



6 West Market Street
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Georgetown, DE 19947

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March 23, 2006

Constance Holland
Delaware State Planning Coordination

Dover, DE 19901

Transmitted by e-mail: Dorothy.Morris@state.de.us

RE: PLUS Review Comments; 2006-02-01
Route 1 Office

Dear Ms. Holland:

Thank you for your March 15, 2006 letter regarding the above referenced project. The following are the applicant's responses to the comments that were generated during the PLUS meeting as detailed on your March 15th letter.

Office of State Plan Coordination; thank you for supporting the re-zoning of this property in accordance with both the State's strategies, the Sussex County Comprehensive Plan, and the Sussex County Planning and Zoning Commission's recommendation.

Division of Historical and Cultural Affairs; The Division of Historical and Cultural Affairs would like the opportunity to look at this parcel to investigate for potential Historical sites and archeological finds. The applicant is open to such an investigation provided that it is completed in a timely manner.

Department of Transportation

1. We understand that no TIS was recommended for this site.
2. The Department will allow 200 trips per day be generated by the proposed development on the site. The applicant has proposed restrictive covenants to limit traffic generation to the approved rate. (Exhibit A)
3. We understand that DeIDOT will require a site distance analysis to ensure the proposed entrance does not present a safety hazard. During the re-zoning hearing for the project, there were some concerns expressed by the neighbors that the large ditch and existing guard have made the Pond View Drive intersection with Route 1 unsafe, and that the addition of a

commercial entrance would exacerbate the existing sight distance problems. The applicant concurs that the existing guard rail and ditch are unsafe. An entrance plan has been submitted to DELDOT (Exhibit B), indicating that the existing guard rail and ditch shall be removed by using a closed pipe and curbing in order to improve the entrance and provide the sight distance necessary to ensure safe operation of the entrance.

4. The applicant understands that the Department is requesting access for future bicycle and pedestrian connections and that the Department has no active plans to build the connection. If the Department provides plans for active connections to a bike or pedestrian path we will make allowances to connect to their system.

Department of Natural Resources and Environmental Control

Soils

The soils on the site were noted by DNREC as having moderate limitations for development. The site is being served by Sussex County central sewer. It is believed that the moderate soil limitation will not adversely affect the development of the parcel.

Impervious cover

The applicant shall comply with any existing regulations regarding impervious cover, including the stormwater management regulations as amended April 2005. At this time the stormwater management system tentatively designed would include infiltration under the parking lot, providing for significant ground water recharge and water quality enhancement.

TMDL

The applicant intends to use subsurface infiltration facilities in order to develop the property. Water quality devices in accordance with Sussex Conservation District requirements shall be used to minimize negative impact from the development.

Water Supply

As noted by the Department the site will be served by Tidewater Utilities for central water. In the event that any dewatering is required in order to install utilities the contractor is responsible for obtaining the permits from the Department.

Water Resource Protection Areas

As stated previously, the intended stormwater management facility for the project shall be subsurface infiltration facility. The infiltration facility shall mitigate the impervious surface by recharging the ground immediately

beneath the paved surfaces. The use of infiltration most accurately creates a post development hydrology that mimics the predevelopment hydrology. At this time it does appear as though the site may be suitable for infiltration. Rooftop runoff shall be directly to the subsurface infiltration system. No hazardous substance or waste shall be stored on the property without the relevant State, Federal or local permits being obtained.

Sediment and Erosion Control/Stormwater Management

The sediment and erosion control plan shall be completed in accordance with Sussex Conservation District criteria. It appears as though the site does have the potential for stormwater management by infiltration. All appropriate soil testing shall be completed prior to submission of Sediment and Stormwater Management Plans.

Rare Species

The State has no records of any rare or endangered species on site, therefore no mitigation measures are proposed.

Nuisance Waterfowl

The above grade stormwater management facility proposed is likely to be a water quality device only and will have no way to attract nuisance waterfowl.

Underground Storage Tanks

If any underground storage tanks for petroleum are located on site during construction, all sub grade PVC pipes will be replaced with ductile steel.

State Fire Marshal Comments

The existing Fire Hydrant just north of the project site shall be field located and added to the plan for the Fire Marshal's review. If an additional hydrant is warranted, its location shall be shown on the final plans. Fire protection features and accessibility shall be designed in accordance with the State Fire Prevention regulations. All required notes shall be included on the final construction drawings to be submitted for the project.

Department of Agriculture

The applicant would like to thank the Department of Agriculture for their support of the re-zoning. The recharged area that exists on the parcel shall be maintained by the use of sub surface infiltration.

"The right tree for the right place"

The front twenty feet of the project shall be a landscape buffer required by the Sussex County zoning code. The applicant would appreciate any specific recommendations for planning that the Department may have to offer.

"Native Landscapes"

The front buffer shall include a twenty foot vegetative buffer that shall help with the providing a more native landscape for the property.

Public Service Commission

It is not anticipated that the site will be served by central gas or closed propane system.

Sussex County

The Route 1 Highway Corridor requirements have been shown on the site plan in accordance with the County Zoning Code. The Environmentally Sensitive Development Area report shall be prepared and submitted to the County with the Preliminary Site Plan for the project.

Sussex County Engineering Office

The applicant takes note that the Sussex County Engineering Department opposes this re-zoning because of the potential for the increase wastewater flow from the business use. To address this concern, the applicant has prepared deed restrictions (Exhibit A) for the property to prevent high water uses being installed on the property (i.e. restaurants, Laundromats, etc.). As was noted in the February 7, 2006 County Engineering Department comments (Exhibit C), the site consists of three parcels, allowing for up to three EDUs, or 9,000 sq. ft. of retail space. The Site Plan submitted with the application has 8,500 sq. ft. of commercial space shown because of parking requirements. Based on the restrictive covenants and the parking requirements, the uses allowed for the property would produce less wastewater than the three EDUs that the property has already been allocated. Upon submittal of the preliminary site plan to Sussex County Planning and Zoning, a sanitary sewer concept plan shall be submitted to the Sussex County Engineering Department for review and approval.

Again, the applicant would like to take the opportunity to thank the Office of State Planning Coordination for their questions, comments and concerns. IF there are any other questions, comments or concerns, please feel free to contact me at 302-855-0810.

Thank you very much.

Sincerely,

Kenneth R. Christenbury, P.E.
President
Axiom Engineering, L.L.C.



DRAFT

**Tax Map 2-35-23.00-26, 27 & 28
Prepared by & Returned To:
Fuqua & Yori, P.A.
28 The Circle
Georgetown, DE 19947**

DECLARATION OF RESTRICTIONS

FOR

Tax Map # 2-35 - 23.00 - 26 27 & 28

THIS DECLARATION is made and executed this 24th day of February, 2006 by Alan S. Rieck ("Owner") of Tax Parcel 2-35 - 23.00 - 26, 27 & 28.

Whereas, the Owner is the fee simple owner of certain real property located on the southwest side of Route 1, 150 feet southeast of Best Lane and 200 feet north of Redmill Pond and beings lots 2,3 and 4 of Redmill Manor Subdivision and tax parcel no. 2-35-23- 26 27 & 28, hereinafter referred to as "the Property".

Whereas, the Property is currently zoned AR-1 and the owner has applied for a change of zone to B-1 (C/Z 1588) in order to develop the property.

Whereas, in the event the Property is re-zoned B-1, neighborhood businesses, the Owner desires to further limit the uses of the property.

NOW THEREFORE, the Owner hereby declares that the following restrictions and covenants shall run with, burden and bind the property and further declares that the property shall be held, transferred, sold, conveyed, occupied and used subject to the restrictions herein set forth.

PROPERTY USE RESTRICTIONS

If the Property is re-zoned by the Sussex County Council to B-1, then by these restrictions shall limit the use of the Property to:

1. Bakeries, retail.
2. Barber shops or beauty parlors.
3. Bicycle sales and repair shop.
4. Catering or delicatessen businesses
5. Clinics.
6. Drycleaning & laundry establishments.
7. Flower shops and Greenhouses.
8. Frozen food lockers for individual or family use.
9. Offices, general businesses or professional.
10. Radio & television broadcasting stations or studios.
11. Shoe repairing shops.
12. Shop for the sale, service or repair of home appliances, office machines, electrical, television and radio equipment.
13. Stores and shops for the conduct of retail business including sale of accessories, antiques, apparel, appliances, beverages, books, carpets, drugs, fabrics, food, furniture, general merchandise, hardware and lumber and building material, garden supplies, hobby supplies, jewelry, office supplies, paint, sporting goods and stationary and similar store in shops.
14. Undertaking businesses or establishments or funeral homes.
15. Studios or artists, photographers, teachers, sculptures and musicians.

MODIFICATION & ENFORCEMENT

This covenant shall not be changed, altered, amended or deleted without the written consent of the owner and the Sussex County Council. The Sussex County Council shall have the right to enforce these covenants.

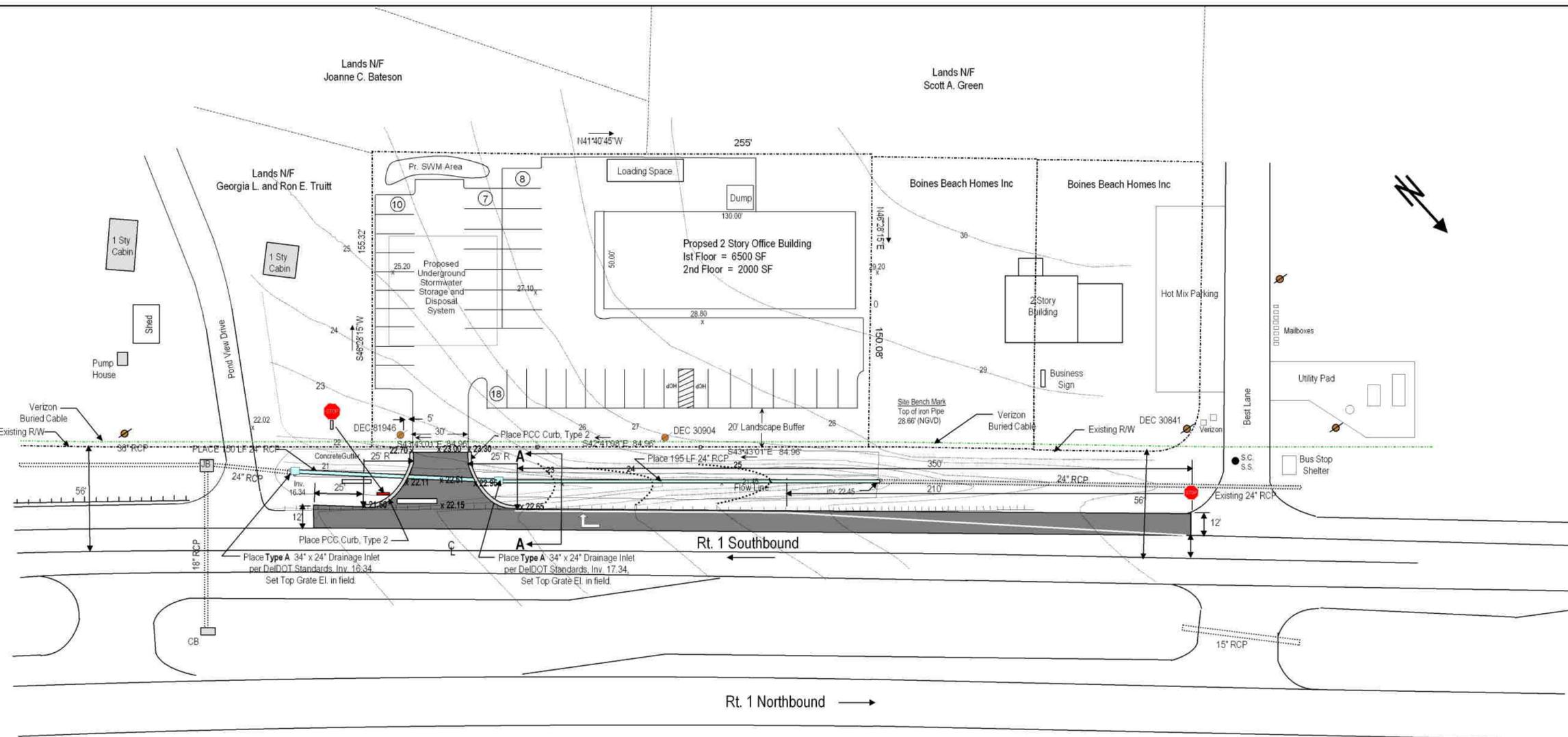
IN WITNESS WHEREOF, owner has caused his signature to be affixed duly witnessed the day and year first above written.

Alan S. Rieck

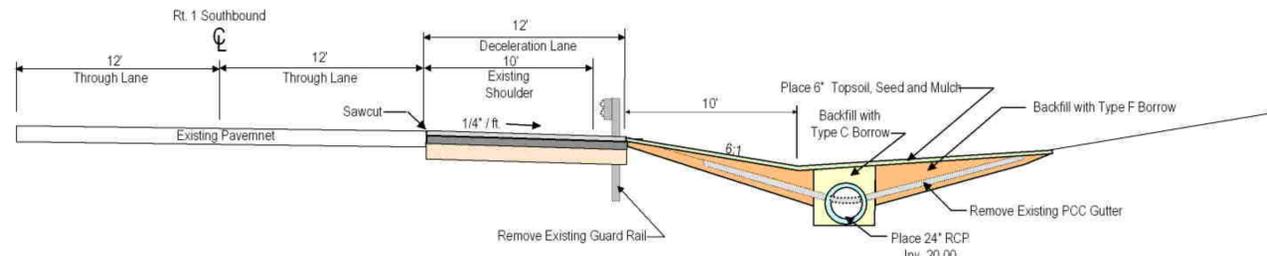
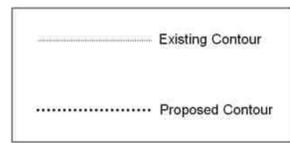
Witness

Sworn and Subscribed before me, this _____ day of _____, 2006.

Notary



Scale: 1"=30'



Typical Section A-A
Scale: 1"=5'

Pavement Structural Number Calculation
 $SN = 1 \times 1/4 \times 0.4 + 2 \times 1/4 \times 0.4 + 10 \times 0.14 = 2.80$
Note: Subgrade shall be compacted to DelDOT Standard Specifications.

- Pavement Legend**
- 1 1/4" Type C Hot Mix Hot Laid Bituminous Concrete
 - 2 1/4" Type B Hot Mix Hot Laid Bituminous Concrete
 - 10' Graded Aggregate Base Course, placed in 5' lifts

Revisions	
Proposed Entrance Plan	Rieck Property
Approved for Highway Access	
Date:	
Prepared By: C. David Jamison, PE	
Date: January 13, 2005	
Sheet No. 2 of 4	

**SUSSEX COUNTY ENGINEERING DEPARTMENT
PLANNING AND PERMITS DIVISION
C/U & C/Z REVIEW COMMENTS**

TO: **LAWRENCE LANK**
FROM: **PLANNING AND PERMITS**
REVIEWER: **ROB DAVIS**
DATE: **February 7, 2006**
APPLICATION: **CZ #1588**
APPLICANT: **Alan S. Rieck**
PUBLIC HEARING: **February 9, 2006**
FILE NO: **OM-9.04**
TAX MAP &
PARCEL(S): **2-35-23.00 PARCELS 26, 27 AND 28**
LOCATION: **Southwest of Route One, 170 feet southeast of Best Lane and 200 feet north of Red Mill Pond and being lots 2, 3 and 4 of Red Mill Manor Subdivision**
NO. OF UNITS: **Office/Retail space, workshop and display area for fencing business**
GROSS
ACREAGE: **38,929 square feet**
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **1.0 EDU per parcel, (three EDUs total).**

RECEIVED

FEB 09 2006

**PLANNING & ZONING
COMM. OF SUSSEX COUNTY**

SEWER:

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes

No

a. If yes, see question (2).

b. If no, see question (8).

(2). Which sewer district is it in? West Rehoboth Expansion Area

(3). Is wastewater capacity available for the project? **The sewer planning study assumption is 1.0 EDU per parcel (3.0 EDUs total) reflecting a residential parcel in a residential subdivision (Red Mill Manor). The Sussex County Engineering Department opposes this rezoning because of the potential for**

increased wastewater flow from business uses. The proposed business zoning and commercial use is not located on residential lands previously identified for commercial use by Sussex County Planning and Zoning. The proposed use does not conform to Sussex County's Comprehensive Land Use Plan. If not, what capacity is available? 3.0 EDUs or retail space of 9000 square feet.

- (4). Is Ordinance 38 required? **Unknown at this time.** If yes, contact Mr. Robert C. Green, Director of Utility Construction at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No.** If yes, how many? _____. Is it likely that additional SCCs will be required? **Yes.** If yes, the current System Connection Charge Rate is **\$3716.00** per EDU. Please contact **Mrs. Christine Fletcher** at **302 854-5086** for additional information on charges.
- (6). Location and size of lateral(s) or connection point(s):

To be determined by the Sussex County Engineer. The parcels are not currently served with a sanitary sewer lateral. There is no gravity collection line adjacent to the parcels. Extension of sewer lines to serve the parcels will be at the property owner's expense.
- (7). Is the project adjacent to a County operated Sanitary Sewer District? **N/A** .

 Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (8). Which sewer district is it adjacent to: **N/A**
- (9). Conformity to the **West Rehoboth Expansion Area** Planning Study, or undertaking an amendment will be required.
- (10). Other: _____.
- (11). A concept plan is required.
 A concept plan is not required.

PLANNING AND PERMITS APPROVAL:



John J. Ashman
Director of Utility Planning

cc: Michael Izzo
Russell Archut
Rob Davis
Christine Fletcher