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

October 21, 2026

Medhat Mikhail
62 E Bellamy Dr.
New Castle, DE 19720

RE: PLUS review – 2026-09-04; 22803 S DuPont Hwy Rezoning

Dear Mr. Mikhail,

Thank you for meeting with State agency planners on September 30, 2026, to discuss the S DuPont Hwy Rezoning. According to the information received, you are seeking review of a proposed amendment to the Kent County Comprehensive Plan to change the future land-use designation on the property from Low-Density Residential to Highway Commercial, which would enable the review of a potential rezoning from AR (Agricultural Residential) to BG (General Business).

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 Kent 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

The property for the proposed amendment is located in Investment Level 4 according to the 2025 Strategies for State Policies and Spending (State Strategies) and it is outside of the Growth Overlay Zone for Kent County.

Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, intense commercial development of this site, were it to occur, is inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources.

The proposed use stated in the application is a low-impact use that is consistent with the adjacent commercial properties and the parcel size is small. However, this property meets the criteria of a Delaware Department of Transportation (DelDOT) policy in State Strategies that states, "Corridor Capacity Preservation Program (CCPP) implementation strategies are a high priority" in Levels 3 and 4 (see Policy Table 10 as attached). A potential commercial entrance on this site could conflict with DelDOT's goals and policies for the CCPP (see DelDOT's comments below). Please be advised of this state infrastructure challenge that could impact potential future commercial uses of this site.

The comments in this letter are technical and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Stephen Bayer 302-760-4834

- DelDOT has no comments on the proposed rezoning itself. DelDOT notes that any development to occur in the subject area in the future will still require all applicable reviews and permits.

- Of special importance, this parcel is located along US Rt. 13. US Rt. 13 at this location, is within an area regulated by the Corridor Capacity Preservation Program (CCPP). See Section 1.2 of DelDOT's Development Coordination Manual and Section 145, Title 17 of the Delaware Code for additional, specific information on the CCPP. The goal of the Program is to maintain the capacity of the existing highway by managing access along it. According to the Office of State Planning Coordination's Strategies for State Policies and Spending, the property is located predominantly within a Level 4 Investment Area. Direct access to the corridor may not be permitted under the regulations of the CCPP.

    - The parcels identified in the application are identified as being in Investment Level 4. In investment Level 4 areas DelDOT prioritizes improving safety; ensuring effective regional travel between population centers; preserving corridor capacity; maintaining existing transportation facilities; and making enhancements that support the agricultural industry. This rezoning itself is not an immediate concern, but future development consistent with commercial development may present a conflict with DelDOT's goals and priorities.

Department of Natural Resources and Environmental Control – Contact Beth Krumrine 302-735-3480

Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

- DNREC reviewers have no comments or concerns regarding the proposed rezoning.

Delaware Department of Agriculture – Contact: Milton Melendez 302-698-4534

- No restrictive comments regarding this PLUS project.

Delaware Emergency Management Agency – Contact Tara Wilbur 302-659-2325

- DEMA has no comments in regards to rezoning or construction of the parking lot.

State Historic Preservation Office – Contact Carlton Hall 302-736-7400

- The Delaware SHPO does not support and strongly recommends against development in Level 4 areas, as they are environmentally and archaeologically sensitive.
- Our office has no concerns with the rezoning itself. If ground disturbing activities are planned on this parcel, please let us know as soon as possible.
- However, as there is planned ground disturbance in the form of paving the parcel, we are providing our comments and recommendations here. Soils are moderately well drained and White Marsh Branch is within 500 feet of the parcel. There are multiple archaeological sites within a mile of the project area. These factors suggest that project area has a moderate to high potential for precontact archaeological resources. Our office recommends an archaeological survey prior to any ground disturbing activities. We also request the opportunity to review any project plans as they develop.

  If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- This Agency has no objection to the re-zoning request. The information provided below shall be considered when plans are being designed.

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Storage and Industrial)

- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

Fire Protection Features:

- All structures over 10,000 sq. ft. aggregate will require automatic sprinkler protection installed.

- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.

- Show Fire Lanes and Sign Detail as shown in DSFPR

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from South duPont Hwy must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.

- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plan.

Required Notes:

- Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Fire Department Comments:

- The volunteer fire department is obligated to provide Fire and EMS service to this property. In addition**,** new developments in their Fire and EMS district have put a financial strain on their volunteer fire service. As their call volume increases yearly due to the unprecedented growth within the service area, current funding does not keep up with development within the district. State, County, and Local funding does not keep up with the growth of the fire district, so the developer and future residents need to help financially support the Volunteer Fire Department.

<u>Delaware State Housing Authority - Contact Cole Shultz (302) 739-4263</u>

- DSHA has no comments or concerns on this proposed land use amendment.

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,



David L. Edgell, AICP
Director, Office of State Planning Coordination

Attachments:

- 2025 State Strategies – Policy Table 10
- Dover Kent MPO Comments

2025 Delaware Strategies for State Policies and Spending

Policy Table 10: Delaware Department of Transportation (DelDOT)

Law or Regulation	Citation	Current Policy and/or Action	Level 1	Level 2	Level 3	Level 4	Out-of-Play
☐		Safety is a primary goal at DelDOT. It is often necessary to make transportation infrastructure improvements in Strategy Levels where growth is not the priority. Therefore, DelDOT may make investments in all levels, to meet the safety needs of the transportation system.	☑	☑	☑	☑	☑
☐		Focus on transit system enhancements, Americans with Disabilities Act (ADA) accessibility, and pedestrian and bicycle system improvements.	☑	☑	☑	☐	☐
☑	2 DE Admin. Code 2307	Safe Routes to School projects are the highest priority in Levels 1 and 2.	☑	☑	☐	☐	☐
☐		Complete Community Enterprise Districts are appropriate to locate in Levels 1 and 2.	☑	☑	☐	☐	☐
☑	2 DE Admin. Code 2309 Subsection 3.5.4.2	Projects requesting an Entrance Plan Approval (EPA) within Investment Level 1 and 2 areas need to provide for Shared-Use Path (SUP) and/or Sidewalk (SW) construction, or related contributions.	☑	☑	☐	☐	☐
☐		Interconnectivity of neighborhoods, public facilities, and commercial centers is crucial.	☑	☑	☑	☐	☐
☐		Engage in more master planning with local governments to improve growth forecasts.	☑	☑	☑	☐	☐
☑	2 DE Admin. Code 2309 Section 2.4	Transportation Improvement Districts (TIDs) are a solution to implement master plans and coordinate transportation investments with land-use.	☑	☑	☑	☐	☐
☑	29 Del.C. §8419	DelDOT is required to use a criteria-based prioritization process to assist development of its Capital Transportation Program (CTP). The State Strategies criterion is 3%. Potential projects in Level 4 or Out-of-Play receive 0% to encourage development in Levels 1-3.	☑	☑	☑	☐	☐

Policy Table 10: Delaware Department of Transportation (DelDOT) - cont.							
Law or Regulation	Citation	Current Policy and/or Action	Level 1	Level 2	Level 3	Level 4	Out-of-Play
☐		Off-alignment shared-use pathways are more appropriate in Levels 2 & 3.	☐	☑	☑	☐	☐
☐		Focus on regional movements between municipalities and other population centers and preserve and maintain existing facilities in safe working order.	☐	☐	☑	☑	☐
☑	17 Del.C. §145	Corridor Capacity Preservation Program (CCPP) implementation strategies are a high priority.	☐	☐	☑	☑	☐
☐		Transportation capacity improvements and fixed-route transit-system enhancements are a lower priority in Level 4.	☐	☐	☐	☑	☐
☐		Microtransit and community-based transit solutions may be a feasible alternative to fixed-route services in Levels 1-3.	☑	☑	☑	☐	☐
☑	2 DE Admin. Code 2309 Subsection 3.5.4.2	Projects requesting an Entrance Plan Approval (EPA) within Investment Level 3 and 4 areas will be evaluated on the basis of the surrounding conditions, such as traffic volumes and whether the project abuts an existing Shared-Use Path (SUP) and/or Sidewalk (SW) facility. DelDOT may require projects to provide for SUP/SW construction, where deemed applicable.	☐	☐	☑	☑	☐
☐		System enhancements in rural areas should support and complement the needs of the agricultural industry.	☐	☐	☐	☑	☐
☐		Maintain efficient operations through signal system improvements.	☑	☑	☑	☑	☐
☑	2 DE Admin. Code 2312	Continue providing economic development incentives through the Transportation Infrastructure Investment Fund (TIIF).	☑	☑	☑	☑	☐
☐		Maintain the current transportation system in a state of good repair.	☑	☑	☑	☑	☑

1. 22803 S DuPont Hwy Rezoning (2026-09-04)

Dover Kent MPO has no objections to the proposed rezoning. However, there are several points that the MPO would like to bring to the applicants' attention. First, note that this part of US13 is included in DelDOT's Corridor Capacity Preservation Program (CCPP). The stated goals of the program are to maintain the road's ability to handle traffic safely and efficiently, minimize the impact of increased economic development, and preserve the ability to make future improvements.[1] A key consideration is managing the access points between properties and the main roadway, which includes reducing the number of redundant access points and combining entrances when possible. These topics are likely to be addressed as site development progresses.

Second, the applicants will need to consider the anticipated uses of the site and the way that vehicles will access the property. Due to the median across US13 and the lack of an intersection at this location, vehicles heading southbound to the property or southbound from the property can only do so by making a U-turn at the nearest opening. Trucks and other large vehicles will have a particularly difficult time making such a turn, and this could lead to serious safety concerns due to the typical traffic speed on US13. This will need further discussion before the site can be developed.

Finally, it is recommended that frontage sidewalks be included in the site plan when the process reaches that stage, or at minimum there should be space to add sidewalks at a later date. Although this would only amount to approximately 100 feet of new sidewalk, and it would not connect to any existing facilities, it is worth noting that US13 is a roadway that is hazardous for nonmotorized travel. The posted speed limit on this segment of road is 55 mph, and there are no sidewalk facilities to separate pedestrians from vehicle traffic. Therefore, every new sidewalk segment that is constructed will improve pedestrian safety and the overall user experience on US13. Dover Kent MPO will have more comments on this topic when a site plan is made available.

[1] "Corridor Capacity Preservation Program." Delaware Department of Transportation (DelDOT). https://deldot.gov/Programs/corr_cap/index.shtml.