



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

February 10, 2012

Ann Marie Townshend
City of Dover Planning Office
P.O. Box 475
Dover, De 19901

RE: PLUS review – 2012-01-04; City of Dover Comprehensive Plan Amendment

Dear Ms. Townshend:

Thank you for meeting with State agency planners on January 25, 2012 to discuss the proposed City of Dover Comprehensive Plan Amendment(s).

According to the information received, the City is seeking to amend its Comprehensive Plan as follows:

Amendment 1: Land Development Plan Amendment at the Corner of Mifflin Rd. and Rt. 8

This proposed amendment will amend the land use designation of three parcels from low density residential to commercial on the corner of Mifflin Road and Route 8. The amendment responds to a request from the three property owners to have commercial zoning. There is no proposed future use for the parcels. It is not clear if the parcels will be combined and developed as a single commercial use, or if there would be three individual commercial uses.

Amendment 2: Annexation Plan Amendment for Solar Power near South Little Creek Road.

This amendment would add a parcel in the vicinity of South Little Creek and Horsepond Roads to the City's annexation plan as a Category 2 Annexation Area. The future land use would be for agriculture. The amendment responds to a request from the property owner. The property owner intends to install a solar power generating facility on the parcel if annexed.

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 State offers the following comments regarding these proposed amendments:

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

Amendment 1: Land Development Plan Amendment at the Corner of Mifflin Rd. and Rt. 8:

The proposed Land Development Plan amendment from residential to commercial is located in Investment Level 1 according to the *Strategies for State Policies and Spending*. Our office has no objections to redevelopment and new development activities in Investment Level 1 areas. However, it is recommended that the Planning Commission and City Council carefully consider DelDOT's comments regarding this proposed amendment before making a decision on this amendment. It may not be possible to provide safe and adequate road access to certain commercial uses that would otherwise be permitted in a commercial zoning category. Said another way, even if the plan is amended and the parcels are zoned commercial, there may be a limited sub-set of commercial land uses that could obtain an entrance permit.

Amendment 2: Annexation Plan Amendment for Solar Power near South Little Creek Road:

The proposed annexation plan amendment is located in Investment Level 4 according to the *Strategies for State Policies and Spending*. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. It is our understanding that the proposed land use for this parcel would be agriculture, and if the parcel is annexed it would be zoned A. In addition, we are aware that future development of the parcel would be further restricted due to the City's AICUZ zone regulations. The proposed solar power generating facility would be a passive land use that would not result in the need for additional infrastructure or services in this area. In addition, this facility would provide renewable energy. Due to these factors, our office does not object to this proposed plan amendment. Please note that any land use other than agriculture or passive uses such as this proposed solar power facility would not be consistent with the *State Strategies* and will be opposed by the State.

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

Amendment 1: Land Development Plan Amendment at the Corner of Mifflin Rd. and Rt. 8:

No comments.

Amendment 2: Annexation Plan Amendment for Solar Power near South Little Creek Road:

- Division of Historic and Cultural Affairs has noted that there is a National Registered Listed Property near the South Little Creek road site called the Tyn Head Court, also known as Wethered Court, which is on the National Register of Historic Places (K-149). Therefore, prior to any demolition or ground-disturbing activities, the developer should

consider hiring an archaeological consultant to examine the parcel for archaeological sites, such as a cemetery or unmarked human remains.

- In addition, if there is any federal involvement with the project, 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). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Any preconstruction activities without adherence to these stipulations may jeopardize the issuance of a permit or receipt of funding if it is determined that such opportunity to comment has been foreclosed. 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 www.achp.gov

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Amendment 1: Land Development Plan Amendment at the Corner of Mifflin Rd. and Rt. 8:

- Regarding the proposed Commercial classification for the southwest corner of Forrest Avenue (Delaware Route 8) and Mifflin Road, DelDOT recommends that the City consider designating more lots for this purpose, keeping the existing Residential Low Density Classification or, perhaps, zoning the lots for a less intense non-residential use. While they cannot say with certainty whether they could permit access without a specific proposed use, the three subject lots may not support some commercial uses one would expect to see on an assemblage of that size. If this amendment is proposed with a specific use in mind, it may be appropriate to require some level of site plan development and perhaps traffic studies before acting on it.

Amendment 2: Annexation Plan Amendment for Solar Power near South Little Creek Road:

No comments.

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

Amendment 1: Land Development Plan Amendment at the Corner of Mifflin Rd. and Rt. 8:

No comments.

Amendment 2: Annexation Plan Amendment for Solar Power near South Little Creek Road:

No comments.

Department of Agriculture - Contact: Scott Blaier 698-4500

Amendment 1: Land Development Plan Amendment at the Corner of Mifflin Rd. and Rt. 8:

No comments.

Amendment 2: Annexation Plan Amendment for Solar Power near South Little Creek Road:

- The Department of Agriculture does not support or oppose this request for a comprehensive plan amendment. However, regarding the annexation of additional farmland for the purposes of a solar park, the Department would prefer that one of the large parcels already located within the city limits be developed for this purpose.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include a revised version of the Future Land Use Map as well as any text that is necessary to amend the comprehensive plan and describe the change. You may contact David Edgell of my office to discuss the format for this amendment.

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, Office of State Planning Coordination