



President's Message

Since the establishment of BBLA in 1969, member volunteers have carried out the purposes of the Association, which include: keeping members informed about important issues and developments; obtaining member input on issues; advocating on behalf of our members before the Town government; and fostering public awareness and participation in Town proceedings and elections.

There have been a number of significant issues in recent months that warranted member attention, including: Progress on the Town streetscape project; beach replenishment; the new water tower; development of the Church-Neff property; and, most recently, the proposed rezoning of the property now occupied by the Bethany Arms on the north and south sides of Hollywood Street between Atlantic Avenue and the Boardwalk. The BBLA Board of Directors closely monitored developments, hosted a well-attended public meeting, gathered information and shared it with members, advocated on their behalf as appropriate, and urged them to make their views known to the Council. Updates on the issues mentioned and other matters are provided on the following pages.

Perhaps the most controversial issue mentioned is the rezoning proposal. The BBLA Board has not taken a position on the merits of the proposal. Rather, throughout the Council review process, the Board sought more information and time for deliberation for our members and wider public awareness, participation and input on the decision-making process. **Toward that end, the Board strongly recommended in a letter on April 18th that the Council conduct a non-binding referendum** or a survey to determine the opinion of as many property owners as possible on the zoning change.

On June 21, 2013, those efforts and those of many citizens proved successful when **the Council decided to conduct a non-binding referendum among eligible voters by mail ballot** to determine their opinions on the matter. We applaud the Council's decision and its other efforts to provide opportunities for public input on this important issue. **We urge all eligible voters** to carefully review and consider the information to be sent with the referendum ballot and other relevant information **and to complete and return the ballot on time.** To assist in this, we have included a list of some criteria and perspectives in this newsletter for consideration.

We are sending this newsletter to all town households, due to the rezoning information.

Another important matter I want to mention is that the annual election for the Town Council to be held on Saturday, September 7, if it is a contested election. Anyone wishing to serve on the Council must file as a candidate no later than July 24, 2013. For details, go to: <http://www.townofbethanybeach.com/CivicAlerts.aspx?AID=322>. We have developed a preliminary list of questions for candidates and included it in this newsletter and will forward their responses to all citizens for consideration if there is a contested election.

Finally, I want to express my appreciation to all our volunteers for their efforts on behalf of our members and the Town. We welcome all who want to volunteer. Working together we will have a stronger organization and influence for the good of the community.

Have a safe and enjoyable summer.

John Himmelberg, President

ISSUES UPDATE

Update on Rezoning Proposal

This is a bare bones description. The Bethany Arms motel sits on property zoned commercial (C-1) on the North side of Hollywood and on property zoned residential (R-1) on the South side. The Bethany Arms has operated there for over 50 years. The family that owns the Bethany Arms has decided to sell and retire. The existing buildings will be torn down and something else built. The issue is whether a Commercial Lodging Zone (CL-1) should be established on those properties, (thereby downzoning the C-1 lots and up-zoning the R-1 lots) or whether the existing zoning should continue.

Recent History

The Council requested the Planning Commission to review and make a recommendation to the Council on the issue of whether Lot 1 in Block 106, located at the corner of Atlantic Avenue and the north side of Hollywood Street, currently zoned commercial (C-1), and Lots 9,10,11&12 in Block 110, located at the corner of Atlantic Avenue and the south side of Hollywood Street, currently zoned Residential (R-1), should both be rezoned to a new Commercial Lodging (CL-1) Zone.

Lot 1 on the north side of Hollywood consists of about half the entire block between Atlantic Avenue and the Boardwalk. The four lots on the south side of Hollywood (amounting to about one third of that block) are commonly identified as 96 Hollywood Street (with approximately 10 apartments that are part of the Bethany Arms complex and a parking lot for motel guests) and 98 Hollywood Street (a separately owned four-unit commercial lodging building). The Bethany Arms had been granted a special use exception that has permitted them to operate in the residential zone for at least 50 years.

Earlier in the year, the Town Planning Commission had recommended six proposed zoning changes including that the four lots on the south side of Hollywood be rezoned to C-1 Commercial, which would have allowed a wide-range of permitted commercial uses. The proposals were precipitated by a contingency plan presented to the Town Council by Mr. Jack Burbage, a developer and a Bethany Beach property owner. The proposals would update the town code as well as serve to facilitate Mr. Burbage's plan, which essentially is to build a new two-building 3-story hotel to replace the 3-story Bethany Arms Motel on the north side of Hollywood, as well as the Bethany Arms apartment building on the south side. In May, 2013, the Council unanimously approved five of the six proposals, but deferred any decision on the rezoning of the lots south of Hollywood Street that are currently zoned residential.

The Council referred the rezoning issue back to the Planning Commission to consider and make a recommendation as to whether a new Commercial Lodging Zone should be created (CL-1) and the specified lots south (and north) of Hollywood should be rezoned accordingly. Subsequently, the Planning Commission reviewed the matters referred to it by the Council and voted to recommend creation of the new CL-1 Zone; rezoning the properties described south and north of Hollywood Street from R-1 and C-1, respectively, to the new CL-1 Zone; and to amend the 2010-2020 Comprehensive Plan to provide for the zoning change; and to send the implementing documents to the State Office of Planning for review and possible approval in accordance with State requirements whenever changes are being proposed to a approved Comprehensive Plan.

In a decision on June 21, the Council unanimously voted to conduct a non-binding referendum among eligible Bethany Beach voters by mail ballot to obtain their opinions regarding the possible rezoning of the lots north and south of Hollywood Street to a new Commercial Lodging (CL-1) designation. For more information see the Coastal Point article at

http://www.coastalpoint.com/content/bethany_hold_nonbinding_referendum_proposed_cl1_zone or the Town website.

BBLA welcomes this decision, as BBLA strongly recommended that the Council conduct such a referendum in the interest of wider voter involvement and participation and to assist the Council members in making a decision on the matter. We understand that the ballot will be mailed out to all Bethany Beach voters later in July with an anticipated deadline for returning the ballot around mid-August. We also understand that the mail ballot will include information about the issue. Please carefully review and consider the factual information provided by the Town and other sources, and complete and return your ballot by the date designated.

Below is a list of some criteria and perspectives that support and oppose the proposed commercial lodging rezoning

Is a hotel consistent with the traditions of Bethany Beach?

Supporters note that “Bethany has not been without a downtown hotel since 1910. With the loss of the 37 rooms formerly in the Blue Surf location and the closing of the 56 rooms in the Bethany Arms operation the Town will not have regular motel rooms.”

Opponents say “Bethany Beach has traditionally been a family resort. That is the reason people have vacationed here, returned year after year, and purchased property here. There is nothing "family" about this proposed hotel.”

Is the CL-1 zoning category in the best interests of all citizens?

Opponents say “Where residential and commercial zoning abut or collide, if you will, in Bethany, extra special care must be exercised to guarantee that the property rights and values of residents take precedence over the rights and values of commercial owners”.

Supporters contend that “downzoning” the north side from commercial to commercial lodging “would prevent the creation of a new building on the north side of Hollywood Street which would potentially feature uses, such as a heavy concentration of retail that would be less acceptable than a quieter use like a hotel”.

Supporters of a creation of a commercial lodging zone feel the 50 years plus usage of the property on the South side of Hollywood as commercial lodging is significant.

Opponents argue that the R-1 zoning, established for the south block more than 50 years ago, should govern.

Is a CL-1 zoning category and rezoning the specified areas consistent with the Town’s Comprehensive Plan?

Both supporters and opponents cite different sections (and sometimes the same section) of the Comprehensive Plan to come to different conclusions. The issue will be decided by the State Office of Planning that reviews all changes to any Comprehensive Plan, as part of normal state procedures. The State Office of Planning (SOP) meeting will possibly occur toward the end of July in Dover. Any decision by the State Office of Planning (SOP) to allow the proposed changes (new zoning district and rezoning of properties) does not require the Town to actually make those changes, but without the SOP approval the Town cannot make those changes to the Comp. Plan. Upon approval by the SOP the Town will still have to hold public hearings and vote whether or not to approve the creation of a new zoning district and the rezoning of the affected properties in the form of an ordinance.

Supporters believe that the hotel use is part of preserving Bethany Beach the way the Comp. Plan envisions, that change is coming and that the proposed rezoning to CL-1 would

channel growth in a “Quiet Resorts” fashion as opposed to what may happen otherwise where the Town would have far less control of the possible future commercial uses of the Bethany Arms properties.

Opponents believe that rezoning lots on both sides would allow too large, too imposing, too intense a hotel use, that is not in keeping with the expressed Plan goals of maintaining the “Quiet Resort” nature of Bethany.

Is this a time when changing zoning is appropriate?

Opponents feel it “may send a bad message/precedent to go so far as to make major zoning changes to attract a single developer”.

Supporters note that the town, in public meetings, has provided information on several rezoning changes done in past decades, and that it is better for the Town to manage change rather than to react to it. Supporters also feel that the Bethany Arms property usage in a CL-1 zoning district will remain as it has been used in the past and, as these properties are the last and only parcels of downtown real estate that can be developed commercially, the proposed rezoning is not precedent setting.

Is the scale of the proposed hotel consistent with the best interests of all citizens and respectful of the rights of adjacent residential property owners?

Opponents feel “some or many residents value having a motel in Bethany but not on the scale of what is possible if both the north and south parcels are rezoned to CL-1.” They have expressed concern of whether a hotel of that size is economically viable, given the seasonal nature of business and concerns the prospective buyer had not formally “studied whether it would be feasible to build a small hotel using only the currently commercially zoned property.”

Supporters note that feasibility studies have been done that persuaded prospective owners and banks that the proposed hotel is feasible and that a smaller hotel on the North side only, given the relatively high price of Bethany land, is not economically viable per studies already done.

Opponents note that perceptions have been expressed of a hotel causing parking problems, beach congestion and additional unwanted tourists

Supporters point out that, the total number of beds in the proposed new hotel is smaller than the total number of beds in the old Blue Surf and the current Bethany Arms, because the new hotel would have smaller rooms; that there would be minor impact on parking congestion for the Town’s 1720 metered and permit spaces (since parking is required within the hotel); and the hotel would be beneficial to survival of the small businesses that contribute to the character of the town.

Opponents recognize that nearby residents are concerned about the effect on them. Concerns are expressed over the increased bulk, mass and lot coverage of a hotel building south of Hollywood as compared with residential use and that the hotel “would produce a solid wall on both sides of Hollywood St., along Atlantic Ave”.

Supporters comment that, with or without the hotel, nearby residents will face change, “as the Bethany Arms will be torn down and replaced with buildings that will be a full three stories tall on both sides of Hollywood even if the zoning remains unchanged”. They note that the final design of the hotel requires approval of the town nonresidential design review committee, and that the developer would receive input of nearby property owners.

Supporters note that the hotel will be owned by a local family, that the affiliation with a national chain is minor in terms of a necessary link with a national reservation service and that no name or description of a national chain would appear on the outside of the structure.

Opponents are concerned about a new hotel having an affiliation with a national hotel chain.

Update on Beach Replenishment

The U.S. Army Corps of Engineers recently notified the Town about the status of a plan to replenish the beach and restore the dune. Initial information is that work will be done before next summer.

On June 18, 2013, the Corps awarded a contract to Great Lakes Dredge and Dock Company for coastal repair and restoration work in Delaware. The contract includes the pumping and placement of 1.3 million cubic yards of sand onto Rehoboth, Dewey, Bethany, South Bethany and Fenwick Island beaches. The project also involves some repair of dune crossovers, fencing and the planting of dune grasses.

A Notice to Proceed was expected to be issued in early July, which will enable the company and the Corps to develop a schedule and the Corp will work closely with DNREC on project developments. For further information and status updates go to: www.nap.usace.army.mil/coastal.

Update on Development of the Church/Neff Property

The Church/Neff property is the 5.9-acre site, owned by the Town, at the northwest corner of the intersection of Routes 1 and 26. The property will be developed as a park. Currently the site has been cleared of scrub brush, drainage improved to eliminate low spots and the dirt areas seeded. It looks very green.

A member of the BBLA Board met with the Town Manager, Cliff Gravier, on June 18 for an update on the next step in the planning process, which is a survey of all voters. The survey, when complete and the results compiled, will be the starting point to assist the Town Council in developing a final site plan.

The survey will be created, distributed, compiled and a report prepared entirely by the University of Delaware. We understand that a draft of the survey will be available on the Town website. According to Mr. Gravier, it will start by developing broad issues and not with lists of specific uses. There will be space for written comments.

When the survey reaches you within the next month to six weeks, please take the time to review it carefully and respond. It may be helpful to take a few minutes and look at the property. One of the big questions will be how people will access the site, especially from the downtown side of Route 1. Please be careful crossing Route 1. The safest point is probably one block north of the intersection of Routes 1 and 26 intersection.

Any parking provided will probably be on the north side of the park off Central Avenue. Current thinking is that there will not be restrooms on this site. BBLA will consider and support the best use of the park for all. Please think about how you would like to use it as you respond to the survey.

Update on Streetscape

The first phase is completed. The second phase will start well after Labor Day and will be completed by spring 2014. More information is available on the town website at <http://www.townofbethanybeach.com/MediaCenter.aspx?CID=Town-Projects-2>

Update on Water Tower

At a Council workshop in May, Mr. Ron Foreman, Water Plant Director, reviewed what has been accomplished so far, illustrated where these future portions of the project were to be installed and provided this Future Construction Schedule:

Concrete Foundations - 9/9/2013 to 11/1/2013

Tank Erection – 11/4/2013 to 3/21/2014

Painting – 3/24/2014 to 5/16/2014

Piping, Controls & Lighting - 3/24/2014 to 5/16/2014

OTHER ITEMS OF INTEREST

Farmers' Market Seventh Season

The seventh season of the Bethany Beach Farmers' Market began on Sunday, June 16, and will conclude on Sunday, September 1. It is located in the PNC parking lot at the corner of Garfield Parkway and Pennsylvania Avenue.

The market opens at 8:00 am and concludes at noon on Sundays. It features a wide variety of locally grown, freshly picked, farm produce, as well as baked goods and other products popular with area residents and our many visitors. For more information, or if you want to volunteer to help out, e-mail the organization at: www.bethanybeachfarmersmarket.com.

The marketing team would like to thank the Bethany Beach Town Government and PNC Bank for their continuing generous support.

Mediacom Lives On

On June 21, 2013, the Council approved a cable franchise agreement between the Town and Mediacom, LLC, as recommended by the Cable Franchise Working Group.

It's Getting to Be that Time Again: Council Election Day

The annual election for the Town Council will be held on Saturday, September 7 from 12:00 Noon to 6:00 pm at Town Hall, if there is a contested election.

Anyone who wants to be a candidate for the Council must file a written Notice of Intention (Application for Candidacy) in the Town Manager's Office at Town Hall no later than 4:30 pm on Wednesday, July 24, 2013. Eligibility criteria and filing details are available at: <http://www.townofbethanybeach.com/CivicAlerts.aspx?AID=322>.

Questions For Candidates

Since its early beginning over 44 years ago, BBLA has recognized and emphasized the vital importance of Town Council elections in our community and many of our BBLA members have served on the Council. BBLA has also provided a number of services to enhance the election process. For example, BBLA seeks input from its members to identify issues that are important to them and questions they would like to ask candidates. If there is a contested election, BBLA provides member questions to all candidates and affords them an equal opportunity to present their views; publicizes their responses to all Town citizens; and encourages maximum voter participation, in person or by absentee ballot. Following is a list of questions.

1. **Looking Forward.** What are the three most important issues or goals facing the Town in the next five years and how would you recommend that they be addressed?
2. **Looking Back.** Please identify two or three Council actions you consider to have been most beneficial to our community during the last two years. Are there any that you think should be reconsidered?
3. **Rezoning.** Are you for or against the proposed Commercial Lodging (CL-1) rezoning? Please explain your position.
4. **Church-Neff Property.** Regarding the planned development of the property into a park, what features and uses would you like to see? What do you think should be included?

Please send your comments regarding these or suggestions for other questions to John Himmelberg by e-mail at the link provided at www.bbla.us or by mail to BBLA, P.O. Bo 401, Bethany Beach, DE 19930.

NEWSLETTER CONTRIBUTORS

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