

Exhibit A

AUGUST 30, 2019
FISHERS COVE AMENDED PROPOSED FINDINGS
PRELIMINARY CONSENT § 170-19E(1-22)¹

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

The Application complies with all applicable chapters and provisions of the City of Lewes Code of Ordinances (the "Code").

The site plan complies with the property's R-2 (Low Density Residential) zoning. Code § 197-26. All lot dimensions exceed the required minimums: the average lot size is 12,832 square feet, 29% greater than what is allowed. The City Engineer has concluded that the property is suitable for the proposed subdivision. The City Engineer has further concluded, with minor adjustments that will be addressed, that:

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

[* * *]

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

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

¹ FOR EACH OF THE FACTORS TO CONSIDER IN § 170-19E(1-22): The Entire Record, the plans, testimony and exhibits and the attached letters from Duffield Associates, Inc. and Karins and Associates (Exhibits B and C herein) demonstrate that satisfaction of these factors has been met for preliminary consent approval.

The development's oversized lots, generous open space, and landscaped buffers ensure its integration into the existing terrain and surrounding landscape.

(3) Minimal use of wetlands and floodplains.

No wetlands will be disturbed by the proposed development. The Application further makes minimal use of floodplains to the maximum extent feasible, as further described in Exhibit B and C.

The Application will meet or exceed all applicable Sussex Conservation District, Department of Natural Resources and Environmental Control, Federal Emergency Management Act, and City of Lewes laws and regulations for permitting.

(4) Preservation of natural and historical features.

An arborist has prepared a report which confirms that there are no specimen trees in the location of the proposed development, and most trees on the property display less than twenty (20) years of growth. The proposed development will preserve all existing trees within non-tidal wetlands, and all existing trees within and south of the Open Space Parcel A. All trees on lots 8 through 18 will be preserved to the greatest extent practicable. The Application also calls for extensive landscaping.

If approved the Application preserves the historic Fisher House.

(5) Preservation of open space and scenic views.

The Application's oversized lots and planned walking path will preserve the property's scenic views, as described in the plans and testimony. The property boundary along the Great Marsh will be preserved in its natural condition, thereby preserving scenic views of the wetlands from the proposed lots and public roads.

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

Tree and soil removal will be minimized to the maximum extent feasible; as discussed above, the Application makes all efforts to preserve existing trees, where practicable. In addition tree planting will be required refer to plans and testimony.

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

The Application maintains fifteen (15) foot landscaped buffers between adjacent properties and presents no objectionable features. The applicant shall submit a final landscape plan to the Parks and Recreation Committee for review.

(8) Provision for water supply.

Public water shall be provided by the City, and the water plan and design will meet or exceed the requirements of the State Fire Marshal's office.

(9) Provision for sewage disposal.

The Application adequately provides for sewage disposal by gravity to a pump station within the City, which will discharge to sewer provided by the City.

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

The Application prevents pollution of surface water and groundwater, and complies with all applicable stormwater management regulations and requisite water quality measures.

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

The Application minimizes erosion, sedimentation, changes in groundwater levels, increased rates of runoff, and potential for flooding, as well as includes drainage design which maximizes groundwater recharge. The Application complies with all stormwater management and erosion and sediment control regulations. There will be no adverse impacts to area flooding.

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

The community will be accessed by Rodney Street. In 1947, Rodney Street was deeded to the Commissioners of Lewes "to be used as a public street or highway" fifty feet in width. Book 371, Page 308. Section 170-27(a)(3) of the

Code provides that “[s]ub streets will be located or easements will be granted so as to permit the future development of interior parcels.” Streets are defined in § 170-60 as “furnishing access to abutting properties and space for sewers and public utilities.”

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

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

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

(13) Effect on area property values.

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

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

The development will have no adverse impact on schools, public buildings and community facilities. Owners will make significant contribution to the Cape Henlopen School District through payment of Sussex County Real Estate Taxes.

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

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

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

(16) Compatibility with adjacent area land uses.

The proposed development is similar in nature to and compatible with adjacent area land uses.

(17) Effect on area waterways.

There will be no adverse effect on area water ways and the objective of the proposed development's final engineering design is to improve flooding and draining conditions.

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

Per response #14, above, the proposed development will contribute a significant amount to City funds through impact fees and annual taxes.

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

See above.

(20) Recognition of scenic byways and walkability.

The proposed development will have sidewalks on both sides of all proposed public streets, as well as a walkway across the Fisher House property to Pilottown Road. These improvements will increase the walkability of the area and connect the adjacent properties to Pilottown Road and the Rehoboth Canal.

(21) Job creation.

Jobs will be created by the site work and home construction of the proposed development. New residents of the development will create additional need for goods and services. The National Association of Homebuilders indicates that a single family home creates an average of one full time job per house in the economy.

(22) Providing diverse housing options.

These housing types will be distinct from those on Rodney Street and some of the other housing on the offshoots of Pilottown Road in the West. The proposed development's oversized lots are distinct from those common within the downtown City area or beachfront housing.

EXHIBIT A