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May 9, 2023

City of Lewes
114 E. 3rd Street
P.O. Box 227
Lewes, DE. 19958

Attn: Janelle Cornwell, AICP
City Planning & Development Officer

Re: **Henlopen Bluff**
Corridor Buffer Waiver request
Tax Map No.: 335-8.00-52.00, 53.00, & 53.01; 335-9.00-1.02
DBF # 2261G008.E01

Dear Ms. Cornwell,

Simultaneously with this letter, we filed a standard subdivision application for the above-referenced property on behalf of the Developer, Showfield, LLC. Showfield, LLC respectfully requests a waiver from the fifty-foot buffer from Gills Neck Road requirement of the Municipal Code of the City of Lewes, Section 170-26, D (2) (f) [2] for Lots 1, 18-22, 51-59.

The design and planning for the Henlopen Bluff subdivision began some time ago and during that time, meetings were held with the Lewes Planning & Development Office (11/30/2021), the Sussex Conservation District (1/24/2022), the Lewes Board of Public Works (12/16/2021), the Office of the State Fire Marshal (8/5/2022) and DelDOT (2/24/2022). During the November 30, 2021, meeting with the City a question arose that necessitated the involvement of the City Solicitor. The follow-up meeting occurred on April 13, 2022, and the applicant, its engineers and counsel met with the City and its solicitor to map out the path forward.

At the same time as those meetings and discussions were occurring, the City was working on its overhaul of Chapter 170 (Subdivision and Land Development). As the timing of the filing of the subdivision application and the adoption of the new Chapter 170 were close, the City encouraged Showfield, LLC, particularly during the April 14, 2022 meeting, to wait to file the subdivision application so that the new process for subdivision applications would apply. While the application was ready to be filed because the final issue had been resolved, we held off filing the application at that time because in reviewing the process described in Chapter 170, it was clear that it was a better process than what existed in Chapter 170 at the time.

After Chapter 170 was adopted in May 2022, the application was about to be filed and on a final review of the new code provisions, a subtle but impactful change to Chapter 170 was found. That change relates to corridor buffers along certain roadways, including Gills Neck Road. Under the prior version of Chapter 170, the fifty-foot (50') corridor buffer along the specifically identified roadways only applied to cluster subdivisions. The new version of Chapter 170 applies the fifty-foot (50') corridor buffer to both standard and cluster subdivisions. The impact of this change on the site plan is significant.

The subdivision includes a buffer of 40' from the existing right-of-way of Gills Neck Road to the closest internal lot line; thus, at first glance it may appear that the project is only 10' short of complying with the new corridor buffer. However, as part of the subdivision and as reviewed by the various agencies, there is a proposed dedication to the City of Lewes of 15' along Gills Neck Road for additional right-of-way, which leaves a 25' buffer from the dedicated right-of-way line to the closest internal lot line. Within the 25' buffer a 10' shared use path would be installed with landscaping to provide a visual buffer from the road. While the measured distance from the nearest lot line to the right-of-way would be 25', the actual and visual distance from the nearest lot line to the edge of pavement of Gills Neck Road would be 45'.

When considering this request, please include the proposed orientation of homes on Gills Neck Road. As planned, the lots along Gills Neck Road are intended to "front" on Gills Neck Road and be loaded from the rear internal subdivision street. The subdivision was designed in this manner to allow a Sidewalk connection to be provided from each house to the proposed shared-use path along Gills Neck Road. This would be consistent with the existing houses along Gills Neck Road. Expanding the corridor buffer would hamper this effort and the desired effect to stay within the character of the existing homes along Gills Neck Road. If the corridor buffer is expanded, the homes will likely be re-oriented to front the internal subdivision street and the rear of the homes would face Gills Neck Road. To the north and south of this project there are residential dwellings that front Gills Neck Road that do not include a 50' buffer within the front of the property. Within a city, houses are expected to be within proximity of the street. The 25' buffer proposed provides a well-designed transition from the County portion of Gills Neck Road to the City's portion.

After spending tens of thousands of dollars preparing and designing the plans filed with this letter, if a waiver is not granted a new plan would have to be designed and in addition to the duplicate expense of repeating the process to design a new plan there would also be a loss of numerous lots resulting in additional losses.

For the reasons described above we ask that the requirement for a 50' corridor buffer from the right-of-way of Gills Neck Road be reduced to the proposed 25' buffer from the internal lot lines to the dedicated right-of-way line provided on the site plan.

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Should you have any questions regarding this request, or if additional information is required, please contact me at (302) 424-1441 or via e-mail at cdm@dbfinc.com.

Respectfully,
DAVIS, BOWEN & FRIEDEL, INC.



Cliff Mumford, P.E.
Associate

CM/DH

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cc: Nick Hammonds, Showfield, LLC
Doug Motley, Showfield LLC
David Hutt, Morris James LP