

Mr. Chairman,

I move that we recommend approval of Conditional Use #2075 for BURTON'S POND, LLC (BURTON'S POND SECTION II) for 100 townhomes based upon the record made during the public hearing and for the following reasons:

1. This property is currently zoned MR Medium-Density Residential District and the proposed project meets the purposes and requirements of the District.
2. This application is for a conditional use in an MR Medium-Density Residential District to allow for the construction of townhouses. The applicant proposes 100 dwelling units on 30.95 acres, located in Indian River Hundred, adjacent to John J. Williams Highway (Route 24) at Sloan Road (Country Road 49).
3. This project was previously approved as an MR-RPC by Ordinance No. 1919 (CZ No. 1610) with 102 dwelling units, adopted by County Council on July 31, 2007.
4. The property is in an Environmentally Sensitive Development District Overlay Zone (ESDDOZ).
5. The applicant has submitted the application to PLUS and has responded appropriately to the PLUS Comments and provided the Commission with the required information for its consideration.

6. The property contains no wetlands and is not located in a Wellhead Protection Area.
7. The project is designed to preserve wooded areas and the natural buffer next to the adjacent residential communities. Dwelling units will be adjacent to open space, sidewalks and walking, jogging and bike trails, promoting interconnectivity within the project. The design preserves 19 acres of open space when a grid MR subdivision would preserve significantly less open space.
8. The applicant has proposed 100 dwelling units within the project, which is permissible density of 3.23 units per acre within an MR Medium Density Residential District.
9. The project will not adversely affect neighboring or adjacent properties. The project is consistent with existing residential development in the area.
10. The proposed project will be served by central water and sewer, in accordance with Federal, State and County requirements.
11. Through consultation with DelDOT, the proposed project shall have one (1) entrance on Sloan Road (County Road 49).
12. The proposed project will have both active and passive open space.
13. The proposed project meets the purposes and standards of the Sussex County Zoning Code and the purposes of the MR Medium Density Residential District.

14. This recommendation for approval is subject to the following conditions and stipulations:
- a. There shall be no more than 100 townhouse units within the project.
 - b. The applicant shall create a fee simple townhome community which will be part of the Burton Pond Communities Homeowners Association, possibly through a separate sub-homeowners association, to be responsible for the maintenance of streets, roads, buffers, storm water management facilities, and other common areas including the Environmental Management Plan for Burton's Pond as stated in the Conditions for Burton's Pond Section 1.
 - c. The project shall be served by a central sewer system in accordance with the Sussex County Engineering Department specifications and in conformity with all DNREC regulations as part of the Sussex County Unified Sanitary Sewer District North Coastal Planning Area.
 - d. The project shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations through Tidewater Utilities, Inc.
 - e. Storm management and erosion and sediment control shall be constructed in accordance with applicable State and county

requirements including the requirements of the SCD and PCS. The Applicant, its successors and assigns shall operate the storm water management facilities utilizing Best Management Practices (BMP) and Best Available Technologies (BAT). 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.

- f. All entrances, intersections, roadway improvements and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT. In addition, the relocation of Sloan Road shall be completed within the first phase of the development.
- g. The recreational amenities in Section II shall be constructed and open to the use by residents upon the issuance of the 50th residential building certificate of occupancy for Section II.
- h. Street lighting shall be provided and the location of the streetlights shall be shown on the Final Site Plan.
- i. Sidewalks shall be installed on one side / both sides ^[US1] of all streets within the project and shall be shown on the Final Site Plan. There shall also be walking, jogging, and bike paths throughout the subdivision as shown on the Preliminary Site Plan.

- j. The undisturbed forested areas shall be shown on the final Site Plan.
- k. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- l. A school bus stop area with parking shall be located within the project. The Developer shall coordinate and cooperate with the local school district's transportation manager to establish the school bus stop area. The location of the bus stop area, with the approval of the local school district, shall be shown on the Final Site Plan.
- m. The Applicant shall provide agricultural buffers and wetland buffers, as necessary, in accordance with the applicable regulations. The Agricultural Use Notice shall be included in covenants, conditions, and restrictions or instruments of conveyance.
- n. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.
- o. The Developer shall design and install a landscape buffer of berms and plantings running South to North along the entire property boundary with John J. Williams Highway (Route 24) and running East to West along the entire property boundary

with the relocated Sloan Road (County Road 49). The Final Site Plan shall contain a landscape plan showing the proposed design and vegetation of all landscape buffer areas.

- p. The interior street design shall be in accordance with or exceed Sussex County street requirement and/or specification. Street design shall include curbs, sidewalks, and street lighting.
- q. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. and Saturday between the hours of 8:00 a.m. 1:00 p.m.
- r. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Sussex County Office of Planning and Zoning.
- s. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.