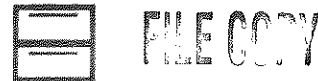


Jesse Lindenberg

From: Gail Van Gilder <gailvangilder@gmail.com>
Sent: Wednesday, March 9, 2022 4:01 PM
To: Planning and Zoning; Kim Hoey Stevenson; Jamie Whitehouse; Holly Wingate
Cc: Gail Van Gilder
Subject: Comments Mitchell Farm/Henlopen Properties,LLC Rezoning Application

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March 8, 2022

To: Sussex County Planning & Zoning Commissioners:
Chairman, Robert Wheatley, Kim Hoey Stevenson, Holly Wingate, J. Bruce Mears,
R. Keller Hopkins

From: Gail Van Gilder
516 East Cape Shores Drive, Lewes DE 19958

SUPPORT EXHIBIT

Re: Mitchell Farm/Henlopen Properties, LLC Rezoning Application
Corner of Kings Highway and Gills Neck Rd.
Tax Parcel: 335-8.00-37.00

Comments on application to rezone approximately 48 acres from AR-1 to Medium Residential(MR) zoning and 3 acres to Commercial (C-2) zoning along with a conditional use (MR parcel).

The 2018 Sussex County Comprehensive plan begins with the following vision statement:
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To begin, please note that this project sits on Kings Highway, a state designated Scenic and Historic Byway. This designation is a DelDOT program. It is located at a major intersection along this Gateway/Byway entrance to the City of Lewes and it’s significant tourist attractions: Cape Henlopen State Park, Cape May Lewes Ferry, downtown historic Lewes, two historic lighthouses, World War II Fort Miles Museum, the Overfalls Lightship, Lewes History Museum, Zwaanendael Museum and the City of Lewes beaches and natural areas. As a premier tourist destination in the State of Delaware, it is imperative that Sussex County preserve and enhance this Byway corridor to maintain the Lewes area as a desirable tourist destination.

Landscaping and Berms

To enhance this corridor the frontage along Kings Highway must be appropriately landscaped as shown in the Kings Highway/Gills Neck Road Master Plan. I am strongly recommending that you insure that promises made by the developer to include landscaping (see project rendering submitted by developer) are included as a condition of approval and that they receive the approval of the Historic Lewes Byway Committee.

To achieve the desired landscaping require that ditches are eliminated from the design and use “Closed Drainage” instead. This will provide enough space to appropriately landscape this corridor. Currently this project is being designed with open ditches along the roadside for stormwater control. Ditches are appropriate for rural roads and not the urban/suburban environment that is being built along Kings Highway. These ditches takes up valuable space, require ongoing maintenance and remove the opportunity to landscape the roadside frontage. Instead require

curb and gutter (closed drainage) with underground storage for stormwater. Note that the project rendering does not show ditches.

Include berms in the landscape design to screen views of townhomes and commercial buildings on Kings Highway.

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There is no connectivity between this development and adjoining parcels of land such as the Moorings Retirement Home, the Baptist Church, Jefferson apartments, etc. To reduce traffic and encourage walking and biking add connectivity to nearby parcels.

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Increase the amount of Open space provided in this site plan.

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Efforts to improve the architecture of this project are greatly appreciated. However, keeping the architecture more in keeping with Cape Henlopen High School is more in context with old Lewes. The suggestion to design in keeping with the medical building on the corner of Kings Highway and Gills Neck Road has less merit as it is totally out of context with historic Lewes. We cannot fix that corner, but we can screen it with an enhanced landscape plan. I recommend using more of the outstanding design done at the high school that is in keeping with historic Lewes rather than transitioning from the existing corner medical building as suggested in the statement on architecture (included in the application packet of information). Lighting, signage and bus stops should also be in context with historic Lewes. But, again I appreciate the fact that you are working to improve the architecture going forward. Hats off to the designers of this project! Good design is good for business and will keep the Sussex County tourist economy strong for years to come.

Well Head Protection Area

The three story commercial building sits on a well head protection area. Compliance with state well head protection requirements are not enough given the proximity of this development to the City of Lewes/Board of Public Works wells that supply water to the entire City of Lewes and other areas in close proximity to Lewes. Before approving this project I ask that you work with the Lewes Board of Public Works and add conditions to this development to meet their recommendations. We must insure that our water supply does not become contaminated with pollutants.

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Estimating that the density of this project is about 6 units per acre, that is a big increase from what is allowed under AR-1 zoning. Using a cluster plan 4 units per acre would be allowed.

At the Governors development the property owners paid one million dollars to the County for a bonus density. It was used to purchase open space at the Jones Farm on Kings Highway. What benefit is the community receiving by giving bonus density to this developer? Traffic improvements are required and should not be considered the same as donating funds to preserve open space.

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Traffic needs to be considered holistically and not just for this project. I strongly recommend that you consider all the combined projects both built and to be built in the short term. We have Governors, Senators, the Cottages, the Lodge Retirement Home, Cape Henlopen High School expansion, the Moorings Retirement Home, White's Pond, Dutchman's Harvest, Big Oyster Brewery expansion, Baptist Church expansion, Vegetable Farm store at Lingo Barn,

Lingo Townsend shopping center, new dental offices and other small expansions. In addition this is the major gateway for travel to Cape Henlopen State Park, Lewes Beaches, Cape May Lewes Ferry and Beebe hospital for emergency vehicles.

Given the unacceptable traffic back ups and congestion we are living with today on Kings Highway, this project should not move forward until Sussex County can demonstrate that we will have less traffic backups than we have today when this development is built out. Note that there is a DelDOT project referred to as the "interim road improvement project" at the intersection of Kings Highway and Gills Neck Rd (at the high school) to be built with developer funding. To keep traffic moving we need to have assurances that this will be built before construction starts.

However, I am not yet convinced that this "interim DelDOT project" agreed to by DelDOT and the developer, is sufficient to meet travel demand and emergency access to the above locations given the large number of additional new projects. In addition, I see that DelDOT, according to the recent TIS letter issued by DelDOT on February 28, 2022, is now requiring Henlopen Properties, LLC to contribute funding to the Old Orchard/Savannah Rd/Wescoats Corner project that I thought was already funded. These developer funds should go to the Kings Highway, SR9, Dartmouth Drive to Freeman Highway Capital Transportation Boulevard Plan now in design and presented to the community on February 23, 2022 with a start date of 2026. Otherwise we could be living with the "interim project" for a long time.

The interim DelDOT project has not been presented to the public, but I am told it adds an additional left hand turn lane from Gills Neck Rd to southbound Kings Highway and an additional lane southbound on Kings Highway from just north of Gills Neck Road and ending at Clay Rd. **What is not clear in the application is that the existing shoulder from just north of Gills Neck Road to Clay Rd is going to become the second travel lane by restricting the road. The shoulder is being eliminated. It will not be available for experienced bikers who prefer biking on the road or for use by emergency vehicles to access Cape Henlopen High School, or for ambulances to get to Beebe Hospital, or State Park.**

Look at the projected dates of completion for the various development projects and road projects:

Completion of Henlopen Properties, LLC (Mitchels Corner/Zwaanendael Farm) project: 2027

Completion of DelDOT interim improvements - no date found in recent DelDOT TIS letter to Ring Lardner (2-28-22). See the original TIS letter dated 10-7-2021 for more information. Note this earlier letter was for the recently withdrawn project at this site and completion date was tied to 117,000 sq ft of medical buildings. This needs to be evaluated and corrected before approval since the square footage and number of units has changed.

Start date of US 9, Kings Highway, Dartmouth Drive to Freeman Highway: 2026
Capital Transportation boulevard project to provide two thru lanes in each direction
(This assumes that all Right of Way acquisitions are completed by that date and enough funding is available.)

Completion date of US 9, Kings Highway, Dartmouth Drive to Freeman Highway: 2028
Capital Transportation boulevard project above.
(It is highly unlikely that this major road construction project will be completed by 2028;)

The fact that DelDOT is requiring temporary improvements tells me that they may not be planning on having the larger Capital Transportation Boulevard Plan completed by 2028. Why would they lay down concrete only to have it ripped up a year or two later?

Contributing more developer funding to the major Capital Transportation Plan already in design would insure that this project design is locked in and moving forward as promised. Consider that instead of having the developer pay to remove the interim plan these funds could go towards building parts of the larger Boulevard Capital Plan that could be in place before development proceeds. If this major project is started sooner rather than later we would be much more likely to have it completed in a timely way. The interim plan will surely delay the larger plan to improve all of Kings Highway for all development projects and all users. It is a quick fix or band aid approach to allow this

development to proceed, rather than a plan to do what is actually needed. Please take the time to review all the detailed traffic information before making a decision. We will have to live with your planning decisions for a long time.

Residents, visitors, workers, and students on their way to school, medical offices, businesses, major tourism attractions and the hospital will have to navigate Kings Highway under construction along with large developments under construction congruently. Road improvements on Kings Highway should precede development construction to insure adequate road capacity and keep traffic moving over the many years of construction that visitors and residents will have to endure. These start dates and completion dates must be synchronized with construction to limit the negative impacts of construction that could affect the Lewes economy and quality of life.

I appreciate the effort the developer and DelDOT has made to reduce the size of this project and hope that we can work together to add conditions to address the above concerns, especially the traffic, landscaping, water quality and open space. Thank you for your consideration and review of this information.

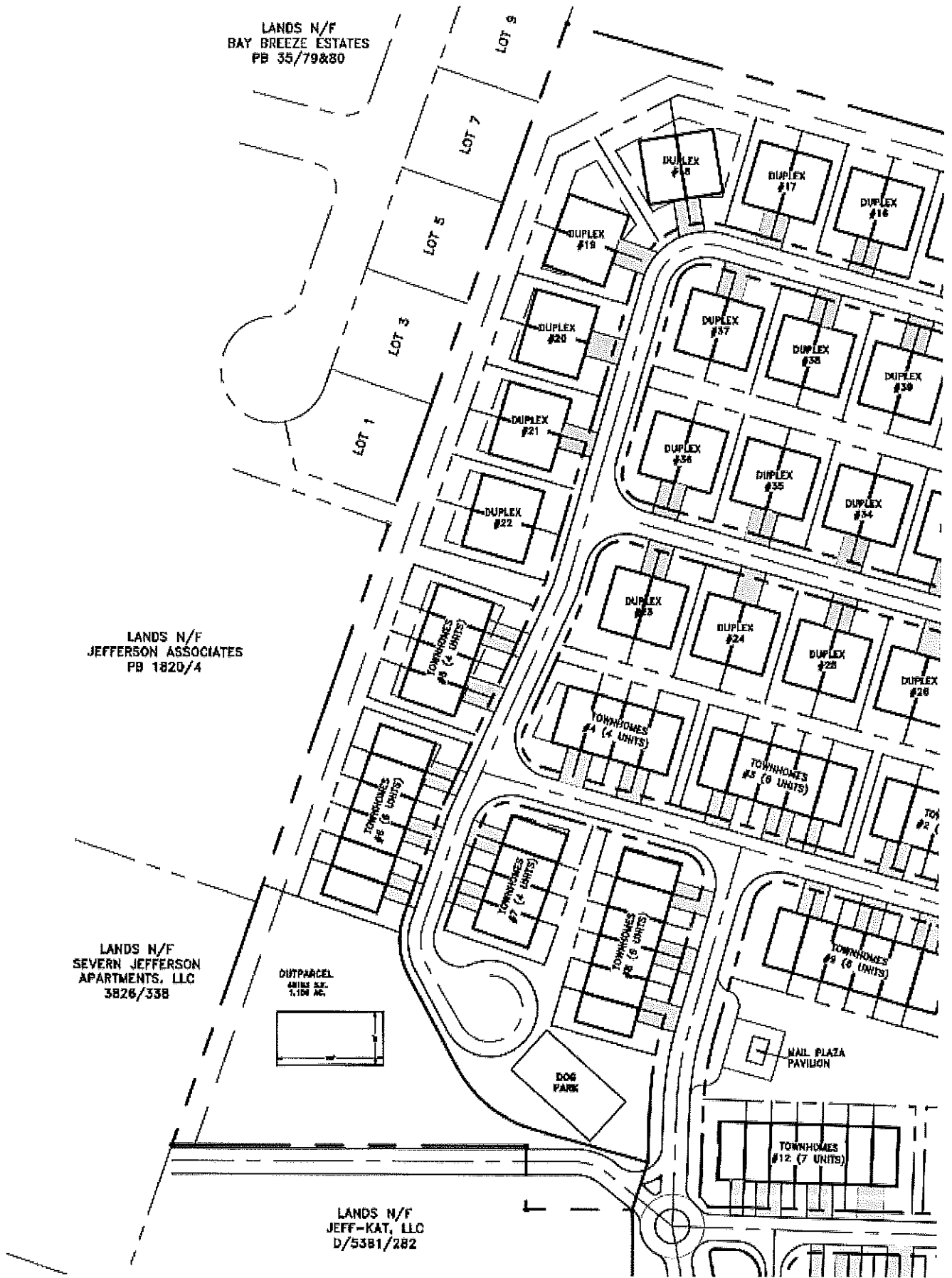


LANDS N/F
BAY BREEZE ESTATES
PB 35/79&80

LANDS N/F
JEFFERSON ASSOCIATES
PB 1820/4

LANDS N/F
SEVERN JEFFERSON
APARTMENTS, LLC
3826/338

LANDS N/F
JEFF-KAT, LLC
D/5381/282



Jesse Lindenberg

From: Jay Tomlinson <jaythrrrep@gmail.com>
Sent: Wednesday, March 9, 2022 2:48 PM
To: Planning and Zoning
Cc: Jay Tomlinson
Subject: Mitchells Corner Zoning Applications - 3/10, 5PM Public Hearing
Categories: Jesse



FILE COPY

SUPPORT EXHIBIT

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Planning & Zoning Commissioners:

Zoning applications for the parcel now known as Mitchell's Corner (Henlopen Properties LLC, Mitchell Farm, Zwannendael Farm) have been in the works for what seems like, forever. I attended the PLUS in Dover on 1/23/2019.

Since that time, the project has evolved to what we have today, 267 Duplexes and Townhouses and one new three-story, 43K Sq. Ft. commercial building to be built on Kings Highway next to the existing two-story medical building. It appears that retail is planned for the first floor of the 3-story commercial building. The project to be developed consists of 47+/- acres at Kings Highway and Gills Neck Road across from Cape Henlopen High School and the under construction Lodges at Lewes. Across Gills Neck, new projects like the Village Center Cottages and Village Center Shopping Center are in the planning stages.

Having worked with representatives from Sussex County, DeIDOT, Office of State Planning Coordination, City of Lewes, Historic Lewes Byway and other groups, I know that all i's are dotted and t's crossed in preparation for Thursday's public hearing.

Many of the subjects you will be asked to consider to approve the applications are extensively addressed in the voluminous public hearing materials: Traffic, Water protection, Safety, Project Density Comparisons, Community Design Context, Interconnectivity and public transportation and more. IMO we need to count on our appointed and elected officials to insure that all of the complex details and interactions of a project of this scale, are executed fairly and equitably for all, including placing appropriate conditions of approval where necessary to commit the developer to a written standard for many of the items just listed.

I'll ask that the Commission to deeply consider how the project will integrate with all the other development now occurring or proposed. Mitchell's Corner needs to meld with DeIDOT's "interim" TIS plans to absorb traffic created by Mitchell as well as surrounding projects and hold off gridlock until DeIDOT's capital project can be fully implemented in 2028. Hopefully the Commission has reviewed the [DeIDOT US9, Kings Highway, Dartmouth Drive to Freeman Highway project portal](#).

Assuming everyone does their part during the approval process, I would like to advocate for two items for your consideration. First, given the project density at about 6 units per acre, I would like to see a Developer contribution for what I will call bonus density or a reduction in the number of units from 267 to provide more open space within the project. You would know better than I how this could be accomplished.

Second, I would like to advocate for the Developer to commit to improvements to the Kings Highway and Gills Neck Road frontage to include berms, landscaping and trees that will buffer or hide Mitchell's Corner development from the roadway view-sheds. Although these issues will be addressed by the 2026-28 DeIDOT capital construction

improvements, I would like to ensure the drainage ditches/swales are closed along the highway frontage to allow for additional landscaping. Utilities should be buried or hidden, where possible.

These are my comments after all this time has passed. I would be happy to answer questions for which I have answers or direct you to others that may have more complete information.

Thank you for your service,

Jay Tomlinson
Citizens for Responsible Kings Highway Development
32715 Hastings Drive
Lewes, DE 19958
856-906-0605
jaythrrep@gmail.com

Ashley Paugh

2022-01

From: Joseph Pika <jpika@udel.edu>
Sent: Wednesday, March 9, 2022 10:16 AM
To: Planning and Zoning; Kim Hoey Stevenson
Cc: m_pika@yahoo.com
Subject: Mitchells Corner zoning and development applications

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MAR 09 2022

Follow Up Flag: Follow up
Flag Status: Completed

SUSSEX COUNTY
PLANNING & ZONING

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Members of the Planning and Zoning Commission:

My wife and I are owners of a home at 17 Surf Ave, Bay Breeze Estates in Lewes. A portion of our development is immediately adjacent to the Mitchell property, and our home abuts the acreage that was previously bought by The Moorings, the retirement community, as a buffer. Five lots on our street back up to the proposed development, and all our community's residents will be impacted by the increased traffic and potential water pollution that the development portends.

We have followed the progress (and non-progress) of the proposed development at the corner of Kings and Gills Neck since its earliest stages. We knew the Mitchells and have been intensely interested in the proposals to develop the land that he fought for so long to maintain as a family farm.

We are relieved that the commercial development proposed for this property has been scaled back dramatically. Not only was this proposal inconsistent with the Byways Master Plan for Kings Hwy and Gills Neck Rd, but it would also have brought severe increases in traffic volume. Scaling back the office buildings reduces the traffic impact by nearly 50%, for which we are thankful. But is that enough? Could or should more be done? Are there other concerns?

We point to two issues: traffic (as always) and wellhead protection. Both are adversely affected by the density of housing proposed for this site.

No one knows how the state's proposed "improvements" for Kings Highway will ultimately play out. What we do know is that traffic on this corridor will increase dramatically over the next decade. Prudent, responsible planning calls for a series of decisions that will moderate additional traffic flows rather than maximize them. Although the reduced commercial footprint at Mitchells Corner has that effect, the dense residential development does not.

A similar argument can be made for water quality. Both Mitchells Corner and the Village Center shopping center will have adverse impacts on the Lewes water supply, an argument made during the PLUS review by a spokesperson for the Lewes Board of Public Works. There is very little green space that remains of the 47 acre Mitchell property whose rezoning is at issue. And the most important green space--the storm water holding pond that is proposed behind the existing office building--will receive virtually all the surface runoff from the total development, surface water that will include motor oil, road salt, sidewalk salt, and yard herbicides. The pond is smack dab over the well recharge area. With the impending changes triggered by the Village Center, even less of the natural recharge area will exist. We need to protect what little green space remains and take opportunities to increase it.

We propose requiring the developer to reduce the density of residential housing on the site from the 6.1 units per acre to 4-5 units per acre. This change will reduce the traffic impact and increase the green space available on this parcel to

Opposition
Exhibit

help with water quality. Although we understand that the zoning change sought by the developer would allow up to 12 units per acre, we believe that this reasonable reduction will prove to be beneficial to all and will ensure that housing at Mitchells Corner is more consistent with neighboring developments (Bay Breeze 2.96, Governors 3.58, Olde Town at Whites Pond 2.33) while still providing greater density.

Thanks for your consideration.

Joseph and Mary Pika

--

Joseph A. Pika
James R. Soles Professor Emeritus
University of Delaware

Planning & Zoning Office
PO Box 417
Georgetown, DE 19947

Sussex County Planning and Zoning Commission
Robert C. Wheatley, Chairperson
Kim Hoey Stevenson, Vice-Chairperson
R. Keller Hopkins
J. Bruce Mears
Holly Wingate

Opposition
Exhibit

RECEIVED

MAR 07 2022

SUSSEX COUNTY
PLANNING & ZONING

Dear Members of the Commission:

Please consider this letter during your deliberations on three applications from Henlopen Properties, two zoning changes (CZ 1967 and CZ 1968) and approval of a subdivision (S-2022-1). Deliberations will be on March 10, 2022.

We have followed the progress of the proposals for development of the Mitchell property (also known as Zwaanendael) as they have moved through the county and state process. To remind the commission's members, a portion of Bay Breeze Estates is immediately adjacent to a section of the former Mitchell farm. Five of the lots along Surf Ave. back up to the proposed subdivision, but all Bay Breeze residents will be impacted from residential and commercial development on this property.

Rezoning 43.777 acres from AR-1 to MR to accommodate 267 lots will produce a dramatic increase in residential density in this section of the Kings Hwy corridor. An earlier proposal called for single-family homes, duplexes, town homes and apartments. We agree with the overall goal of making affordable housing available in the Lewes area, but we are concerned about the high density expected in the proposed development, a future which was most evident during the PLUS review. Our calculations show that the new subdivision will have about 6.1 residential units per acre. We realize this is within the allowable range under MR zoning, but that does not make it a wise idea.

We have two specific concerns. First, the high concentration of residents and additional office space will increase traffic congestion on Kings Hwy, a problem that may be adequately addressed by the changes to Kings Hwy proposed and previewed by DelDOT during a virtual workshop on February 23, 2022. Optimistically, DelDOT expects two additional lanes and five traffic circles to meet the corridor's needs through 2050, but serious work does not begin until 2026. As we all know, what is proposed in one plan may not be disposed in final form, nor are the engineers' projections always right. We request that development of the Mitchell property be phased in gradually so that the full traffic impact is not felt until the changes on Kings Hwy are completed.

Second, we are concerned about the proposals' likely impact on water quality. We share the concerns expressed by the Lewes Board of Public Works during the PLUS review. Although only about one-third of the proposals' acreage is part of the Lewes water wells' recharge area, surface water from the full subdivision will be drained into a stormwater holding pond that is unquestionably located within the recharge area. (As of March 2, the map associated with the public announcement of this meeting incorrectly located the office building on Gills Neck Rd, not Kings Hwy as discussed during the PLUS meeting. This directly impacts the holding pond's location.) The proposed development provides for very little green space and relies heavily on paved surfaces. Surface water directed to the holding pond will

carry nearly all of the residents' cleaning chemicals, car oil, lawn care products, and winter salt. This will have a direct adverse impact on the City of Lewes water supply.

Even a modest reduction in the proposed subdivision's density will mitigate both of these problems. We suggest that the unit density of this subdivision be closer to that found in Admiral's Chase (3.27), Bay Breeze (2.96), and the recently approved Olde Town at White's Pond (2.33) than to Jefferson Apartments (7.32). The developer should aim for no more than 5 units/acre, preferably 4/acre, a reduction from current projected rate of 6.1.

Finally, we have one request. We ask that the developers work closely with our HOA Board in designing the 20-foot natural buffer between the immediately adjacent Bay Breeze properties and the new residential units. We hope to rely on native plants that require minimal attention but provide considerable privacy to residents on both sides of the buffer. We also hope that responsibility for maintaining the new buffer will be clearly assumed by the new community's HOA. We will do our share and hope that our new neighbors will do theirs. The Bay Breeze contact person for this discussion will be Trevor Bradshaw, HOA president. Mr. Bradshaw can be contacted at tbradshaw5521@gmail.com.

Very truly yours,

Bay Breeze Estates Homeowners Association Board

Trevor Bradshaw, President

Rich Dreasen, Vice President

Kathy Quinn, Treasurer

Diane Barlow, Secretary

Joseph Pika, Development Committee Chair

Jamie Whitehouse

From: TB <tbradshaw5521@gmail.com>
Sent: Sunday, March 6, 2022 10:20 PM
To: Jamie Whitehouse; Lauren DeVore; Kim Hoey Stevenson
Subject: Letter for Public Comment - Mitchell Farms Applications
Attachments: Letter for Public Record - Mitchell Farms Applications.pdf

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good evening, Planning and Zoning Commission members,

Earlier this evening I sent an email with a letter attached regarding the zoning applications for Mitchell Farms that are going to deliberation on March 10th, 2022. I believe the file I attached was the incorrect file. I apologize for the confusion. The letter from the Bay Breeze Estates HOA is attached to this email. Thank you for your consideration.

Sincerely,

Trevor Bradshaw
Bay Breeze Estates HOA President

Jamie Whitehouse

From: TB <tbradshaw5521@gmail.com>
Sent: Sunday, March 6, 2022 10:10 PM
To: Jamie Whitehouse; Lauren DeVore; Kim Hoey Stevenson
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Good evening Planning and Zoning Commission members,

Please find attached to this email a letter from the Bay Breeze Estates Homeowners Association regarding the applications from Henlopen Properties regarding the Mitchell Farms property. We kindly ask that this letter be added to the public record regarding the Mitchell Farms applications, and that the commission take this letter into consideration into its deliberations on March 10, 2022.

A copy of the attached letter has also been mailed to the Planning and Zoning Office PO Box.

Thank you very much for your time and consideration in this matter, and please do not hesitate to contact me with any questions or concerns.

Sincerely,

Trevor Bradshaw
Bay Breeze Estates HOA President

Jesse Lindenberg

From: Gail Van Gilder <gailvangilder@gmail.com>
Sent: Wednesday, March 9, 2022 4:01 PM
To: Planning and Zoning; Kim Hoey Stevenson; Jamie Whitehouse; Holly Wingate
Cc: Gail Van Gilder
Subject: Comments Mitchell Farm/Henlopen Properties,LLC Rezoning Application

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March 8, 2022

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R. Keller Hopkins

From: Gail Van Gilder
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To enhance this corridor the frontage along Kings Highway must be appropriately landscaped as shown in the Kings Highway/Gills Neck Road Master Plan. I am strongly recommending that you insure that promises made by the developer to include landscaping (see project rendering submitted by developer) are included as a condition of approval and that they receive the approval of the Historic Lewes Byway Committee.

To achieve the desired landscaping require that ditches are eliminated from the design and use “Closed Drainage” instead. This will provide enough space to appropriately landscape this corridor. Currently this project is being designed with open ditches along the roadside for stormwater control. Ditches are appropriate for rural roads and not the urban/suburban environment that is being built along Kings Highway. These ditches takes up valuable space, require ongoing maintenance and remove the opportunity to landscape the roadside frontage. Instead require

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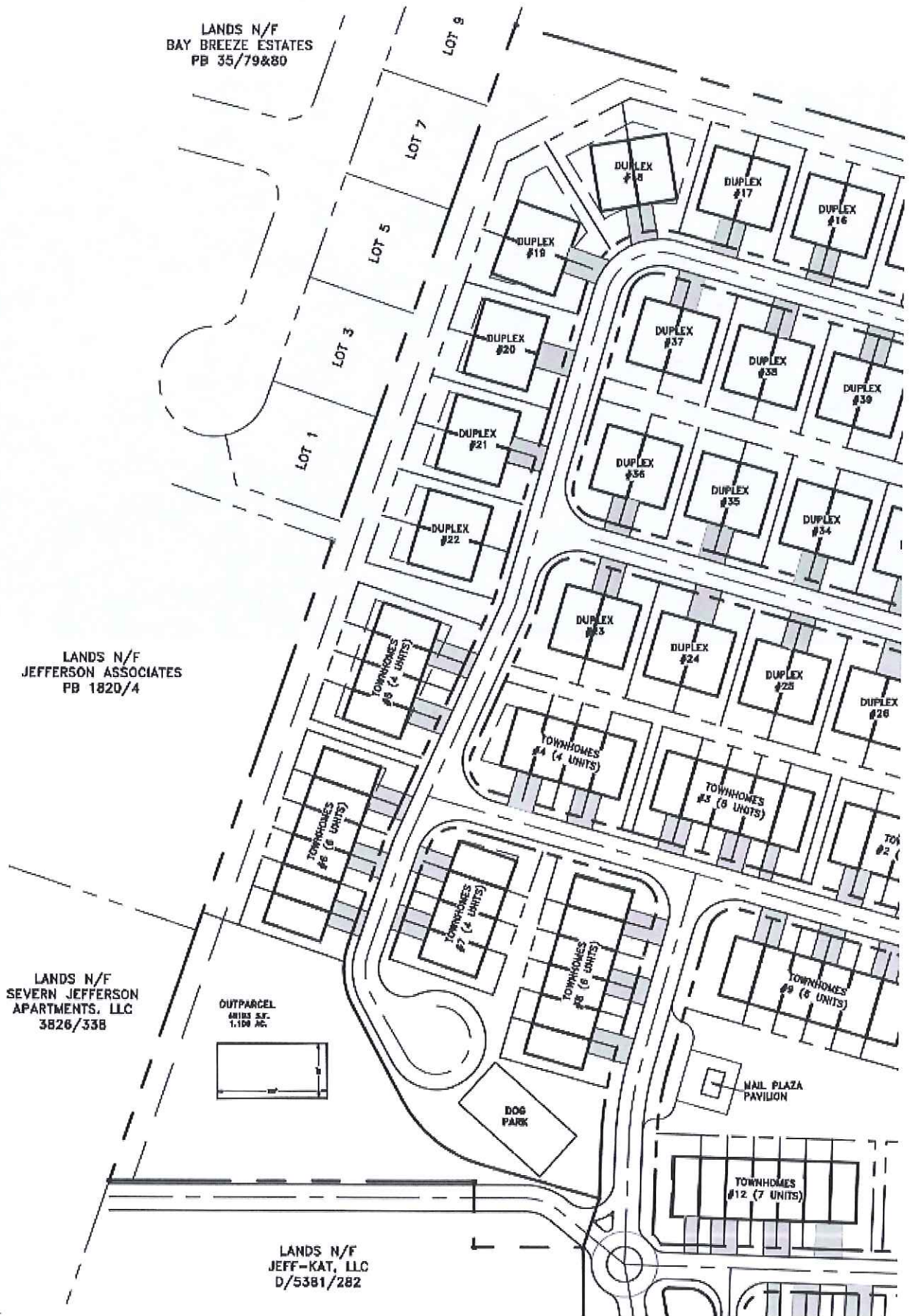
LANDS N/F
BAY BREEZE ESTATES
PB 35/79&80

LANDS N/F
JEFFERSON ASSOCIATES
PB 1820/4

LANDS N/F
SEVERN JEFFERSON
APARTMENTS, LLC
3826/338

OUTPARCEL
4193 SF.
1.104 AC.

LANDS N/F
JEFF-KAT, LLC
D/5381/282



Jesse Lindenberg

From: Jay Tomlinson <jaythrrep@gmail.com>
Sent: Wednesday, March 9, 2022 2:48 PM
To: Planning and Zoning
Cc: Jay Tomlinson
Subject: Mitchells Corner Zoning Applications - 3/10, 5PM Public Hearing
Categories: Jesse



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Since that time, the project has evolved to what we have today, 267 Duplexes and Townhouses and one new three-story, 43K Sq. Ft. commercial building to be built on Kings Highway next to the existing two-story medical building. It appears that retail is planned for the first floor of the 3-story commercial building. The project to be developed consists of 47+/- acres at Kings Highway and Gills Neck Road across from Cape Henlopen High School and the under construction Lodges at Lewes. Across Gills Neck, new projects like the Village Center Cottages and Village Center Shopping Center are in the planning stages.

Having worked with representatives from Sussex County, DeIDOT, Office of State Planning Coordination, City of Lewes, Historic Lewes Byway and other groups, I know that all i's are dotted and t's crossed in preparation for Thursday's public hearing.

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improvements, I would like to ensure the drainage ditches/swales are closed along the highway frontage to allow for additional landscaping. Utilities should be buried or hidden, where possible.

These are my comments after all this time has passed. I would be happy to answer questions for which I have answers or direct you to others that may have more complete information.

Thank you for your service,

Jay Tomlinson

Citizens for Responsible Kings Highway Development

32715 Hastings Drive

Lewes, DE 19958

856-906-0605

jaythrep@gmail.com

Ashley Paugh

CU 2334

From: Joseph Pika <jpika@udel.edu>
Sent: Wednesday, March 9, 2022 10:16 AM
To: Planning and Zoning; Kim Hoey Stevenson
Cc: m_pika@yahoo.com
Subject: Mitchells Corner zoning and development applications

RECEIVED
MAR 09 2022
SUSSEX COUNTY
PLANNING & ZONING

Follow Up Flag: Follow up
Flag Status: Completed

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Members of the Planning and Zoning Commission:

My wife and I are owners of a home at 17 Surf Ave, Bay Breeze Estates in Lewes. A portion of our development is immediately adjacent to the Mitchell property, and our home abuts the acreage that was previously bought by The Moorings, the retirement community, as a buffer. Five lots on our street back up to the proposed development, and all our community's residents will be impacted by the increased traffic and potential water pollution that the development portends.

We have followed the progress (and non-progress) of the proposed development at the corner of Kings and Gills Neck since its earliest stages. We knew the Mitchells and have been intensely interested in the proposals to develop the land that he fought for so long to maintain as a family farm.

We are relieved that the commercial development proposed for this property has been scaled back dramatically. Not only was this proposal inconsistent with the Byways Master Plan for Kings Hwy and Gills Neck Rd, but it would also have brought severe increases in traffic volume. Scaling back the office buildings reduces the traffic impact by nearly 50%, for which we are thankful. But is that enough? Could or should more be done? Are there other concerns?

We point to two issues: traffic (as always) and wellhead protection. Both are adversely affected by the density of housing proposed for this site.

No one knows how the state's proposed "improvements" for Kings Highway will ultimately play out. What we do know is that traffic on this corridor will increase dramatically over the next decade. Prudent, responsible planning calls for a series of decisions that will moderate additional traffic flows rather than maximize them. Although the reduced commercial footprint at Mitchells Corner has that effect, the dense residential development does not.

A similar argument can be made for water quality. Both Mitchells Corner and the Village Center shopping center will have adverse impacts on the Lewes water supply, an argument made during the PLUS review by a spokesperson for the Lewes Board of Public Works. There is very little green space that remains of the 47 acre Mitchell property whose rezoning is at issue. And the most important green space--the storm water holding pond that is proposed behind the existing office building--will receive virtually all the surface runoff from the total development, surface water that will include motor oil, road salt, sidewalk salt, and yard herbicides. The pond is smack dab over the well recharge area. With the impending changes triggered by the Village Center, even less of the natural recharge area will exist. We need to protect what little green space remains and take opportunities to increase it.

We propose requiring the developer to reduce the density of residential housing on the site from the 6.1 units per acre to 4-5 units per acre. This change will reduce the traffic impact and increase the green space available on this parcel to

Opposition
Exhibit

help with water quality. Although we understand that the zoning change sought by the developer would allow up to 12 units per acre, we believe that this reasonable reduction will prove to be beneficial to all and will ensure that housing at Mitchells Corner is more consistent with neighboring developments (Bay Breeze 2.96, Governors 3.58, Olde Town at Whites Pond 2.33) while still providing greater density.

Thanks for your consideration.

Joseph and Mary Pika

--

Joseph A. Pika
James R. Soles Professor Emeritus
University of Delaware

Planning & Zoning Office
PO Box 417
Georgetown, DE 19947

Opposition
Exhibit

Sussex County Planning and Zoning Commission
Robert C. Wheatley, Chairperson
Kim Hoey Stevenson, Vice-Chairperson
R. Keller Hopkins
J. Bruce Mears
Holly Wingate

RECEIVED

MAR 07 2022

SUSSEX COUNTY
PLANNING & ZONING

Dear Members of the Commission:

Please consider this letter during your deliberations on three applications from Henlopen Properties, two zoning changes (CZ 1967 and CZ 1968) and approval of a subdivision (S-2022-1). Deliberations will be on March 10, 2022.

We have followed the progress of the proposals for development of the Mitchell property (also known as Zwaanendael) as they have moved through the county and state process. To remind the commission's members, a portion of Bay Breeze Estates is immediately adjacent to a section of the former Mitchell farm. Five of the lots along Surf Ave. back up to the proposed subdivision, but all Bay Breeze residents will be impacted from residential and commercial development on this property.

Rezoning 43.777 acres from AR-1 to MR to accommodate 267 lots will produce a dramatic increase in residential density in this section of the Kings Hwy corridor. An earlier proposal called for single-family homes, duplexes, town homes and apartments. We agree with the overall goal of making affordable housing available in the Lewes area, but we are concerned about the high density expected in the proposed development, a future which was most evident during the PLUS review. Our calculations show that the new subdivision will have about 6.1 residential units per acre. We realize this is within the allowable range under MR zoning, but that does not make it a wise idea.

We have two specific concerns. First, the high concentration of residents and additional office space will increase traffic congestion on Kings Hwy, a problem that may be adequately addressed by the changes to Kings Hwy proposed and previewed by DeIDOT during a virtual workshop on February 23, 2022. Optimistically, DeIDOT expects two additional lanes and five traffic circles to meet the corridor's needs through 2050, but serious work does not begin until 2026. As we all know, what is proposed in one plan may not be disposed in final form, nor are the engineers' projections always right. We request that development of the Mitchell property be phased in gradually so that the full traffic impact is not felt until the changes on Kings Hwy are completed.

Second, we are concerned about the proposals' likely impact on water quality. We share the concerns expressed by the Lewes Board of Public Works during the PLUS review. Although only about one-third of the proposals' acreage is part of the Lewes water wells' recharge area, surface water from the full subdivision will be drained into a stormwater holding pond that is unquestionably located within the recharge area. (As of March 2, the map associated with the public announcement of this meeting incorrectly located the office building on Gills Neck Rd, not Kings Hwy as discussed during the PLUS meeting. This directly impacts the holding pond's location.) The proposed development provides for very little green space and relies heavily on paved surfaces. Surface water directed to the holding pond will

carry nearly all of the residents' cleaning chemicals, car oil, lawn care products, and winter salt. This will have a direct adverse impact on the City of Lewes water supply.

Even a modest reduction in the proposed subdivision's density will mitigate both of these problems. We suggest that the unit density of this subdivision be closer to that found in Admiral's Chase (3.27), Bay Breeze (2.96), and the recently approved Olde Town at White's Pond (2.33) than to Jefferson Apartments (7.32). The developer should aim for no more than 5 units/acre, preferably 4/acre, a reduction from current projected rate of 6.1.

Finally, we have one request. We ask that the developers work closely with our HOA Board in designing the 20-foot natural buffer between the immediately adjacent Bay Breeze properties and the new residential units. We hope to rely on native plants that require minimal attention but provide considerable privacy to residents on both sides of the buffer. We also hope that responsibility for maintaining the new buffer will be clearly assumed by the new community's HOA. We will do our share and hope that our new neighbors will do theirs. The Bay Breeze contact person for this discussion will be Trevor Bradshaw, HOA president. Mr. Bradshaw can be contacted at tbradshaw5521@gmail.com.

Very truly yours,

Bay Breeze Estates Homeowners Association Board

Trevor Bradshaw, President

Rich Dreasen, Vice President

Kathy Quinn, Treasurer

Diane Barlow, Secretary

Joseph Pika, Development Committee Chair

Jesse Lindenberg

From: Gail Van Gilder <gailvangilder@gmail.com>
Sent: Wednesday, March 9, 2022 4:01 PM
To: Planning and Zoning; Kim Hoey Stevenson; Jamie Whitehouse; Holly Wingate
Cc: Gail Van Gilder
Subject: Comments Mitchell Farm/Henlopen Properties,LLC Rezoning Application

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March 8, 2022

To: Sussex County Planning & Zoning Commissioners:
Chairman, Robert Wheatley, Kim Hoey Stevenson, Holly Wingate, J. Bruce Mears,
R. Keller Hopkins

From: Gail Van Gilder
516 East Cape Shores Drive, Lewes DE 19958

SUPPORT EXHIBIT

Re: Mitchell Farm/Henlopen Properties, LLC Rezoning Application
Corner of Kings Highway and Gills Neck Rd.
Tax Parcel: 335-8.00-37.00

Comments on application to rezone approximately 48 acres from AR-1 to Medium Residential(MR) zoning and 3 acres to Commercial (C-2) zoning along with a conditional use (MR parcel).

The 2018 Sussex County Comprehensive plan begins with the following vision statement:
“Sussex County offers a unique quality of life for its residents and visitors alike. We appreciate and seek to preserve its unique natural, historical and agricultural character while fostering new economic opportunities, community vitality, and desirable growth through strategic investments and efficient use of County resources. To accomplish this, Sussex County will balance the welfare of its citizens and its role as an agricultural, tourism, and business leader with the most appropriate future uses of land, water and other resources.”

To begin, please note that this project sits on Kings Highway, a state designated Scenic and Historic Byway. This designation is a DelDOT program. It is located at a major intersection along this Gateway/Byway entrance to the City of Lewes and it's significant tourist attractions: Cape Henlopen State Park, Cape May Lewes Ferry, downtown historic Lewes, two historic lighthouses, World War II Fort Miles Museum, the Overfalls Lightship, Lewes History Museum, Zwaanendael Museum and the City of Lewes beaches and natural areas. As a premier tourist destination in the State of Delaware, it is imperative that Sussex County preserve and enhance this Byway corridor to maintain the Lewes area as a desirable tourist destination.

Landscaping and Berms

To enhance this corridor the frontage along Kings Highway must be appropriately landscaped as shown in the Kings Highway/Gills Neck Road Master Plan. I am strongly recommending that you insure that promises made by the developer to include landscaping (see project rendering submitted by developer) are included as a condition of approval and that they receive the approval of the Historic Lewes Byway Committee.

To achieve the desired landscaping require that ditches are eliminated from the design and use “Closed Drainage” instead. This will provide enough space to appropriately landscape this corridor. Currently this project is being designed with open ditches along the roadside for stormwater control. Ditches are appropriate for rural roads and not the urban/suburban environment that is being built along Kings Highway. These ditches takes up valuable space, require ongoing maintenance and remove the opportunity to landscape the roadside frontage. Instead require

curb and gutter (closed drainage) with underground storage for stormwater. Note that the project rendering does not show ditches.

Include berms in the landscape design to screen views of townhomes and commercial buildings on Kings Highway.

Include street trees recommended in the Kings Highway Master Plan to create a tree lined boulevard along this significant "Gateway to Lewes". Street trees will provide shade for walkers and bikers on the required 10 ft wide shared use path along the frontage of this property. Warren buffet once said: "Someone sits in the shade today because someone planted a tree long ago".

Interconnectivity

There is no connectivity between this development and adjoining parcels of land such as the Moorings Retirement Home, the Baptist Church, Jefferson apartments, etc. To reduce traffic and encourage walking and biking add connectivity to nearby parcels.

Open Space

Increase the amount of Open space provided in this site plan.

Parking

Parking should be behind the buildings that face Kings Highway, not in front as now shown on site plans. Moving parking to behind buildings will improve the view along the Kings Highway Byway. Backyards of townhomes should not face Kings highway for the same reason. Buildings should front on Kings Highway to create the look of old historic Lewes. The goal of the Lewes byway as stated in the Kings Highway/Gills Neck Road Master Plan is to bring the look of old Lewes out to Route 1, not to bring the design of Route 1 into Lewes. This old town charm is a major reason why so many people are attracted to Lewes.

Context

Efforts to improve the architecture of this project are greatly appreciated. However, keeping the architecture more in keeping with Cape Henlopen High School is more in context with old Lewes. The suggestion to design in keeping with the medical building on the corner of Kings Highway and Gills Neck Road has less merit as it is totally out of context with historic Lewes. We cannot fix that corner, but we can screen it with an enhanced landscape plan. I recommend using more of the outstanding design done at the high school that is in keeping with historic Lewes rather than transitioning from the existing corner medical building as suggested in the statement on architecture (included in the application packet of information). Lighting, signage and bus stops should also be in context with historic Lewes. But, again I appreciate the fact that you are working to improve the architecture going forward. Hats off to the designers of this project! Good design is good for business and will keep the Sussex County tourist economy strong for years to come.

Well Head Protection Area

The three story commercial building sits on a well head protection area. Compliance with state well head protection requirements are not enough given the proximity of this development to the City of Lewes/Board of Public Works wells that supply water to the entire City of Lewes and other areas in close proximity to Lewes. Before approving this project I ask that you work with the Lewes Board of Public Works and add conditions to this development to meet their recommendations. We must insure that our water supply does not become contaminated with pollutants.

Density

Estimating that the density of this project is about 6 units per acre, that is a big increase from what is allowed under AR-1 zoning. Using a cluster plan 4 units per acre would be allowed.

At the Governors development the property owners paid one million dollars to the County for a bonus density. It was used to purchase open space at the Jones Farm on Kings Highway. What benefit is the community receiving by giving bonus density to this developer? Traffic improvements are required and should not be considered the same as donating funds to preserve open space.

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Traffic needs to be considered holistically and not just for this project. I strongly recommend that you consider all the combined projects both built and to be built in the short term. We have Governors, Senators, the Cottages, the Lodge Retirement Home, Cape Henlopen High School expansion, the Moorings Retirement Home, White's Pond, Dutchman's Harvest, Big Oyster Brewery expansion, Baptist Church expansion, Vegetable Farm store at Lingo Barn,

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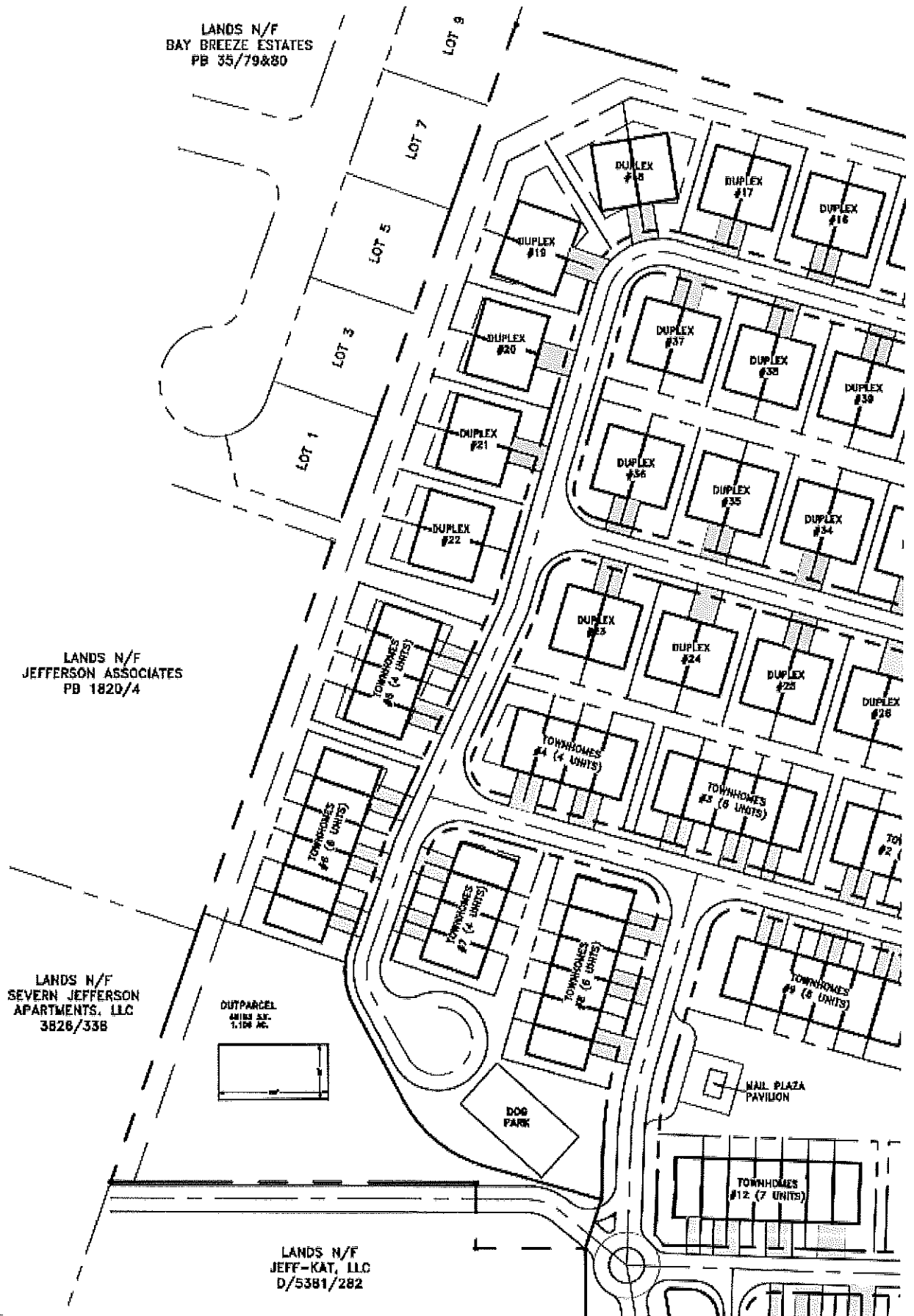
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BAY BREEZE ESTATES
PB 35/79&80

LANDS N/F
JEFFERSON ASSOCIATES
PB 1820/4

LANDS N/F
SEVERN JEFFERSON
APARTMENTS, LLC
3826/338

OUTPARCEL
4818 SQ.
1.104 AC.

LANDS N/F
JEFF-KAT, LLC
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These are my comments after all this time has passed. I would be happy to answer questions for which I have answers or direct you to others that may have more complete information.

Thank you for your service,

Jay Tomlinson

Citizens for Responsible Kings Highway Development

32715 Hastings Drive

Lewes, DE 19958

856-906-0605

jaythrrep@gmail.com

F C
Ashley Paugh

C/Z 1967

From: Joseph Pika <jpika@udel.edu>
Sent: Wednesday, March 9, 2022 10:16 AM
To: Planning and Zoning; Kim Hoey Stevenson
Cc: m_pika@yahoo.com
Subject: Mitchells Corner zoning and development applications

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MAR 09 2022

SUSSEX COUNTY
PLANNING & ZONING

Follow Up Flag: Follow up
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Members of the Planning and Zoning Commission:

My wife and I are owners of a home at 17 Surf Ave, Bay Breeze Estates in Lewes. A portion of our development is immediately adjacent to the Mitchell property, and our home abuts the acreage that was previously bought by The Moorings, the retirement community, as a buffer. Five lots on our street back up to the proposed development, and all our community's residents will be impacted by the increased traffic and potential water pollution that the development portends.

We have followed the progress (and non-progress) of the proposed development at the corner of Kings and Gills Neck since its earliest stages. We knew the Mitchells and have been intensely interested in the proposals to develop the land that he fought for so long to maintain as a family farm.

We are relieved that the commercial development proposed for this property has been scaled back dramatically. Not only was this proposal inconsistent with the Byways Master Plan for Kings Hwy and Gills Neck Rd, but it would also have brought severe increases in traffic volume. Scaling back the office buildings reduces the traffic impact by nearly 50%, for which we are thankful. But is that enough? Could or should more be done? Are there other concerns?

We point to two issues: traffic (as always) and wellhead protection. Both are adversely affected by the density of housing proposed for this site.

No one knows how the state's proposed "improvements" for Kings Highway will ultimately play out. What we do know is that traffic on this corridor will increase dramatically over the next decade. Prudent, responsible planning calls for a series of decisions that will moderate additional traffic flows rather than maximize them. Although the reduced commercial footprint at Mitchells Corner has that effect, the dense residential development does not.

A similar argument can be made for water quality. Both Mitchells Corner and the Village Center shopping center will have adverse impacts on the Lewes water supply, an argument made during the PLUS review by a spokesperson for the Lewes Board of Public Works. There is very little green space that remains of the 47 acre Mitchell property whose rezoning is at issue. And the most important green space--the storm water holding pond that is proposed behind the existing office building--will receive virtually all the surface runoff from the total development, surface water that will include motor oil, road salt, sidewalk salt, and yard herbicides. The pond is smack dab over the well recharge area. With the impending changes triggered by the Village Center, even less of the natural recharge area will exist. We need to protect what little green space remains and take opportunities to increase it.

We propose requiring the developer to reduce the density of residential housing on the site from the 6.1 units per acre to 4-5 units per acre. This change will reduce the traffic impact and increase the green space available on this parcel to

help with water quality. Although we understand that the zoning change sought by the developer would allow up to 12 units per acre, we believe that this reasonable reduction will prove to be beneficial to all and will ensure that housing at Mitchells Corner is more consistent with neighboring developments (Bay Breeze 2.96, Governors 3.58, Olde Town at Whites Pond 2.33) while still providing greater density.

Thanks for your consideration.

Joseph and Mary Pika

Joseph A. Pika
James R. Soles Professor Emeritus
University of Delaware

Planning & Zoning Office
PO Box 417
Georgetown, DE 19947

Opposition
Exhibit

Sussex County Planning and Zoning Commission
Robert C. Wheatley, Chairperson
Kim Hoey Stevenson, Vice-Chairperson
R. Keller Hopkins
J. Bruce Mears
Holly Wingate

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MAR 07 2022

SUSSEX COUNTY
PLANNING & ZONING

Dear Members of the Commission:

Please consider this letter during your deliberations on three applications from Henlopen Properties, two zoning changes (CZ 1967 and CZ 1968) and approval of a subdivision (S-2022-1). Deliberations will be on March 10, 2022.

We have followed the progress of the proposals for development of the Mitchell property (also known as Zwaanendael) as they have moved through the county and state process. To remind the commission's members, a portion of Bay Breeze Estates is immediately adjacent to a section of the former Mitchell farm. Five of the lots along Surf Ave. back up to the proposed subdivision, but all Bay Breeze residents will be impacted from residential and commercial development on this property.

Rezoning 43.777 acres from AR-1 to MR to accommodate 267 lots will produce a dramatic increase in residential density in this section of the Kings Hwy corridor. An earlier proposal called for single-family homes, duplexes, town homes and apartments. We agree with the overall goal of making affordable housing available in the Lewes area, but we are concerned about the high density expected in the proposed development, a future which was most evident during the PLUS review. Our calculations show that the new subdivision will have about 6.1 residential units per acre. We realize this is within the allowable range under MR zoning, but that does not make it a wise idea.

We have two specific concerns. First, the high concentration of residents and additional office space will increase traffic congestion on Kings Hwy, a problem that may be adequately addressed by the changes to Kings Hwy proposed and previewed by DelDOT during a virtual workshop on February 23, 2022. Optimistically, DelDOT expects two additional lanes and five traffic circles to meet the corridor's needs through 2050, but serious work does not begin until 2026. As we all know, what is proposed in one plan may not be disposed in final form, nor are the engineers' projections always right. We request that development of the Mitchell property be phased in gradually so that the full traffic impact is not felt until the changes on Kings Hwy are completed.

Second, we are concerned about the proposals' likely impact on water quality. We share the concerns expressed by the Lewes Board of Public Works during the PLUS review. Although only about one-third of the proposals' acreage is part of the Lewes water wells' recharge area, surface water from the full subdivision will be drained into a stormwater holding pond that is unquestionably located within the recharge area. (As of March 2, the map associated with the public announcement of this meeting incorrectly located the office building on Gills Neck Rd, not Kings Hwy as discussed during the PLUS meeting. This directly impacts the holding pond's location.) The proposed development provides for very little green space and relies heavily on paved surfaces. Surface water directed to the holding pond will

carry nearly all of the residents' cleaning chemicals, car oil, lawn care products, and winter salt. This will have a direct adverse impact on the City of Lewes water supply.

Even a modest reduction in the proposed subdivision's density will mitigate both of these problems. We suggest that the unit density of this subdivision be closer to that found in Admiral's Chase (3.27), Bay Breeze (2.96), and the recently approved Olde Town at White's Pond (2.33) than to Jefferson Apartments (7.32). The developer should aim for no more than 5 units/acre, preferably 4/acre, a reduction from current projected rate of 6.1.

Finally, we have one request. We ask that the developers work closely with our HOA Board in designing the 20-foot natural buffer between the immediately adjacent Bay Breeze properties and the new residential units. We hope to rely on native plants that require minimal attention but provide considerable privacy to residents on both sides of the buffer. We also hope that responsibility for maintaining the new buffer will be clearly assumed by the new community's HOA. We will do our share and hope that our new neighbors will do theirs. The Bay Breeze contact person for this discussion will be Trevor Bradshaw, HOA president. Mr. Bradshaw can be contacted at tbradshaw5521@gmail.com.

Very truly yours,

Bay Breeze Estates Homeowners Association Board

Trevor Bradshaw, President

Rich Dreasen, Vice President

Kathy Quinn, Treasurer

Diane Barlow, Secretary

Joseph Pika, Development Committee Chair

Jamie Whitehouse

From: TB <tbradshaw5521@gmail.com>
Sent: Sunday, March 6, 2022 10:20 PM
To: Jamie Whitehouse; Lauren DeVore; Kim Hoey Stevenson
Subject: Letter for Public Comment - Mitchell Farms Applications
Attachments: Letter for Public Record - Mitchell Farms Applications.pdf

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Good evening, Planning and Zoning Commission members,

Earlier this evening I sent an email with a letter attached regarding the zoning applications for Mitchell Farms that are going to deliberation on March 10th, 2022. I believe the file I attached was the incorrect file. I apologize for the confusion. The letter from the Bay Breeze Estates HOA is attached to this email. Thank you for your consideration.

Sincerely,

Trevor Bradshaw
Bay Breeze Estates HOA President

Jamie Whitehouse

From: TB <tbradshaw5521@gmail.com>
Sent: Sunday, March 6, 2022 10:10 PM
To: Jamie Whitehouse; Lauren DeVore; Kim Hoey Stevenson
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Attachments: Letter for Public Record - Mitchell Farms Application.pdf

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Good evening Planning and Zoning Commission members,

Please find attached to this email a letter from the Bay Breeze Estates Homeowners Association regarding the applications from Henlopen Properties regarding the Mitchell Farms property. We kindly ask that this letter be added to the public record regarding the Mitchell Farms applications, and that the commission take this letter into consideration into its deliberations on March 10, 2022.

A copy of the attached letter has also been mailed to the Planning and Zoning Office PO Box.

Thank you very much for your time and consideration in this matter, and please do not hesitate to contact me with any questions or concerns.

Sincerely,

Trevor Bradshaw
Bay Breeze Estates HOA President

Jesse Lindenberg

From: Gail Van Gilder <gailvangilder@gmail.com>
Sent: Wednesday, March 9, 2022 4:01 PM
To: Planning and Zoning; Kim Hoey Stevenson; Jamie Whitehouse; Holly Wingate
Cc: Gail Van Gilder
Subject: Comments Mitchell Farm/Henlopen Properties,LLC Rezoning Application

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March 8, 2022

To: Sussex County Planning & Zoning Commissioners:
Chairman, Robert Wheatley, Kim Hoey Stevenson, Holly Wingate, J. Bruce Mears,
R. Keller Hopkins

From: Gail Van Gilder
516 East Cape Shores Drive, Lewes DE 19958

SUPPORT EXHIBIT

Re: Mitchell Farm/Henlopen Properties, LLC Rezoning Application
Corner of Kings Highway and Gills Neck Rd.
Tax Parcel: 335-8.00-37.00

Comments on application to rezone approximately 48 acres from AR-1 to Medium Residential(MR) zoning and 3 acres to Commercial (C-2) zoning along with a conditional use (MR parcel).

The 2018 Sussex County Comprehensive plan begins with the following vision statement:
“Sussex County offers a unique quality of life for its residents and visitors alike. We appreciate and seek to preserve its unique natural, historical and agricultural character while fostering new economic opportunities, community vitality, and desirable growth through strategic investments and efficient use of County resources. To accomplish this, Sussex County will balance the welfare of its citizens and its role as an agricultural, tourism, and business leader with the most appropriate future uses of land, water and other resources.”

To begin, please note that this project sits on Kings Highway, a state designated Scenic and Historic Byway. This designation is a DelDOT program. It is located at a major intersection along this Gateway/Byway entrance to the City of Lewes and it’s significant tourist attractions: Cape Henlopen State Park, Cape May Lewes Ferry, downtown historic Lewes, two historic lighthouses, World War II Fort Miles Museum, the Overfalls Lightship, Lewes History Museum, Zwaanendael Museum and the City of Lewes beaches and natural areas. As a premier tourist destination in the State of Delaware, it is imperative that Sussex County preserve and enhance this Byway corridor to maintain the Lewes area as a desirable tourist destination.

Landscaping and Berms

To enhance this corridor the frontage along Kings Highway must be appropriately landscaped as shown in the Kings Highway/Gills Neck Road Master Plan. I am strongly recommending that you insure that promises made by the developer to include landscaping (see project rendering submitted by developer) are included as a condition of approval and that they receive the approval of the Historic Lewes Byway Committee.

To achieve the desired landscaping require that ditches are eliminated from the design and use “Closed Drainage” instead. This will provide enough space to appropriately landscape this corridor. Currently this project is being designed with open ditches along the roadside for stormwater control. Ditches are appropriate for rural roads and not the urban/suburban environment that is being built along Kings Highway. These ditches takes up valuable space, require ongoing maintenance and remove the opportunity to landscape the roadside frontage. Instead require

curb and gutter (closed drainage) with underground storage for stormwater. Note that the project rendering does not show ditches.

Include berms in the landscape design to screen views of townhomes and commercial buildings on Kings Highway.

Include street trees recommended in the Kings Highway Master Plan to create a tree lined boulevard along this significant "Gateway to Lewes". Street trees will provide shade for walkers and bikers on the required 10 ft wide shared use path along the frontage of this property. Warren buffet once said: "Someone sits in the shade today because someone planted a tree long ago".

Interconnectivity

There is no connectivity between this development and adjoining parcels of land such as the Moorings Retirement Home, the Baptist Church, Jefferson apartments, etc. To reduce traffic and encourage walking and biking add connectivity to nearby parcels.

Open Space

Increase the amount of Open space provided in this site plan.

Parking

Parking should be behind the buildings that face Kings Highway, not in front as now shown on site plans. Moving parking to behind buildings will improve the view along the Kings Highway Byway. Backyards of townhomes should not face Kings highway for the same reason. Buildings should front on Kings Highway to create the look of old historic Lewes. The goal of the Lewes byway as stated in the Kings Highway/Gills Neck Road Master Plan is to bring the look of old Lewes out to Route 1, not to bring the design of Route 1 into Lewes. This old town charm is a major reason why so many people are attracted to Lewes.

Context

Efforts to improve the architecture of this project are greatly appreciated. However, keeping the architecture more in keeping with Cape Henlopen High School is more in context with old Lewes. The suggestion to design in keeping with the medical building on the corner of Kings Highway and Gills Neck Road has less merit as it is totally out of context with historic Lewes. We cannot fix that corner, but we can screen it with an enhanced landscape plan. I recommend using more of the outstanding design done at the high school that is in keeping with historic Lewes rather than transitioning from the existing corner medical building as suggested in the statement on architecture (included in the application packet of information). Lighting, signage and bus stops should also be in context with historic Lewes. But, again I appreciate the fact that you are working to improve the architecture going forward. Hats off to the designers of this project! Good design is good for business and will keep the Sussex County tourist economy strong for years to come.

Well Head Protection Area

The three story commercial building sits on a well head protection area. Compliance with state well head protection requirements are not enough given the proximity of this development to the City of Lewes/Board of Public Works wells that supply water to the entire City of Lewes and other areas in close proximity to Lewes. Before approving this project I ask that you work with the Lewes Board of Public Works and add conditions to this development to meet their recommendations. We must insure that our water supply does not become contaminated with pollutants.

Density

Estimating that the density of this project is about 6 units per acre, that is a big increase from what is allowed under AR-1 zoning. Using a cluster plan 4 units per acre would be allowed.

At the Governors development the property owners paid one million dollars to the County for a bonus density. It was used to purchase open space at the Jones Farm on Kings Highway. What benefit is the community receiving by giving bonus density to this developer? Traffic improvements are required and should not be considered the same as donating funds to preserve open space.

Traffic and Safety

Traffic needs to be considered holistically and not just for this project. I strongly recommend that you consider all the combined projects both built and to be built in the short term. We have Governors, Senators, the Cottages, the Lodge Retirement Home, Cape Henlopen High School expansion, the Moorings Retirement Home, White's Pond, Dutchman's Harvest, Big Oyster Brewery expansion, Baptist Church expansion, Vegetable Farm store at Lingo Barn,

Lingo Townsend shopping center, new dental offices and other small expansions. In addition this is the major gateway for travel to Cape Henlopen State Park, Lewes Beaches, Cape May Lewes Ferry and Beebe hospital for emergency vehicles.

Given the unacceptable traffic back ups and congestion we are living with today on Kings Highway, this project should not move forward until Sussex County can demonstrate that we will have less traffic backups than we have today when this development is built out. Note that there is a DelDOT project referred to as the "interim road improvement project" at the intersection of Kings Highway and Gills Neck Rd (at the high school) to be built with developer funding. To keep traffic moving we need to have assurances that this will be built before construction starts.

However, I am not yet convinced that this "interim DelDOT project" agreed to by DelDOT and the developer, is sufficient to meet travel demand and emergency access to the above locations given the large number of additional new projects. In addition, I see that DelDOT, according to the recent TIS letter issued by DelDOT on February 28, 2022, is now requiring Henlopen Properties, LLC to contribute funding to the Old Orchard/Savannah Rd/Wescoats Corner project that I thought was already funded. These developer funds should go to the Kings Highway, SR9, Dartmouth Drive to Freeman Highway Capital Transportation Boulevard Plan now in design and presented to the community on February 23, 2022 with a start date of 2026. Otherwise we could be living with the "interim project" for a long time.

The interim DelDOT project has not been presented to the public, but I am told it adds an additional left hand turn lane from Gills Neck Rd to southbound Kings Highway and an additional lane southbound on Kings Highway from just north of Gills Neck Road and ending at Clay Rd. **What is not clear in the application is that the existing shoulder from just north of Gills Neck Road to Clay Rd is going to become the second travel lane by restricting the road. The shoulder is being eliminated. It will not be available for experienced bikers who prefer biking on the road or for use by emergency vehicles to access Cape Henlopen High School, or for ambulances to get to Beebe Hospital, or State Park.**

Look at the projected dates of completion for the various development projects and road projects:

Completion of Henlopen Properties, LLC (Mitchels Corner/Zwaanendael Farm) project: 2027

Completion of DelDOT interim improvements - no date found in recent DelDOT TIS letter to Ring Lardner (2-28-22). See the original TIS letter dated 10-7-2021 for more information. Note this earlier letter was for the recently withdrawn project at this site and completion date was tied to 117,000 sq ft of medical buildings. This needs to be evaluated and corrected before approval since the square footage and number of units has changed.

Start date of US 9, Kings Highway, Dartmouth Drive to Freeman Highway: 2026
Capital Transportation boulevard project to provide two thru lanes in each direction
(This assumes that all Right of Way acquisitions are completed by that date and enough funding is available.)

Completion date of US 9, Kings Highway, Dartmouth Drive to Freeman Highway: 2028
Capital Transportation boulevard project above.
(It is highly unlikely that this major road construction project will be completed by 2028;)

The fact that DelDOT is requiring temporary improvements tells me that they may not be planning on having the larger Capital Transportation Boulevard Plan completed by 2028. Why would they lay down concrete only to have it ripped up a year or two later?

Contributing more developer funding to the major Capital Transportation Plan already in design would insure that this project design is locked in and moving forward as promised. Consider that instead of having the developer pay to remove the interim plan these funds could go towards building parts of the larger Boulevard Capital Plan that could be in place before development proceeds. If this major project is started sooner rather than later we would be much more likely to have it completed in a timely way. The interim plan will surely delay the larger plan to improve all of Kings Highway for all development projects and all users. It is a quick fix or band aid approach to allow this

development to proceed, rather than a plan to do what is actually needed. Please take the time to review all the detailed traffic information before making a decision. We will have to live with your planning decisions for a long time.

Residents, visitors, workers, and students on their way to school, medical offices, businesses, major tourism attractions and the hospital will have to navigate Kings Highway under construction along with large developments under construction congruently. Road improvements on Kings Highway should precede development construction to insure adequate road capacity and keep traffic moving over the many years of construction that visitors and residents will have to endure. These start dates and completion dates must be synchronized with construction to limit the negative impacts of construction that could affect the Lewes economy and quality of life.

I appreciate the effort the developer and DelDOT has made to reduce the size of this project and hope that we can work together to add conditions to address the above concerns, especially the traffic, landscaping, water quality and open space. Thank you for your consideration and review of this information.



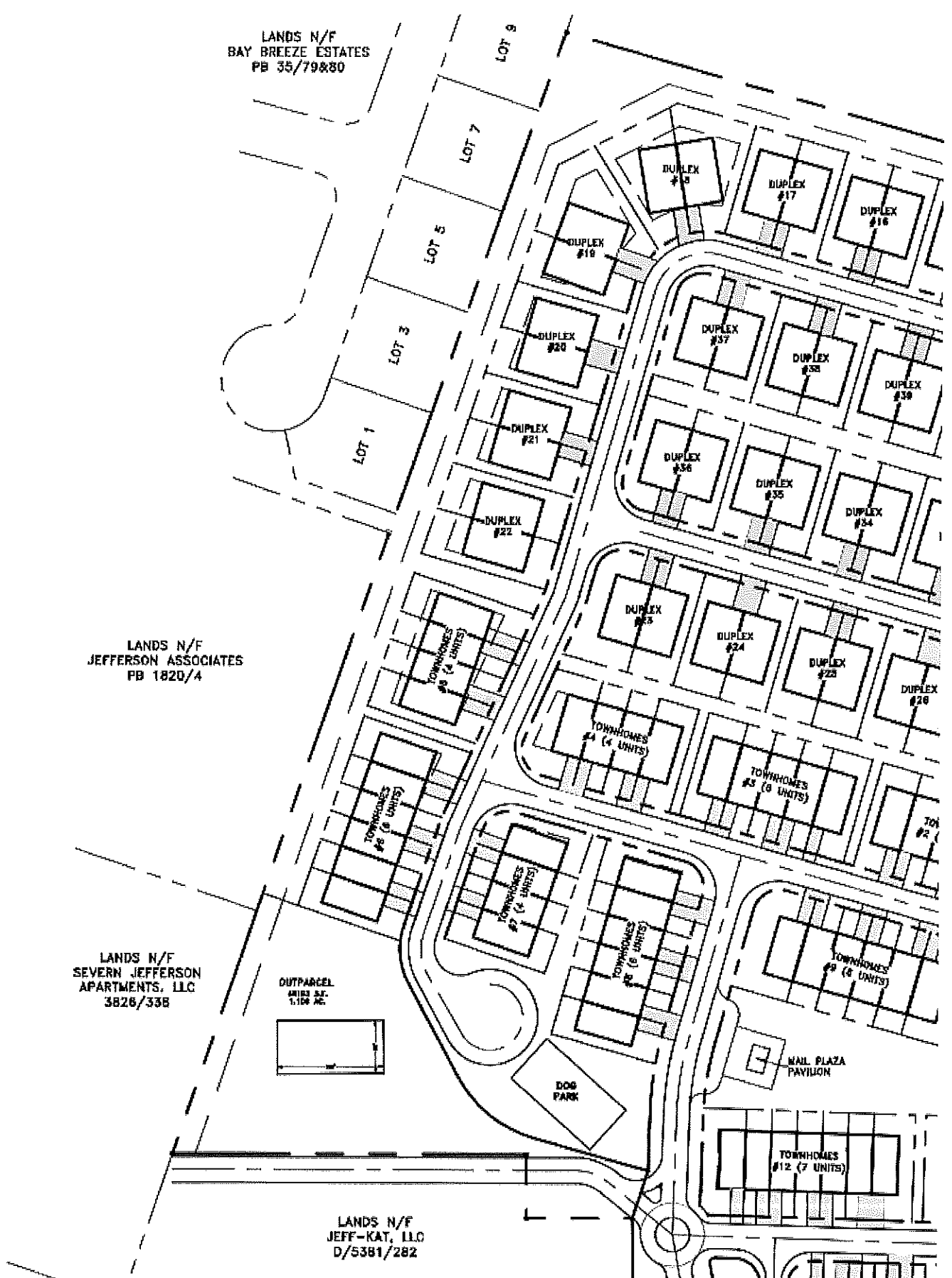
LANDS N/F
BAY BREEZE ESTATES
PB 35/79&80

LANDS N/F
JEFFERSON ASSOCIATES
PB 1820/4

LANDS N/F
SEVERN JEFFERSON
APARTMENTS, LLC
3826/338

LANDS N/F
JEFF-KAT, LLC
D/5381/282

OUTPARCEL
4183 SQ.
1.104 AC.



Jesse Lindenberg

From: Jay Tomlinson <jaythrrrep@gmail.com>
Sent: Wednesday, March 9, 2022 2:48 PM
To: Planning and Zoning
Cc: Jay Tomlinson
Subject: Mitchells Corner Zoning Applications - 3/10, 5PM Public Hearing
Categories: Jesse



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Planning & Zoning Commissioners:

Zoning applications for the parcel now known as Mitchell's Corner (Henlopen Properties LLC, Mitchell Farm, Zwannendael Farm) have been in the works for what seems like, forever. I attended the PLUS in Dover on 1/23/2019.

Since that time, the project has evolved to what we have today, 267 Duplexes and Townhouses and one new three-story, 43K Sq. Ft. commercial building to be built on Kings Highway next to the existing two-story medical building. It appears that retail is planned for the first floor of the 3-story commercial building. The project to be developed consists of 47+/- acres at Kings Highway and Gills Neck Road across from Cape Henlopen High School and the under construction Lodges at Lewes. Across Gills Neck, new projects like the Village Center Cottages and Village Center Shopping Center are in the planning stages.

Having worked with representatives from Sussex County, DeIDOT, Office of State Planning Coordination, City of Lewes, Historic Lewes Byway and other groups, I know that all i's are dotted and t's crossed in preparation for Thursday's public hearing.

Many of the subjects you will be asked to consider to approve the applications are extensively addressed in the voluminous public hearing materials: Traffic, Water protection, Safety, Project Density Comparisons, Community Design Context, Interconnectivity and public transportation and more. IMO we need to count on our appointed and elected officials to insure that all of the complex details and interactions of a project of this scale, are executed fairly and equitably for all, including placing appropriate conditions of approval where necessary to commit the developer to a written standard for many of the items just listed.

I'll ask that the Commission to deeply consider how the project will integrate with all the other development now occurring or proposed. Mitchell's Corner needs to meld with DeIDOT's "interim" TIS plans to absorb traffic created by Mitchell as well as surrounding projects and hold off gridlock until DeIDOT's capital project can be fully implemented in 2028. Hopefully the Commission has reviewed the [DeIDOT US9, Kings Highway, Dartmouth Drive to Freeman Highway project portal](#).

Assuming everyone does their part during the approval process, I would like to advocate for two items for your consideration. First, given the project density at about 6 units per acre, I would like to see a Developer contribution for what I will call bonus density or a reduction in the number of units from 267 to provide more open space within the project. You would know better than I how this could be accomplished.

Second, I would like to advocate for the Developer to commit to improvements to the Kings Highway and Gills Neck Road frontage to include berms, landscaping and trees that will buffer or hide Mitchell's Corner development from the roadway view-sheds. Although these issues will be addressed by the 2026-28 DeIDOT capital construction

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These are my comments after all this time has passed. I would be happy to answer questions for which I have answers or direct you to others that may have more complete information.

Thank you for your service,

Jay Tomlinson
Citizens for Responsible Kings Highway Development
32715 Hastings Drive
Lewes, DE 19958
856-906-0605
jaythrep@gmail.com

Ashley Paugh

CZ 1968

From: Joseph Pika <jpika@udel.edu>
Sent: Wednesday, March 9, 2022 10:16 AM
To: Planning and Zoning; Kim Hoey Stevenson
Cc: m_pika@yahoo.com
Subject: Mitchells Corner zoning and development applications

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MAR 09 2022

SUSSEX COUNTY
PLANNING & ZONING

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Members of the Planning and Zoning Commission:

My wife and I are owners of a home at 17 Surf Ave, Bay Breeze Estates in Lewes. A portion of our development is immediately adjacent to the Mitchell property, and our home abuts the acreage that was previously bought by The Moorings, the retirement community, as a buffer. Five lots on our street back up to the proposed development, and all our community's residents will be impacted by the increased traffic and potential water pollution that the development portends.

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Opposition
Exhibit

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Thanks for your consideration.

Joseph and Mary Pika

Joseph A. Pika
James R. Soles Professor Emeritus
University of Delaware

Planning & Zoning Office
PO Box 417
Georgetown, DE 19947

Opposition
Exhibit

Sussex County Planning and Zoning Commission
Robert C. Wheatley, Chairperson
Kim Hoey Stevenson, Vice-Chairperson
R. Keller Hopkins
J. Bruce Mears
Holly Wingate

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MAR 07 2022

SUSSEX COUNTY
PLANNING & ZONING

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Rezoning 43.777 acres from AR-1 to MR to accommodate 267 lots will produce a dramatic increase in residential density in this section of the Kings Hwy corridor. An earlier proposal called for single-family homes, duplexes, town homes and apartments. We agree with the overall goal of making affordable housing available in the Lewes area, but we are concerned about the high density expected in the proposed development, a future which was most evident during the PLUS review. Our calculations show that the new subdivision will have about 6.1 residential units per acre. We realize this is within the allowable range under MR zoning, but that does not make it a wise idea.

We have two specific concerns. First, the high concentration of residents and additional office space will increase traffic congestion on Kings Hwy, a problem that may be adequately addressed by the changes to Kings Hwy proposed and previewed by DelDOT during a virtual workshop on February 23, 2022. Optimistically, DelDOT expects two additional lanes and five traffic circles to meet the corridor's needs through 2050, but serious work does not begin until 2026. As we all know, what is proposed in one plan may not be disposed in final form, nor are the engineers' projections always right. We request that development of the Mitchell property be phased in gradually so that the full traffic impact is not felt until the changes on Kings Hwy are completed.

Second, we are concerned about the proposals' likely impact on water quality. We share the concerns expressed by the Lewes Board of Public Works during the PLUS review. Although only about one-third of the proposals' acreage is part of the Lewes water wells' recharge area, surface water from the full subdivision will be drained into a stormwater holding pond that is unquestionably located within the recharge area. (As of March 2, the map associated with the public announcement of this meeting incorrectly located the office building on Gills Neck Rd, not Kings Hwy as discussed during the PLUS meeting. This directly impacts the holding pond's location.) The proposed development provides for very little green space and relies heavily on paved surfaces. Surface water directed to the holding pond will

carry nearly all of the residents' cleaning chemicals, car oil, lawn care products, and winter salt. This will have a direct adverse impact on the City of Lewes water supply.

Even a modest reduction in the proposed subdivision's density will mitigate both of these problems. We suggest that the unit density of this subdivision be closer to that found in Admiral's Chase (3.27), Bay Breeze (2.96), and the recently approved Olde Town at White's Pond (2.33) than to Jefferson Apartments (7.32). The developer should aim for no more than 5 units/acre, preferably 4/acre, a reduction from current projected rate of 6.1.

Finally, we have one request. We ask that the developers work closely with our HOA Board in designing the 20-foot natural buffer between the immediately adjacent Bay Breeze properties and the new residential units. We hope to rely on native plants that require minimal attention but provide considerable privacy to residents on both sides of the buffer. We also hope that responsibility for maintaining the new buffer will be clearly assumed by the new community's HOA. We will do our share and hope that our new neighbors will do theirs. The Bay Breeze contact person for this discussion will be Trevor Bradshaw, HOA president. Mr. Bradshaw can be contacted at tbradshaw5521@gmail.com.

Very truly yours,

Bay Breeze Estates Homeowners Association Board

Trevor Bradshaw, President

Rich Dreasen, Vice President

Kathy Quinn, Treasurer

Diane Barlow, Secretary

Joseph Pika, Development Committee Chair

Jamie Whitehouse

From: TB <tbradshaw5521@gmail.com>
Sent: Sunday, March 6, 2022 10:20 PM
To: Jamie Whitehouse; Lauren DeVore; Kim Hoey Stevenson
Subject: Letter for Public Comment - Mitchell Farms Applications
Attachments: Letter for Public Record - Mitchell Farms Applications.pdf

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good evening, Planning and Zoning Commission members,

Earlier this evening I sent an email with a letter attached regarding the zoning applications for Mitchell Farms that are going to deliberation on March 10th, 2022. I believe the file I attached was the incorrect file. I apologize for the confusion. The letter from the Bay Breeze Estates HOA is attached to this email. Thank you for your consideration.

Sincerely,

Trevor Bradshaw
Bay Breeze Estates HOA President

Jamie Whitehouse

From: TB <tbradshaw5521@gmail.com>
Sent: Sunday, March 6, 2022 10:10 PM
To: Jamie Whitehouse; Lauren DeVore; Kim Hoey Stevenson
Subject: Letter for Public Comment - Mitchell Farms Applications
Attachments: Letter for Public Record - Mitchell Farms Application.pdf

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good evening Planning and Zoning Commission members,

Please find attached to this email a letter from the Bay Breeze Estates Homeowners Association regarding the applications from Henlopen Properties regarding the Mitchell Farms property. We kindly ask that this letter be added to the public record regarding the Mitchell Farms applications, and that the commission take this letter into consideration into its deliberations on March 10, 2022.

A copy of the attached letter has also been mailed to the Planning and Zoning Office PO Box.

Thank you very much for your time and consideration in this matter, and please do not hesitate to contact me with any questions or concerns.

Sincerely,

Trevor Bradshaw
Bay Breeze Estates HOA President

