## **PLANNING & ZONING COMMISSION**

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## Sussex County

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DIRECTOR

September 14th, 2022

Ms. Mackenzie Peet, Esq. Electronically delivered to: mackenzie@bmbde.com Baird, Mandalas, Brockstedt, Frederico & Cardea, LLC 1413 Savannah Road Lewes, Delaware 19958

Subject: Notice of Decision – Preliminary Major Subdivision Plan for Hunter's Creek (2022-11) Tax Parcels: 134-11.00-102.00 & 103.00

Dear Ms. Peet,

At their meeting of September 8<sup>th</sup>, 2022, the Sussex County Planning and Zoning Commission approved the Preliminary Major Subdivision Plan for Hunter's Creek (2022-11). The preliminary approval is subject to eighteen (18) conditions. This plan proposes 95 single family lots as a cluster subdivision. The plan also includes the establishment of private roadways, stormwater management features, a forested buffer, and other site improvements. The property is located on the north side of Omar Road (S.C.R. 54), approximately 0.27 of a mile west of Powell Farm Road (S.C.R. 365). The property is within the Medium Density Residential (MR) Zoning District and is approximately 28.78 acres +/-.

This preliminary approval is valid for a period of three (3) years. A final approval shall be granted within this time frame, or a subsequent preliminary approval may be required.

As stated above, the Commission granted a preliminary approval that is subject to eighteen (18) conditions. They are as follows:

- a. There shall be no more than 95 lots within the subdivision.
- b. The Final Site Plan shall confirm that approximately 24% of the site shall be preserved as open space.
- c. The developer shall establish a homeowner's association responsible for the maintenance of streets, roads, buffers, stormwater management facilities, and other common areas.
- d. The stormwater management system shall meet or exceed the requirements of the State and County. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.



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- e. There shall be a vegetated or forested buffer that is at least 20 feet wide installed along the perimeter of this subdivision. This buffer shall utilize existing forest or similar vegetation that exists within the buffer area. Where trees currently exist within the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development), and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area.
- f. The proposed lots with frontage upon Omar Road are set very close to Omar Road and are within just a few feet of a Delaware Power & Light easement. There is no real separation from the easement, the multi-modal path, or the road right of way. There is not sufficient area outside of the easement to allow for drainage swales, other utilities, or access needs. Lots 1 through 6 shall be set back at least 30 feet from the edge of the Delaware Power & Light easement line to allow for greater separation between the lots and the easement to create more separate from the Omar Road right of way.
- g. There shall be vehicular entrances to this development via both Omar Road and Hickory Manor Road. This development shall comply with all DelDOT entrance and roadway improvement requirements associated with the Omar Road and Hickory Manor Road entrances.
- h. Sidewalks and walkways shall be installed as shown on the Preliminary Site Plan with a connection to the DelDOT multi-modal path. A street lighting system that provides lighting in a downward direction with minimal up-lighting shall be provided.
- i. Amenities including a pool and pickleball courts shall be constructed and open to use by residents of this development on or before the issuance of the 57<sup>th</sup> residential building permit. The Final Site Plan shall contain details as to the size and location of these amenities.
- j. The subdivision shall be served by a publicly regulated central water system providing drinking water and fire protection.
- k. Street design shall meet or exceed Sussex County standards.
- l. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- m. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00a.m. through 5:00p.m., Monday through Friday, and 7:00a.m. through 2:00p.m. on Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- n. The Applicant shall coordinate with the local school district regarding the location of a school bus stop within the subdivision. If required by the school district, the location of the bus stop area shall be shown on the Final Site Plan.

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o. The Final Site Plan shall include a Landscape Plan depicting all landscaping to be provided or preserved in all of the buffer areas. The Landscape plan shall also clearly show all forested areas that will be preserved. The Landscape Plan shall also identify all "Limits of Disturbance" within the site.

p. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for the individual lots until an individual lot grading plan has been supplied to and approved by Sussex County. No Certificate of Occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.

q. A Revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.

r. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

The Final Subdivision Plan shall comply with the County's Zoning and Subdivision Codes which includes the submission of approvals from all applicable agencies.

Once all agency approvals have been acquired, please submit a minimum of one (1) full-size (24" X 36") Final Subdivision Plan. A final staff review will be completed. It will then be scheduled for the next available Planning and Zoning Commission meeting.

Should there be any further questions, I can be contacted at <u>chase.phillips@sussexcountyde.gov</u> or at 302-855-7878. Thank you.

Sincerely,

Chase Phillips Planner II

CC: Mr. Ray Blakeney, Plitko - Land Design

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Ms. Jennifer Norwood, Manager – Planning and Zoning