



June 9, 2006

Mr. Bob LaFountain  
Scott Engineering  
838 Walker Road, Ste. 21-2  
Dover, De 19904

RE: PLUS review – PLUS 2006-05-06; G1 Properties Rezoning

Dear Mr. LaFountain:

Thank you for meeting with State agency planners on May 24, 2006 to discuss the proposed plans for rezoning 0.75 acres located on the northwesterly corner of Delaware Route 13 and County Road 370. According to the information received, you are seeking the rezoning from AR to BG for 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.

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 2 according to the *State Strategies for Policies and Spending*. This site is also located in the Kent County Growth Zone. Investment Level 2 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**

- US Route 13 between Delaware Route 10 and the Maryland line is subject to the Corridor Capacity Preservation Program. DelDOT manages access along certain arterial highways under this legislatively mandated program. The purpose of the program is to preserve the capacity of those highways to handle through traffic. While the program would not directly affect the subject parcel, the developer should understand that DelDOT will not allow the corner parcel to have access on Route 13.

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 2 according to the *State Strategies for Policies and Spending*. This site is also located in the Kent County Growth Zone. Investment Level 2 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 Historical and Cultural Affairs – Contact: Alice Guerrant 739-5685**

This parcel includes the site of an early-20<sup>th</sup>-century dwelling (K-3805), which has been demolished and replaced by a mobile home. There is a high potential for a prehistoric-period archaeological site in the vicinity. However, the development of the lot has already compromised the integrity of such a site.

The Division of Historical and Cultural Affairs does not have any objection to this rezoning.

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

- 1) While DelDOT does not anticipate requiring a traffic impact study, they will make a formal determination in this regard only after receiving a Support Facilities Report Request Form from Kent County.
- 2) US Route 13 between Delaware Route 10 and the Maryland line is subject to the Corridor Capacity Preservation Program. DelDOT manages access along certain arterial highways under this legislatively mandated program. The purpose of the program is to preserve the capacity of those highways to handle through traffic. While the program would not directly affect the subject parcel, the developer should understand that DelDOT will not allow the corner parcel to have access on Route 13. As necessary, the developer may contact the manager of that program, Mr. Charles Altevogt, at (302) 760-2124.
- 3) If this rezoning is approved, the developer's site engineer should contact Mr. Brad Herb, DelDOT project manager for Kent County, regarding their 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. The following comments are offered as if the property were to be developed.

**Water Supply**

The project information sheets state that an individual on-site well will be used to provide water for the proposed project. DNREC records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity PSC-1190. Information on CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-739-4247. Should an on-site public/miscellaneous public well be needed, it must be located at least 150 feet from the outermost boundaries of the project. 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.

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 Stormwater Management office prior to any land disturbing activity (i.e. clearing, grading, filling, etc.) more than 5000 square feet.

### **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:**

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.

b. **Fire Protection Features:**

- For commercial buildings greater than 5000 sqft, a fire alarm signaling system which is monitored off-site is required
- For commercial buildings greater than 10,000 sqft Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sqft or less
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

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 Barney Jenkins Road 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)
- 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 rezoning of this property. The *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 2.

**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.

**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