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August 30, 2023

Mr. David Hutt, Esq.
Morris James, LLP
107 W. Market Street, P.O. Box 690
Georgetown, DE 19947

By email to: DHutt@morrisjames.com

RE: Notice of Decision Letter for the Wil King Station (2022-18) Preliminary Subdivision Plan for a coastal area and standard cluster subdivision of a 29.10-acre parcel of land into fifty-eight (58) single family lots located on the west side of Wil King Road (S.C.R. 288), approximately 1.01-mile(s) south of Kendale Road (S.C.R. 287).
Tax Parcel: 234-6.00-26.00 & 59.19

Dear Mr. Hutt,

At their meeting of **Thursday, August 24th, 2023**, the Planning & Zoning Commission **approved the Preliminary Major Subdivision Plan for Wil King Station (2022-18)** for the subdivision of a 29.10-acre parcel of land into fifty-eight (58) single-family lots. The property is located on the west side of Wil King Road. The property is located within the Henlopen Transportation District. The property lies within the Agricultural Residential (AR-1) and General Residential (GR) Zoning Districts and lies within the Coastal Area as well as the Low-Density Area per Sussex County's 2018 Comprehensive Plan.

The Preliminary Subdivision Plan is valid for three (3) years from the date of Planning Commission decision (8/24/23). A Final Subdivision Plan shall be approved within three (3) years of the date of approval of the Preliminary Site Plan, or the action of the Planning Commission shall be deemed canceled. Unless an extension is granted, approval shall be rendered null and void if substantial construction is not commenced within five (5) years of the date of recordation of the final plat.

As part of their motion, the Planning Commission acted to approve the development subject to the following conditions (which shall be clearly annotated on the Final Subdivision Plans):

- a. There shall be no more than 58 lots within the subdivision.
- b. The Final Site Plan shall confirm that approximately 44% of the site remains as open space.



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- 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 area and erosion and sedimentation control facilities.
- e. There shall be a vegetated or forested buffer that is at least 30-feet wide installed along the perimeter of this subdivision adjacent to lands of other ownership. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited. If any existing trees or similar vegetation dies or is removed from the buffer area for any reason, the trees or vegetation will be replanted to meet the standards of Section 99-5 of the Subdivision Code. 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 "Limit of Disturbance" to prevent disturbance of the buffer area. The applicant shall install a sign measuring at least 8 inches by 10 inches at the interior edge of the vegetated or forested buffer every 300 feet as measured linearly along the edge of those areas. The signs shall make it clear that these areas are not to be disturbed, mowed, or sprayed. The homeowner's association shall be responsible for maintaining, repairing, or replacing the signs as necessary. The design and locations of the signs shall be shown on the Final Site Plan.
- f. As proffered by the applicant, the development shall preserve approximately 7.80-acres of existing forested area. The Final Site Plan shall depict all forested areas that will be preserved.
- g. The Development shall comply with all DelDOT entrance and roadway improvement requirements and time periods.
- h. Sidewalks shall be installed on at least one side of all internal streets with a connection to the DelDOT multi-modal path and to the trail network planned for the community. A system of downward screened streetlighting shall also be provided.
- i. Amenities including a walking trail, playground, and recreation area shall be constructed and open to use by residents of this development on or before the issuance of the 29th residential building permit. The Final Site Plan shall contain details as to the size and location of these amenities. There shall be no walking trail along La Jolla Shores Drive.
- j. The Subdivision shall be served by Central Sewer. The Developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
- k. The subdivision shall be served by publicly regulated central water system providing drinking water and fire protection.
- l. Interior street design shall meet or exceed Sussex County Street design standards.

- m. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographic Information Office.
- n. There shall be no internal street, road, or vehicular access connecting the subdivision to La Jolla Shores Drive.
- o. A post rail fence shall be installed adjacent to the boundary lines with Tax Map Parcel No. 234-6.00-59.01 and 59.18. The fence shall be maintained by the homeowner's association.
- p. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00 a.m. through 5:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 2:00 p.m. on Saturdays. There shall be no construction, site work, or deliveries on Sundays. 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.
- q. 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.
- r. The Final Site Plan and Declaration of Restrictions shall state that agricultural activities exist nearby, and they shall include the Agricultural Use Protection Notice. In addition, there shall be a notice included in these documents stating that nearby lands may be actively hunted and that anyone taking title to a property within the subdivision acknowledges that these activities occur nearby.
- s. 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. In addition, as proffered by the Applicant, there shall be a conservation easement recorded with the Final Site Plan for the undisturbed forest and open space areas.
- t. The Final Site Plan shall include a Grading Plan for the site. No building permit shall be issued for 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.
- u. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- v. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

The Final Subdivision Plan must comply with the County's Subdivision Code, including submission of agency approval letters to the Planning and Zoning Office.

Please submit a minimum of two (2) **full size (24"x36")** and **one (1) electronic PDF copy** of a Final Subdivision Plan to the Planning and Zoning Office for consideration on the next available agenda for Planning Commission. It is recommended that **two (2) copies** of a check print are first submitted to staff for review.

Please feel free to contact me during business hours with any question from 8:30 AM – 4:30 PM, Monday through Friday, at 302-855-7878.

Sincerely,

Mr. Elliott Young
Planner I