory provision requires that any educational element include recommendations for promoting coordination between residential development and adequate school capacity and must take into account any adequate public facilities ordinance or other county code provisions relating to school capacity. Moreover, Senate Bill No. 327, the legislation which amended this statute, also required the State Department of Education, in consultation with the local school districts, the local planning agencies, the Office of State Planning Coordination and municipalities to develop guidance and policies for implementing the required educational element. In this policy guidance, the Department of Education stated, among other things, that "[t]he plan should include an evaluation of potential future school sites relative to district capacity and targeted growth areas. Co-location of multiple educational facilities on a single site can reduce infrastructure costs through shared common services. Integration of school site into adjacent communities with pedestrian-friendly access is likewise encouraged." Since a rezoning is essentially an updating of the comprehensive plan, albeit on an ad hoc or piecemeal basis, there is no reason why these requirements cannot be a factor for the Council to consider in this matter.

In any event, approving CZ2001 would forever remove this site location, adjacent to the Beacon Middle school, from consideration as a more appropriate land use that would be in the best interest of the public as explained by the authorities discussed above.

#### **IV. The Council is required by statute to consider the character of the area in any zoning or rezoning matter.**

9 Del. C. § 6904(b) requires that enactment of the County's zoning regulations be made with reasonable consideration of, among other things, the character of the particular district involved, its peculiar suitability for particular uses, the conservation of properly

values and natural resources and the general and appropriate trend and character of land, building and population development.

Consideration of the character of the particular district involved is similar to the County's obligation to consider whether a proposed development will be compatible with existing nearby land uses. In this regard, the Delaware Court of Chancery has noted that the Council's consideration of character is particularly important in zoning and rezoning matters. See Gibson v. Sussex County Council, 877 A.2d 54, 75 (Del. Ch. 2005).

Developer initiated rezoning requests, particularly when the rezoning sought is for a relatively small parcel, makes the character/compatibility factor even more important to the decision the Council is called upon to make. Of all the applicable zoning districts deemed potentially appropriate for a future commercial planning area, the requested C-4 rezoning for this relatively small parcel is clearly out-of-character for this planning area and incompatible with the nearby existing land uses.

## **V. Developer-Initiated Rezoning Requests Require Council to Consider the Cumulative Impact of All Pending, Planned or Expected Rezoning Applications.**

Developer-initiated rezoning requests are, by their nature, piecemeal and typically concern a relatively small parcel of land. While the FLUM and associated regulations and guidance from the Future Land Use Plan attempt to address the gaps inherent in these piecemeal rezoning applications, one factor that is frequently overlooked is the cumulative impact of all pending, planned or expected rezoning applications. Both 9 Del. C. § 6904 and provisions of the Quality of Life Act arguably require consideration of the cumulative impact.

Section 6904(a) provides in pertinent part: zoning regulations are to be adopted and interpreted to "promot[e] such distribution of population and such classification of land uses and distribution of land development and utilization as well tend to facilitate and provide adequate provisions of public requirements . . ." This requirement can only be properly addressed and met if the cumulative impact of all pending, planned or expected rezoning applications is considered.

Similarly, the purpose of the 9 Del. C. § 6951(a) (Quality of Life Act) addresses the need to consider cumulative impact for rezoning applications: "It is the intent of this subchapter to encourage the most appropriate use of land, water and resources consistent with the public interest and to deal effectivity with future problems that may result from use and development of land within [the County governments'] jurisdictions." The only effective way to deal with these problems is to consider the cumulative impact of all pending, planned or expected rezoning applications and act to stop or mitigate the problems before they occur. A novel approach, perhaps, but one we think the public is expecting if not demanding.

These authorities provide support for, if not require, the Council to take cumulative impact into account when reviewing CZ2001 and other rezoning applications pending, planned or expected. Indeed, proper growth management cannot occur without considering the cumulative impact of all pending, planned or expected rezoning and other land use applications.

Sussex County is long past the time when decisions concerning individual land use applications can be made in isolation from other individual land use applications without the risk of significant adverse consequences. Priorities and land use regulation need to change to shift the focus more on quality of life factors and less on accommodating largely unrestricted market-driven development that is unaligned with supporting infrastructure (defined broadly).

### **Conclusion**

Based on the foregoing discussion and analysis, CZ2001 should be denied. We implore you to not make the mistake of rushing to approve a good concept in the wrong location. CZ2001 is a square peg, round hole application, plain and simple.