

Supplemental Packet
For Planning & Zoning
Commission Meeting on 06.25.2020

DONNA PESTO
34696 Michelle Drive
Rehoboth Beach, DE 19971

June 23, 2020

Sussex County Planning and Zoning Commission
C/O Email: Jamie.whitehouse@sussexcountyde.gov

RE: Applications CU-2209 and CZ-1907, Matthew C. Hete
Tax Map 334-6.00-686.00/34360 Postal Lane
Hearing Date: June 25, 2020
COMMENTS OPPOSING APPROVAL OF THESE APPLICATIONS

Dear Members of the Sussex County Planning and Zoning Commission:

Please consider these comments and enter them into the public record regarding the two applications noted above. I am **STRONGLY OPPOSED** to the Rezoning of these parcels and the granting of a Conditional Use Permit to permit the construction of 14 townhouse units.

I live two houses away from the parcels that are subject to these applications, in Aydelotte Estates. My objections are based on the land use impacts of the proposal and are not simply a case of "not in my backyard." I am recently retired from Fairfax County (VA), where I served as Deputy Zoning Administrator, which position afforded me the opportunity to review these types of applications and work with a variety of local government agencies and officials to ensure the appropriateness of any given application in the specific location proposed. This application proposes 14 townhouses on a 1.25 acre parcel in an area characterized by single family detached dwellings. This is a classic example of spot zoning and it should be rejected as such. At best, this parcel could be considered to be divided into 2 or 3 single family detached dwelling lots. Alternatively, the owner could wait to develop the property into something with more density in concert with any development of the farm field located at the back of the lots.

Pursuant to the provisions of the March 2019 Comprehensive Plan, development in Sussex County should accomplish a number of objectives. I have noted some of these standards below and have added my concerns.

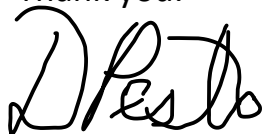
- ***Ensure that new developments incorporate best practices in subdivision design.*** The construction of 14 townhouses on 1.25 acres located in between two single family dwellings and across the street from nothing but single family dwellings is spot zoning and does not constitute any best practices in subdivision design.
- ***The Coastal Area designation is characterized by ecologically important sensitive and important areas.*** Paving over nearly the entire 1.25 acres in an area that already suffers from drainage problems does not further the goals of protection and best practices.
- ***The Coastal Area designation allows for a base density of 2 units per acre, however higher density of 4-12 units per acre may be permitted when the proposal is in keeping with the character of the area and where there is an adequate level of service.*** This application seeks a density of 11.2 units per acre, which is nearly the highest level allowed. Given that there are no townhouses adjacent to or in reasonable proximity to this property to be considered an extension of an existing higher density development, this request is grossly out of character with the density of all surrounding properties. The applicant cited the Woods Cove and Heritage Village developments, which are not immediately proximate to the proposed development.
- ***Objective 4.1.2 Discourage incompatible land uses through the enforcement of existing land use controls...*** The applicant has an opportunity for additional development of one or two additional dwellings under the existing zoning for the property. Doing so would maintain the character of the surrounding properties and reduce the land use impacts when compared to the proposed development.
- ***Goal 4.4 Minimize the adverse impacts of future development on existing development.*** This property can only be accessed by Postal Lane. Pursuant to the analysis conducted by DelDOT, dated November 20, 2019, this application will generate fewer than 50 vehicle trips per hour and 500 vehicle trips per day and is, therefore, exempt from the requirement for a Traffic Impact Study, but one was recommended anyway. It is not apparent in the application that a TIS was conducted, however it is stated by The Kercher Group, Inc. that 102

vehicle trips per day would be generated by this development. That is only 7.28 vehicle trips per day, when the more recognized standard for townhouse is 10 vehicle trips per day per unit. Whether the number is 102 or 140, all that vehicular traffic must enter Postal Lane at a location that is directly across from a dwelling and not adjacent to one of the primary entrances into the Sandy Brae development. According to the Classification of State-Maintained Roads map, Postal Lane is designated as a local road. As such, the land development recommendations do not support a rezoning for higher density. For anyone who has traveled on Postal Lane, it is apparent that this roadway functions at a low Level of Service defined by DelDOT. The roadway is narrow, there are countless individual driveway entrances, there are low lying branches from trees adjacent to the road, there is not sidewalk or shoulder, and traffic backs up onto Postal Lane both from the Route 1 side and the Plantation Road side. This road is not designed to accommodate a 14 unit townhouse development on 1.25 acres in the middle of single family detached homes.

- ***A number of the letters submitted in support of this application reference the construction of affordable housing, yet the application does not propose to construct affordable housing.*** There is no commitment to establish affordable housing with this application, yet, inexplicably, nearly every letter in support of this application cites that it will satisfy a need for affordable housing. It will not, but regardless of whether the housing is affordable through the establishment of covenants restricting the sale/rental prices or the units are market rate, the negative impacts of this proposal remains the same. This property is no more appropriate for affordable housing than it is for market rate.
- ***Farm access road.*** The eastern boundary of this property adjoins a 50' wide piece of land that is part of the corn field lying behind the application property and Aydelotte Estates. Presumably, this could serve as an access point onto Postal Lane in the event that the farm is eventually developed in a coordinated manner and with appropriate acceleration and deceleration lanes on Postal Lane. The townhouse configuration proposed could inhibit the construction of future, and very necessary, improvements to Postal Lane in conjunction with any development of the farm. Any desire for such a high level of density on the application property should be evaluated in conjunction with development of the farm. Piecemeal development ALWAYS creates negative land use impacts

Please give careful consideration to the host of negative impacts of this proposal and reject this application. This owner could capitalize on this investment by creating a subdivision of 2 or 3 lots that keep with the character of all of the surround properties. The request for 14 houses on this very small lot is an overreach and appears to be solely profit based, without regard to compliance with the Comprehensive Plan or universally accepted best practices for land development.

Thank you.

A handwritten signature in black ink, appearing to read "D Pesto". The signature is written in a cursive, flowing style with a large initial "D".

Donna Pesto

RECEIVED

JUN 24 2020

SUSSEX COUNTY
PLANNING & ZONING

34378 Postal Lane
Lewes, Delaware 19958
June 24, 2020

Planning & Zoning Commission
Sussex County
2 The Circle
Georgetown, DE 19947

Re: Conditional Use Application of Matthew C. Hete for 14 Unit Multi-Family Units on 1.25 +/- /Acres of Land at 34360 Postal Lane, Lewes, DE 19958 – 3-34 6.00 686.00

Dear Gentlepersons:

I and my wife own the property adjacent to the above property located at 34360 Postal Lane, Lewes, Delaware, Tax Map 3-34 6.00 686.00. I have some comments and questions about the 14 units proposed by Matthew Hete to be located on that property. The questions are as follows:

1. The project proposed by Mr. Hete is out of character with the single family homes that are located in and around that area.
2. The number of units Mr. Hete wants to construct on the property would seem not to leave enough room for a fifty foot (50') setback from our property located next to this property which includes our field and our home nor would it leave enough room for a forty foot (40') setback from Postal Lane.
3. What does Mr. Hete plan to do about any rainwater runoff from the project?

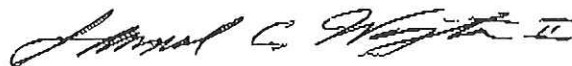
Planning & Zoning
Sussex County
Page 2
June 24, 2020

4. How many individuals would be living in this project and what is the maximum number of individuals that would be allowed to live in the units?
5. What is being planned for the increase in traffic on Postal Lane as the number of vehicles that are now traveling on that road is excessive to the point that we are at times unable to exit our driveway safely?
6. What is being planned for the increase in noise from this project as the noise level with the single family homes is fairly quiet but, again, the number of vehicles on that road is excessive and the noise level is already at a level which is barely bareable?
7. How many automobiles will be allowed in the parking area on the property?

These are just a few questions and concerns that we have at this time and I'm sure many more will follow from other residents in the area and from our family but please know, that because these units are uncharacteristic to this area and would, I believe, cause a great deal more traffic and noise and especially for our family right next door, we are very much opposed to the granting of a conditional use permit for these units to Mr. Hete.

Thank you for your consideration.

Sincerely,



SAMUEL C. WARRINGTON, II



CARRIE J. WARRINGTON

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 24th, 2020
RE: Staff Analysis for CZ 1907 Matthew C. Hete

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1907 Matthew C. Hete to be reviewed during the June 25th, 2020 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 Change of Zone for parcel 334-6.00-686.00 to facilitate a change from an Agricultural Residential (AR-1) Zoning District to the Medium Density Residential (MR) Zoning District and is located at 34360 Postal Lane (S.C.R. 283) south of the Sandy Brae Subdivision and Postal Lane (S.C.R. 283). The size of the property is 1.251 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 property has the land use designation of "Coastal Area."

The areas to the north, south, east and west are also designated "Coastal Areas." "Coastal Areas" are areas that can accommodate development provided special environmental concerns are addressed. The "Coastal Area" also supports a range of housing types 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. Mixed-use development should also be allowed.

The Medium Density Residential (MR) Zoning District is listed as an applicable zoning district for the Coastal Area under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan.

The property is zoned Agricultural Residential (AR-1). The properties to the north of the application site on the opposite side of Postal Lane (S.C.R. 283) are zoned Medium Density Residential (MR) Zoning District. Properties to the east, west and south of the application site are zoned Agricultural Residential (AR-1) Zoning District.



Since 2011, there have been two Change of Zone applications within the vicinity of the application site: To the southwest is CZ 1835 to facilitate a change of zone from an Agricultural Residential (AR-1) Zoning District to the Neighborhood Business (B-1) Zoning District, which was approved by County Council on January 9th, 2018 and adopted through Ordinance #2546. To the southeast is CZ 1845 to facilitate a change from an Agricultural Residential (AR-1) Zoning District to the Neighborhood Business (B-1) Zoning District, which was approved by County Council on March 13th, 2018 and adopted through ordinance #2556.

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Medium Density Residential (MR) Zoning District subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.