



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

August 14, 2006

Ann Marie Townshend
City of Dover Planning and Inspections
P.O. Box 475
Dover, De 19903

RE: PLUS review – PLUS 2006-07-11; City of Dover Comprehensive Plan Amendment

Dear Ms. Townshend:

Thank you for meeting with State agency planners on July 26, 2006 to discuss the proposed City of Dover comprehensive plan amendment.

According to the information received, you are seeking to amend your comprehensive plan to include four specific revisions to the land use categories in the Land Development Plan, and some additional text describing the Corridor Capacity Preservation Program. The revisions are as follows:

- Revision 1: Lands behind Dover Downs to change from Low Density Residential to Commercial land use.
- Revision 2: Lands in the vicinity of Clarence Street to change from Low Density Residential to Downtown Mixed Use land use.
- Revision 3: Lands in the vicinity of Kings Highway and Route 13 to change from Institutional to Commercial land use.
- Revision 4: Lands in the Enterprise Business Park to change from Industrial to High Density Residential.
- Revision 5: Add some text encouraging the inclusion of SR 8 or some other East/West Route in DelDOT's Corridor Capacity Preservation Program.

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 following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: David Edgell 736-3090

The four land use plan revisions covered by this plan amendment are located in Investment Level 1 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.

In general, the State has no objections to growth and development activities in Level 1 areas. In addition, the State recognizes that land use decisions within municipalities are at the discretion of local planning commissions and legislative bodies. Regardless, we would like to offer the following specific comments on these four revisions:

- Revision 1: In the past the State has noted some concerns regarding the conversion of these residential lands to commercial use (see our comments on a previous plan amendment, PLUS 2004-08-11). These concerns have centered upon pedestrian safety and emergency response times during NASCAR racing events. Based upon testimony at the PLUS meeting, it is our understanding that Dover Downs has now acquired these lands and seeks to consolidate them under a zoning category (Recreation-Commercial) consistent with the rest of the track holdings west of Route 1. The current use and race operations in this area are not expected to change. Our office is not opposed to this change in land use, provided that the City, DelDOT, and Dover Downs continue to collaborate on pedestrian safety and emergency services in this area. In considering this change, we encourage the City to continue to coordinate with DelDOT and Dover Downs regarding future uses in this area.
- Revision 2: The State has no objections to the change in land use from Low Density Residential to Downtown Mixed Use. It appears that this change will allow the City to accomplish a detailed redevelopment plan in this area, and our office supports the City's activities in this regard.
- Revision 3: DelDOT has noted some concerns about changing this parcel from Institutional to Commercial. They note that traffic in the area is already problematic during peak periods, and an intense commercial use on this site could

worsen the problem. We encourage the City to coordinate with DelDOT, and carefully evaluate the viability of a commercial use in this area before making a final determination on the future land use and zoning for this parcel. DelDOT's detailed comments are found below. In their comments they provide some ideas for mitigating measures, such as doing detailed traffic plans and providing service roads.

- Revision 4: The State is opposed to this proposed change from Industrial to High Density Residential. As the City grows, it will be important to have adequate land available to support new job growth as well as for new housing. Industrial land is being converted to residential use at an alarming rate, statewide. This site is a viable industrially zoned parcel in an existing industrial park. The development of this parcel for a future industrial use would be a potential benefit to the State, County, City and the applicants if used for economic development. It appears to be ideally situated for some sort of industrial or economic development use that would provide needed jobs and economic activity in the City of Dover. Our office does not consider this parcel to be desirable for residential use. Although it is located near existing residential uses, it appears that the new apartments would be accessed through an active industrial area. It is unclear how, if at all, the apartments would be buffered from existing and future industrial uses in the park. It is also worth noting that the conversion of this land to a residential land use and zoning category would likely have negative effects on the remaining industrial parcels by increasing the required buffers on these parcels. The Delaware Economic Development Office has some additional comments on this parcel, found below.
- Revision 5: Our office has no objection to the concept of preserving an East/West corridor in Kent County. Plan text supporting this general goal may, in fact, be appropriate and valuable to include in Dover's plan. As discussed at the PLUS meeting, we believe that it is more appropriate to pursue this concept through the Dover/Kent MPO process rather than through DelDOT's Corridor Capacity Preservation Program. Please see DelDOT's detailed comments below.

If the Planning Commission and Council decide to enact these changes, please contact David Edgell to discuss the proper format for the comprehensive plan amendment. These changes must be prepared in a format that includes text and a map or map series that can be attached or amended into plan document itself. The amendment must also include documentation describing the planning rationale for the changes, illustrating that the public has been notified and involved, and that the City has coordinated with other jurisdictions. Our office will consider the amendments to the certified plan upon receipt and review of the final plan amendment package. This plan amendment will not effect

the date of the original plan certification. A full update of The Dover Plan will be due on or before September 22, 2008.

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

This amendment is very limited in scope, and these zoning changes will not affect historic properties.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) DelDOT has no comment on Amendments 1 and 2.
- 2) Amendment 3 would allow for the rezoning of a relatively large parcel that fronts on Kings Highway (Kent Road 66) and Division Street (Delaware Route 8) from Institutional to Highway Commercial. It is presently used for parking and storage. The applicants point out that such zoning would be consistent with the adjoining properties, which front on US Route 13. DelDOT points out that residential zoning and development would be consistent with the properties across Kings Highway and would be less likely to increase traffic congestion, which is a problem in this area during peak hours. DelDOT would support commercial use of the subject land if it were part of an overall plan to address traffic congestion in the area, perhaps by creating a service road along the backs of the businesses along Route 13. In the absence of such a plan, however, they recommend that the City deny this amendment.
- 3) Amendment 4 would allow for the rezoning of a relatively large parcel in the Enterprise Business Park, which fronts on Hazletville Road (Kent Road 73), from Industrial Park Manufacturing to General Residential to permit the construction of 13 garden apartment buildings. These two types of land use, industry and homes, are fundamentally incompatible. While the proposed change could be accommodated, the surrounding development has been planned and built to support development under the current zoning. There would be significant expense and some public inconvenience involved in making the proposed change. If the proposed apartments were developed with access in the business park, DelDOT's experience is that the residents would complain about the truck traffic on Commerce Way and possibly about noise and light from the adjoining businesses. Buffering on the subject land would be needed to separate the proposed apartments from the existing businesses. If the proposed apartments were developed with access in the adjoining Woodmill Apartments, current residents would complain about the added traffic. While they have not determined what changes to the existing apartment complex driveways would be

needed to accommodate the added traffic, there probably would be some. Unless there is an overriding public purpose of which we are unaware, DelDOT recommends that the City deny this amendment.

- 4) Regarding the City's desire to have an east/west road included in the Corridor Capacity Preservation Program (CCPP), DelDOT believes they understand and support what the City wants to achieve but they disagree with your approach to doing so. DelDOT's concern is the precedent that it would set. The CCPP is presently limited not only to north-south routes but also to four-lane, divided roads that are classified in our Functional Classification system as principal arterial highways. In contrast, Delaware Route 8 and Hazletville Road are, for the most part, two-lane undivided roads that are classified, respectively, as minor arterial and major collector highways. Also, the CCPP is a legislatively mandated and specified program, so there is no guarantee that they could add these roads to it.

At the PLUS meeting, it was clarified that the City's goal is to have DelDOT develop a major east-west route through Kent County, perhaps separate from Route 8 or Hazletville Road. The planning, design and construction of such a route would be a significant addition to DelDOT's Capital Transportation Program (CTP). For that reason, DelDOT believes the best way for the City to advance such a project is to get it included in the Dover/Kent County Metropolitan Planning Organization's Long Range Transportation Plan (LRTP) and Transportation Improvement Program (TIP). The TIP is the short-term (next three years) element of their LRTP and forms the basis for the Kent County portion of our CTP.

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

The Department of Natural Resources and Environmental Control has no comments regarding the proposed plan amendments.

State Fire Marshal's Office – Contact: Duane Fox 739-4394

No comments. Any comments should come from the City of Dover Fire Marshal.

Department of Agriculture - Contact: Milton Melendez 698-4500

The Department of Agriculture has no objections to the City of Dover's proposed comprehensive plan amendment.

Delaware State Housing Authority – Contact Karen Horton 739-4263

The Delaware State Housing Authority has no comments on Revisions 1, 2, 3 and 5. Revision 4 would provide additional high density zoning for the construction of garden apartments. As a general rule, DSHA supports re-zonings from any zoning district to High Density Zoning. Multi-family housing can be the most economical to construct and is needed to meet the needs of low- and moderate-income persons. The DSHA acknowledges the need for additional high density housing in Dover to provide affordable housing options for our workforce. However, we question this particular proposal to rezone land within an existing industrial park. We would prefer that the City proactively rezone property to high density residential use in appropriate residential areas to meet Dover's future housing needs.

Delaware Economic Development Office – Contact: Gary Smith 739-4271

The Delaware Economic Development Office does not support the proposed Amendment 4 Map change from Industrial to High Density Residential. This property is next to the Enterprise Business Park which has been a very successful park with a nice mix of businesses within the park. To put apartments on a property that can be utilized for a business park does not make economic sense.

Department of Education – Contact: John Marinucci 739-4658

1. The DOE supports the State Strategies for Policies and Spending, to the extent possible and practicable within the limits of the Federal and State mandates under which the Department operates.
2. In its review of Comprehensive Plans and Comprehensive Plan Amendments, the DOE considers:
 - Adequate civil infrastructure availability within the region to accommodate current and future educational facilities.
 - Transportation system connections and availability to support multimodal access within the community, to include but not limited to walk paths, bike paths, and safe pedestrian grade crossings.
 - Transportation road system adequacy to accommodate bus and delivery vehicle traffic to current, planned or potential educational facilities.
 - Recreation facilities and opportunities within the community and their respective proximity to current and planned or potential education facilities. The DOE also recognizes the potential that the educational facilities are to be considered recreational facilities by and within the community.

3. The DOE *typically* considers industrial/commercial development incompatible with educational facilities, however, residential development and educational facilities *are typically* considered to be compatible. As a result, the DOE is interested in the proximity of current and planned or potential education facilities to commercial/industrial development zones.

The DOE recognizes the integral role of educational facilities within communities. As such, the DOE seeks to assure that residential growth, that generates additional demand on educational facilities, is managed with adequate educational infrastructure being made a part of sub-division plans as appropriate

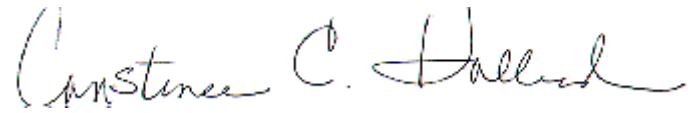
Certification Process

1. Once all edits, changes and corrections have been made to the plan, please submit the completed document (text and maps) to our office for review. Your PLUS response letter should accompany this submission. Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them.
2. Our office will require a maximum of 20 working days to complete this review.
3. We will provide the City of Dover with written verification that our office has accepted the plan and all changes for adoption and certification.
4. The plan may then be formally adopted by your Planning and Zoning Commission and City Council.
5. Send our office documentation that the plan has been formally adopted by your Planning and Zoning Commission and Town Council. We will accept the plan as an amendment to your certified plan. A letter to this effect will be sent within 10 working days. The amendment will not alter your original plan certification date.

Please remember to submit your response letter to our office with your final plan submission. Your letter must detail your response to comments received as a result of the pre-application process, noting whether comments were incorporated into the final plan or not and the reasons 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". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Constance C. Holland, AICP
Director