



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

June 12, 2006

Mr. Tim Willard
Fugua & Yori, P.A.
P.O. Box 250
Georgetown, DE 19947

RE: PLUS review – PLUS 2006-05-07; PAF, LLC

Dear Mr. Willard:

Thank you for meeting with State agency planners on May 24, 2006 to discuss the proposed plans for the PAF, LLC project to be located off Route 113 near the intersection with Wood Branch Road and Almshouse Road.

According to the information received, you are seeking a rezoning of 21 acres from AR-1 to B-1 for a 14 lot business park.

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 Sussex 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 proposed project is located in both Investment Levels 2 and 3 according to the Strategies for State Policies and Spending document. For Level 2 areas, State policies support development activities. Level 3 areas reflect where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments will support growth in these areas but please be advised that the State may have other priorities in the near term future.

Street Design and Transportation

- On February 17, 2006, responding to a request from Sussex County, DelDOT provided a Support Facilities Report indicating that a traffic impact study (TIS) would be required. They based that request on their understanding that B-1 zoning is sought and an “office park” is proposed. DelDOT estimates that an office park on the subject land could generate about 4,300 trips per day, whereas a TIS is warranted for developments generating more than 3,100 trips per day. On April 11, 2006, DelDOT received a letter from the applicant’s attorney questioning the need for a TIS but deferring discussion of the matter until the PLUS meeting. The PLUS application used the term “business park,” which to DelDOT has a slightly different meaning from “office park.” They are concerned about the potential effects of site traffic on Woods Branch Road and other roads in the immediate area. If the applicant can demonstrate to their satisfaction that such concerns are unfounded without providing a TIS, DelDOT will not require one. From the discussion at the PLUS meeting, DelDOT is hopeful that the applicant can do so.
- If DelDOT does require a TIS, the applicant should have their traffic engineer contact Mr. Todd Sammons of the DelDOT Planning office to determine the scope of that study. Mr. Sammons may be reached at (302) 760-2134.
- The February 17, 2006, letter also mentioned DelDOT’s Corridor Capacity Preservation Program (CCPP). Briefly, the CCPP seeks to maintain the capacity of certain arterial highways by managing access along them. The park’s proposed access location on Woods Branch Road would be consistent with the goals of that program. Development that created a need for a traffic signal on US Route 113 at

Woods Branch Road or Speedway Road (Sussex Road 325) would be inconsistent with the program and therefore would not be acceptable.

- Previously, DelDOT issued a Letter of No Objection for a minor subdivision plan to create four strip lots along Woods Branch Road. If those lots have not been developed, they would prefer to have them added back into the proposed business park and accessed through the park street. For the two lots that would have frontage on the park street, DelDOT will require that they be accessed there.

Natural and Cultural Resources

- Half of the existing forest will be removed for development activities. The developer should consider leaving the trees intact. These trees will help provide visual and noise buffers for residents. The forested areas on-site should be viewed as a community asset and managed appropriately. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas.
- If tree clearing is going to occur despite recommendations to the contrary, DNREC recommend that tree clearing not occur April 1st to July 31st to reduce impacts to migratory birds or other wildlife that may be utilizing this forested area for breeding.

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

Office of State Planning Coordination – Contact: Herb Inden 739-3090

This proposed project is located in both Investment Levels 2 and 3 according to the Strategies for State Policies and Spending document. For Level 2 areas, State policies support development activities. Level 3 areas reflect where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments will support growth in these areas but please be advised that the State may have other priorities in the near term future

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

There are no known resources within or adjacent to this parcel. There is nothing shown on Beers Atlas of 1868 or on the 1938 aerial in this area. There is only a low potential for prehistoric-period archaeological sites on this kind of soil and in this kind of setting.

This project will not affect any historic properties.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) On February 17, 2006, responding to a request from Sussex County, DelDOT provided a Support Facilities Report indicating that a traffic impact study (TIS) would be required. They based that request on their understanding that B-1 zoning is sought and an “office park” is proposed. DelDOT estimates that an office park on the subject land could generate about 4,300 trips per day, whereas a TIS is warranted for developments generating more than 3,100 trips per day. On April 11, 2006, DelDOT received a letter from the applicant’s attorney questioning the need for a TIS but deferring discussion of the matter until the PLUS meeting. The PLUS application used the term “business park,” which to DelDOT has a slightly different meaning from “office park.” They are concerned about the potential effects of site traffic on Woods Branch Road and other roads in the immediate area. If the applicant can demonstrate to their satisfaction that such concerns are unfounded without providing a TIS, DelDOT will not require one. From the discussion at the PLUS meeting, DelDOT is hopeful that the applicant can do so.

If DelDOT does require a TIS, the applicant should have their traffic engineer contact Mr. Todd Sammons of the DelDOT Planning office to determine the scope of that study. Mr. Sammons may be reached at (302) 760-2134.

- 2) The February 17, 2006, letter also mentioned DelDOT’s Corridor Capacity Preservation Program (CCPP). Briefly, the CCPP seeks to maintain the capacity of certain arterial highways by managing access along them. The park’s proposed access location on Woods Branch Road would be consistent with the goals of that program. Development that created a need for a traffic signal on US Route 113 at Woods Branch Road or Speedway Road (Sussex Road 325) would be inconsistent with the program and therefore would not be acceptable.
- 3) Previously, DelDOT issued a Letter of No Objection for a minor subdivision plan to create four strip lots along Woods Branch Road. If those lots have not been developed, they would prefer to have them added back into the proposed business park and accessed through the park street. For the two lots that would have frontage on the park street, DelDOT will require that they be accessed there.
- 4) If the proposed rezoning is approved, the developer’s site engineer should contact Mr. John Fiori, the DelDOT Subdivision Manager for Sussex County, regarding the specific requirements for access. He may be reached at (302) 760-2260.

**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 individual on-site wells will be used to provide water for the proposed project. DNREC records indicate that the project is not located in an area where public water service is available. 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

Standard Comments:

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica

Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

It is strongly recommended that you contact the Sussex Conservation District to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to the Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Applying practices to mimic the pre-development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique.

Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.

Clearly address how Stormwater Quality and Quantity Treatment will be provided. If this project is eligible for a Quantity Waiver, please make the request in the stormwater narrative citing the specific regulation.

Please indicate on the sediment and stormwater management plan who shall be responsible for maintenance of the stormwater management facilities both during construction and after. During the design of the sediment control and stormwater management plan, considerations should be made for maintenance (i.e. access, easements, etc.) of any structures or facilities.

If a stormwater management pond is going to be utilized as a sediment trap/basin during construction it must be designed to accommodate 3600 cubic feet of storage per acre of contributing drainage area until project stabilization is complete.

All ponds are required to be constructed per Pond Code 378.

Please note that if the stormwater facilities will impact wetlands, a permit must be provided to the District prior to receiving approval. Please address.

Under the DNREC Health and Safety Memo of 2000, all wet ponds are required to have an open space depth of 3 feet or more that comprises 50-75 percent of the area of the pond.

Consideration should be made for any adjacent properties during the design of the project, including drainage and erosion/sediment control.

Please investigate Green Technology Practices for quality management.

Forest Preservation

Half of the existing forest will be removed for development activities. The developer should consider leaving the trees intact. These trees will help provide visual and noise buffers for residents. The forested areas on-site should be viewed as a community asset and managed appropriately. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas.

If tree clearing is going to occur despite recommendations to the contrary, DNREC recommend that tree clearing not occur April 1st to July 31st to reduce impacts to migratory birds or other wildlife that may be utilizing this forested area for breeding.

Underground Storage Tanks

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

Kruger Trailers, Facility # 5-000044, Project # S9401020

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: Duane Fox 856-5298

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 sq.ft., a fire alarm signaling system which is monitored off-site is required
- For commercial buildings greater than 10,000 sq.ft. Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sq.ft. or less
- Buildings greater than 10,000 sq.ft., 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 Woods Branch 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, 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 areas within the Growth Levels 2 and 3.

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.

Sussex County – Contact: Richard Kautz 855-7878

The PLUS application should be revised to add the 2 acre Kruger property (133-2-40.01).

The application appears to be to the sole benefit of the property owner and to the detriment of adjacent residential properties because there are no contiguous commercially zoned properties or within more than 3,800+ feet and the County Comprehensive Plan does not clearly anticipate commercial zoning in this area.

The Sussex County Engineer Comments: Individual on-site wastewater systems are proposed to serve the commercial subdivision. The proposed project is in the North Coastal Planning Area, but is not in an area where Sussex County expects to provide sewer service. Sussex County has no objection to the project being served by individual on-site systems.

The project is near the edge of a developing and annexation area in the Comprehensive Plan of the Town of Georgetown. It is recommended that the developer contact the Town of Georgetown for additional information.

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: Sussex County
Town of Georgetown