



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

August 15, 2007

Mr. Gregory Scott
Scott Engineering, Inc.
99 Wolf Creek Blvd., Ste. 2
Dover, DE 19901

RE: PLUS review – PLUS 2007-07-02; Crossroads Christian Church Property

Dear Mr. Scott:

Thank you for meeting with State agency planners on July 25, 2007 to discuss the proposed plans for the Crossroads Christian Church property located on the westerly side of Route 13 near Felton.

According to the information received, you are seeking rezoning of 8.896 acres from AR to BG in order to construct a 12,000 square foot car dealership building and associated parking areas on the site. 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 project is located in Investment Levels 2 and 3 according to the *State Strategies for Policies and Spending*. The majority of the site is in Level 2, including the area to be occupied by the proposed car dealership. 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 and development of this parcel in accordance with the relevant County codes and ordinances.

Street Design and Transportation

- DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- Because of its location, the proposed development will be subject to the requirements of the Corridor Capacity Preservation Program. This program, which applies to certain divided arterial highways, including Route 13 between Delaware Route 10 and the Maryland line, seeks to preserve the capacity of those highways to handle through traffic by managing access along them.
- It is recommended that you contact the Kent County Department of Planning to determine whether they will require a traffic impact study.
- DelDOT anticipates requiring cross-access easements to the Bork and Schaubert properties, and possibly the Woodside Surplus Sales property.

Natural and Cultural Resources

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan.

- Have all drainage easements recorded on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction.
- Preserve existing riparian buffers on this site to aid in the reduction of nutrients, sediment, and other pollutants entering the watershed. Please explore methods to filter excess nutrients in stormwater runoff from this site before releasing the stormwater into the Double Run watershed.

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 project is located in Investment Levels 2 and 3 according to the *State Strategies for Policies and Spending*. The majority of the site is in Level 2, including the area to be occupied by the proposed car dealership. 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 and development of this parcel in accordance with the relevant County codes and ordinances.

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

The historic resources and references at the State Historic Preservation Office shows that there is no archaeological or historic site on this particular property (parcel) or project area. In addition, this commercial project will not have any effect on the property (parcel) or area.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) US Route 13 is classified as a principal arterial road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 50 feet from the centerline on principal arterial roads. On divided highways, such as Route 13, this distance is measured from the inside edge of the travelway (outside edge of the median) rather than from the centerline. DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.

- 2) Because of its location, the proposed development will be subject to the requirements of the Corridor Capacity Preservation Program. This program, which applies to certain divided arterial highways, including Route 13 between Delaware Route 10 and the Maryland line, seeks to preserve the capacity of those highways to handle through traffic by managing access along them.

The developer's engineer has already contacted the program manager, Mr. Charles Altevogt, regarding access to the subject development and has been advised that left turns out of the site would be prohibited. Right turns in and out and left turns in would be permitted at the existing crossover. They appreciate the developer's initiative in this regard.

- 3) DelDOT would expect a dealership of the size proposed to generate about 400 vehicle trips per day and about 50 vehicle trips per hour in the evening peak hour, which does not meet DelDOT Average Daily Traffic warrants for a traffic impact study (TIS). However, DelDOT believes that it does meet Kent County's warrants for one. For this reason, they recommend that the developer contact the Kent County Department of Planning to determine whether they will require one. If the County requires a TIS, DelDOT would like to be actively involved in the scoping and review of that study. Because such studies typically take as long as a year to complete, if one is required DelDOT recommends that developer have their traffic engineer meet with them and the County as soon as possible to set a scope of work for the study. Mr. Troy Brestel, a project engineer in our Development Coordination Section, will serve as the DelDOT contact in this regard. He may be reached at (302) 760-2167.
- 4) DelDOT anticipates requiring cross-access easements to the Bork and Schaubert properties, and possibly the Woodside Surplus Sales property, respectively Tax Parcels NM-00-120.00-01-06.01-000, NM-00-120.00-01-05.00-000 and NM-00-120.00-01-04.00-000. If the rezoning is approved, this matter will be addressed in more detail as DelDOT reviews the site plan for the proposed dealership.
- 5) The developer's site engineer should contact the project manager for Kent County, Mr. Brad Herb, regarding specific requirements for access and off-site improvements. However, access will be determined generally by the Corridor Capacity Preservation Program and if a TIS is required the off-site improvements will be based on a review of that TIS. He may be reached at (302) 266-9600.

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

Water Supply

The project information sheets state that water will be provided to the project by an individual on-site well. 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. It is recommended that the developer contact Tidewater Utilities to determine the availability of public water. Any public water utility providing water to the site must obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission. Information on CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-739-4247. Since an on-site Public/Miscellaneous Public well be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area. 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 plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency 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. The plan review and approval as well as construction inspection will be coordinated through Kent Conservation District. Contact Jared Adkins, Program Manager, at (302) 741-2600, ext. 3, for details regarding submittal requirements and fees.

Drainage

1. The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.
2. Have all drainage easements recorded on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction. Future property owners may not be aware of a drainage easement on their property if the easement is only on the record plan. However, by recording the drainage easement on the deed, the second owner, and any subsequent owner of the property, will be fully aware of the drainage easement on their property.
3. Preserve existing riparian buffers on this site to aid in the reduction of nutrients, sediment, and other pollutants entering the watershed. Please explore methods to filter excess nutrients in stormwater runoff from this site before releasing the stormwater into the Double Run watershed.

For questions or clarifications, please contact Jim Sullivan at (302) 739-9921.

State Fire Marshal's Office – Contact: John Rudd 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 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 the main thoroughfare 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: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed rezoning. The *Strategies for State Policies and Spending* encourage environmentally responsible development in Investment Level 2 and 3 areas.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive

to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

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.

Department of Education – Contact: John Marinucci 735-4055

The Department of Education has no comments or objections to this rezoning request.

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



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. Box 778
DOVER, DELAWARE 19903

CAROLANN WICKS, P.E.
SECRETARY

August 8, 2007

Mr. Merritt Savage
Planning Supervisor
Department of Planning Services
Kent County Administrative Complex
555 Bay Road
Dover, DE 19901

Dear Mr. Savage:

Enclosed is a Support Facilities Report (SFR) for the **Crossroad Christian Church, Inc.** rezoning application, our application number K-07-08-01. The subject land is an 8.98-acre parcel and is located on the west side of Delaware Route 13, south of Barney Jenkins Road (Kent Road 370). The land is currently zoned as AR (Agricultural Residential), and the applicant seeks to rezone the land from AR to BG (General Business) to build a car dealership.

The proposed car dealership would not warrant a traffic impact study (TIS) by DelDOT's standards, but other uses that could be developed on 8.98 acres of BG-zoned land would warrant one. Further, the proposed car dealership would warrant a TIS by the County's standards as we understand them. Therefore, **we recommend that a TIS be performed for this application.**

In a letter dated June 12, 2007 (enclosed), to Mr. J.C. Gregory Swift, of Scott Engineering, Inc., Mr. Charles Altevogt, DelDOT's program manager for the Corridor Capacity Preservation Program, stated that the previously approved access was intended for a church, and that should the property be rezoned to accommodate the car dealership, the location and design of the entrance would not be acceptable. Additionally, he stated that adding the commercial vehicle movement from the car dealership would cause operational safety concerns at the existing crossover. For that reason, he stated that either the crossover would need to be modified to restrict movements to right-in / right-out / left-in from both east and west of US Route 13, or that a single right-in / right-out entrance would need to be located toward the northern portion of the property and the existing entrance would need to be removed.

Mr. Merritt Savage

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Please contact Mr. Troy Brestel, at (302) 760-2167, if you have questions concerning this correspondence or Mr. Charles Altevogt, at (302) 760-2124, if you have any questions regarding our Corridor Capacity Preservation Program.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator

TWB:tbm

Enclosures

cc: Constance C. Holland, State Planning Coordinator, Cabinet Committee on State Planning Issues
Darrel Cole, Chief of Community Relations, Public Relations
Theodore G. Bishop, Assistant Director, Development Coordination
Marc Cote, Subdivision Engineer, Development Coordination
William J. Dryden, Transportation Planner, Project Development South, DOTS
Charles Altevogt, Program Manager, Development Coordination
Brad Herb, Johnson, Mimiran & Thompson
Todd J. Sammons, Project Engineer, Development Coordination
Troy Brestel, Project Engineer, Development Coordination

