



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

November 16, 2004

Mr. Roger Stanley
Larson Engineering
2717 Pulaski Highway
Newark, DE 19702

RE: PLUS review – PLUS 2004-10-01; Comfort Inn, Smyrna

Dear Mr. Stanley:

Thank you for meeting with State agency planners on October 27, 2004 to discuss the proposed plans for the Comfort Inn project to be located within the Gateway North Shopping Center in Smyrna.

According to the information received, you are seeking site plan approval through the Town of Smyrna to develop a 76-room hotel, and three restaurant pad sites of about 4,645 square feet each on a 5.276-acre parcel.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as The Town of Smyrna is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: David Edgell 302-739-3090

This project is located in Investment Level 1 the 2004 State Strategies for Policies and Spending. This site is also located in the Town of Smyrna. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are

expected and encouraged by State policy. Our office has no objections to the proposed development of this project in accordance with the relevant Town codes and ordinances.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DelDOT noted that question 36 on the PLUS form asks about the estimated trip generation from the proposed development. The response, 2,112 vehicle trips per day, seems low. DelDOT calculated that the development would generate 2,439 vehicle trips per day. In their calculations, they assumed full occupancy and treated the Comfort Inn as a Motel, rather than as a Hotel. The Institute of Transportation Engineers' Trip Generation report defines Hotels as lodging facilities that have both sleeping accommodations and significant supporting facilities such as restaurants, banquet and convention facilities, and shops. The proposed Comfort Inn more closely fits their definition of a Motel.

- 1) The plan presented with the PLUS materials shows the access from the shopping center to the two restaurants on the north side of the site as being through a parking lot. It is recommended that the site be rearranged, to provide a direct driveway, without parking spaces, to access those restaurants.
- 2) The proposed development would increase the site's impervious surface area from zero to 71 percent. It is not clear, from the plan presented with the PLUS materials, how the site would be drained. The developer should design a plan that will drain the site away from the Route 1 and Route 13 rights-of-way, possibly sharing stormwater management facilities with the shopping center. It was noted in the meeting that this plan is being developed.
- 3) Although DelDOT did not mention them at the PLUS meeting, several pedestrian facilities should be added to this project. The plan shows the extension along Route 13 of the sidewalk that was built as part of the Gateway North shopping center, but that sidewalk should be extended all the way to the intersection with the Route 1 ramps. Further, the developer should be required to enter a signal agreement whereby they would fund the installation of a crosswalk and pedestrian signals connecting that sidewalk to the existing sidewalk on the north side of the ramps. Also, both the sidewalk along Route 13 and the stub sidewalks within the shopping center should be extended into the proposed development such that Comfort Inn guests have safe and efficient paths to the businesses in the shopping center, the Harley-Davidson dealership now under construction and the existing Waffle House restaurant.
- 4) The developer's engineer should contact the DelDOT project manager for Kent County, Mr. Brad Herb of Johnson, Mirmiran & Thompson, regarding their requirements for access. While the existing shopping center access may be adequate, the proposed development will constitute a change in use and at a

minimum will require a new entrance permit. Mr. Herb may be reached at (302) 266-9080.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-3091**

Soils

According to the Kent County soil survey, Sassafras was mapped in the immediate vicinity of the proposed project. Sassafras is well-drained upland soil that has few limitations for development.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Mill Creek subwatershed to date, work is continuing on their development. TMDLs for the Mill have not been developed to date, but may be available in the near future.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Stormwater Management

Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the Kent Conservation District. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.

The following notes must appear on the record plan:

- The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
- The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
- A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.

Comments:

1. The application states this project will utilize the regional stormwater management facility at the Gateway North Shopping Center. Verification of the design capacity of the existing facility will be required. If the ownership of this property and the stormwater facility is different entities, a stormwater agreement is needed between those entities to allow off-site management of stormwater.
2. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

Drainage

The Drainage Section does not have any knowledge of existing drainage complaints or concerns associated with the project. The Drainage Section requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water.

Revegetation/Landscaping

It is requested that no invasive species be used in the revegetation of disturbed or landscaped areas. A list of species considered invasive in Delaware can be found on the DNHP web site, www.dnrec.state.de.us/fw/invasive.htm. They further encourage the use of native plants, where possible/feasible, and our Botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

Underground Storage Tanks

There is one inactive LUST site(s) located near the proposed project:

Malago Tire, Facility # 1-000040, Project # K8908255

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

State Fire Marshal's Office – Contact: John Rossiter 302-739-4394

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

- a. **Fire Protection Water Requirements:**
 - Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly and Hotel)
 - Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

- b. **Fire Protection Features:**
 - All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
 - Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from South duPont Blvd. must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

The developer should consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

Public Service Commission - Contact: Andrea Maucher 739-4247

The project information sheets state water will be provided to the project by the Town of Smyrna via a central water system. The PSC records indicate that the project is located within the public water service area granted to the Town of Smyrna under Certificate of Public Convenience and Necessity 97-CPCN-13.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Delaware Emergency Management Agency – Contact: Don Knox 659-3362

Due to the commercial uses being proposed, an impact to public safety is foreseen by implementation of this project. The developer should notify the police, fire service, and emergency medical response organization serving Smyrna, to keep them apprised of all development activities.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,



Constance C. Holland, AICP
Director

CC: Steve Lee, Town of Smyrna