



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

January 29, 2007

Mr. David S. Hugg  
Town of Smyrna  
P.O. Box 307  
Smyrna, DE 19977

RE: PLUS review – PLUS 2006-12-09; Town of Smyrna Comprehensive Plan  
Amendment

Dear Mr. Hugg:

Thank you for meeting with State agency planners on January 3, 2007 to discuss the proposed Town of Smyrna comprehensive plan amendment.

According to the information received, you are seeking to amend your certified comprehensive plan to change the land use designation on the Land Use Map for 1511 Paddock Road from regional commercial to residential.

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

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

The Town of Smyrna proposes a plan amendment to change the parcel in question from Regional Commercial to Residential. As discussed at the PLUS meeting, the parcel contains wetlands and forest areas that limit its development potential to some extent. Apparently, the site developer has decided that a single family detached residential development is a

more appropriate and marketable land use than any commercial development on the site. We question that judgment, and ask that the Town of Smyrna seriously consider their rationale for making this land use change. The developable area on the parcel is clearly large enough to accommodate many different commercial uses. In fact, several multi-story office buildings of the type proposed by the developer across the street would fit quite well on the site. Also, consider that a single family detached residential development on this site will ultimately be surrounded by commercial, industrial, and office park uses. Some of these land uses may not be compatible with the residential use in the future.

The Delaware Department of Transportation objects to this change in land use. Their long term vision is to have a vehicular connection to the Rest Stop, which is adjacent to this property to the north. Such a connection may be possible (and even desirable) if the parcel is developed commercially. The connection would be improper should this be developed as a residential subdivision.

Ultimately the decision to change the land use is at the discretion of the Town of Smyrna. The State will not object to the change in the land use designation, but ask that our concerns be taken into consideration as your Planning Commission and Council deliberates on this issue.

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

The Division of Historical and Cultural Affairs has no objections to the amendment.

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

The Town of Smyrna seeks to amend its 2003 Plan to permit residential zoning of a 67.024-acre parcel (Tax Parcel 15-022.00-086) located at 1511 Paddock Road. The parcel is proposed for annexation in conjunction with a larger parcel, proposed for an industrial park, on the opposite (south) side of Paddock Road.

As DelDOT previously noted, as part of their comments on the larger annexation proposal, DelDOT would prefer to see this parcel zoned for commercial use, as proposed in the current Plan. DelDOT foresees a need to connect our Smyrna Rest Area to Paddock Road in the future, and thereby establish a separate bus and truck access for the Rest Area. While they have no active plans to do that, they can see that the subject land would provide the most buildable alignment for doing so. If the parcel is developed residentially, such a connection would not be feasible.

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

DNREC has no comments regarding the Town of Smyrna Comprehensive plan amendment.

**State Fire Marshal's Office – Contact: John Rudd 739-4394**

The Delaware State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the Delaware State Fire Prevention Regulations. This Agency asks that a MOU be established between the Delaware State Fire Marshal's Office and the Town of Smyrna. The State Fire Marshal's Office would be issuing approvals much like DelDOT, Kent Conservation, and DNREC. This Agency's approvals are based on the Delaware State Fire Prevention Regulations only.

*The Delaware State Fire Marshal's Office has no objection to the annexation growth and boundaries.*

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: Scott Blaier 698-4500**

The Delaware Department of Agriculture has no objections to the proposed comprehensive plan amendment as it is entirely within the Town of Smyrna and the *Strategies for State Policies and Spending* encourages environmentally responsible development in areas in municipal areas.

**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.

**Delaware State Housing Authority – Contact Vicki Walsh 739-4263**

The Town of Smyrna is proposing an amendment to their Comprehensive Plan to change future land use for 25.79 acres from future commercial to future residential. DSHA supports that this proposed amendment is for medium density residential use. While higher densities encourage affordability, it is not a guarantee. The most recent 2003

Statewide Housing Needs Assessment, as well as recent real estate information, indicates that there is a need for housing to support low- and moderate-income households. The DSHA recommends that the Town of Smyrna, as part of this amendment, also include incentives that ensure long-term affordable housing for low- and moderate-income persons.

**Approval Procedures:**

1. Once a final decision has been made on this plan amendment, please inform our office in writing. Include a copy of the final Council resolution and a revised Future Land Use Map (if necessary) with your notification. The Town should provide to 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 amendment or not and the reason therefore. Your response letter should accompany this submission. Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them.
2. Upon receipt of notification and the new Future Land Use Map (if necessary), we will issue a letter accepting the amendment to the Town's certified plan. Acceptance of this amendment will not alter your original plan certification date. A full plan update will be due on or before May 16, 2008.

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