

PLANNING & ZONING COMMISSION

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Sussex County

DELAWARE
sussexcountype.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date September 9, 2021.

Application: CU 2262 Matthew Hete

Applicant: Matthew C. Hete
45 Kings Creek Circle
Rehoboth Beach, DE 19971

Owner: Matthew C. Hete
45 Kings Creek Circle
Rehoboth Beach, DE 19971

Site Location: The property is lying on the southeast side of Postal Lane (S.C.R. 283), approximately 0.22-mile northeast of Plantations Road (S.C.R. 75) at 34360 Postal Lane in Lewes, Delaware.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Multifamily (4 units)

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Schaffer

School District: Cape Henlopen School District

Fire District: Lewes Fire District

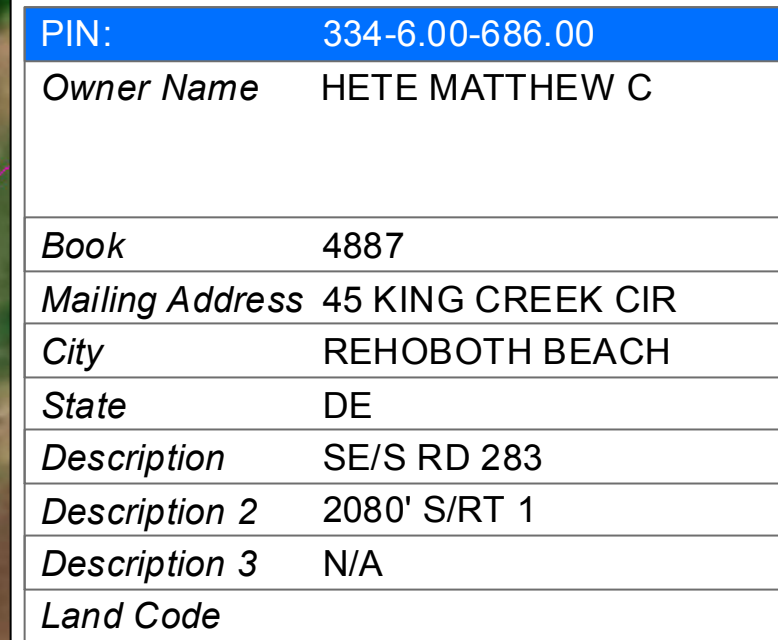
Sewer: Sussex County


Water: Tidewater Utilities

Site Area: 1.25 acres +/-

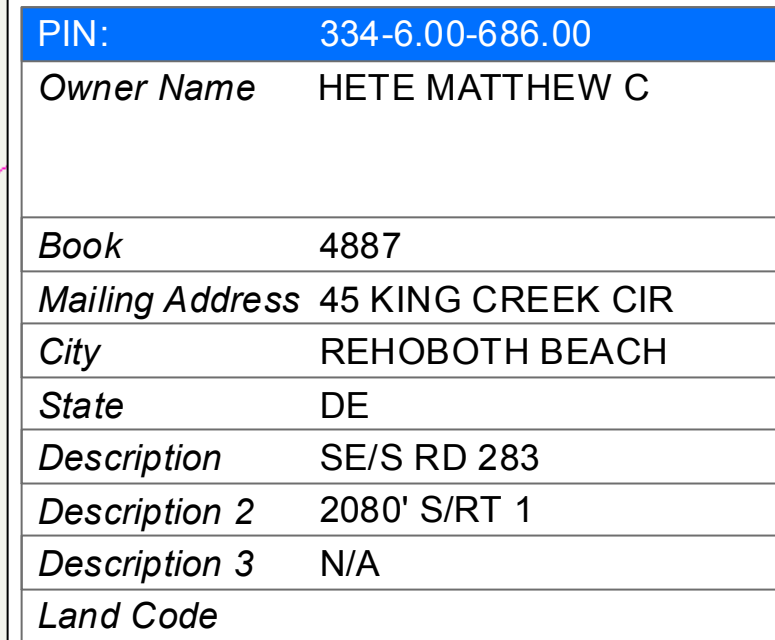
Tax Map ID.: 334-6.00-686.00





 County Boundaries

A number line with two scales. The top scale is labeled in miles (mi) with major tick marks at 0, 0.0125, 0.025, and 0.05. The bottom scale is labeled in kilometers (km) with major tick marks at 0, 0.02, 0.04, and 0.08. The scales are aligned such that 0.0125 mi corresponds to 0.02 km, 0.025 mi corresponds to 0.04 km, and 0.05 mi corresponds to 0.08 km.



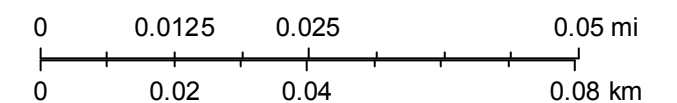
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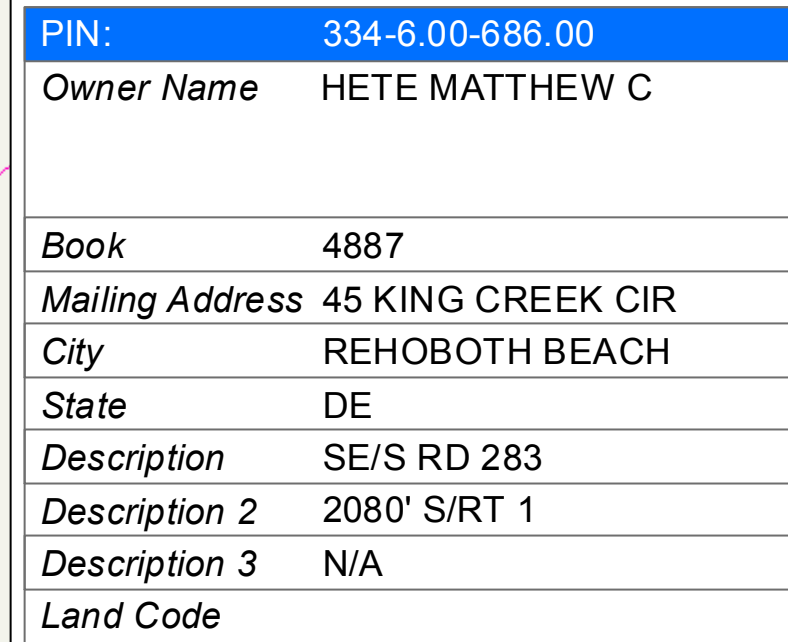
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911 Address

 County Boundaries

1:1,128





— Streets

A horizontal number line with two scales. The top scale is labeled in miles (mi) and has major tick marks at 0, 0.0125, 0.025, and 0.05. The bottom scale is labeled in kilometers (km) and has major tick marks at 0, 0.02, 0.04, and 0.08. Vertical lines connect the corresponding tick marks between the two scales, showing that 0.0125 mi is equivalent to 0.02 km, 0.025 mi is equivalent to 0.04 km, and 0.05 mi is equivalent to 0.08 km.

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountye.gov



Sussex County

DELAWARE
sussexcountye.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: September 2, 2021
RE: Staff Analysis for CU 2262 Matthew Hete

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2262 Matthew Hete to be reviewed during the September 9, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 334-6.00-686.00 to allow for the establishment of four (4) multifamily dwelling units. The parcels are lying on the southeast side of Postal Lane (S.C.R. 283), approximately 0.22-mile northeast of Plantations Road (Route 1D). The parcels consist of 1.25 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcel has a designation of "Coastal Area." The surrounding and adjacent properties located to the north, south, east and west of the subject properties also lie within the "Coastal Area" Future Land Use Map designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties to the northeast, northwest and south of the subject site are also zoned Agricultural Residential (AR-1). The surrounding area to the north features a number of differently zoned parcels including parcels of which the majority are zoned Medium Density Residential (MR). The properties to the northeast which line Coastal Highway (Route 1) are all zoned General Commercial (C-1).

Since 1999, there have been four (4) Conditional Use applications within a 2-mile radius of the application site. The first application was for Conditional Use No. 2252 Delaware Electric Co-op to allow for a substation to be located within a Medium Density Residential (MR) Zoning District. This application was approved by the Sussex County Council on July 13, 2021. This change was adopted through Ordinance No. 2788.



The second application was for Conditional Use No. 2237 Sam Warrington II for outdoor RV and boat storage to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on December 1, 2020 and was adopted through Ordinance No. 2756.

The third application was for Conditional Use No. 1357 Super Fresh Food Market for sales of soft/hard goods off carts within a General Commercial (C-1) Zoning District. This application was approved by the Sussex County Council on May 1, 2001 and was adopted through Ordinance No. 1452.

The final and fourth application was for Conditional Use No. 1294 Don Derrickson for an apartment to be constructed on the second floor of a golf pro shop to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on July 27, 1999 and was adopted through Ordinance No. 1332.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for the establishment of four (4) multifamily units, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: 2262
202100324

Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment ☐

RECEIVED

JAN 11 2021

Site Address of Conditional Use/Zoning Map Amendment

34360 Postal Lane, Lewes, DE 19958

SUSSEX COUNTY
PLANNING & ZONING

Type of Conditional Use Requested:

Seeking conditital use to permit multi-family

Tax Map #: 334-6.00-686.00

Size of Parcel(s): 54,422 s.f.

Current Zoning: AR-1

Proposed Zoning: AR-1

Size of Building: 8,064 s.f.

Land Use Classification: Mixed Residential

Water Provider: Tidewater Utilities

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Matthew C. Hete

Applicant Address: 45 Kings Creek Circle

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 344-8988

E-mail: mchete@msn.com

Owner Information

Owner Name: Same as Applicant

Owner Address: _____

City: _____

State: _____

Zip Code: _____

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: The Kercher Group, Inc.

Agent/Attorney/Engineer Address: 37385 Rehoboth Ave. Ext., Unit #11

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 781-4346

E-mail: kts@kerchergroup.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ Completed Application

☒ Provide eight (8) copies of the Site Plan or Survey of the property

- ☐ Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- ☐ Provide a PDF of Plans (may be e-mailed to a staff member)
- ☐ Deed or Legal description

☒ Provide Fee \$500.00

☐ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

☒ Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.

☒ DeIDOT Service Level Evaluation Request Response

☐ PLUS Response Letter (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

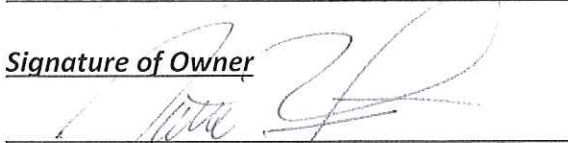
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 12/3/20

Signature of Owner



Date: 12/3/20

For office use only:

Date Submitted: 1/11/2021

Staff accepting application: JP

Location of property: _____

Fee: \$500.00 Check #: 6294

Application & Case #: 202100324

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

RECEIVED

JAN 11 2021

SUSSEX COUNTY
PLANNING & ZONING

January 5, 2021

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Matthew C. Hete** conditional use application, which we received on December 3, 2020. This application is for an approximately 1.25-acre parcel (Tax Parcel: 334-6.00-686.00). The subject land is located on the southeast side of Postal Lane (Sussex Road 283), approximately 1,200 feet northeast of the intersection of Plantation Road (Sussex Road 275) and Postal Lane / Cedar Grove Road (Sussex Road 283). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to develop 4 units of multi-family housing.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Postal Lane where the subject land is located, which is from Plantation Road to Delaware Route 1, are 9,812 and 12,628 vehicles per day, respectively.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be diminutive in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

A review of TIS/TOA completed in the last three years found that a TOA was completed for the Ocean Park commercial development. That TOA included the intersection of Plantations Road (Sussex Road 275) and Cedar Grove Road (Sussex Road



Mr. Jamie Whitehouse
Page 2 of 2
January 5, 2021

283) / Postal Lane. We are providing a copy of that TOA review letter; please find it enclosed with this letter.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
Enclosure

cc: Matthew C. Hete, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING & DESIGN REVIEW DIVISION
C/U & C/Z COMMENTS

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/23/2021**

APPLICATION: **CU 2262 Matthew Hete**

APPLICANT: **Matthew C. Hete**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **334-6.00-686.00**

LOCATION: **Lying on the south side of Postal Lane (SCR 283),
approximately 0.22 mile northeast of Plantations Road (SCR
275). 34360 Postal Lane, Lewes, DE.**

NO. OF UNITS: **Multifamily (4 units)**

GROSS
ACREAGE: **1.25**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐

No ☒

a. If yes, see question (2).

b. If no, see question (7).

- (2). Which County Tier Area is project in? **Tier 2**

- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**

- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.

- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**
- ☒ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **Yes**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

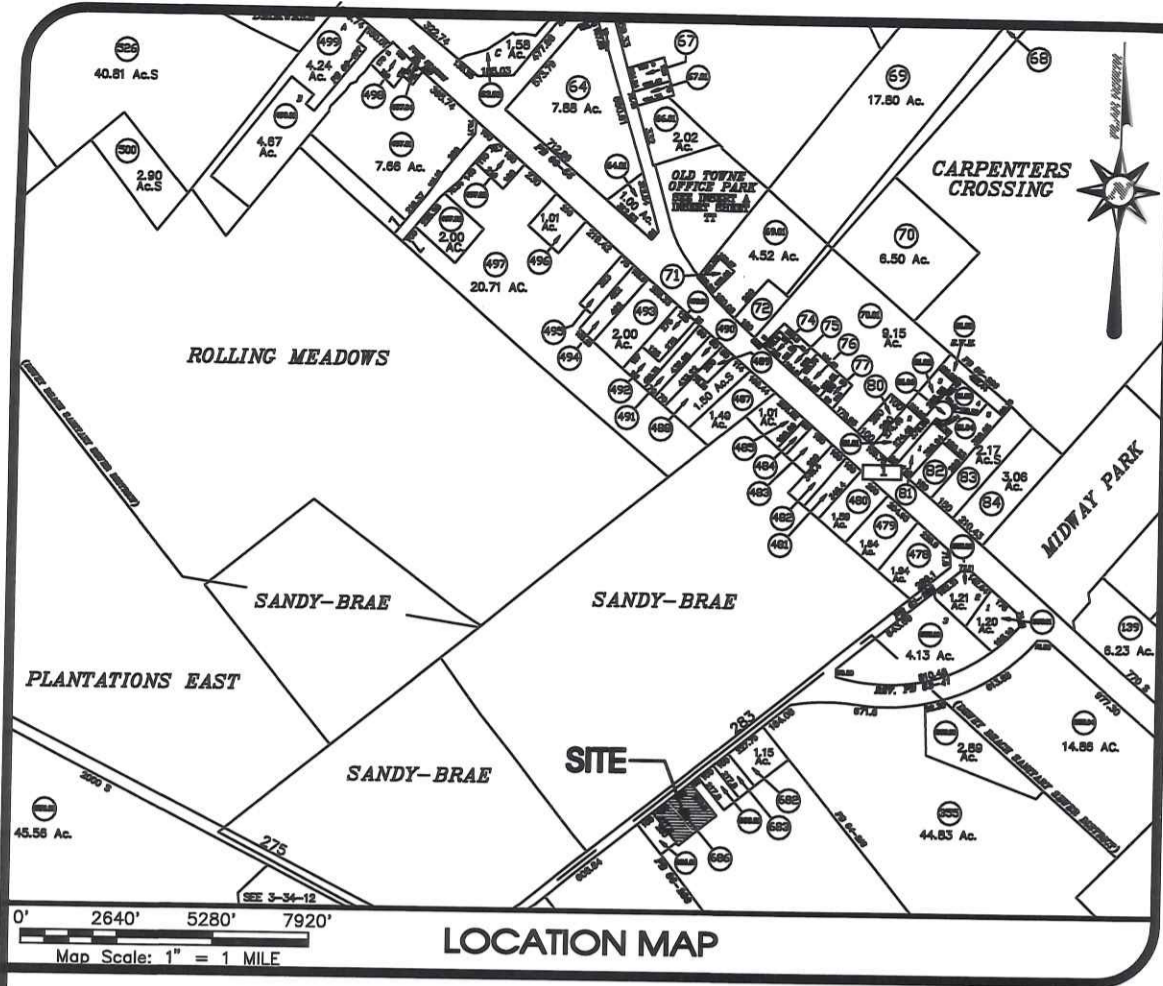
Xc: Hans M. Medlarz, P.E.
Lisa Walls
Christine Fletcher

Policy for Extending District Boundaries

1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.
2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.
3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

Application Fees	
Less than 2 acres	\$500.00
2.1 -9.99 acres	\$750.00
10 - 150.00 acres	\$1,500.00
Greater than 150.00 acres	\$2,500.00

4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)
6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.



SITE DATA and ZONING SCHEDULE

TAX PARCEL No.: 334-6.00-686.00
PROPERTY ADDRESS: 34360 POSTAL LANE LEWES, DE 19958
EXISTING SITE USE: RESIDENTIAL DWELLING
PROPOSED SITE USE: 4 UNIT - SINGLE FAMILY/CONDOMINIUM DEVELOPMENT
CURRENT ZONING DISTRICT: AR-1 (AGRICULTURAL RESIDENTIAL)
PROPOSED ZONING DISTRICT: AR-1 (AGRICULTURAL RESIDENTIAL) / CONDITIONAL USE
ORDINANCE ITEM: REQUIREMENT: PROVIDED:
MINIMUM LOT AREA: 20,000 Sq. Ft. 54,422 Sq. Ft.
MINIMUM LOT WIDTH: 100 Ft. 249.76 Ft.
MINIMUM LOT DEPTH: 100 Ft. 217.67 Ft.
MINIMUM SETBACKS: FRONT 40 Ft. 40 Ft. SIDE 15 Ft. 15 Ft. REAR 20 Ft. 20 Ft.
MAXIMUM BUILDING HEIGHT: 42 Ft./3 Stories 42 Ft./3 Stories
MINIMUM BUILDING SEPARATION: 40 Ft. 15.74 Ft.
PARKING SPACE QTY. (RESIDENTIAL USE): 2 SPACES/ DWELLING UNIT = 8 1 GARAGE + 6 DRIVEWAY = 28 Spaces
SEWER SERVICE: SUSSEX COUNTY
WATER SERVICE: TIDEWATER UTILITIES
PROPERTY OWNER: LANDS OF HETE4, LLC 45 KINGS CREEK CIRCLE REHOBOTH BEACH, DE 19971 (302) 344-988

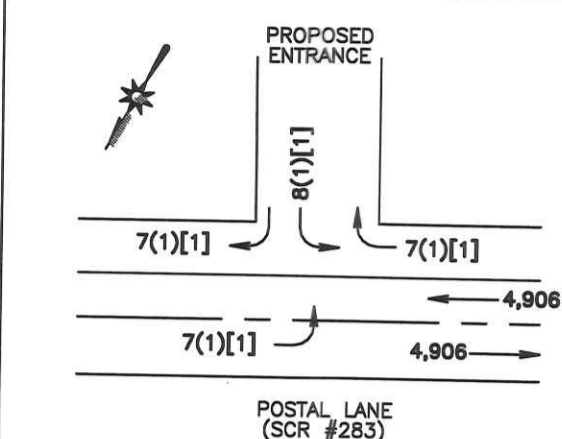
PROPERTY AREA	54,422 S.F.
DEDICATION:	1,251 S.F. (2.3%)
ROADWAY AREA (including sidewalk):	3,896 S.F. (7.2%)
DRIVEWAY AREA:	5,377 S.F. (9.9%)
DWELLING AREA:	8,064 S.F. (14.8%)
OPEN SPACE AREA:	35,834 S.F. (65.8%)
PROPOSED GROSS DENSITY:	3.20 Units/Ac.

*DWELLING AREA IS CONCEPTUAL ACTUAL BUILDING DIMENSIONS AND SIZE SHALL VARY.

PLAN LEGEND

- EXISTING PROPERTY BOUNDARY
- ADJOINING PROPERTY LINE
- EXISTING PAVEMENT EXTENTS
- EXISTING ROAD CENTERLINE
- PROPOSED EASEMENT EXTENTS
- PROPOSED BUILDING RESTRICTION LINE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED PERMANENT EASEMENT (PE)
- PROPOSED SIDEWALK
- EXISTING CONCRETE PROPERTY MONUMENT
- EXISTING IRON PIPE
- PROPOSED CONCRETE
- PROPOSED PAVEMENT

TRIP GENERATION - POSTAL LANE (SCR #283) (FULL MOVEMENT)



TRAFFIC GENERATION DIAGRAM

TRIPS PER DAY (VEHICLES IN A.M.) [P.M. PEAK HOUR]

ROAD TRAFFIC DATA:

FUNCTIONAL CLASSIFICATION - S283 (POSTAL LANE) - LOCAL
POSTED SPEED LIMIT - 30 MPH
AADT = 9,812 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)
10-YR PROJECTED AADT = 11,984 x 9,812 TRIPS = 11,367 TRIPS
10-YR PROJECTED AADT + SITE AADT = 11,367 TRIPS
TRAFFIC PATTERN GROUP - 4 (FROM 2019 DELDOT TRAFFIC SUMMARY)
PEAK HOUR = 10% x 9,812 = 982 TRIPS

SITE TRIPS GENERATED:

SOURCE: ITE TRIP GENERATION MANUAL 10th EDITION (220) MULTI-FAMILY HOUSING (LOW RISE)
ONE ENTRANCE - FULL MOVEMENT
DESIGN VEHICLE: SJ-30
4 SINGLE FAMILY/CONDO UNITS
WEEKDAY = 29 TRIPS (14 IN/15 OUT)
AM PEAK = 4 TRIP (2 IN/2 OUT)
PM PEAK = 4 TRIP (2 IN/2 OUT)
TOTAL ADT FOR DEVELOPMENT (WEEKDAY) = 29 TRIPS
DIRECTIONAL DISTRIBUTION:
52% TO AND FROM THE NORTHEAST: 15 TRIPS (2 A.M. PEAK) (2 P.M. PEAK)
48% TO AND FROM THE SOUTHWEST: 14 TRIPS (2 A.M. PEAK) (2 P.M. PEAK)
5% TRUCKS x 29 = 1 TRIP

GENERAL NOTES

- THE PROJECT SITE IS KNOWN AS LANDS OF HETE4, LLC, (T.P. 334-6.00-686.00), AND IS LOCATED 110' NORTHEAST OF THE POSTAL LANE (SCR283) AND MAPLE DRIVE INTERSECTION IN LEWES, DE.
- THE PROPERTY BOUNDS AND EXISTING FEATURES INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY FORESIGHT SERVICES.
- THE PROPOSED DEVELOPMENT STREETS ARE TO BE PRIVATE AND MAINTAINED BY THE DEVELOPER/PROPERTY OWNER UNTIL A HOMEOWNERS ASSOCIATION IS ESTABLISHED TO PROVIDE FOR SAID MAINTENANCE. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- ALL PROPOSED STORMWATER MANAGEMENT FACILITIES ARE TO BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE.
- THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- THE CONTRACTOR SHALL ENSURE THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO COMMENCEMENT OF ANY SITE CONSTRUCTION ACTIVITIES.
- ALL CONTRACTORS WORKING ON THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK (LATEST EDITION).
- CONSTRUCTION MATERIALS AND PROCEDURES SHALL FOLLOW THE SUSSEX COUNTY ENGINEERING DEPARTMENT SPECIFICATIONS AND STANDARD DRAWINGS (LATEST EDITION).
- EXISTING SUBSURFACE UTILITY INFORMATION INDICATED IS BASED UPON VISUAL FIELD INSPECTION BY FORESIGHT SERVICES. SUCH INFORMATION CONCERNING THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF SUBSURFACE UTILITIES IS APPROXIMATE IN NATURE AND HAS BEEN OBTAINED AS AN AID IN THE PROJECT DESIGN. THE INFORMATION PROVIDED IS REPRESENTATIVE OF SUBSURFACE CONDITIONS ONLY AT LOCATIONS AND DEPTHS WHERE SUCH INFORMATION WAS OBTAINED. THERE IS NO EXPRESSED OR IMPLIED AGREEMENT THAT UTILITY SIZE, LOCATION, DEPTH, QUANTITY, ETC. AS SHOWN EXISTS BENEATH THE LOCATIONS SHOWN. ACCORDINGLY, UTILITY INFORMATION SHOWN SHOULD NOT BE RELIED UPON FOR CONSTRUCTION PURPOSES. IT IS INCUMBENT UPON THE CONTRACTOR TO VERIFY THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF ALL UTILITIES BEFORE EXCAVATION.
- BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 100029 0332 K, MAP NUMBER 1000290332K, DATED MARCH 16, 2015, THE SUBJECT PROPERTY IS LOCATED IN A ZONE "X" UNSHADED WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- NO STATE OR FEDERAL JURISDICTIONAL WETLANDS ARE LOCATED WITHIN THE PROPERTY BOUNDS.
- ALL FIRE LINES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS PART V, CHAPTER 4, SECTION 4-1.1, THE DEVELOPER SHALL PROVIDE, TO THE EMERGENCY DISPATCH CENTER HAVING JURISDICTION, A PLOT PLAN OF THE DEVELOPMENT SHOWING EACH DWELLING LOCATION. THE DEVELOPER SHALL ASSIGN NUMBERS TO ALL DWELLINGS IN A CONSECUTIVE MANNER AND HAVE PLACED THE ASSIGNED NUMBER IN A THAT AN EMERGENCY VEHICLE IS NEEDED.
- ALL PROPOSED LANDSCAPE BUFFERS ARE TO BE MAINTAINED BY THE PROPERTY OWNER/DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE.
- PROPOSED BUILDING TYPE IS NFPA (000).
- THE PROPOSED SIGNAGE DEPICTED ON THE PLAN IS INDICATIVE ONLY. SEPARATE APPLICATIONS SHALL BE REQUIRED FOR ALL SIGNAGE.

RECORD PLAN NOTES

REVISED AUGUST 21, 2019

- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE RIGHT DISTANCE OF A DRIVER ENABLING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE PROJECT'S ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER. THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17.131) DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER. THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION, THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SHARED-USE PATH.
- DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
- TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH THE SIDEWALK ACCESS AND CLEARANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.

SOILS DATA

SOILS MAPPED FROM <https://websoilsurvey.sc.egov.usda.gov>

Soils Name	Slopes	Hydrologic Soils Group
GrA Greenwich loam	0 to 2 percent slopes	B
GuB Greenwich-Urban land complex	0 to 5 percent slopes	B

PLANNING COMMISSION CERTIFICATE

RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION OF SUSSEX COUNTY ON THIS _____ DAY OF _____ 20____.

SECRETARY (ATTEST) _____

RECOMMENDED FOR APPROVAL BY THE SUSSEX COUNTY COUNCIL ON THIS _____ DAY OF _____ 20____.

PRESIDENT _____

OWNER CERTIFICATE

I HEREBY CERTIFY THAT I AM THE EQUITABLE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

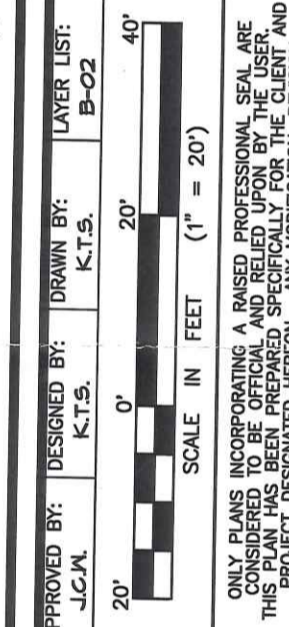
MATTHEW C. HETE
LANDS OF HETE4, LLC
45 KINGS CREEK CIRCLE
REHOBOTH BEACH, DE 19971
Phone: (302) 344-988
Email: mchete@men.com

DATE

REVISION

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT COMPLIES WITH ALL APPLICABLE LAWS AND REGULATIONS OF THE STATE OF DELAWARE.

DESIGN PROFESSIONAL



LANDS OF HETE4, LLC
45 KINGS CREEK CIRCLE
REHOBOTH BEACH, DE 19971
Phone: (302) 344-988
Email: mchete@men.com

PRELIMINARY PLAN (Not To Be Recorded)
RECORD PLAN
LANDS OF HETE4, LLC
LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE
THE KERCHER GROUP, INC.
CONSULTING • SYSTEMS • ENGINEERING

JOB No: 19-1001ES

PLAN DATE: Oct. 22, 2020

SHEET No.: 51



FILE COPY

**Applicant
Exhibit**

September 9, 2021

Mr. Jamie Whitehouse, Director
Sussex County Planning and Zoning Department
P.O. Box 417
Georgetown, DE 19947

RE: Lands of Hete4, LLC, C/U #2262

Dear Mr. Whitehouse:

On September 9, 2021, a public hearing is to be held with the Planning & Zoning Commission, in which my client, Lands of Hete4, LLC (Matthew Hete) and I shall present a conditional use for 4-unit single family/condo style development for consideration of approval. The subject development is known as Lands of Hete4, LLC, referenced as C/U #2262.

The site plan shows 4 single family style homes, in what is proposed as a condominium development. The units depict a 1-car garage and a 6-car parking pad/driveway. The proposed density for the revised layout is 3.20 units per acre. The style of homes, single family, is indicative of the current conditions in the immediate vicinity of the property.

The developer of Lands of Hete4, LLC have made every attempt to assure that the design of the project conforms to the articles as presented in the County Code and they would like to be sure that the members of the Commission are aware of what investigations had been performed on the subject property during the public hearing.

Attached to this document are findings associated with Lands of Hete4, LLC. All documents contained within shall be on record with the Planning and Zoning Department's file and we hope that they can be used as a guide by the Commission while making their recommendation and decision on the application.

If you should have any questions regarding a statement made within this document please do not hesitate to contact our office at your earliest convenience.

Thank you for your attention and consideration.

Sincerely,

Kevin Smith, Project Manager

THE KERCHER GROUP, INC.

**PROPOSAL FINDINGS OF FACT and CONDITIONS FOR
LANDS OF HETE4, LLC
CONDITIONAL USE #2262**

- This is an application for a Conditional Use for single family/condominium style development on a parcel of land on the south side of Postal Lane (SCR 283), 1.249 acres in size, and identified by the County Assessment Office as Sussex County Tax Map 334-6.00, parcels 686.00.
- The property is currently zoned AR1 and is located within the County's Environmentally Sensitive Developing District Overlay Zone.
- The property is located across from Sandy Brae, which is zoned MR. There are other developments located within the immediate vicinity that MR. (Plantations East, The Plantations, Summercrest, Maplewood). There are also commercial developments nearby (Pelican Square, Heritage Inn, Bob Evans, Tanger Outlets, Midway Shopping Center).
- According to the Sussex County Comprehensive Plan, this property is identified for purposes of future land use as mixed residential. The Strategies for State Policies and Spending identify the area as an investment level 1.
- The project is in character with a long history of development and approved applications for development in the immediate area. The development will provide housing in an area where infrastructure and transit services are available and thereby meets the general purpose of the County's Zoning Ordinance by promoting the orderly growth, convenience, order, prosperity, and welfare of the County.
- The project will be served with central water by Tidewater Utilities, Inc. and wastewater collection will be provided by Sussex County via the Dewey Beach Sanitary Sewer District.

This recommendation of approval is subject to the following conditions:

1. There shall be no more than four (4) dwelling units permitted on the subject parcel.
2. The Final Record Plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission.

**Applicant
Exhibit**

FILE COPY

CHAPTER 115-194.3 COMPLIANCE

Lands of Hete4, LLC is proposing to establish a 4-unit, single family/condominium development located along Postal Lane (SCR 283), approximately 110' northeast of Maple Drive in Lewes, DE. With the subject property currently being zoned Agricultural Residential (AR-1), our Client is seeking to rezone the property to Medium Density Residential (MR) with a Conditional Use in order to provide for the single family/condominium housing at the proposed density of 3.20 units per acre. While also being blanketed by the Environmentally Sensitive Development District Overlay Zone (ESDDOZ), the project was designed to be compliant with Chapter 115-194.3 in the following manner:

A. Proposed drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.

- If the application is acted-upon favorably by the Sussex County Council, detailed sediment and stormwater management plans will be prepared for the project and submitted to the Sussex Conservation District for detailed review. While a technical design has yet to be prepared for the proposed site use, it is envisioned that Green Technology Best Management Practices (BMPs) will be designed to manage surface runoff generated by the project. These features will promote the use of infiltration for stormwater management while adhering to the standards established by the Delaware Department of Natural Resources and Environmental Control (DNREC) for water quality treatment and the reduction of Total Maximum Daily Loads (TMDLs) associated with development runoff. The use of infiltration practices will also allow for the reduction of stormwater quantity, when compared to a pre-development condition, by not allowing collected runoff to be discharged from the subject property via over-land flow and, instead, allowed to permeate the site's soils.

B. Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.

- The proposed development will be served with potable water by an existing central water distribution system, owned and operated by Tidewater Utilities, Inc. A new connection will be established to the distribution system and the same source would be used for any potential irrigation of site landscaping, without the use of private wells. Without the use of private wells, it is not envisioned that the project will have a detrimental effect on private water systems and detailed utility plans for the proposed site use will be submitted to Tidewater Utilities for review. This will be done to ensure that adequate service is available for the project and that the proposed utility connection meets their standards and specifications. Based on the proposed site use, it is estimated that the average daily demand for potable water will be 1,200 gallons per day, with the same being the peak demand.

C. Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems.

- The proposed development will be served for wastewater treatment by means of a connection to an existing central wastewater collection system, owned and

operated by Sussex County. As such, private septic systems for the project will not be proposed and effects on the quality of groundwater and surface water from the treatment of wastewater will be eliminated.

D. Analysis of the increase in traffic and the effect on the surrounding roadway system.

- By the creation of the proposed development, it is estimated that 29 vehicular trips will be generated via site ingress and egress on a daily basis. With that, the applicant will be required to prepare detailed entrance plans for the project for technical review by the Delaware Department of Transportation (DelDOT). These plans will be reviewed for full compliance with State standards and the applicant will be required to improve both the site and Postal Lane as DelDOT would see fit to ensure vehicular and pedestrian safety.

E. The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.

- Due to the existing developed nature of the subject property and surrounding areas, it is not expected to have any endangered or threatened species within the property bounds.

F. The preservation and protection from loss of any tidal or non-tidal wetlands on the site.

- There are no tidal or non-tidal wetlands present within the property bounds.

G. Provisions for open space as defined in § [115-4](#).

- The design for the Lands of Hete4, LLC allows for 0.789 acres (63.1% of the parcel area) of open space to be established. These would be areas set-aside for landscaping and stormwater management treatment.

H. A description of provisions for public and private infrastructure.

- To serve the proposed development, private infrastructure will be established. This would include parking facilities, roadways, wastewater utilities, potable water utilities, and stormwater management utilities to support the project. Public utilities will be limited to the establishment of a pedestrian walkway along the property frontage, as required by DelDOT.

I. Economic, recreational or other benefits.

- The creation of the development will support jobs in the local community, employing the need for skilled tradesmen to establish new infrastructure for the project, prepare the property, and erect the dwelling units.

J. The presence of any historic or cultural resources that are listed on the National Register of Historic Places.

- There are no historic or cultural resources listed on the National Register of Historic Places located within the bounds of the subject parcel.

K. An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.

- The proposed application is a permitted use by means of conditional use approval, based upon the proposed medium-density residential zoning, by the Sussex County Zoning Code. Being in an area supported for future growth, the proposed development will make-use of existing infrastructure to eliminate potential impacts to the environment that can be caused through the use of private wells and septic systems.

L. Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection [B\(2\)\(a\)](#) through [\(k\)](#) above and the manner by which they are consistent with the Comprehensive Plan.

- The design for the Lands of Hete4, LLC has been prepared to significantly limit or eliminate potential impacts to the environment within the ESDDOZ. The utilization of existing infrastructure utilities for potable water service and wastewater collection promotes the health of local environmental systems by not establishing private wells or septic systems, which can add nutrient loads to the watershed. The design for the project's stormwater management treatment system will be in-concert with the Green Technology BMP standards and specifications of the DNREC and the preservation of open space will be maximized by setting-aside 63.1% of the subject parcel for passive open space. The project will also be established on a parcel located within an area designated for growth and outside of sensitive areas, such as the City of Lewes' wellhead protection zone.

August 30, 2021

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

FILE COPY

SUPPORT EXHIBIT

Dear Council Members,

We reside at 34371 Postal Lane Lewes, Delaware that is close proximity to the proposed conditional use change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Conditional Use application (C/U 2262) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of the application.

Sincerely,

Name: Hannah Specht

Signature: 

Address: 34371 postal lane Lewes DE 19958

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SEP 07 2021

SUSSEX COUNTY
PLANNING & ZONING

August 30, 2021

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

FILE COPY
SUPPORT EXHIBIT

Dear Council Members,

We reside at 34236 Dagwood Lewes, Delaware that is close proximity to the proposed conditional use change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Conditional Use application (C/U 2262) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of the application.

Sincerely,

Name:

Signature:

Address:

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SUSSEX COUNTY
PLANNING & ZONING

August 30, 2021

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

FILE COPY
SUPPORT EXHIBIT

Dear Council Members,

We reside at 34432 Maple Dr Lewes, Delaware that is close proximity to the proposed conditional use change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Conditional Use application (C/U 2262) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of the application.

Sincerely,

Name: Alex Hudson

Signature: [Handwritten Signature]

Address: 34432 Maple Dr Lewes DE 19958

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SUSSEX COUNTY
PLANNING & ZONING

August 30, 2021

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

FILE COPY
SUPPORT EXHIBIT

Dear Council Members,

We reside at 34444 Maple Drive Lewes, Delaware that is close proximity to the proposed conditional use change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Conditional Use application (C/U 2262) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of the application.

Sincerely,

Name: Ron Thompson

Signature: [Signature]

Address: 34444 Maple Drive, Lewes, DE 19958

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SUSSEX COUNTY
PLANNING & ZONING

August 30, 2021

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

FILE COPY

SUPPORT EXHIBIT

Dear Council Members,

We reside at 34381 Postal Lewes, Delaware that is close proximity to the proposed conditional use change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Conditional Use application (C/U 2262) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of the application.

Sincerely,

Name: June Aiello

Signature: June C. Aiello

Address: 34381 Postal Lane

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SUSSEX COUNTY
PLANNING & ZONING

August 30, 2021

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

FILE COPY
SUPPORT EXHIBIT

Dear Council Members,

We own 2 contiguous properties located at the Southwest corner of Plantations and Cedar Grove Road (Tax Parcels, 334-12.00-51.00 & 334-12.00 5.00) that is close proximity to the proposed conditional use change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Conditional Use application (C/U 2262) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of the application.

Sincerely,

Name: Kenneth K. Martin (HKLS managing member)

Signature: [Handwritten Signature]

Address: Plantations & Postal Lane

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SUSSEX COUNTY
PLANNING & ZONING

August 30, 2021

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

FILE COPY

SUPPORT EXHIBIT

Dear Council Members,

We reside at 34338 Postal Lane Lewes, Delaware that is close proximity to the proposed conditional use change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Conditional Use application (C/U 2262) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of the application.

Sincerely,

Name: Glen Elizabeth Cole, Ekberts

Signature: Glen Elizabeth

Address: 34338 Postal Lane

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SUSSEX COUNTY
PLANNING & ZONING

August 30, 2021

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

FILE COPY

SUPPORT EXHIBIT

Dear Council Members,

We reside at 34361 Postal Ln Lewes, Delaware that is close proximity to the proposed conditional use change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Conditional Use application (C/U 2262) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of the application.

Sincerely,

Name: Robert Vincent

Signature: [Handwritten Signature]

Address: 34361 Postal Lane Lewes

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SUSSEX COUNTY
PLANNING & ZONING

August 30, 2021

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

FILE COPY

SUPPORT EXHIBIT

Dear Council Members,

We reside at 18398 Maple Lewes, Delaware that is close proximity to the proposed conditional use change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Conditional Use application (C/U 2262) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of the application.

Sincerely,

Name: Peter Shade

Signature: Peter Shade

Address: 18398 Maple Dr. Lewes DE

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SUSSEX COUNTY
PLANNING & ZONING

August 30, 2021

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

FILE COPY

SUPPORT EXHIBIT

Dear Council Members,

We reside at 34313 Postal Ln Lewes, Delaware that is close proximity to the proposed conditional use change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Conditional Use application (C/U 2262) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of the application.

Sincerely,

Name: Ricci Wampler

Signature: Ricci Wampler

Address: 34313 Postal Lane Lewes, DE 19958

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SUSSEX COUNTY
PLANNING & ZONING

August 30, 2021

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

FILE COPY

SUPPORT EXHIBIT

Dear Council Members,

We reside at 18472 LINEN LANE Lewes, Delaware that is close proximity to the proposed conditional use change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Conditional Use application (C/U 2262) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of the application.

Sincerely,

Name: BRADLEY DREBUSHEMIO

Signature: 

Address: _____

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SUSSEX COUNTY
PLANNING & ZONING

August 30, 2021

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

FILE COPY

SUPPORT EXHIBIT

Dear Council Members,

We reside at 34391 Postal Lane Lewes, Delaware that is close proximity to the proposed conditional use change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Conditional Use application (C/U 2262) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of the application.

Sincerely,

Name: Carole Surer

Signature: Carole Surer

Address: 34391 Postal Lane

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SUSSEX COUNTY
PLANNING & ZONING



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SUPPORT EXHIBIT

PO Box 244 Nassau, Delaware 19969

Sandybraehoa.com sandybraehoa.lewes.de@gmail.com

August 25, 2021

Matt Hete

45Kings Creek Circle

Rehoboth Beach, De. 19971

RE: Proposal to build on Postal Lane

Dear Matt:

The Sandy Brae HOA Board of Directors does not see the need to meet and review your proposed plan to build four homes on Postal Lane. The type of homes you have proposed/presented to us in the attached document is complementary to the existing residential homes, there is only going to be one entrance that helps traffic wise, you are adding a sidewalk for safety concerns, and will landscape on all four sides.

We are in favor of this project as long as you build exactly what is presented in the attached document. If there are any alterations or a decision is made to build a commercial venture on those lots, we will pull our support.

My phone is 302-682-3986 and please call with questions, concerns, or if you need to discuss things further.

Sincerely,

Kathy Davison, president

Sandy Brae Homeowners Association

CC: SBHOA Board of Directors

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SUSSEX COUNTY
PLANNING & ZONING

August 30, 2021

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Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

SUPPORT EXHIBIT

Dear Council Members,

We reside at 34360 Postal Lane Lewes, Delaware that is close proximity to the proposed conditional use change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Conditional Use application (C/U 2262) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of the application.

Sincerely,

Name: Leidi mar silvis

Signature: [Signature]

Address: 34360 Postal Lane

August 30, 2021

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Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

SUPPORT EXHIBIT

Dear Council Members,

We reside at 34338 POSTAL LANE Lewes, Delaware that is close proximity to the proposed conditional use change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Conditional Use application (C/U 2262) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of the application.

Sincerely,

Name:

Robert Rutter

Signature:

[Handwritten Signature]

Address:

34338 POSTAL LANE, LEWES, DE. 19958

From: Donna P <correspond2u@hotmail.com>
Sent: Monday, September 13, 2021 11:18 AM
To: Mark Schaeffer
Subject: Density bonus for multiple family dwellings in the AR-1 District

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.

Councilman Schaeffer,

In **Conditional Use 2262 (CU2262)**, the applicant is seeking to double the density allowed in the AR-1 District using the provisions of Section 115-22 of the Zoning Ordinance. Such section provides, in part, that "multi family dwelling structures and/or townhouses and/or town homes" may be allowed subject to certain provisions regarding common grounds, provision of a per unit fee for open space, the maximum density doesn't exceed 4 units per acre, 40% of the lot is open space and there is a 75' landscaped buffer along the adjacent roadways, among other provisions.

I ask that you consider the following information and deny this application based on the improper interpretation of certain provisions of the zoning ordinance.

The applicant in this matter is proposing four single family detached dwellings to be held under common land ownership as a condominium. It is unclear if he intends to rent each single family unit separately or to make them available for sale. In any event, the application does not propose a multifamily development or multifamily structures and is, therefore, not eligible to utilize the bonus density provisions of this section.

The Zoning Ordinance defines "dwelling, multifamily", in part, as a dwelling designed or occupied by two or more families living independently of each other, each with single culinary facilities...". A "dwelling" is defined, in part, as a "any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as a residence..."

A "building" is defined as "any structure having a roof supported by columns or walls for the housing or enclosure of persons or property of any kind."

None of these four buildings are designed for occupancy by more than one family or group of occupants. Taken together, these definitions clearly do not permit four separate single family dwellings on a lot to be classified as multifamily dwellings. These units are not town homes, townhouses or multifamily dwellings and are ineligible for such conditional use permit. Note that "condominium" is not specified in Section 15-22. A single family dwelling is defined, in part, as "a detached dwelling designed or occupied by not more than one of the following as a single housekeeping unit with single culinary facilities." The units proposed are clearly four single family dwellings.

The owner appears to be relying on the form of ownership as a condominium to make his claim that these units should be classified as multifamily dwellings. I assume he is relying on the portion of the definition of multifamily dwellings that states "multifamily dwellings shall be considered as apartments, garden apartments, condominiums, duplexes or similar structures." While the word condominium appears in this definition, it is clearly not intended to reclassify a single family dwelling to be multifamily based solely on the manner of ownership. Whether something is owned as fee-simple or condominium

FILE COPY

**Opposition
Exhibit**

is outside the purview of a zoning ordinance. Simply placing single family dwellings on a single parcel of land DOES NOT make them multifamily dwellings. The word "condominium" in that definition is clearly intended to specify that multifamily buildings, whether owned or rented, fall under this use definition. Again, how a property is owned does not legally impact how a structure is defined.

As such, there is no legal basis for this application to be granted approval based on the existing definitions in the zoning ordinance. I ask that you please consider this significant misinterpretation of the provisions and do not approve this application.

Thank you for your time and I appreciate the work you do on behalf of all the citizens of Sussex County. Certainly a challenging job in this point in time, as growth in Sussex County accelerates.

Donna Pesto
34696 Michelle Drive, Rehoboth

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Thursday, September 9, 2021 6:47 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, September 9, 2021 - 6:47pm

FILE COPY
Opposition
Exhibit

Name: Donna Pesto
Email address: notezbngreen@hotmail.com
Phone number: 7039015595
Subject: Hete C/U 2262
Message:

This was sent earlier this week, but there has been no mention of this letter of opposition at the public hearing thus far.

This infill development of single family detached dwellings (SFDs) at a density of 3.2 dwelling units/acre is out of character with the SFD developments that surround this property. The AR-1 District specifies 2 houses per acre, which is how this property should be developed. This owner had 2 lots at the time of purchase, but voluntarily consolidated them, losing one building lot in order to seek conditional use permission for an out-of-character development...first for 14 townhouses and now for an SFD condo development. The appropriate use of this property, in accordance with all of the comprehensive plan guidance regarding neighborhood compatibility and character would be two SFDs, as this owner could have done from date of purchase.

The proposed dwellings are and should be classified as SFDs, NOT multiple family dwellings (MFDs). The proposed condominium form of ownership should have no bearing on how the physical structure is classified. The MFD zoning regulations are wholly inappropriate for this configuration. Each dwelling should be required to meet the requirements of the AR-1 district for SFD structures.

This owner stated in a meeting with representatives from Aydelotte Estates (including me) that he plans for his two adult children to each rent a house from him and that the other two would be rented to others, citing the need for more affordable housing in the area. There is no discussion regarding the provision of affordably priced rents for these properties. What is the intent and how will that be addressed through the conditional use process? Is there a limit on the number of unrelated individuals who can rent/reside in each of these dwellings? How many bedrooms will each house hold? How many kitchens?

The owner also stated that he plans to retain the existing dwelling and to relocate older dwellings from other properties to this site. It is unlikely that the plan submitted with this application accurately reflects that intent given the very specific square footage of each SFD (2016 sqft) and cookie cutter design.

Given the configuration of the garage entrance, it appears that the back of the two northernmost SFDs will face Postal Lane, which is completely inconsistent with all other dwellings fronting on Postal Lane with the front facade of the dwelling. It will also make for a terrible backyard experience for tenants given the extraordinary traffic on Postal Lane.

There are seven proposed parking spaces per dwelling. SEVEN! This will create extensive environmental damage caused by the excess paving and clearly indicates an intention of operating these "rental condos" as vacation rentals, group homes, or multiple tenant occupancies, all of which are incompatible with the character of surrounding properties.

The "50' wide permanent cross-access & utility easement" adjacent to the southernmost property line indicates an intent to create an inter-parcel connection for the future development of the Warrington Farm. No county or DelDOT plans call for this connection. If any development is approved on this property, it must not include such an easement/connection.

The owner stated that County Planning and Zoning staff encouraged him to pursue a commercial use for this small property, which is surrounded on all sides by fairly low density residential use and farmland. Why would that ever be appropriate for this property at this time?

The sidewalk along Postal Lane connects to nothing on either side of the property. There is no information regarding landscaping, both in terms of what will be removed and what new plantings will be provided for this "multiple family dwelling" unit condominium development that abuts single family homes.

The entrance design offers very little in terms of acceleration and deceleration for the 28+ vehicles that may be utilizing it on a daily basis. Postal Lane already functions at an "F" Level of Service, so this additional utilization exacerbates the problem.

I ask that you deny this application, in favor of a two lot subdivision (or possibly three lot, with appropriate design and screening) - with each SFD having its own private driveway and facing Postal Lane.

Jamie Whitehouse

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