



**STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION**

February 22, 2011

Ms. Ann Marie Townshend  
Planning Director  
City of Dover  
P.O. Box 475  
Dover, DE 19903

RE: PLUS review – 2011-01-03; City of Dover Comprehensive Plan Amendment

Dear Ms. Townshend:

Thank you for meeting with State agency planners on January 26, 2011 to discuss the proposed comprehensive plan amendment for the City of Dover. According to the information received, you are seeking 2 amendments that relate to the implementation of the City's Recreational and Open Space (ROS) zone and two amendments that are accompanied by rezoning applications.

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. '

**Office of State Planning Coordination – Contact: David Edgell**

The Office of State Planning Coordination would like to note that there are no certification issues associated with the proposed four amendments to the City of Dover Comprehensive Plan. We would like to request that the City of Dover consider the agency recommendations found below when they are evaluating these plan amendments.

The approval procedures are found at the end of this letter. Our office must be informed regarding the final approval and adoption of these amendments. The format of the final plan amendment is up to the City, but please be sure to present the information in a way that can be integrated into your plan and properly tracked. We will always need to be sure that we are referencing the most current version of your comprehensive plan.

**Recommendations:** Our office strongly recommends that the City consider these recommendations from the various State agencies as you review your plan amendment for final approval.

This office has received the following comments from State agencies:

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

DelDOT is not opposed to the subject plan amendment. The staff-initiated amendments appear to have no significant transportation impacts. While the applicant-initiated amendments will have no immediate transportation impacts themselves, they will enable developments that will have such impacts as noted below:

- The proposed applicant-initiated amendment from Institutional (senior apartments) to Residential High Density (apartments without an age restriction) would potentially increase the daily trip generation of those apartments by a factor of two and the peak hour trip generation of those apartment by a factor of four. Consequently, the apartments would likely meet DelDOT's volume warrants for a Traffic Impact Study (TIS), as contained in Section 2.3.1 of DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access, i.e. 400 trips per day or 50 trips during the weekday peak hour.

If the development would generate less than 2,000 trips per day and less than 200 trips during the weekday peak hour, and the City does not require a TIS, then in accordance with Section 2.3.2 of the Standards and Regulations, we may permit them to pay the Area Wide Study Fee in lieu of performing a TIS. The Area Wide Study Fee would be calculated as \$10 per daily trip and would be payable prior to the re-issuance of a Letter of No Objection. Payment of it would exempt the developer from the need to do a TIS, but would not exempt them from participation in off-site improvements or the need to do a Traffic Operational Analysis if one is required in the re-review of their entrance plans. If the City does not require a TIS and the developer would like to pay the fee in lieu of doing a TIS, the developer should contact our Subdivision Manager for northern Kent County, Mr. Julio Seneus, at (302) 760-2145.

If the developer would like to proceed with the TIS, they should contact Mr. Troy Brestel of our Development Coordination Section to arrange for a scoping meeting. Mr. Brestel may be reached at (302) 760-2167.

- While DelDOT lacks sufficient information to determine the trip generation of what might be developed on the property near State College Road, it appears to be large enough that DelDOT's volume warrants for a Traffic Impact Study (TIS), as contained in Section 2.3.1 of the Standards and Regulations, i.e. 400 trips per day or 50 trips during the weekday peak hour, could be met.

DelDOT anticipates commenting further on both developments when they see specific proposals through the City's Development Advisory Committee process.

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

Regarding tax parcels ED-05-067.00-02-53.00 through -56.00

- The largest parcel in this group abuts Fork Branch and given the ‘High Density’ land-use change proposed, DNREC is concerned about forest loss and an adequate buffer being left intact along Fork Branch. There are rare species associated with Fork Branch including a heron rookery and bald eagle nest upstream. If these parcels are developed, efforts should be made to avoid forest removal and leave the riparian buffer along Fork Branch intact to protect species and habitat of concern.
- Recommendations include:
  - Maintain the integrity of the wooded area on the parcel in its entirety (recognizing the City’s 50% protection requirement).
  - Limit the extent of development (regardless of zoning classification) to the open space on the site.
  - Employ stormwater best management practices to minimize impacts (erosion and habitat destruction, as well as non-point source pollution) to the Fork Branch Natural Area.

Regarding tax parcel ED-05-086.05-01-01.00

- Leaving a buffer which is adequate (at least 100 feet in width) for water quality protection and wildlife habitat along the St. Jones is recommended.

If the rezonings are approved, DNREC would remind the City of the following when development occurs:

**Tank Management Branch.** Please be aware:

- If a release of a Regulated Substance occurs at the proposed project site, compliance of 7 Del.C. Chapter 60, 7 Del.C., Chapter 74 and DE Admin. Code 1351, State of Delaware *Regulations Governing Underground Storage Tank Systems* (the UST Regulations) is required.
- There is one (1) inactive LUST project located within a quarter mile of the College Road Property portion of the Comprehensive Plan: Jemm Investors, Facility: 1-000385, Project: K9208210. No environmental impact is anticipated from this LUST project.

- Per the **UST Regulations: Part E, § 1. Reporting Requirements:**
  - “Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:
    - The Department’s 24-hour Release Hot Line by calling 800-662-8802; and
    - The DNREC, Tank Management Branch (TMB) by calling 302-395-2500.”

### **Hazardous Waste Sites.**

- DNREC's Site Investigation and Restoration Branch (SIRB) encourages the development of Brownfields and can provide assistance when investigating and remediating Brownfield sites. Although SIRB has no specific comments regarding the proposed comprehensive plan amendment at this time, if any future development occurs on sites with previous manufacturing, industrial, or agricultural use, SIRB recommends that a Phase I Environmental Site Assessment be conducted prior to development, due to the potential for a release of hazardous substances.

If a release or imminent threat of a release of hazardous substances is discovered during the course of future 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). In addition, SIRB should be contacted as soon as possible at 302-395-2600 for further instructions.

### **Delaware State Housing Authority – Contact Karen Horton 739-4263**

- DSHA encourages the City to support the applicant-initiated amendment to rezone the property, located at Dove View Drive, just north of Delaware Route 8 between Saulsbury Road and the Modern Maturity Center, from Institutional to Residential High Density. Currently the property has a foreclosed partially-completed senior apartment that is now a source of blight. We support this rezoning for the following reasons:
  - A rental community at this location will provide households with a fuller range of incomes close proximity to transit, jobs, services and markets. In turn, these densities will facilitate ridership of transit, as well as support the local markets that are within walking distance.
  - The development of a rental community would not preclude elderly residents which was the original plan for this site.
  - While large suburban homes have dominated development in Delaware for several decades, a growing body of research indicates that we are in the midst of a

significant market shift. The baby boomers that once drove suburban development are now aging and are looking to downsize into something more manageable. The Delaware Population Consortium (DPC) projections for the next ten years indicate that not only will there be a large amount of suburban homes placed on the market by baby boomers, but that there will be a *decline* in households in age ranges that typically seek large homes. These same DPC projections show growth in the younger age ranges most likely at stages in their life and income to support apartments, condominiums and entry level homes.

The combination of excess suburb housing supply currently on the market, additional supply being added by aging baby boomers, along with a changing market indicate that it is *critical* that communities *proactively* provide a variety of housing options to meet the needs of their residents.

- DSHA encourages the City to support the applicant-initiated amendment to rezone the property, located north of College Road, just east of the railroad tracks from Industrial to Residential High Density. Our understanding is that the lack of road access, except through Mishoe Towers, precludes industrial use. For this reason and the reasons stated for the Dove View Drive rezoning request, we support this amendment.

***Approval Procedures:***

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. The City shall report back to the Office of State Planning Coordination regarding adoption of any Review or Amendment, and forward the office any relevant meeting minutes, resolutions, ordinances and a copy of the final Plan Review or Amendment text and maps as adopted.

Thank you for the opportunity to review this amendment. 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  
Office of State Planning Coordination Director