



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

February 14, 2014

Ms. Ann Marie Townshend  
15 Lockerman Plaza  
P.O. Box 475  
Dover, DE 19903

RE: PLUS Review 2014-01-01; City of Dover Comprehensive Plan Amendment

Dear Ann Marie,

Thank you for submitting this PLUS application regarding changes to the City of Dover's Comprehensive Plan.

Please note that changes to the amendment, 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 amendment contains 2 parts and is described as follows:

**Amendment 1: Land Development Plan Amendment at the northeast corner of College and McKee Roads**

This proposed amendment is located at the northeast corner of College and McKee Roads in Dover. This proposed amendment will change the land use classification for this location from Office to Commercial. The amendment responds to a request from the property owners. There are no additional specifics regarding future development.

**Amendment 2: Comprehensive Plan Addendum**

This amendment relates to a number of ongoing planning projects taking place during 2014. Upon completion these projects would be used as part of a future update to the City's Comprehensive Plan. The projects include the Central Dover Neighborhood Plan, the Transportation Improvement District for the Route 13 and Bay Road Corridor, and a Citywide Recreation Needs Assessment.

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 739-2090**

**Amendment 1: Land Development Plan Amendment at the northeast corner of College and McKee Roads:**

The proposed Land Development Plan amendment from Office 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.

**Amendment 2: Comprehensive Plan Addendum:**

The proposed planning projects are consistent with the overall goals and objectives of both the City of Dover and the Office of State Planning Coordination (OSPC). OSCP is available to advise and assist as necessary. Please feel to contact the Kent County Circuit Rider Planner, Mr. David Edgell, as needed.

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

**Amendment 1: Land Development Plan Amendment at the northeast corner of College and McKee Roads:**

No comments.

**Amendment 2: Comprehensive Plan Addendum:**

**Suggestions**

- The PLUS exhibit shows not only color coding by use, but also specific zoning districts. We suggest that, if the map in the Comprehensive Plan shows specific zoning districts, it would be appropriate to remove those designations and show only the uses. Doing so would help to distinguish between the Plan and the Zoning Code and would eliminate the need to amend the Plan for a rezoning within the same general use.

**2014 Addendum**

- With regard to Transportation Improvement Districts (TIDs), Section 2.13.2.7 of DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access says in part that "The Comprehensive Plan(s) should list and map any TIDs." While this

requirement is intended to address situations where a local government has multiple TIDs, and the name of the proposed US Route 13/Bay Road Corridor TID is descriptive, we recommend that the proposed TID be identified on a map somewhere in the Plan and that the map be referenced in the addendum. Given that the TID boundaries are still under discussion, this illustration necessarily could only be conceptual. We recommend that creation of a new exhibit, specific to the TID, be postponed until the TID agreement has been signed by all parties and a Land Use and Transportation Plan for the TID has been prepared.

### **Suggestions**

- None.

### **State Historic Preservation Office – Contact Terrence Burns 736-7404U**

#### **Amendment 1: Land Development Plan Amendment at the northeast corner of College and McKee Roads:**

It seems that there was a known house (K1061) on this parcel, which was probably built during the early or mid-20-century, but does not appear to be there anymore. However, if there is going to be any development or construction project on this parcel, it is important that the developer be aware of Delaware's Unmarked Human Burials and Human Skeletal Remains Law, which is outlined in Chapter 54 of Title 7 of the Delaware Code.

Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Delaware Code Title 7, Chapter 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 any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also 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 know more information that pertains to unmarked human remains or cemeteries, please check the following websites for additional information: [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).

Therefore, prior to any demolition or ground-disturbing activities, the developer should consider hiring an archaeological consultant to examine the parcel for potential historic or cultural resources, such as a potential archaeological site, a cemetery or unmarked human remains. Furthermore, 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. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. 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](http://www.achp.gov).

Amendment 2: Comprehensive Plan Addendum:

No comments.

**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.

Should the ordinance be adopted please forward a copy to OSPC for our files. 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".

Constance C. Holland, AICP  
Director, Office of State Planning Coordination