



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION

February 10, 2006

Audrey Ellen Brodie
114 Coventry Court
Dover, De 19901

RE: PLUS review – PLUS 2006-01-07; First Class Properties

Dear Ms. Brodie:

Thank you for meeting with State agency planners on January 25, 2006 to discuss the proposed plans for the First Class Properties project to be located at 1643 S. State Street near Dover.

According to the information received, you are seeking a rezoning from RS1 to BN for a real estate sales business with up to 6 employees to be located in the existing dwelling. This PLUS review is for both the rezoning application and the comprehensive plan amendment that will be required should Levy Court choose to rezone this property.

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 Kent County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

State Strategies/Project Location

- This rezoning is located in Investment Level 1 according to the *State Strategies for Policies and Spending*. This site is also located in the Kent County Growth Zone. 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. State investments will support growth in these areas. Our office has no objections to the proposed rezoning of this parcel in accordance with the relevant County codes and ordinances.

Street Design and Transportation

- If the County's zoning code permits it, DelDOT recommends that the applicants pursue a conditional use application rather than a rezoning. A conditional use application would allow them to assure the County that the proposed use would be restricted to what they propose and that use of the property would be even more limited until the rear access was established

The following are a complete list of comments received by State agencies:

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

This PLUS review includes both a comprehensive plan amendment and a rezoning request. The rezoning of this property is at the discretion of Kent County Levy Court. Should the Levy Court ultimately choose to grant this rezoning request, the comprehensive plan amendment must be adopted prior to or concurrently with the zoning change. This rezoning is located in Investment Level 1 according to the *State Strategies for Policies and Spending*. This site is also located in the Kent County Growth Zone. 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. State investments will support growth in these areas. Our office has no objections to the proposed rezoning of this parcel in accordance with the relevant County codes and ordinances.

Division of Historic and Cultural Affairs – Contact: Alice Guerrant 739-5685

There is nothing known on this parcel. It is immediately adjacent to a farm house (K-1014), and there are two other inventoried historic properties (K-6950 and K-6951) in the

area. The parcel is small and too disturbed to have a good potential for archaeological sites.

The DHCA has no objection to the rezoning. If in the future, the owners plan to install a parking lot or make changes to the building, they request that they provide landscaping that will screen the view of the parcel from the adjacent houses.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Presently South State Street near this parcel is extremely congested during peak hours. The 2002 traffic impact study for the Case Farm, now Wolf Creek, quantified that congestion to some extent. DelDOT can provide copies of that study or their letter commenting on it if needed. Additional commercial development in this corridor will necessarily worsen that congestion. The proposed real estate office, with the operations described in the PLUS application, would likely be little more impactful than the residential use currently permitted, but DelDOT has no assurance that that use would continue if the present owners were to sell the property.

The proposed rear access would be through a private road in a mobile home park. DelDOT has no assurance that the owner of the park would permit that access. If they did permit it, it would allow drivers familiar with the area to access the site by way of the traffic signal now being installed at the intersection of South State Street, Webbs Lane and Wolf Creek Boulevard. Drivers less familiar with the area, however, would likely have some difficulty finding the rear access at all.

For these reasons, if the County's zoning code permits it, DelDOT recommends that the applicants pursue a conditional use application rather than a rezoning. A conditional use application would allow them to assure the County that the proposed use would be restricted to what they propose and that use of the property would be even more limited until the rear access was established.

- 2) If the proposed rezoning is approved, the applicants' site engineer should contact Mr. Brad Herb, the DelDOT project manager for Kent County, regarding specific requirements for access and road improvements. Mr. Herb may be reached at (302) 266-9600.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-9071**

Water Supply

The project information sheets state that an individual on-site well (permit #199540-W) will be used to provide water for the proposed project. Records indicate that the project is not located in an area where public water service is available. This well permit #199540-W was issued for Domestic use and it currently meets the required isolation distances for its domestic uses. Based on the proposed use of this well, it will have to be re-classified to a Miscellaneous Public/Public use provided the isolation distances are met. The isolation distances for a Miscellaneous Public/Public can still be met.

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.

Potential Contamination Sources do exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case there is a 7-Eleven Store within 1000' of the proposed project.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Water Resource Protection Areas

The DNREC Water Supply Section has determined that this project site falls partially within an excellent recharge area (see attached map). Excellent recharge areas are areas where the aquifer may be adversely affected by land use activities or impervious cover.

The DNREC Water Supply Section recommends that the portion of the new development within the excellent recharge area not exceed 20% impervious cover. Some allowance for augmenting ground-water recharge should be considered if the impervious cover

exceeds 20% but is less than 50% of that portion of the parcel within this area. However, the development should not exceed 50% regardless. A water balance calculation will be necessary to determine the quantity of clean water to be recharged via a recharge basin. The purpose of an impervious cover threshold is to minimize loss of recharge (and associated increases in storm water) and protect the quality and quantity of ground water and surface water supplies.

The proposed development may increase the impervious cover. Ideally, relocating any open space areas to the part of the parcel within the excellent recharge area would decrease the total impervious area in the excellent area. Augmenting the groundwater recharge with clean rooftop run-off systems are another alternative to reducing the total impervious cover.

In addition, because the excellent recharge areas could be the source of public drinking water, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

For more information refer to the Final Source Water Protection Guidance Manual for the Local Governments of Delaware

<http://www.wr.udel.edu/swaphome/phase2/SWPguidancemanual.html>

and

Ground-Water Recharge Design Methodology

http://www.wr.udel.edu/swaphome/phase2/Publications/swapp_manual_final/swapp_guidance_manual_supp_1_2005_05_02.pdf.

Please contact John Barndt at 302.739.9945 for more information.

Underground Storage Tanks

There are three inactive LUST site(s) located near the proposed project:

Stephen R. Taylor House, Facility #1-000533, Project #K 9303045

7-11 Moores Lake, Facility #1-000192, Project #K9105103

Moores Lake Pump Station, Facility #1-000634, Project #K 9811191

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 with nitrile rubber gaskets in the contaminated areas.

State Fire Marshal's Office – Contact: John Rossiter 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):

- ❖ *The State Fire Marshall's Office has no objection to the re-zoning request. The information provided below shall be considered when plans are being designed.*
- ❖ *No site formal site plans submittal is required if the existing building (only) is changing occupancy. A formal building plan shall be submitted for review and approval for the change of occupancy.*
 - 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.
 - Where a water distribution system is proposed for (business) sites, 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 of 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 State Street 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.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

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: Milton Melendez 698-4500

The Delaware Department of Agriculture has no objections to the First Class Properties rezoning application. The site is located on a controlled development area. The *Strategies for State Policies and Spending* encourages environmentally responsible development in areas within a Growth Level 1 Zone.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

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.

Department of Education – Contact: John Marinucci 739-4658

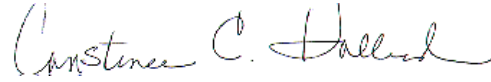
The Department of Education has no objections or comments on the proposed rezoning.

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,

A handwritten signature in cursive script that reads "Constance C. Holland".

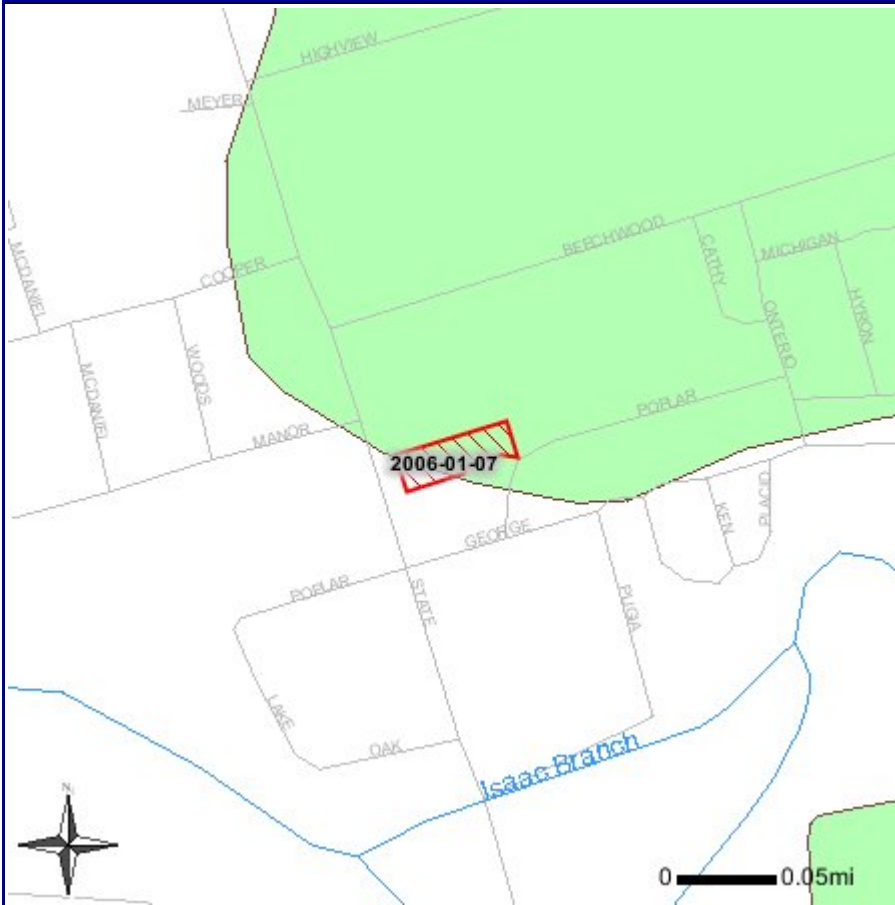
Constance C. Holland, AICP
Director

CC: Kent County



First Class Properties

2006-01-07



- PLUS Projects
- NHDFlowLine
- All Roads
- Excellent Recharge Areas

This map was produced by the Delaware Department of Natural Resources and Environmental Control.

