

FISHER'S COVE

PROPOSED FINDING

PRELIMINARY CONSENT 170-19E(1-22)

§ 170-19 Preliminary consent.

A-D. The Application is complete.

E.

(1) Compliance with the provisions of this chapter, Chapter 197, Zoning, and any other applicable provisions of the Municipal Code of the City of Lewes.

The site plan complies with 197-26 R-2 Low Density Residential. All lot dimensions exceed the limits. The average lot size is 12,832 square feet or 29% greater than what is allowed. The City Engineer has concluded that the property is suitable for the proposed subdivision. The City engineer concludes with minor adjustments that can be addressed that:

"3a. All building lots (1-18) are suitable for subdivision as requested. The applicant's engineer's changes to the plans have ensured that all developments, lots, and properties are provided with a drainage system that is adequate to prevent the undue retention of surface water on the site. The changes have also eliminated the previously proposed stormwater infiltration basins.

5. Certification of the Plat Plan is complete and in full accordance with the subdivision regulations, as well as fits into a plan for orderly development of the City:"

(2) Integration of the proposed major subdivision into existing terrain and surrounding landscape.

The development is well integrated into the existing terrain and landscape. All lots are outside of wetland areas, on upland (9.6 acres) and will have landscaped buffers. By proposing larger lots than those found on Rodney Street along with 3.46 acres open space (31.2%), the subdivision is harmonious with the surrounding landscape as it transitions well with the University property to the North. The Applicant shall comply with all SCD, DNREC and FEMA requirements relating to stormwater and floodplain.

(3) Minimal use of wetlands and floodplains.

No wetlands, 1.22 acres, will be disturbed. Applicant will meet or exceed all, SCD, DNREC, FEMA and Lewes Floodplain (§197-73) laws and regulations for permitting.

(4) Preservation of natural and historical features.

The development provides 3.46 acres of open space (31.2%). In addition, 15 foot landscaped buffers are provided in the rear of the lots and at least 2 street side tree planting will be required. The applicant shall submit a final landscape plan to the Parks and Recreation Committee review and will be planting indigenous species as recommended. An Arborist has completed an initial report.

(5) Preservation of open space and scenic views.

The larger lots will help preserve scenic views as will the island in the cu de sac and protect of all existing wetlands. Lots on uplands and landscaped buffers likewise will preserve scenic views. The Fisher House will be preserved as one of Lewes's oldest, historical home and should be considered a valuable scenic asset. An easement for walking is planned across the edge of the Fisher House property with a natural surface.

(6) Minimization of tree and soil removal and grade changes, except to ease flood concerns.

Minimal tree removal will be implemented and tree planting will be required. Soil removal and grading will comply with SCD, DNREC and FEMA requirements

(7) Screening of objectionable features from neighboring properties and roadways.

Fifteen (15) foot Landscaped buffers shall be maintained between adjacent properties although no objectionable features are shall be present.

(8) Provision for water supply.

Water shall be provided by the city based on the BPW and the City engineer's plans to be determined with final site plan approval.

(9) Provision for sewage disposal.

Sewer shall be provided by the City based the BPW and the City engineer's plans to be determined with final site plan approval.

(10) Prevention of pollution of surface water and groundwater.

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.

In addition, FEMA and Lewes Flood plain law requires approval of any disturbance of flood plain to prevent any negligible effect on neighboring properties. The applicant must comply with these requirements to obtain final approval.

(11) Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater recharge is maximized.

See response #10.

(12) Provision for safe vehicular and pedestrian movement within the site and to adjacent ways.

The community will be accessed by Rodney Street. In 1947 Rodney Street was deeded to the Commissioners of Lewes "to be used as a public street or highway" fifty feet wide, Book 371 Page 308. Lewes Code §170-27(a)(3) provides that "*Stub streets will be located or easements will be granted so as to permit the future development of interior parcels.*" Streets are defined in §170-60 as "*furnishing access to abutting properties and space for sewers and public utilities.*"

170-27(B) provides that: "*Streets shall be arranged to conform to the arrangement of both existing and planned streets, so as to form a harmonious and systematic development of the City's secondary roads and through highways, and shall be connected with such existing roads and highways so as to form continuation thereof. Residential streets shall be laid out so as to discourage their use as secondary roads or through highways.*"

The access on Rodney Street not only conforms to the City's street policy it is required. The internal streets will be designed to City and Fire Marshal standards. The circular pattern creates a harmonious pattern and discourages the use as a secondary road. Finally the sidewalks and proposed easement encourages pedestrian and bike movement. The internal roads will be designed for minimal speed limits, and improvement to Rodney Street may be made as required by City Council.

Per the Lewes Comprehensive plan, the roads shall be designed to consider safety and potential flooding.

(13) Effect on area property values.

Single Family Homes are a permitted use in the R-2 Zoning District and will not have an adverse effect on area property values. Because of the location and size of these lots, the anticipated purchase price for lots in this market is the mid to high \$419.9K to 448K range. The Rodney Street and Hornkill Street communities are located nearby. Based on comparable and expected pricing in this market, property values in those communities should increase as higher end homes are built in their vicinity.

(14) Effect on schools, public buildings and community facilities.

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 City impact fees and annual taxes should be a significant net positive for city revenue.

(15) Effect on area roadways and public transportation. The Planning Commission, by majority vote, may require a traffic impact study conducted by an outside agency at the expense of the applicant, should conditions warrant such a study.

See response #12 herein. Because there will be only eighteen lots and some of those homes will be temporary residents, the effect on area roadways should not be significant. Improvements to Rodney Street or speed control mechanisms may be considered.

(16) Compatibility with adjacent area land uses.

See response #2.

(17) Effect on area waterways.

There will be no adverse effect on area water ways. Stormwater management facilities will be designed and constructed in compliance with DNREC's current sediment and stormwater regulations. FEMA regulation and City code require no offsite flooding effect.

(18) Whether estimated costs to be borne by the City during construction, if any, can be met from available City funds which reasonably may be anticipated to become available to the City and applicable to subdivision purposes.

Se response #14.

(19) Whether the estimated expense to the City can be justified on the basis of estimated tax returns which would accrue to the City within a reasonable period of time.

See response #14.

(20) Recognition of scenic byways and walkability.

The sidewalks and easement to Pilottown Road address this recognition.

(21) Job creation.

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) Providing diverse housing options.

These housing types will be distinct from those on Rodney Street and some of the other housing on the offshoots of Pilottown Road in the West.