



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

June 20, 2018

Mr. Tom Schreier  
Hillcrest Associates  
P.O. Box 1180  
Hockessin, DE 19707

RE: PLUS review 2018-05-02; Terraces at Pike Creek

Dear Mr. Schreier,

Thank you for meeting with State agency planners on May 23, 2018 to discuss the proposed plans for the Terraces at Pike Creek project. According to the information received, you are seeking review of a site plan for a 224 unit subdivision on 179.276 acres along Three Little Bakers Blvd. in an Out of Play area in New Castle County.

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 New Castle 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.**

**Strategies for State Policies and Spending**

This project is located in an Out of Play according to the *Strategies for State Policies and Spending*. Out of Play reflects lands that, at the time the State Strategies were developed, were not available for private development due to public ownership and / or preservation. This parcel was identified as public open space in the spatial data relied upon for the State Strategies. The OSPC recognizes that this parcel, previously a private golf course, currently has a deed-restriction which the developer is seeking to remove. If the deed-restriction is removed, the Out of Play designation would not apply, and development would not be considered in contradiction to the State Strategies.

## **Code Requirements/Agency Permitting Requirements**

### **Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The proposed subdivision streets and the site access points on Fairmont Drive, Foxcroft Drive (a.k.a. Three Little Bakers Boulevard), Plum Run Court and Sugar Plum Court must be designed and built in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/information/business/subdivisions/changes/index.shtml>.
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Development Coordination Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The PLUS application states that the proposed development would generate approximately 1,618 vehicle trip ends per day on weekdays. The Institute of Transportation Engineers' (ITE) Trip Generation Manual, which DelDOT uses as a standard reference, treats townhouses and apartments differently based on their height (number of floors), so until the building heights are established the site's trip generation is subject to change. However, DelDOT is confident that the proposed development will generate between 1,500 and 2,000 vehicle trip ends per day and between 100 and 200 vehicle trip ends per hour during the evening peak hour.

Section 2.2.2.2 of the Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. However, DelDOT's understanding is that New Castle County would require a TIS at 50 vehicle trip ends per hour and does not have a fee-in-lieu provision. If New Castle County requires a TIS, then DelDOT will support their requirement and the AWS Fee is not an option.

- In accordance with Section 3.2.1 of the Manual, most of the new subdivision streets proposed shall have a minimum right-of-way width of 50 feet. Possible exceptions would be the extensions of Plum Run Court and Sugar Plum Court, which may carry more than 500 vehicle trip ends per day and therefore warrant a minimum right-of-way width of 60 feet, especially south of where those two streets intersect.
- In accordance with Section 3.2.5 of the Manual, DelDOT will require dedication of right-of-way as needed along the site's frontage on New Linden Hill Road, Upper Pike Creek Road, Skyline Drive, Fairmont Drive, Foxcroft Drive (a.k.a. Three Little Bakers Boulevard) and Fairway Drive (Champions Drive). By this regulation, this dedication is to provide certain minimum rights-of-way from the right-of-way centerline. For New Linden Hill Road and Upper Pike Creek Road, the minimum right-of-way is 40 feet from the centerline. For Skyline Drive, the minimum right-of-way is 30 feet from the centerline. For the remaining

roads, the minimum right-of-way is 25 feet from the centerline. For each needed dedication, the following right-of-way dedication note is required, **“An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.”**

- Referring to Section 3.4.2.1 of the Development Coordination Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a and additional guidance available at [https://www.deldot.gov/Business/subdivisions/pdfs/top\\_ten\\_errors.pdf?03152017](https://www.deldot.gov/Business/subdivisions/pdfs/top_ten_errors.pdf?03152017) for the required format and content.
  - Depiction of all existing entrances on Skyline Drive, Fairmont Drive, and Foxcroft Drive within 300 feet of the proposed site entrances.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing “Letter of No Objection”. The following information will be required for the “Letter of No Objection” review:
  - Initial Stage Fee Calculation Form
  - Initial Stage Review Fee
  - Gate-Keeping Checklist – Site Plan
  - Design Checklist - Record Plan
  - Sight Distance Spreadsheet
  - Owners and Engineers’ name and e-mail address
  - Record Plan
  - Conceptual Entrance Plan
  - Submission of the Area-Wide Study Fee (If applicable)

Copies of the checklists are available at <https://www.deldot.gov/Business/subdivisions/>

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along each road.
- Referring to Section 4.3 of the Development Coordination Manual, a subdivision street construction plan shall be prepared prior to issuing subdivision approval. The following information will be required for Construction Plan review:
  - Construction Stage Fee Calculation Form
  - Construction Review Fee
  - Gate-Keeping Checklist

- Entrance Plan Checklist
- Subdivision Streets Checklist
- Auxiliary Lane Spreadsheet
- Entrance Plan
- Pipe/Angle Spreadsheet (If applicable)
- SWM Report and Calculations (If applicable)

Copies of the checklists are available at <https://www.deldot.gov/Business/subdivisions/>.

- In accordance with Section 5.2.5.6 of the Manual, a separate turning template plan shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the Manual, the entrances shall be designed for the largest vehicle using the entrances.
- Section 5.3.1.1 of the Manual states that “a buffer width of at least five feet between the edge of a sidewalk and the edge of pavement...is preferred.” DelDOT will accept a minimum grass buffer width of three feet between the edge of a sidewalk and the back of the curb.

**Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352**

- The Department of Natural Resources and Environmental Control did not submit comments regarding this application. If the development of this property requires permits from a DNREC section, please contact the DNREC regulatory agency directly.

**State Historic Preservation Office – Contact Carlton Hall 736-7404**

- There is a known house (N04030), known as the F. Klair Farmstead which is a single pile, two-story, center hall, double parlor plan with gable roof located on the northern part of the project area, north of the existing pond.
- The area has not been surveyed and our office recommends an archaeological survey of the area. The plans did not indicate if the house will remain on the parcel? The Delaware SHPO recommends providing sufficient landscaping between the F. Klair Farmstead (N04030) and the new development, to help block any adverse noise or visual effects.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law. Prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, to avoid those sites or areas.
- Disturbing unmarked graves or burials triggers the Delaware’s Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If

there is a discovery of unmarked graves, burials or a cemetery, the Division of Historical & Cultural Affairs recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to see more information, please review the following websites: [www.history.delaware.gov/preservation/umhr.shtml](http://www.history.delaware.gov/preservation/umhr.shtml) and [www.history.delaware.gov/preservation/cemeteries.shtml](http://www.history.delaware.gov/preservation/cemeteries.shtml)

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: [www.achp.gov](http://www.achp.gov)

### **Recommendations/Additional Information**

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

### **Department of Transportation – Contact Bill Brockenbrough 760-2109**

- Because access is proposed on existing subdivision streets that were designed to earlier standards, DelDOT anticipates requiring that preliminary entrance plans be submitted as part of the initial stage submission to verify that the proposed access can be built within the existing rights-of-way.
- Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via [http://www.deldot.gov/Business/subdivisions/pdfs/upgrades/PDCA\\_User-Account-Requests\\_User-Login\\_Project.pdf](http://www.deldot.gov/Business/subdivisions/pdfs/upgrades/PDCA_User-Account-Requests_User-Login_Project.pdf)
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions, look for the revision date of December 8, 2017 and add them to the General Notes on the plan exactly as written. The notes can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>

**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 blue ink, appearing to read "Constance C. Holland".

Constance C. Holland, AICP

Director, Office of State Planning Coordination

CC: New Castle County