

LEWES PLANNING COMMISSION
REVIEW CONSIDERATIONS
PURSUANT TO CHAPTER 170-19, (E) (1-22)
LEWES WATERFRONT PRESERVE

MAY 29, 2019

1. The proposed Lewes Waterfront Preserve (the development) is in compliance with Chapter 197 and other applicable provisions of the Code of the City of Lewes. The development is currently proceeding with Planning Commission review in accordance with Sec. 197-19(E) and is a use permitted in the AX-RES Zoning District.

The development is in full compliance with the Cluster Lot Option Design Requirements set forth in Sec. 197-50, Cluster Development of the Lewes Zoning Code:

- A) Permitted Residential Units – Townhouses are a permitted residential use and for developments using Cluster Option #2, the number of Permitted Residential Units is calculated by determining the Base Permitted Residential Units and adding 30% of the base. The development is permitted 90 residential units as proposed (34.64 acres = 1,508,918.4 square feet ÷ 21,780 square feet = 69.28 units plus 30% of 69.28 = 20.78 units or a total of 69.28 + 20.78 = 90.06 residential units.)
- B) Cluster Lot Option Design Requirements – The townhouse buildings and lots, as well as all other site improvements, are completely outside of all wetland areas and completely outside of the 100 year flood plain as shown on the FEMA Maps. An agricultural buffer is provided, a residential buffer is provided, homes are clustered on the environmentally suitable portions of the parcel, a fifty foot buffer is provided from all wetlands, no buffer width averaging is requested and stormwater management will be constructed in compliance with DNREC Regulations and detention and retention facilities will be designed to resemble a natural pond.
- C) Required Open Space – The open space is one contiguous tract adjacent to existing wetlands, waterways and wildlife corridors. The required

percentage of open space is 50% and the development will have approximately 23.46 acres of open space which is 67.7% of the parcel.

- D) Table of Dimensional Regulations – The development will comply with all requirements of the Table of Dimensional Regulations applicable to the AX-RES Zoning District.
2. The development is well integrated into the existing terrain and landscape. In accordance with the Cluster Design requirements, A) All lots are contained completely outside of all wetland areas and clustered on the environmentally suitable portion of the parcel, B) A minimum 50 foot buffer is provided from all wetlands, C) All lots are located outside of the 100 year flood plain as shown on the FEMA Flood Maps, in Zone X, being the area of minimal flood hazard as designated by FEMA, D) All existing perimeter wooded areas will be preserved in their existing state, E) Adjacent agricultural and residential land shall have buffers or berms in accordance with the cluster requirements and F) The site frontage along New Road will provide corridor landscaping, a meandering shared use path and attractive fencing in accordance with the guidelines of the Historic Lewes By-Ways Committee.
 3. No wetlands or the 100 year flood plain will be used or disturbed and will remain as open space.
 4. The development will provide 23.46 acres of open space which is 67.7% of the site. The natural and possible cultural features of the property will be preserved in the open space which will be subject to a conservation easement protecting the water ways, wetlands, wildlife corridors, the perimeter wooded areas, the 100 year flood plan and possible archaeological resources.
 5. The 23.46 acres of the property that will remain in open space makes up approximately 67.7% of the total site, well in excess of the 50% requirement of the cluster option #2 of the AX-RES District. All wetlands and perimeter wooded areas, as well as the 100 year flood plain will remain undisturbed and the New Road frontage will be designed and landscaped in accordance with the guidelines for the Historic Lewes By-Ways Plan.
 6. No perimeter tress or wooded areas will be removed and grade changes will be minimized except for landscaped buffers and berms.

7. Landscaped buffers and berms will be provided along adjacent properties and the site frontage along New Road will provide corridor landscaping, a meandering shared use path and attractive fencing in accordance with the guidelines of the Lewes Historic By-Ways Committee.
8. Water for domestic use and fire protection will be provided by the Lewes Board of Public Works.
9. Sewage disposal will be provided by the Lewes Board of Public Works.
10. Stormwater management facilities will be designated and constructed in accordance with Delaware's Department of Natural Resource and Environmental Control's (DNREC) current sediment and stormwater. Regulations which became effective on February 11th of this year. The regulations employ a comprehensive approach to sediment control (both during and after construction) and stormwater management. The regulation include sediment control and inspection during construction, post-construction inspection of permanent stormwater facilities and stormwater quantity and water quality control the stormwater retention area will be designated to resemble a natural pond in compliance with the cluster option design requirements.
11. See #10.
12. The entrance to the development and related roadway improvements will be designed and constructed in accordance with DelDot Requirements . The entrance will be located opposite Creekside Drive as instructed by DelDot. Fifteen (15) feet of additional right of way will be dedicated to provide a forty (40) foot right of way from the center line of New Road, along the frontage of the parcel. In addition, a fifteen (15) foot easement will be established along, but outside of the right of way. A meandering shared use path will be constructed within the easement area and adjacent landscaped buffer. Sidewalks will be provided on both sides of the development streets. A contribution, as determined by DelDot will be made to DelDot's planned Canary Creek Bridge improvements project.
13. Townhomes are a permitted use in the AX-RES Zoning District and will not have an adverse effect on area property values. The anticipated purchase price for the townhouses is the mid to high \$400,000.00 range. The existing Canary Creek Townhouse community is located nearby. The townhouses

will provide an alternative to homes on single family lots, which the Lewes Comprehensive Plan states are often too big on lots that are too large to accommodate the plan's goal of creating "aging in place" residential uses for older Lewes residents.

14. The development will have no adverse impact on schools, public buildings and community facilities. Owners will make significant contribution to the Cape Henlopen School District through payment of Sussex County Real Estate Taxes. The annexation committee appointed to consider the annexation of the property determined that positive financial benefit would result to the City by the annexation and development of the property. The annexation committee estimated that the annual cost increase for City services resulting from annexation of the Brittingham property would be \$8,929 and that the development of the parcel with 90 townhouses would generate a one-time payment to the City of \$171,400.00 for construction permits and plan review and \$61,560.00 in recurring annual revenue.
15. See #12.
16. The development is a permitted use in the AX-RES Zoning District. The environmentally sensitive features of the site including waterways, wetlands, wildlife corridors, the perimeter wooded areas and the 100 year flood plain will all be preserved as open space. Adjacent agricultural lands and residential uses will have landscaped buffers in compliance with the cluster option, design requirements and a landscaped buffer will be provided along the New Road site frontage in accordance with the guidelines of the Historic Lewes By-Ways Committee.
17. There will be no adverse effect on area waterways. Stormwater management facilities will be designed and constructed in compliance with DNREC's current sediment and stormwater regulations. The site design provides for the preservation of all waterways and wetlands and a minimum fifty (50) foot buffer is provided from all wetlands.
18. See #14.
19. See # 14.

20. The Historic Lewes By-Ways Committee has offered its endorsement of the preliminary ten (10) foot wide landscape plan for the New Road frontage. As a result of the applicant increasing the buffer to thirty (30) feet, additional discussion will take place for the Committee's input.
21. Jobs will be created by the site work and home construction of the development. New residents of the development will create additional need for goods and services. The National Association of Homebuilders, indicate that a single family home creates an average of one full time job per house in the economy.
22. The majority of residential uses in Lewes are single family homes on individual lots. The development will contain 90 attached single family homes (Townhouses) providing a housing option at a more affordable price than an average single family home on an individual lot.