



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

January 5, 2005

Mr. Richard Kautz
Sussex County Planning
P.O. Box 417
Georgetown, De 19947

RE: PLUS 2004-06-12 – Indigo Run

Dear Mr. Kautz:

Attached is a copy of a letter received from Land Design, Inc. regarding their response to the State agency comments received through the Preliminary Land Use Services (PLUS) for the Indigo Run project to be located on Delaware Route 5 at SCR 303A and SCR 302, adjacent to Unity Branch. I have also attached a copy of our original comments dated July 15, 2004.

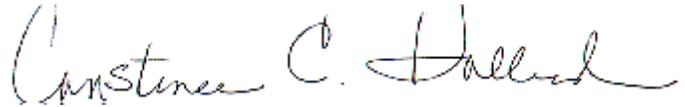
It was noted in our original letter that this project is located within an Investment Level 4 area according to the Strategies for State Policies and Spending. In these areas, State policies encourage preservation of natural and agricultural resources and discourage large scale development. We stated that we were not in favor of this development and had significant concerns relating to the development of the site. We remain concerned about this and the amount of development proposed for this general area, especially because it is outside of areas where the State and County have planned for growth.

In reviewing the developer's response, we were pleased to see that some of the State comments were addressed, particularly removing lot lines from wetland areas and preserving the forested area along Unity Branch. We are also pleased with the inclusion of sidewalks and multi-use pathways in the site plan.

Other comments made by State agencies and not addressed in the attached response by Land Design, Inc. remain relevant. We encourage the County to consider our comments during the review of this proposal and, by copy of this letter, request that the developer continue to work with State agencies to address our concerns.

As previously stated, we remain concerned about the cumulative impacts of this and other large proposals in the area because of their location outside of areas planned for growth in both the Sussex County Comprehensive Plan and the Strategies for State Policies and Spending. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in black ink that reads "Constance C. Holland". The signature is written in a cursive style with a large initial 'C'.

Constance C. Holland, AICP
Director

CC: Thomas J. Ford, Land Design, Inc.
Lawrence Lank, Sussex County Planning & Zoning

Attachments: Letter from Land Design, Inc. dated 12-15-04
Letter from State Planning Office dated 07-15-04



INDIGO RUN

December 15, 2004

State of Delaware
Office of State Planning Coordination
Attn: Director - Ms. Constance C. Holland, AICP
540 S. Dupont Hwy.
Thomas Collins Building; Third Floor
Dover, DE. 19901

FAX 302/739-6958

**RE: PLUS review – 2004-06-12; Indigo Run**

Dear Ms. Holland:

Thank you for your letter of July 15, 2004 to the referenced PLUS review. We hereby outline our response to the comments received. For the record our application in front of Sussex County Planning and Zoning has been amended from an AR-1 RPC overlay to a Cluster Development. During the interim of your review date and today the County has created opportunities through Cluster Development for design flexibility and the primary concerns of the State comments were addressed.

Primarily the State strongly encouraged a modified Site Plan to create a true Conservation Design that addressed the issues raised by DNREC regarding wetlands, buffers and general protection of natural resources. Though not all agency comments were Conservation issues we have outlined our total efforts in this regard as follows:

1. SHPO – The developers shall comply with any archaeological developments that may occur during the development of this project.
2. DELDOT – A meeting was held on 9-30-04 with DELDOT staff discussing in detail the TIS recommendations and we shall provide for reasonable design considerations during the DELDOT permitting.
 - a. Sidewalks shall be included on at least one side of all streets
 - b. Stub Street shall be provided to the lands South of the development
 - c. Re-alignment of Stevenson Rd. (@ the Rte. 5 Entry) shall be incorporated into the engineering of the Roadway improvements
 - d. A 15' multi-modal Bike/Pedestrian Path Easement shall front the Rte. 5 corridor
 - e. A 10' width of land shall be dedicated along the Rte.5 corridor
3. DNREC – This project recognizes the importance of its landscape position along the Unity Branch, the forest stands along its edge and that it contains headwaters and sensitive ecology to the Inland Bays
 - a. Wetlands
 - i. A Delineation has been conducted and a jurisdictional Request shall be made with the Army Corps of Engineers
 - ii. The site plan has undergone the most significant modification in regards to buffering and tree line protection along and adjacent to the Unity Branch. No lot lines touch 404 lands and no lot is within the existing riparian forest buffer. In addition all lot lines are a minimum of 25' from the 404 line and greater then 100' from the Unity Branch open waters. This preserve area between plotted lots and the unity Branch is somewhat characterized as an undulating and varying width open space for the Communities

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- iv. Recreation
 - 1. Sidewalks are proposed on every street with a minimum walk on one side. In addition most every lot is conveniently located to an interconnecting network of sidewalks and an 8' wide multi-use path that winds through the Community open Space. This path can be used for biking, roller-blading or strolling and jogging
 - 2. A minimum of two sheltered school bus location are proposed; one at each Community area. This has had the Cape Henlopen Transportation Directors Approval.
 - 3. The project proposes the following additional amenities:
 - a. A Community Clubhouse
 - b. Two swimming Pools and associated lounging decks and bath houses
 - c. Two Tennis Courts
- e. State Fire Marshal's Office
 - i. Water Req.
 - 1. It is the intent of the water provider to meet or exceed the standards required by this agency
 - ii. Fire Protection Features
 - 1. There is no building anticipated to be over 3 stories high or 35' Ht. or 10,000 Sq. Ft. in this development
 - iii. Accessibility
 - 1. All accessibility concerns shall meet the satisfaction of the agency
 - iv. Gas Piping
 - 1. There will be a 30,000 gallon tank placed within an appropriate area with adequate setbacks and accessibility for operations and maintenance to service this community from a central source
 - v. Required Notes shall be labeled on Final Plans for Fire Marshal review
- f. Dept. Of Agriculture
 - i. The area in which this project is located consists of varying land uses. The proximity has been targeted by several other proposed developments and has proven to be attractive due to its central location between many growth areas and town centers. The project is located in the rural area as mapped on the State Strategies Map and a low density area as mapped on the Sussex County Future Land-use Map. It is appropriate to consider development in this area at a density of two units /ac. this application proposes less than 1.4 units /ac.
 - ii. The project is not located adjacent to an Agricultural Preservation District
 - iii. The landscape Plan shall include the primary use of native materials and precautions have been taken to preserve existing forest materials
 - iv. The site plan provides for a 30' minimum perimeter open space and shall provide a forest vegetative buffer where active agricultural activities are currently being practiced

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functional and aesthetic use. The width of this contiguous buffer area averages greater than 200' along its entire length of the Unity Branch.

- b. ERES Waters/TMDL's
 - i. A nutrient assessment has been conducted on this site and through sewer treatment and Best Management practices we will provide for appropriate nutrient reductions
 - ii. In addition we will propose where appropriate a significant % of open space be kept in meadows rather than manicured lawn areas. These areas shall have longer length grasses and shall have reduced mowing times.
 - iii. Lawn areas in plotted lots and recreational areas will have a nutrient budget associated with them for restricting applications and timing for minimal leeching of nutrients off site.
- c. Water Supply
 - i. Artesian Water has provided a willing and able letter to supply water to this development
- d. Storm Water Management
 - i. A pre-application meeting was held with the district concerning this project approach to Storm Water
 - 1. Several Bio-swales will be used for smaller drainage areas, where post discharge levels match pre-existing levels
 - 2. Retention Areas will be used in larger drainage areas to meet pre-existing conditions
 - 3. Shallow infiltration areas will be incorporated on the west side- where soil feasibility studies show are suitability
 - 4. Wet Ponds are proposed adjacent to Rte. 5 and behind the Community Center to act as amenities as well as Storm water storage
 - 5. An existing wooded area on the west side will be reserved for a natural Bio-retention area, an embankment shall be employed to dam this area to accumulate 1' of run-off for short periods of time while preserving the wooded vegetation
 - ii. Habitat
 - 1. We have a letter from DNREC Natural Heritage Program; Karen Bennett (7-31-04) in this regard that states". *no current records of state-rare or federally listed plants, animals or natural communities at or adjacent to this project site...*". She does mention the possibility of freshwater fish and mussels and recommends the Forest buffer to remain intact.
 - iii. Open Space
 - 1. The Amenity areas shall remain Central to the layout of this Community as shown on the Preliminary Plan however we have conformed to the spirit of this comment by pulling back those lots along the Unity Branch and allowing for an undulating open area to exist that can be utilized for passive recreation such as walks, woodland exploration and birding activities

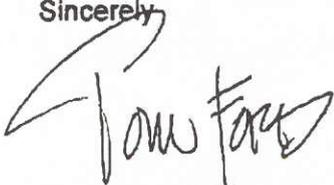
INDIGO RUN

- g. Public Service Provider
 - i. Prior to Final approvals of this plan proper contact shall be made with this department.
 - ii. It is anticipated that Artesian Water will be the operator and maintenance contact on this facility.
- h. Delaware Emergency Management Agency
 - i. It is anticipated that contact with Police, firefighter and emergency personnel shall be part of the planning process.
- i. Sussex County
 - i. Sewer Collection, Treatment and Disposal of effluent shall be designed and permitted by duly qualified engineers in concert with current regulation promulgated by the DNREC and Sussex County Engineering Department

Thank you for reviewing and having significant input on this proposed planned Community. We are scheduled to be heard by Planning and Zoning on January 6th, 2005 and should you have any further comments we would appreciate them prior to this meeting.

Should you have any questions and/or comments on the above please feel free to contact me.

Sincerely



Thomas J. Ford
President, **LAND**DESIGN, Inc.

Xc; Jim Fuqua 856-4584 FAX
Robert Sipple 302/552-3155 FAX
Lawrence Lank 854-5079FAX