



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

March 23, 2006

Mr. Louis Ramunno  
Lenape Properties Management  
903 North French Street  
Wilmington, DE 19801

RE: PLUS review – PLUS 2006-02-08; Lands of Hazel Porter

Dear Mr. Ramunno:

Thank you for meeting with State agency planners on March 1, 2006 to discuss the proposed plans for the Lands of Hazel Porter project to be located at 994 S. DuPont Highway adjacent to the Town of Smyrna.

According to the information received, you are seeking rezoning of 1.2 acres from RMH to BG for an unspecified commercial use. 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. Most of the State comments relate to any future development on this parcel. If the rezoning is approved and the site plan meets the PLUS criteria, additional comments may apply.

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 where growth is anticipated by local, county, and State plans in the near term future. 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**

- DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- The commercial development should include a 15-foot wide permanent easement across the frontage of the site for a future shared use path.

The following are a complete list of comments received by State agencies. It should be noted that most of the comments relate to any future development of the property:

### **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 where growth is anticipated by local, county, and State plans in the near term future. 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**

The Division of Historical and Cultural Affairs has objection to this rezoning. There are no known historic properties within the parcel. There is only a low potential for prehistoric-period archaeological sites here. Beers Atlas of 1868 shows the W. Trainer House close to and behind this parcel. The USGS 15' Smyrna 1931 map and the USDA 1937 aerial photograph show this area without buildings. Therefore, there is a low potential for historic-period archaeological sites here, including any historic-period cemeteries, which were usually located behind or well to the side of 19<sup>th</sup>-c. farm complexes such as the Trainer House. There is a c. 1925 agricultural complex (K-3837) on the other side of North St. from this parcel and to the rear.

In the event of a commercial development here, the DHCA requests that the developer include sufficient landscaping to block light and noise from the nearby historic property.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

- 1) US Route 13 is classified as a minor arterial road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector and minor arterial roads. For divided highways, such as Route 13, this distance is measured from the inside edge of the travelway. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 2) The commercial development should include a 15-foot wide permanent easement across the frontage of the site for a future shared use path.
- 3) DelDOT does not recommend that the County require a traffic impact study for this rezoning. However, when a plan for the development of the property is presented, we may recommend that the County require the completion of a TIS prior to plan approval.
- 4) The developer's site engineer should contact Mr. Brad Herb, the DelDOT project manager for Kent County, regarding our specific requirements for access. He may be reached at (302) 266-9600.

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

**General Comment**

DNREC has no objection to the proposed rezoning. Our comments are offered as if the property were to be developed.

**Water Supply**

The project information sheets state that individual on-site wells will be used to provide water for the proposed project. DNREC and PSC records indicate that the project is not located in an area where public water service is available. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells. The change of zoning may require that the well be reclassified to public/miscellaneous public well. A minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area.

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 302-739-9944.

**Sediment and Erosion Control/Stormwater Management**

A detailed Sediment and Stormwater Management Plan must be approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grading, filling, etc.) over 5000 square feet taking place on site.

## **Underground Storage Tanks**

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

Holly Hills Pump Station, Facility # 1-000672, Project # K9902041

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 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):

❖ *This Agency has no objection to the re-zoning request. The information provided below shall be considered when plans are being designed.*

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- 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 Business)
- 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 duPont Highway 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](http://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 Lands of Hazel Porter application. The *Strategies for State Policies and Spending* encourages environmentally responsible development in areas within Investment Level 1.

*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 Department of Agriculture 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 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**

If the County is unable to serve this site for wastewater, the utility selected to serve will need to apply to the Commission for a CPCN.

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 State Housing Authority – Contact Karen Horton 739-4263**

This proposal is to rezone 1.2 acres from RMH to BG for an unknown commercial use. As a general rule, DSHA is opposed to re-zonings that result in the loss of land that could otherwise be used for multi-family housing or manufactured homes. Manufactured housing is an affordable housing option and is needed to meet the needs of low- and moderate-income families. Also, there are few parcels with this zoning designation and it is extremely difficult to rezone land to RMH from another designation.

**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: Kent County  
Town of Smyrna