

DATE: November 21, 2022

TO: Town of Fenwick Island  
Attn: Mayor & Town Council, Charter and Ordinance Committee & Ad Hoc Parking Committee  
800 Coastal Highway  
Fenwick Island DE, 19944

RE: Proposed 160-10 Off Street Parking Ordinance Changes

Dear Council and Committee Members,

On behalf of 26 concerned commercial property owners in the Town of Fenwick Island, we respectfully submit this letter in opposition of the proposed 160-10 off street parking ordinance changes. Since July 2022, we have collectively researched, discussed, and engaged with The Town Council, Charter & Ordinance Committee -and most recently- the Ad Hoc Parking Committee regarding this ordinance.

The Mayor, Council, and Committees mentioned above have disregarded many relevant suggestions presented to them on behalf of the business community. In addition, the mayor ran the Ad Hoc Parking Committee and attempted to present it as a neutral group of community members, who want to seek compromise. However, the Town Council members of the Committee failed to offer a resolution nor came to the table with any compromise. We find it hard to believe that the Chairman of the Ad Hoc Parking Committee can act as an unbiased party while also serving as Chairman of the Charter & Ordinance Committee, as well as Town Mayor.

The fact of the matter is everything presented by the Kinsley Hazel, Scott Mumford and Virginia Davidson to the Ad Hoc Parking Committee fell on deaf ears. It has become evident that these meetings were never intended to be productive, unless everyone agreed for the changes with the parking ratios as presented by the Town.

Additionally, members of the Ad Hoc Parking Committee representing the business community were never fully given the opportunity to have an in-depth conversation regarding suggestions or ideas presented by them. Nor was there evidence provided that demonstrated a need for this revised ordinance.

Time and time again Kinsley, Scott, and Virginia were interrupted by Natalie Magdeburger during conversations at the meeting table. Any ideas and suggestions presented were simply placed on a list for "possible discussion," instead of being vetted and discussed thoroughly together as a group. We cannot rely on the Town Council and the Charter & Ordinance Committee to "possibly discuss" these topics in the future. These items are collectively important to the entire ordinance and need to be comprehensively discussed and debated. The business community should not be asked to provide comment on the parking ratios alone, without being able to provide comment on the ordinance in its entirety.

Below is an outline of items that were discussed by members of the business community during the Ad Hoc Parking Committee, these are items that we believe deserved further discussion and conversation before passing the proposed ordinance change.

1. The most important reason we are in opposition of the proposed ordinance change is that there is no evidence to support that a parking problem actually exists in The Town of Fenwick Island. Ordinance changes this significant, and that impact the entire business community, should be supported by a professional parking study. This study would determine (a): if a problem exists and (b) recommendations on how to fix it. The first reading of the proposed ordinance changes was never presented nor discussed with the sitting Ad-Hoc Parking Committee. Additionally, the public record indicates that less than 5 people (outside of the council and committee members) have raised issues related to parking concerns in the commercial district. This hardly warrants changes this extreme in the ordinance that negatively impacts the business community of the Town.
2. The Town has repeatedly used The Town of Ocean View and Sussex County to support their proposed ordinance revisions. For comparison:
  - a. Fenwick Island consists of approx. 217± acres.
  - b. The Town of Ocean View consists of approx. 1,547± acres.
  - c. Sussex County consists of approx. 700,000± acres.Comparing the Town of Ocean View and Sussex County to The Town of Fenwick Island is not reasonable based on the existing land mass alone. A more equitable comparison would be Bethany Beach where their restaurants, businesses, and service stores use the ratio of 1 parking space per 250 square feet of gross floor area [Section 425-87(3).]
3. The Town is currently in the process of re-writing the Comprehensive Plan. A comprehensive plan is designed to serve as a standard for how future developments should occur and how land use is to be governed. To pass an ordinance, impacting the commercial district in such a significant manner, and during the rewriting of a document whose sole purpose is to determine the future use of land within the Town, is not consistent with proper Town planning policies and procedures.
4. The installation of proper lighting and sidewalks along coastal highway will provide a safer route for people to walk and or bike. Increasing the commercial parking capacity is contradictory to the State of Delaware: Complete Streets document; where it is encouraged to minimize the number of required off street parking spots, which in turn encourages more bicycle and pedestrian activity.
5. The proposed ratio for off-street parking requirements, as determined by the Town, for restaurants doubles the number of parking spots required. The Town of Fenwick does not have the available land, nor land mass to support a ratio this steep. This ratio will set restaurants up for a marketing nightmare 9 months out of the year, as visitors to the Town drive by and see expansive empty parking lots.
6. In addition to doubling the parking ratio for restaurants, the proposed ordinance by the Town also prohibits parking spaces in all setbacks.

- a. We presented an example of a current restaurant in Town, that the Town Council and Charter & Ordinance Committee has referred to many times during the off-street parking discussion: Warrens Station. The Town has stated that Warrens Station meets the proposed ordinance and has nothing to worry about. This is not true. Warrens Station currently has 72 parking spots for the restaurant which has 2,516 square feet of patron area. However, if Warrens Station decides to substantially renovate the restaurant, they indeed will no longer meet the proposed ordinance because 37 of their parking spaces are within the setbacks.
7. In addition to the proposed ordinance changes prohibiting parking in the setbacks, it also requires a 60' delivery zone. As land along Coastal Highway is being developed, DelDOT is relocating the entrances from along the highway to the side streets. A prime example would be the new hotel, Fenwick Shores. It would be impossible for a delivery truck to make a radius turn into this property from Coastal Highway.
8. The 2019 Sustainability Study states that the Town of Fenwick has 295 municipal on-street parking spaces. Ed Bishop and Natalie Magdeburger have stated numerous times that Fenwick Island now has only 112 municipal spaces. Where have these spaces gone? We suggest the Town refer to Sussex County's and Ocean View's code and explore residential driveway entrance sizes. We have been told the reason the municipal on-street parking spots are declining is due to residential builds and re-builds that are installing the driveway for the dwelling from side-property line to side-property line, thus eliminating any on street spots that previously existed. It appears there is no regulation, nor code ordinance pertaining to residential entrances, which is rapidly eliminating municipal on-street parking spaces for our public beaches much faster than Commercial Redevelopment is occurring within the town limits. The Town of Fenwick Island's beaches are public beaches in which the Town receives funding for, and we feel it is the Town's obligation to regulate the existing on-street parking spaces, as we do not want to risk the loss of funding for our beach replenishment.
9. This proposed ordinance will strongly discourage commercial property owners from substantially renovating their properties, as there would be a fear of not having enough parking spaces to meet the proposed ratio. Furthermore, the proposed ratio for Hotels/Motels will make it impossible for existing hotel/motel establishments in the Town to substantially renovate and continue to operate the same amount of guest rooms as they are currently operating.
10. The proposed "compromise" offered by the Town of allowing a shared parking agreement between businesses, in order to meet the proposed ratio is not conducive to commercial development/redevelopment. Banks will not loan money to develop a property where the final approval is contingent solely on an annual renewed parking agreement with a neighboring property. This practice is unheard of, and simply will not work.
11. If the proposed ordinance passes there will be little to no commercial growth in the Town's future. Which begs the question if this is the intended result of the proposed ordinance by the Town. It was repeatedly stated by the Mayor that Fenwick Island is a residential town that just

happens to have a commercial component. This perspective from the Mayor and Council shows an unfavorable view of commercial activity within Fenwick Island, whether intended or unintended.

12. The town has a several mixed-use commercial buildings with multiple tenants. With mixed-use buildings, tenants turn over from time to time and the use of the unit in which the original tenant was occupying may change with the next tenant. This ordinance will prohibit landlords from leasing to restaurants and other possible businesses because their mixed-use building cannot comply with the proposed parking ratio.
13. If the proposed ordinance changes pass, then commercial property values will be immediately affected negatively. Increasing the number of parking spaces required results in decreasing the buildable area on any lot, which directly impacts property value. Is the Town prepared to re-assess all commercial property in the Town?

In closing, we wish to emphasize our opposition to this proposed Ordinance change. It will significantly impact our right to commercially develop or redevelop our property by applying restrictive government regulations. Fenwick Island is a place that offers small town charm through diverse dwelling types, popular neighborhood businesses, superb dining establishments, and spectacular coastal living. However, these elements need to work together in a comprehensive manner in order to remain thriving. We urge the Town of Fenwick Island to do a comprehensive parking study prior to any changes being made in the Town Code.

Respectfully submitted,

<b>Property Address</b>	<b>Legal Property Owner or Entity Name</b>	<b>Full Name of Property Representative in Comment of this Letter</b>	<b>Timestamp</b>		
1107 Coastal Hwy, Fenwick Island DE 19944	James D. & Mary Beth Parker	James D. Parker	11/22/2022 12:10:09		
1101 Coastal Hwy, Fenwick Island DE 19944	James D. & Mary Beth Parker	James D. Parker	11/22/2022 12:10:09		
1406 Coastal Highway, Fenwick Island DE 19944	Jeffrey Mumford	J. Scott Mumford	11/22/2022 13:31:12		
911 Coastal Highway, Fenwick Island DE 19944	JNJ Beach Group LLC	John Kleinstuber	11/22/2022 13:47:47		
1006 Coastal Hwy, Fenwick Island DE 19944	Balsamo Real Estate LLC.	Joseph J Balsamo	11/22/2022 14:16:19		
1100 Coastal Hwy, Fenwick Island DE 19944	Balsamo Real Estate LLC	Joseph J Balsamo	11/22/2022 14:16:19		
306 Coastal Hwy, Fenwick Island DE 19944	Balsamo Real Estate LLC.	Joseph J Balsamo	11/22/2022 14:16:19		
901 & 1007 Coastal Hwy, Fenwick Island DE 19944	Balsamo Real Estate LLC	Joseph J Balsamo	11/22/2022 14:16:19		
300 Coastal Highway, Fenwick Island DE 19944	Holland Island Highlands Spectrum LLC	Charles Holland Shorley & Ed Horner	11/22/2022 14:27:58		
1003 Coastal Hwy, Fenwick Island DE 19944	Southern Exposure	Tim Collins	11/22/2022 18:24:57		
1200 Coastal Hwy, Fenwick Island DE 19944	Tim Collins	Tim Collins	11/22/2022 18:24:57		
1208 Coastal Hwy, Fenwick Island DE 19944	Seaside Country Store	Amy Cordeaux Vickers	11/23/2022 9:30:43		
900 Coastal Highway, Fenwick Island DE 19944	Jay & Holly Barmack	Jay & Holly Barmack	11/27/2022 8:00:19		
38965 Island St., Fenwick Island DE 19944	Blue Horizons, L.P.	Tor Andersen	11/27/2022 9:21:13		
38960 Island St., Fenwick Island DE 19944	Dansk, LLC	Tor Andersen	11/27/2022 9:21:13		
1401 Coastal Hwy Fenwick Island DE	Seaside Inn	Ervin Gjoni	11/28/2022 10:27:18		
100 Coastal Highway. Fenwick Island DE	Rickards Center LLC	Betsy Rickards Mitchell	11/28/2022 10:29:33		
1501 Coastal Highway, Fenwick Island DE 1944	Buas Sands Hotel LLC	Spiro & Marianne Buas	11/28/2022 11:58:45		
1010 Coastal Highway, Fenwick Island, DE 19944	BD Swim	Elizabeth (Welsh) Brzostowski	11/28/2022 12:08:44		

708 Coastal Hwy Fenwick Island DE 19944	Sea Shell City Inc.	<b>Virginia Childers Davidson, Jackie C. Childers &amp; H C Childers</b>	11/28/2022 12:39:14		
500 Coastal Highway, Fenwick Island, DE 19944	Canal View Associates (Tom Sites)	<b>Thomas S. Sites</b>	11/28/2022 15:19:54		
1400 Coastal Highway Fenwick Island, DE	Fenwick Professional Association	<b>NICHOLAS BORODULIA</b>	11/28/2022 19:25:26		
1300 Coastal Highway, Fenwick Island DE 19944	Balea Enterprises	<b>Tony Balea</b>	11/29/2022 11:45:35		
1204 Coastal Highway Fenwick Island, DE	Soquel Realty LLC	<b>Christos Adamopoulos</b>	11/29/2022 11:55:14		
1202 Coastal Highway Fenwick Island, DE	Soquel Realty LLC	<b>Christos Adamopoulos</b>	11/29/2022 11:55:14		
801 Coastal Highway, Fenwick Island DE 19944	Peninsula Oil Co Inc	<b>John Willey</b>	11/29/2022 13:38:10		

*\*Additional signatures are forthcoming and will be submitted by Friday 12/02/2022*