



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
Budget Development, Planning and Administration
State Planning Coordination

June 16, 2009

Mr. Robert Stronsky
Landmark Engineering
29 south State Street
Dover, DE 19901

RE: PLUS review – 2009-05-08; Destiny Apartments

Dear Mr. Stronsky:

Thank you for meeting with State agency planners on May 27, 2009 to discuss the proposed plans for the Destiny Apartment project to be located at 2161 Forest Avenue in Dover.

According to the information received, you are seeking site plan approval through the City of Dover for 240 unit apartment complex.

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 the City of Dover is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.

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. 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. This area has been annexed into the City of Dover, and is identified for future residential growth in their most recently certified comprehensive plan. Our office has no objection to this development proposal. Please see our comments on interconnectivity later in this letter.

Street Design and Transportation

- A traffic impact study (TIS) is warranted by DelDOT regulations but the applicant has the option of contributing toward a future area-wide study, rather than performing a TIS for their individual development, if the City does not require a TIS. As DelDOT understands it, the City does not require a TIS and the applicant intends to pay the fee. This seems particularly appropriate to us in this instance because the Dover-Kent County Metropolitan Planning Organization (MPO) has recently completed a study of the Route 8 corridor, from Artis Drive (Kent Road 197) to Forest Street (Kent Road 23), and a program of road improvements has been identified.
- DelDOT recommends that the City require the main north-south road through the site to be built as a City street, with two stubs at the south end, the one shown leading to the Capital School District property and a second one leading to the Farm Lands, L.P. property. The stub street to the Capital School District property anticipates a future connection to Tribbitt Street in the Village of Cannon Mill. Related to this change, the southeast corner of the site needs to be redesigned to shift the apartments and parking on the east-west driveway farther west, away from the north-south road.
- An access drive from the street just mentioned should be provided to the remaining church property and the church should be required to close their access on Route 8 and use the new street for access once that street is open for traffic.
- A second stub street to the Capital School District property should be provided closer to Route 8 for the purpose of providing local access to the high school when it is built.

Natural and Cultural Resources

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site.

- There is a concern about an adequate outlet for this project and it should be discussed at the pre-application meeting with the Kent Conservation District Sediment and Stormwater Program.

This office has received the following comments from State agencies:

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

This project is located in Investment Level 3 according to the Strategies for State Policies and Spending. 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. This area has been annexed into the City of Dover, and is identified for future residential growth in their most recently certified comprehensive plan. Our office has no objection to this development proposal.

This proposed apartment complex will be constructed as a part of a growing neighborhood of residential and institutional uses in Dover. Our office strongly encourages that this project be designed with interconnectivity to the adjacent future high school property, as well as the other near-by neighborhoods. There should be thought given now to the local street network of this entire area to ensure mobility and interconnectivity of all parcels in the area. Interconnectivity for vehicles, bicycles and pedestrians should be considered. More detailed comments from DelDOT are found later in this letter.

State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685

The role of the Division of Historical & Cultural Affairs in the Preliminary Land Use Service (PLUS) process is to provide information on the development's impacts to historic properties and archaeological sites and is an advocate for their protection. In addition, all of the information is according to the reference and resource materials at the State Historic Preservation Office, which is the central research repository of the Division of Historical and Cultural Affairs. Preserving Delaware's heritage and showcasing the historic legacy of our state are the guiding principles of our agency, and through active historic preservation efforts, the Division is committed to enhancing Delaware's quality of life by helping people connect with those aspects of our past that have made this state what it is today.

In accordance with the Preliminary Land Use Service (PLUS) outlined in [Chapter 92 of Title 29](#) of the Delaware Code, here are the following observations: There are no known historic or cultural resources in this project area, such as archaeological sites or a National Register-Listed property. The Division of Historical & Cultural Affairs has no objection to this development project. If you need any technical assistance, or would like to discuss these issues further, please contact Terrence Burns at (302) 736-7404.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) DeIDOT estimates that the proposed apartments would generate about 1,578 vehicle trip ends per day and about 150 vehicle trip ends in the evening peak hour. This trip generation places the project in a range wherein a traffic impact study (TIS) is warranted by DeIDOT regulations but the applicant has the option of contributing toward a future area-wide study, rather than performing a TIS for their individual development, if the City does not require a TIS. As DeIDOT understands it, the City does not require a TIS and the applicant intends to pay the fee, which would be \$5 per daily trip or \$7,890. This seems particularly appropriate to us in this instance because the Dover-Kent County Metropolitan Planning Organization (MPO) has recently completed a study of the Route 8 corridor, from Artis Drive (Kent Road 197) to Forest Street (Kent Road 23), and a program of road improvements has been identified.
- 2) The Route 8 study mentioned above recommended the construction of north-south connector roads from Hazletville Road (Kent Road 73) to Route 8 and from Route 8 to Chestnut Grove Road (Kent Road 158). Consistent with that recommendation, DeIDOT recommends that the City require the main north-south road through the site to be built as a City street, with two stubs at the south end, the one shown leading to the Capital School District property (Tax Parcel ED-05-075.0-01-03.00-001) and a second one leading to the Farm Lands, L.P. property (Tax Parcel ED-00-075.00-01-32.00-000). The stub street to the Capital School District property anticipates a future connection to Tribbitt Street in the Village of Cannon Mill. Related to this change, the southeast corner of the site needs to be redesigned to shift the apartments and parking on the east-west driveway farther west, away from the north-south road.
- 3) An access drive from the street just mentioned should be provided to the remaining church property and the church should be required to close their access on Route 8 and use the new street for access once that street is open for traffic.
- 4) A second stub street to the Capital School District property should be provided closer to Route 8 for the purpose of providing local access to the high school when it is built.
- 5) The applicant has expressed interest in possibly acquiring the lands of the Edna B. Scotten Estate (Tax Parcel ED-05-075.00-01-04.00-000). If they do so, a Route 8 access shared with the Capital School District property should be considered. If not, an access easement should be provided so that the Scotten parcel can be accessed by the new street instead of Route 8 if the parcel is redeveloped.
- 6) DeIDOT anticipates requiring a signal agreement for the Route 8 access, although a signal is unlikely to be warranted there until more than the apartments and the church are using the new street.

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

Fish and Wildlife

Nuisance Waterfowl. Wet ponds created for stormwater management purposes may attract resident Canada geese and mute swans that will create a nuisance for community residents. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. We recommend plantings of native plant species, including tall grasses, wildflowers, shrubs, and trees at the edge and within an adequate buffer (15-30 feet in width) around the ponds (to be planted in accordance with the Sediment and Stormwater Plan approval agency requirements). When the view of the surrounding area from the pond is blocked, geese can't scan for predators and are less likely to reside and nest in the area of the pond.

At this time, we do not recommend using monofilament grids due to the potential for birds and other wildlife to become entangled if the grids are not properly installed and maintained. In addition, the on-going maintenance (removing entangled trash, etc.) may become a burden to the homeowners association or land manager.

The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized. *Edna Stetzar - (302) 653-2880, Edna.Stetzar@state.de.us*

Soil and Water

Sediment and Stormwater Program. 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 Kent Conservation District. Contact Jared Adkins, Program Manager, at the Kent Conservation District at (302) 741-2600, ext. 3 for details regarding submittal requirements and fees.

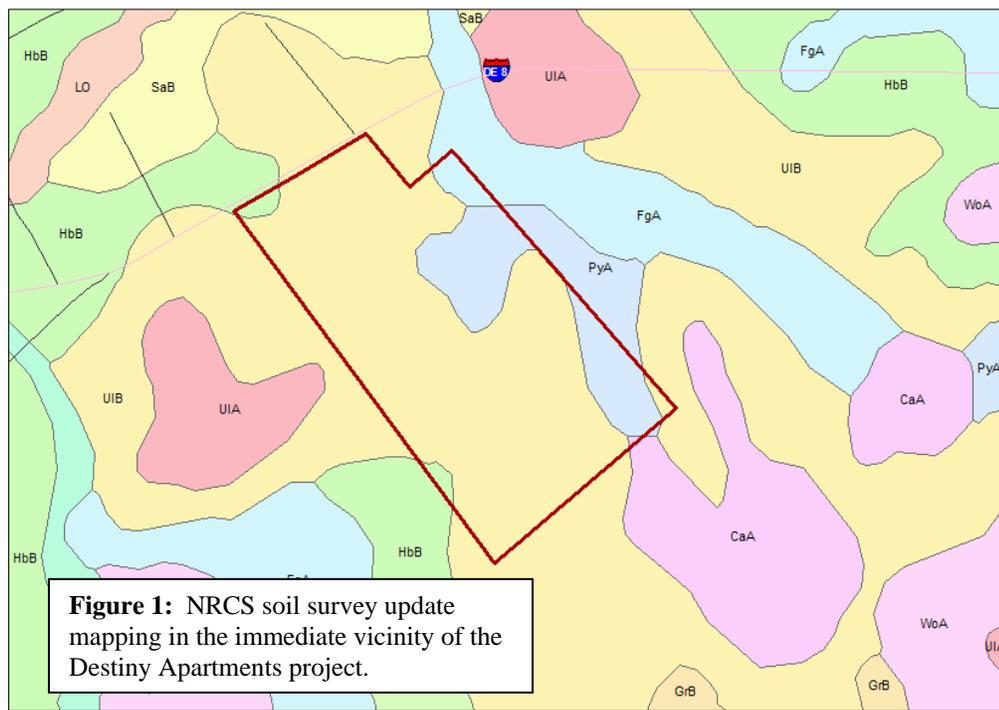
Because of the parcel's location in an impaired watershed and the amount of impervious surface, green technology BMPs and low impact development practices should be considered a priority to reduce stormwater flow and to meet water quality goals.

Drainage Program. There is a concern about an adequate outlet for this project and it should be discussed at the pre-application meeting with the Kent Conservation District Sediment and Stormwater Program. 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 onsite 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.

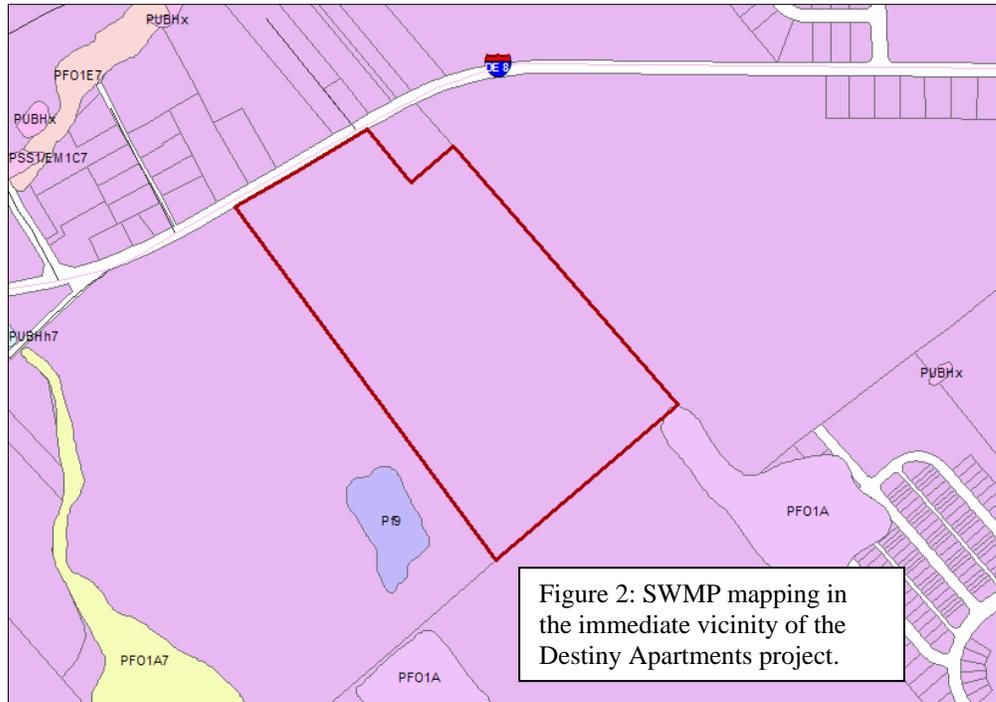
Sediment/Stormwater and Drainage comments provided by James Sullivan - (302) 739-9921, James.Sullivan@state.de.us

Water Resources

Soils Assessment. According to the Kent County soil survey update, Unicorn (UIB), Hambrook (HbA), and Pineyneck (PyA) were mapped in the immediate vicinity of the proposed construction. Unicorn and Hambrook are well-drained upland soils that, generally, have limitations for development. Pineyneck (PyA) is a moderately well-drained soil of low-lying uplands and has moderate limitations for development (Figure 1).



Wetlands. Based on Statewide Wetlands Mapping Project (SWMP) mapping, no wetlands were mapped on subject parcel (Figure 2).



Impervious Surfaces and Best Management Practices. The applicant estimates this project’s post-construction surface imperviousness to reach about 60 percent. When calculating surface imperviousness, it is important to include all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, open-water stormwater management structures/ponds, and roads) in the calculation for surface imperviousness; this will ensure a realistic assessment of this project’s likely post-construction environmental impacts. Consequently, the applicant should recalculate this project’s surface imperviousness (both pre and post-construction) with all of the above-mentioned forms of surface imperviousness included. Failure to do so will significantly understate this project’s true environmental impacts.

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed’s overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate some of this project’s most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials (“pervious pavers”) in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness.

TMDLs. Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the St. Jones watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals.

The TMDL calls for a 40% reduction in nitrogen and phosphorus, while a TMDL reduction of 90% will be required for bacteria; both nutrient and bacteria reductions must be from baseline conditions. The Department developed an assessment tool to evaluate how your proposed development may reduce nutrients and bacteria to meet the TMDL requirements. Additional nutrient reductions may be possible by increasing passive, wooded open space, use of pervious paving materials to reduce surface imperviousness, and the deployment of green-technology stormwater management treatment technologies. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Soils, wetlands, subaqueous lands and TMDL comments provided by John Martin, Watershed Assessment Section, (302) 739-9939, John.Martin@state.de.us

Water Supply. The project information sheets state water will be provided to the project by the City of Dover via a public water system. Our records indicate that the project is located within the public water service area granted to the City of Dover annexation area. No Certificate of Public Convenience and Necessity (CPCN) number has been granted to this annexation area.

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. *Ricardo Rios - (302) 739-9944, Ricardo.Rios@state.de.us*

Air and Waste

Air Quality. Housing developments may unnecessarily emit, or cause to be emitted, significant amounts of air contaminants into Delaware’s air, which will negatively impact public health, safety and welfare. These negative impacts are attributable to:

- Emissions that form ozone and fine particulate matter; two pollutants relative to which Delaware currently violates federal health-based air quality standards,

- The emission of greenhouse gases which are associated with climate change, and
- The emission of air toxics.

Air emissions generated from housing developments include emissions from:

- Area sources like painting, lawn and garden equipment and the use of consumer products like roof coatings and roof primers.
- The generation of electricity needed to support the homes in your development, and
- Car and truck activity associated with the homes in your new development.

These three air emissions components (i.e., area, electric power generation, and mobile sources) are quantified below, based on a per household/residential unit emission factor that was developed using 2002 Delaware data. These emissions in the table represent the actual impact the Destiny Apartments development may have.

Emissions Attributable to Destiny Apartments Subdivision (Tons per Year)

	Volatile Organic Compounds (VOC)	Nitrogen Oxides (NOx)	Sulfur Dioxide (SO ₂)	Fine Particulate Matter (PM _{2.5})	Carbon Dioxide (CO ₂)
Direct Residential	7.4	0.8	0.7	0.9	30.1
Electrical Power Generation	ND*	2.9	10.2	ND*	1,510.6
Mobile	11.0	11.5	0.3	0.1	7,093.2
Total	18.4	15.2	11.2	1.0	8,633.9

(*) *Indicates data is not available.*

Note that emissions associated with the actual construction of the subdivision, including automobile and truck traffic from working in, or delivering products to the site, as well as site preparation, earth moving activities, road paving and other miscellaneous air emissions, are not reflected in the table above.

Recommendations:

The applicant shall comply with all applicable Delaware air quality regulations. These regulations include:

Regulation 6 - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> • Using dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads. • Using covers on trucks that transport material to and from site to prevent visible emissions.
Regulation 1113 – Open Burning	<ul style="list-style-type: none"> • Prohibiting open burns statewide during the Ozone Season from May 1-Sept. 30 each year.

	<ul style="list-style-type: none"> • Prohibiting the burning of land clearing debris. • Prohibiting the burning of trash or building materials/debris.
<p>Regulation 1145 – Excessive Idling of Heavy Duty Vehicles</p>	<ul style="list-style-type: none"> • Restricting idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

Additional measures may be taken to substantially reduce the air emissions identified above. These measures include:

- **Constructing only energy efficient homes.** Energy Star qualified homes are up to 30% more energy efficient than typical homes. These savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of increased energy efficiency translates into a percent reduction in pollution. The Energy Star Program is excellent way to save on energy costs and reduce air pollution.
- **Offering geothermal and/or photo voltaic energy options.** These systems can significantly reduce emissions from electrical generation, and from the use of oil or gas heating equipment.
- **Providing tie-ins to the nearest bike paths and links to any nearby mass transport system.** These measures can significantly reduce mobile source emissions.
- **Funding a lawnmower exchange program.** New lawn and garden equipment emits significantly less than equipment as little as 7 years old, and may significantly reduce emissions from this new development. The builder could fund such a program for the new occupants.

Additionally, the following measures will reduce emissions associated with the actual construction phase of the development:

- **Using retrofitted diesel engines during construction.** This includes equipment that are on-site as well as equipment used to transport materials to and from site.
- **Using pre-painted/pre-coated flooring, cabinets, fencing, etc.** These measures can significantly reduce the emission of VOCs from typical architectural coating operations.
- **Planting trees at residential units and in vegetative buffer areas.** Trees reduce emissions by trapping dust particles and by replenishing oxygen. Trees also reduce energy emissions by cooling during the summer and by providing wind

breaks in the winter, whereby reducing air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs.

This is a partial list, and there are additional things that can be done to reduce the impact of the development on air quality. The applicant should submit a plan to the DNREC Air Quality Management Section which address the above listed measures, and that details all of the specific emission mitigation measures that will be incorporated into the Destiny Apartments development. Air Quality Management Section points of contact are Phil Wheeler and Deanna Morozowich, and they may be reached at (302) 739-9402. *Deanna Morozowich - (302) 739-9402, Deanna.Morozowich@state.de.us*

Hazardous Waste Sites. DNREC's Site Investigation and Restoration Branch (SIRB) has reviewed the proposed project. No SIRB sites or salvage yards were found within a ½-mile radius of the proposed development. However, based on the previous agricultural use of the proposed project site, which may have involved the use of pesticides and herbicides, SIRB recommends that a Phase I Environmental Site Assessment be performed prior to development. In addition, should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800-662-8802). SIRB should also be contacted as soon as possible at 302-395-2600 for further instructions. *Krystal Stanley - (302) 395-2644, Krystal.Stanley@state.de.us*

State Fire Marshal's Office – Contact: Duane Fox 856-5298

The State Fire Marshall has deferred to the City of Dover for this application.

Department of Agriculture - Contact: Scott Blaier 739-4811

The Department of Agriculture has no objections to the proposed project. The project is located within the City of Dover, and the *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 3 areas.

The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (Raughley District, (Parcel 2-00-07500-01-3200)). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects **all new deeds** in a subdivision located in whole or part within 300 feet of an Agricultural District. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference

and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

In addition, if any wells are to be installed, Section 4.01(A) (2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation

District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

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.

Do Not Plant List

Due to the high risk of mortality from insects and disease, the Delaware Forest Service does not recommend planting any of the following species:

Callery Pear
Leyland Cypress
Red Oak (except for Willow Oak)
Ash Trees

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.

Delaware Economic Development Office – Contact: Jeff Stone 672-6849

No comments were received regarding this application.

Delaware Division of Public Health- Health Promotion Bureau- Contact: Michelle Eichinger (302) 744-1011

Ensuring that new residential and commercial development incorporates pedestrian- and bicycle-friendly features allows people to travel by foot or by bicycle and promotes physical activity as part of daily routines. Regular physical activity offers a number of health benefits, including maintenance of weight and prevention of heart disease, type 2 diabetes and other chronic diseases.¹ Research shows that incorporating physical activity into daily routines has the potential to be a more effective and sustainable public health strategy than structured exercise programs.² This is particularly important considering about 65% of adult Delawareans are either overweight or obese.³ This current obesity crisis is also affecting children. Approximately 37% of Delaware's children are overweight or obese⁴, which places them at risk for a range of health consequences that include abnormal cholesterol, high blood pressure, type 2 diabetes, asthma, depression and anxiety.¹

In Delaware, as in other states across the nation, certain patterns of land use can act as a barrier to physical activity and healthy eating for children and adults alike. Examples of such barriers include neighborhoods constructed without sidewalks or parks and shopping centers with full-service grocery stores situated too far from residential areas to allow for walking or biking between them.

This proposed development is in a Level 3 area. Developing in such an area is consistent with the *Strategies for State Policies and Spending*. DPH is committed to the *Strategies* and therefore, does support development in the proposed area.

DPH supports new development in and around existing towns and municipalities where compact and mixed land use patterns facilitate physical activity. As a way to promote physical activity and access to healthy foods, we recommend that the following amenities be included in the Destiny Apartments:

Amenities to encourage active transportation

- The plan to connect to the neighboring subdivision and proposed school is to be commended. It is recommended that there is connectivity to the existing Christian Center. Ensure there are sidewalks, crosswalks and walking/bicycling paths for safe and accessible connectivity.
- Ensure safe connectivity with sidewalks, crosswalks and walking/bicycling paths within the site, especially to the proposed clubhouse and pool.
- Designate bike paths to supplement the sidewalks already so that residents can travel by foot or by bicycle to the site. In addition, install bike racks throughout the development in convenient and safe locations within the site, especially around the amenities for active and passive recreation.

Amenities to encourage recreation

- Although the developer is commended for including a clubhouse and pool, it is recommended that the plan includes a playground, tennis/basketball courts, or other amenities support active recreation.

¹ Nemours Health and Prevention Services (2005). *Delaware Children's Health Chartbook*, Newark, DE.

² Active Living by Design. *Transportation Fact Sheet*. Retrieved May 17, 2007, from http://www.activelivingbydesign.org/fileadmin/template/documents/factsheets/Transportation_Factsheet.pdf.

³ Delaware Health and Social Services (2008), *Division of Public Health, Behavioral Risk Factor Surveillance System (BRFSS), 1990-2007*.

⁴ Nemours Health and Prevention Services (2007). *2006 Delaware Survey of Children's Health Descriptive Statistics Summary, Volume 1*.

Delaware State Housing Authority – Contact Valerie Miller 739-4263

This proposal is for a site plan review of 240 apartment units on 321,710 sq. ft. of land, located on Forest Avenue, east of Artis Drive, within the City of Dover. According to the *State Strategies Map*, the proposal is located in an Investment Level 3 area. These developments can be the most economical to construct, and are needed to meet the needs of low- and moderate-income families. Furthermore, rental communities give residents housing options and create a balanced housing stock for the community. DSHA's Statewide Housing Needs Assessment has identified a growing need for rental housing, particularly for the senior population.

While it is unclear at this time what income level this community will be marketed toward, it would be beneficial if some units were set aside for the low- and moderate-income segment.

Department of Education – Contact: John Marinucci 735-4055

This proposed development is within the Capital School District boundaries. DOE offers the following comments on behalf of the Capital School District.

1. Using the DOE standard formula, this development will generate an estimated 120 students.
2. DOE records indicate that the Capital School Districts' *elementary schools are very close to 100% of current capacity* based on September 30, 2008 elementary enrollment.
3. DOE records indicate that the Capital School Districts' *secondary schools are very close to 100% of current capacity* based on September 30, 2008 secondary enrollment.
4. This development will create additional elementary and secondary student population growth which the school district will need to address.

5. The developer is strongly encouraged to contact the Capital School District Administration to address the additional students that this development will likely generate.
6. DOE requests developer work with the Capital School District transportation department to establish developer supplied bus stop shelter ROW and shelter structures, interspersed throughout the development as determined and recommended by the that school district.
7. Furthermore, this development will border lands owned by the Capital School District. The developer is requested to contact the school district administration to address and coordinate parcel boundary issues and concerns.

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: City of Dover