



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

January 4, 2008

Mr. Jim Ehler
Felton Holly Kia
13173 South DuPont Highway
Felton, DE 19943

RE: PLUS review – 2007-11-05; Felton Holly Kia

Dear Mr. Ehler:

Thank you for meeting with State agency planners on December 5, 2007 to discuss the proposed plans for the Felton Holly Kia project to be located at 13173 South DuPont Highway near Felton.

According to the information received, you are seeking a rezoning from AC to BG for approximately 1 acre for an auto dealership. 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 this letter is related to the rezoning of this property. While some reviewers may give comments regarding future site plans, this letter does not represent formal comments regarding any future development on this site. If future development of this site occurs and meets the PLUS criteria, you would be required to go through the PLUS process again so that the State agencies can comment on the development. 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 Level 3 according to the Strategies for State Policies and Spending. This site is also located in the Kent County Growth Zone. Investment Level 3 reflects areas 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. We encourage you to design the site with respect for the environmental features which are present.

Street Design and Transportation

- DelDOT's policy is to require a dedication of 50 feet from the centerline on principal arterial highways, such as Route 13 in this area. On divided highways, again such as Route 13, they measure that distance from the inside edge of the travelway, rather than from the actual centerline. Therefore the applicant should anticipate a requirement to dedicate any additional frontage needed to meet this standard.
- This development is subject to the Corridor Capacity Preservation Program (CCPP). That program seeks to preserve the capacity of certain arterial highways to handle through traffic by managing access along them. A new entrance plan and permit will be needed if the proposed expansion of the dealership is to take place. DelDOT will allow the use of the site to continue with right-in, right-out access as long as the expected trip generation remains under 200 vehicle trips. If the proposed expansion would cause the site to exceed 200 vehicle trips, the applicant will need to find alternative access.

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 rezoning is located in Investment Level 3 according to the *Strategies for State Policies and Spending*. This site is also located in the Kent County Growth Zone. Investment Level 3 reflects areas 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. We encourage you to design the site with respect for the environmental features which are present. Our office has no objections to the proposed rezoning of this parcel in accordance with the relevant County codes and ordinances.

Division of Historical and Cultural Affairs – Contact: Terrance Burns 739-5685

1. In reference to this parcel/property, the State Historic Preservation Office of Division of Historical & Cultural Affairs would like to mention and recommend the following:
2. There was a known historic dwelling with scattered outbuildings (K-1602), and a known historic Archaeological Site (K-6684, 7K-E-181) nearby or very close to this parcel
3. The dwelling (K-1602) is not a National Register Property/Site, and it is located off Route 13. The Archaeological Site (K-6684, 7K-E-181) is about 2000 feet east of 13 and 1000 north of Murderkill on east side of the small tributary.
4. In addition, this parcel/property is still in a vicinity where the nature and historic context of the vicinity, area, environment or land cover is primarily agriculture, a portion of forest, a portion of wetlands/wet-woods, and there is a possibility that there could probably be potential archaeological resources on or within parcel/property, or nearby. These archaeological resources could probably be prehistoric-period or historic-period because of the combination of various soil types on the parcel/property, and the nature and historic context of vicinity, area, environment and land cover.

5. If any archaeological resources were to ever be found or located, the developer should be aware of Delaware's Unmarked Human Remains Act of 1987, which governs the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out. Delaware's Unmarked Human Remains Act of 1987 can be found in Title 7, Chapter 53 and Chapter 53 of the Delaware Code.
6. Finally, the State Historic Preservation Office-Division of Historic & Cultural Affairs recommends that prior to any demolition or ground-disturbing activities, or before any construction proceeds the developer may want to hire an archaeological consultant to check or examine this parcel/property for the possibility of any archaeological resources here such as a cemetery, burial ground, or unmarked human remains. If you would like to discuss this information or recommendation in further detail, contact Mr. Terence Burns at State Historic Preservation Office of Division of Historic & Cultural Affairs at (302) 736-7400 ext.25.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) DelDOT's policy is to require a dedication of 50 feet from the centerline on principal arterial highways, such as Route 13 in this area. On divided highways, again such as Route 13, they measure that distance from the inside edge of the travelway, rather than from the actual centerline. Therefore the applicant should anticipate a requirement to dedicate any additional frontage needed to meet this standard.
- 2) Because it is located on US Route 13 south of Camden, this development is subject to the Corridor Capacity Preservation Program (CCPP). That program seeks to preserve the capacity of certain arterial highways to handle through traffic by managing access along them. A new entrance plan and permit will be needed if the proposed expansion of the dealership is to take place. DelDOT will allow the use of the site to continue with right-in, right-out access as long as the expected trip generation remains under 200 vehicle trips. If the proposed expansion would cause the site to exceed 200 vehicle trips, the applicant will need to find alternative access. For more information on the CCPP, the applicant may contact the manager of that program, Mr. Charles Altevogt. Mr. Altevogt may be reached at (302) 760-2124.
- 3) In a November 14, 2007, letter to Kent County, DelDOT indicated that they did not expect the proposed rezoning to result in more than a 50 vehicle per hour increase in traffic, and that DelDOT therefore did not anticipate a need for a

traffic impact study (TIS) under the County's Adequate Public Facilities Ordinance. However, under new standards that will become effective on December 21, 2007, a TIS would likely be warranted for the planned expansion of the dealership. DeDOT will revisit the need for a study as part of the site plan approval process. If the applicant wishes to begin their TIS before submitting a site plan for review, they should have their traffic engineer contact Mr. Troy Brestel of this office at (302) 760-2167 to request a scoping meeting.

- 4) If the rezoning is approved, the developer's site engineer should contact the DeDOT project manager for Kent County, Mr. Brad Herb, regarding specific requirements for access and off-site improvements. Mr. Herb 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 site is not located in an area where public water service is available. If this well develops a problem that causes it to be abandoned, then a new on-site public/miscellaneous public well will 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 located and constructed 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 as soon as practicable. 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 the Kent Conservation District. Contact Jared Adkins, Program Manager, at (302) 741-2600, ext. 3, for details regarding submittal requirements and fees.

Because of the parcel's location in an impaired watershed and the amount of impervious surface, consider incorporating more green technology BMPs and low impact development practices to reduce stormwater flow and to meet water quality goals.

The Sediment and Stormwater Management Program ensures sediment and erosion control plans and stormwater plans comply with local land use ordinances and policies, including the siting of stormwater management facilities. However, we do not support placement in resource protection areas or removal of trees for the sole purpose of placement of a stormwater management facility/practice.

Underground Storage Tanks

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

Uncle Willie's # 13, Facility # 1-000363, Project # K0310059

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 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.

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:

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 sqft, a fire alarm signaling system which is monitored off-site is required
- For commercial buildings greater than 10,000 sqft Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sqft. or less
- Buildings greater than 10,000 sqft, 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 site 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.
- 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.statefiremarshal.delaware.gov, 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* encourages environmentally responsible development in Investment Level 3 areas.

The entire site is located within an area designated as having “excellent” ground-water recharge potential. DNREC has mapped all ground-water recharge-potential recharge areas for the state, and an “excellent” rating designates an area as having important ground-water recharge qualities.

Senate Bill 119, enacted by the 141st General Assembly in June of 2001, requires the counties and municipalities with over 2,000 people to adopt as part of the update and implementation of their 2007 comprehensive land use plans, areas delineating excellent ground-water recharge potential areas. Furthermore, the counties and municipalities are

required to adopt regulations by December 31, 2007 governing land uses within those areas to preserve ground-water quality and quantity.

Maintaining pervious cover in excellent and good recharge areas is crucial for the overall environmental health of our state and extremely important to efforts which ensure a safe drinking water supply for future generations. Retention of pervious cover to ensure an adequate future water supply is also important for the future viability of agriculture in the First State. The loss of every acre of land designated as “excellent” and “good” recharge areas adversely impacts the future prospects for agriculture in Delaware. The developer should make every effort to protect and maintain valuable ground-water recharge potential 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. Please feel free to contact the Delaware Forest Service at (302) 698-4500 for more information.

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

This proposed development is in the Lake Forest School District. This is a rezoning review for commercial uses. This rezoning request is commercial in nature and as such DOE has no comments.

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".

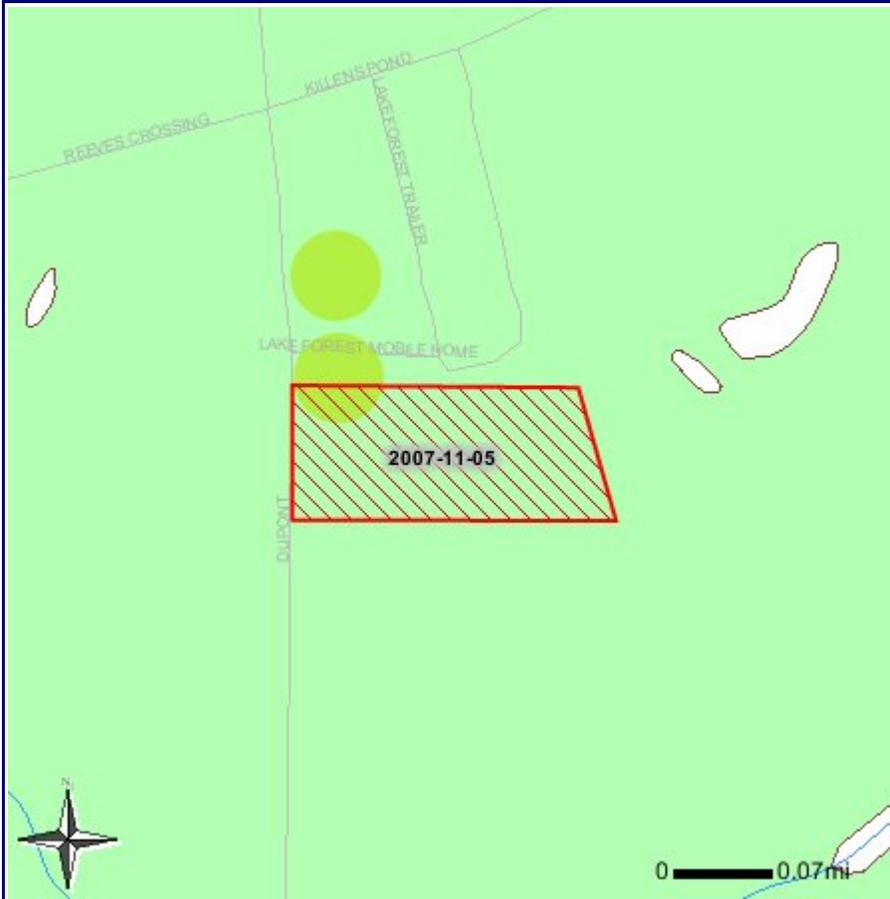
Constance C. Holland, AICP
Director

CC: Kent County
Town of Felton



Felton Holly Kia

2007-11-05



- PLUS Projects
- NHDFlowLine
- Wellhead Protection Areas
- All Roads
- Excellent Recharge Areas

This map was produced by the Delaware Department of Natural Resources and Environmental Control.

