



STATE OF DELAWARE

OFFICE OF THE GOVERNOR

TATNALL BUILDING, SECOND FLOOR
WILLIAM PENN STREET, DOVER, DE 19901

JACK A. MARKELL
GOVERNOR

PHONE: 302-744-4101
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January 20, 2016

The Honorable Mayor David F. Lyons, Sr.
Town of Henlopen Acres
2 West David Street
P.O. Box 294
Frederica, DE 19946

RE: Proposed Comprehensive Plan

Dear Mayor Lyons,

I write to formally notify the Town of Henlopen Acres (the "Town") of my decision to decline the Town's request for certification of the proposed ten-year update to its Comprehensive Plan (the "Plan"), as approved by the Town on December 12, 2014, and submitted to the State for review on January 12, 2015, pursuant to the process set forth in the Delaware Planning Act.¹ By way of this letter, and pursuant to 29 *Del. C.* § 9103(f), I hereby return the Plan to the Town for recommended revision as outlined in Findings and Recommendations memorandum of the Cabinet Committee on State Planning Issues, which was transmitted to me (and provided to the Town) on December 31, 2015. As detailed in the December 31 memorandum, the Cabinet Committee's recommendations are designed to encourage the Town to negotiate an acceptable Memorandum of Understanding with the Rehoboth Art League or, (additionally or alternatively), reconsider adopting a new zoning designation that is suitable to the unique needs of the RAL but also appropriately reflective of the priorities and concerns of the Town.

Of course, the Town retains its statutory authority to accept or reject these recommendations, and the final decision on whether to adopt the comprehensive plan, notwithstanding the State's objections, rests with the Town. While my decision does not alter the Town's authority to make decisions regarding planning and zoning, I nonetheless encourage Henlopen Acres to seriously

¹ 29 *Del. C. Ch.* 91, *subch.* 1 (state planning process); 29 *Del. C.* § 9103(f) (certification process).

Hon. Mayor David F. Lyons, Sr.

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consider the recommendations. Please do not hesitate to contact my office if we can be of assistance.

Sincerely,

A handwritten signature in blue ink that reads "Jack Markell". The signature is written in a cursive, flowing style.

Jack A. Markell

Governor

CC (VIA EMAIL):

Thomas A. Roth, Henlopen Acres Town Manager (townmgr@henlopenacres.com)

Daniel F. McCallister, Esq., Counsel to Town of Henlopen Acres (dan@bmbde.com)

Glenn Mandalas, Esq., Counsel to Town of Henlopen Acres (glenn@bmbde.com)

Connie Holland, Director, Office of State Planning and Coordination

Cabinet Committee on State Planning Members