PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the
Dover City Council
June 8, 2009

Applicants/Owners:	Suzanne Noll
Location:	171 North Edgehill Avenue & 705 Maple Parkway
Tax Parcel ID #:	ED05-068.18-01-42.00-000 and ED05-068.18-01-43.00-000
Size:	1.945 acres
Present Use:	Residential Mobile Homes
Proposed Use:	Medium Density Residential
Comprehensive Plan Designation:	Residential Medium Density
Present Zoning:	R-7 (One Family Residence Zone)
Proposed Zoning:	RM-2 (Medium Density Residence Zone)
Recommendation of Planning Commission:	Following a public hearing on May 18, 2009, where 4 members of the public spoke regarding the rezoning application, the Planning Commission unanimously recommended in favor of the request to change the zoning from R-7 to RM-2.
File Number:	Z-09-03

Existing Property
The property is currently zoned R-7 (One Family Residence Zone). Several single family homes are located on the properties. The applicant is proposing to rezone both properties to RM-2 (Medium Density Residence Zone).

Surrounding Land Uses:
The property is surrounded by other residential properties as well as commercial properties that abut Route 13 (North DuPont Highway). The adjacent residential properties to the north, east and to the south are zoned R-7 (One Family Residence Zone). The land immediately west is zoned C-4 (Highway Commercial Zone).

Comprehensive Plan:
The *2008 Comprehensive Plan* depicts the subject area in question as Medium Density Residential land use on the Land Development Plan Map. The RM-2 zoning classification is consistent with the Residential Medium Density land use classification.

Request for RM-2 (Medium Density Residence Zoning)
The following description of the RM-2 zoning district is provided from Article 3 §7 of the *Zoning Ordinance.*

> Section 7. [Medium density residence] RM-2 zone.
> 7.1 *Uses permitted.* In an RM-2 zone, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purposes, except the following:
> (a) Any use permitted in one-family residence zones;
> (b) One-family lot-line dwellings, not to exceed one such dwelling per lot;
> (c) Duplex dwellings;
> (d) Multiplex dwellings;
> (e) Townhouses;
> (f) Roominghouses accommodating not more than five roomers.
> (g) Garden apartments.

In addition, the RM-2 zoning district includes a density cap of eight (8) dwelling units per acre. The primary differences between the current zone and the requested zone are the housing styles permitted, density, and other bulk standards. The RM-2 district permits a higher density and a wider range of housing styles than the R-7 district.

Recommendation of the Planning Staff & Planning Commission:
Staff supports the rezoning request from R-7 to RM-2. The request is consistent with the Comprehensive Plan and the long-term redevelopment of the area.

Following a public hearing on May 18, 2009, where four members of the public spoke, asking questions and expressing concerns regarding the rezoning, Planning Commission unanimously passed a motion recommending in favor of rezoning the subject property from R-7 (One Family Residence Zone) to RM-2 (Medium Density Residence Zone). Below is an excerpt from the draft minutes of May 18, 2009, regarding the rezoning application.

> **Mrs. Aida Harrington – 172 North Edgehill Avenue** – Stated that she owns a small home and would like to know if this would affect her home with higher

taxes. She is not sure what they want to do with the trailers that are there, will it be for commercial. What will they do with the trailer park?

Responding to Mrs. Harrington, Mrs. Townshend stated that the rezoning application that is before us this evening would not permit commercial development. It would permit different housing styles than what is there now including duplexes, townhouses, rooming houses, and garden apartments. If the applicant were to develop the property in the future, that would be another application that would come before this commission and a public hearing would be held at that time for which you would receive another mailed notice.

Mrs. Joyce Hall – 636 Maple Parkway – Stated that what she would like to know is if the property is sold to a developer or rezoned what would be here and whether or not they would have a say as far as what goes there such as duplexes, townhouses, or low income houses that may bring down their property value in this area? There are all single family dwellings in this area for now. She is looking to find out what the future is for this property. Responding to Mrs. Hall, Mrs. Townshend stated that again, currently they have not discussed a development application; however, there are a range of housing types such as garden apartments, townhouses, duplexes, and single family homes. It is a small and awkward shaped parcel so for any development that would happen, off street parking would need to be provided as well as a stormwater management area.

Mrs. Hall further questioned if there is no plan to develop this, then why rezone the property? Responding to Mrs. Hall, Mrs. Noll stated that she was only starting the process as she did not know what she could or should do. These trailers date back to 1963 and she is beating herself up trying to keep them up and keep decent people in them. There is no washer or dryer hook-ups in them which limits her and she is really trying to keep this area up. This is where she is right now and does not know where to go from here.

Mr. Albert stated that there are ten units currently on this parcel and under the RM-2 zoning classification, the maximum allowable units would be fifteen (15); however, it would be very difficult to fit this many on this property that would meet code requirements.

May Salevan – 18 Upland Avenue – Stated that she has lived in this neighborhood for fifty-eight (58) years. Her question is how many homes, how many duplexes, and how many townhouses are you planning on putting on such a small lot? Responding to Mrs. Salevan, Mrs. Noll stated that she does not have any plans; she is just seeing what she can do.

Mrs. Salevan further stated that the Edgehill Civic Association fought against all of the houses that are now lined along the first row of houses in this area. This was turned down time after time. The City was only going to put in two or three and now they are lined up. She thinks this is the way any small development might look close together. The farmhouse you have looks so nice with all of the land around it. She is against anything being built; some things just need cleaning up.

Tyrone Crittenden – 79 Upland Avenue – Stated that he has not been a resident long in the neighborhood, only about three and half years. In the short time that he has been there, he has noticed that the neighborhood is beginning to change. This is a small neighborhood that would be known for tipping. It could tip for the best, the better, or for the worst. What he has seen is more private homes being turned into rental units and the folks and the changes that he sees in this neighborhood because of these rental units have been anything but positive. We have an opportunity to improve the City as a whole and the neighborhood one by one. He does not know this woman; however, he has seen her house and knows that it is an odd shaped piece of property and has seen the trailers. He has to say that they have done a good job in keeping the neighborhood safe and keeping the trailers, given their age, in pretty good shape. What he is concerned about is what was mentioned regarding rooming houses occupying this new structure that goes up there. Most of us know that generally the kinds of people or the caliber of people who rent rooming houses are not always the kinds of people who help stabilize a neighborhood. We have to be careful what is being done here in rezoning this property. Careful consideration needs to go into this rezoning request as this neighborhood has a lot of elderly tenants and a lot of houses that are becoming vacant as those tenants move into nursing homes or move in with their children or whatever. We need to look at what we do with these houses and what we do with an unknown element to a neighborhood that has the possibility of improving better than what it currently is.

Mr. Friedman closed the public hearing after seeing on one else wishing to speak.

Mr. von Reider questioned if there was any intention upon the applicant to combine these two parcels into one parcel of land? Responding to Mr. von Reider, Mrs. Townshend stated that no not as a part of the rezoning application. Generally this would be a recommendation that would take place during the time of development application.

Mr. Tolbert stated that currently, this is a trailer park and there are people renting trailers at this point and there are ten (10) of them that are all rented. Responding to Mr. Tolbert, Mrs. Noll stated that these are rented to low income and there are no washer and dryer hook ups. There is a small bedroom that will fit a double bed and they are 1963 trailers. The units are 10x50 and she has one that she has not rented for four (4) months because she is having trouble renting it to someone she would want in her backyard as well as the neighbors backyards.

Mr. Tolbert further questioned if this rezoning is approved and subsequent housing development was proposed, would these people have to move? Responding to Mr. Tolbert, Ms. Noll stated that yes the people would have to leave.

Mr. von Reider questioned Staff; mentioned earlier there could be up to fifteen (15) dwelling units on this piece of property and there are currently ten (10). Given the configuration and setbacks, have you actually looked at different

possibilities that could go there or how many you actually think would go there that would legally fit? Responding to Mr. von Reider, Mrs. Townshend stated that Staff has not looked at alternative possibilities; however, Staff has looked at it and determined that it would be less than eight (8) per acre. Staff feels that she would be pushing to place ten (10) in there to meet the lot size requirements for off street parking, stormwater management and any other requirements.

Mr. von Reider stated that based on testimony this evening, there are ten units there currently and they would not be looking at more than what is currently there now should it get rezoned because of restrictions on setbacks and sidewalks. Tearing out all of these old units will improve it instead of making it worse.

Mr. DiMondi stated that to understand the Comprehensive Plan and judging from his calculations, nineteen (19) out of the twenty-three (23) lots that ring this property are zoned R-7 and only four (4) that are sporadic at best are in the commercial zoning category. How did we on the Comprehensive Plan end up with medium residential density as being recommended? Is R-7 a medium density so the range from medium density is inclusive of R-7 in the sought after zoning here this evening? Responding to Mr. DiMondi, Mrs. Townshend stated that yes it is.

Mr. DiMondi further questioned if there were any non conforming placement issues with regard to these trailers at the present time? Responding to Mr. DiMondi, Mrs. Townshend stated that trailers are a legal non-conforming use and if anything is built here it would have to adhere to current setbacks.

Mr. von Reider moved to forward to City Council approval of Z-09-03 Lands of Noll located at 171 North Edgehill Avenue & 705 Maple Parkway from R-7 to RM-2 medium density residential zoning with the consideration that any further application or development of the property be brought back to the Planning Commission for review as is standard procedure, seconded by Colonel Welsh and the motion was unanimously carried.

City of Dover

Department of Planning & Inspections

Application No.: Z-09-03



Plan Title: Lands of Noll
Location: 171 North Edgehill Avenue and 705 Maple Parkway
Plan Type: Rezoning
Tax Parcel: ED-05-068.18-01-42.00-000
ED-05-068.18-01-43.00-000
Current Zoning: R-7
Proposed Zoning: RM-2
Owner: Suzanne Noll
Date: 3-10-09

Legend

- Dover Parcels
- Zoning
- Historic District
- Corridor Overlay Zone

0 65 130 260 Feet

PLANNED NEIGHBORHOOD DESIGN APPLICATION
Before the Dover City Council
June 8, 2009

Project Name:	Residences at Maple Dale Country Club
Applicants/Owners:	Maple Dale Country Club, LLC 39 Maple Dale Road Dover, DE 19904
Location:	Maple Dale Country Club, east of Kenton Road
Property Addresses:	39 Maple Dale Drive Dover, DE 19904
Tax Parcel ID #:	ED-05-067.00-04-01.00-000
Size:	10.59 ± acres (of 152.45± acre site)
Proposed Use:	Planned Neighborhood Design – Senior Citizen Housing Option
Present Zoning:	RC (Recreational and Commercial)
File Number:	MI-09-06

The applicant is requesting to utilize the Planned Neighborhood Design (PND) Senior Housing Option as specified in the *Zoning Ordinance*, Article 3, Section 24, to construct approximately 90 residential units on a portion of the Maple Dale Country Club golf course. One hole on the course would be relocated as a part of this proposal.

Planned Neighborhood Design – Review Process

The *Zoning Ordinance* prescribes a 2-step review process for PND development projects. The first of steps is a review of a general sketch plan and statement of consistency with the Comprehensive Plan by City Council to "determine whether the proposed project is of such a design and type that it warrants further review by the planning commission. If the city council determines that further review is warranted." The second step is a Conditional Use Site Plan review and public hearing before the Planning Commission.

For the City Council's review of the application, the applicant must present a general sketch plan and a statement documenting the project's compliance with the goals of the comprehensive plan for review. These items are included as attachments.

Planned Neighborhood Design – Senior Citizen Housing Option

According to Article 3, Section 24.1(b) of the *Zoning Ordinance*,

> In order to encourage the development of high quality housing opportunities designed to accommodate the particular needs of senior citizens, the senior citizen housing option shall be permitted in all zones as a conditional use, except in the M, IPM and C-4 zones within which this option shall not be applicable. Preference shall be given to those projects which are within close proximity to public transit services and which are situated within one-quarter mile of a grocery store, pharmacy, restaurant, physician office, senior center or similar convenience service establishment.

In regards to housing types, Article 3, Section 24.3(e) allows the following:

> Under the senior citizen housing option, all housing types, and including congregate housing structures and uses, assisted living residences, and nursing homes. All such housing units and/or property shall be deed restricted to require that the head of household for each housing unit be at least 55 years of age or older.

Within a Planned Neighborhood Design, the *Zoning Ordinance* allows flexibility of the requirements of the underlying zoning districts as it relates to bulk standards, specifically residential density. According to Section 24.4 Maximum Density:

> 24.47*Senior housing option.* Project density shall be generally compatible with the development pattern and existing or potential zone densities of the surrounding area. The applicant shall demonstrate to the satisfaction of the

> planning commission that the project density proposed is compatible with the development pattern and density potential of the surrounding area in general, and with that of adjoining properties in particular.

Project Description:
The proposal is to develop approximately 90 residential units (36 townhouse units and 3 apartment buildings with 18 units each) on a portion of the Maple Dale Country Club golf course land. The applicant would relocate the one golf hole as a part of this proposal.

Surrounding Land Uses:
The proposed project is surrounded primarily by the Maple Dale Country Club golf course. Lands surrounding the golf course are low and medium density residential developments. Turnberry is located between the site and Kenton Road and is zoned RM-1 (Medium Density Residence). Maple Dale Village, the Retreat, Fox Meadows, the Meadows, and Fox Hall are also adjacent to the golf course. The zoning districts vary, but include, R-10 (One Family Residence), R-8 (One Family Residence), RM-2 (Medium Density Residence), and RG-3 (Group Housing Residential).

Planned Neighborhood Design – Design Requirements
The *Zoning Ordinance* prescribes certain design requirements for projects developed under the Planned Neighborhood Design within Article 3, Section 24.6.

The *Zoning Ordinance* requires that for the PND Senior Housing Option, common open space be provided in accordance with the area requirements of Article 5, Section 10.16. This requires that 275 square feet of active recreation area be provided per dwelling unit, or a minimum of one-half acre. Based on this requirement, the applicant would be required to provide 24,750 square feet of common open space, or approximately .57 acre, for the proposed 90 units. An Active Recreation Plan must be submitted for review by the Parks, Recreation and Community Enhancement Committee before the project is reviewed by the Planning Commission.

The *Zoning Ordinance* requires that a 40-foot buffer be provided around the perimeter of a PND development. This will need to be identified on the plan prior to final approval.

The *Zoning Ordinance* requires that the project be designed to minimize disruption of the natural environment and to provide privacy for residents of the development and maintain privacy for adjacent residences.

Comprehensive Plan:
In the *2008 Comprehensive Plan*, the Land Development Plan designates this site as Open Space.

The applicant's proposal relates to the following goals from the *2008 Comprehensive Plan*:

- Encourage balanced housing opportunities for all income levels and phases in life;
- To develop and maintain an adequate supply of housing of varying type, size, and densities that are aesthetically pleasing and located within neighborhoods designed or redesigned to promote convenience, conservation, and access to the greater

community, but which are properly buffered through distance and landscaping from incompatible uses.

Action Required by City Council

City Council must determine if the project proposal is of a design and type that warrants further review by the Planning Commission. If City Council believes that the proposal warrants review by the Planning Commission, a motion should be passed to refer the application to the Planning Commission.

Advisory Comments to the Applicant

1. The City Council may choose not to forward a proposal to the Planning Commission. In such instances, the proposal would be considered denied.
2. The act of forwarding the proposal to the Planning Commission for further review does not represent, nor shall it be construed to mean that the project is approved, nor is it intended to represent that any variances necessary to construct the project are approved or supported by City Council.
3. Under the Planned Neighborhood Design – Senior Citizen Housing Option, the property shall be deed restricted to require that the head of household for each unit be at least 55 years of age or older.

Attachments: Maps and Concept Plan of the Site Submitted by Applicant (5)
Letter from Applicant Explaining Proposal

cc: Project File MI-09-06
Michael Henry, Becker Morgan Group

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May 15, 2009

Mrs. Ann Marie Townshend
Director
City of Dover Planning & Inspections
PO Box 475
Dover, DE 19903

RE: **Sketch Plan Submission**
MAPLE DALE COUNTRY CLUB / SENIOR HOUSING COMMUNITY
Dover, Delaware
2009037.01

Dear Mrs. Townshend:

On behalf our client, Maple Dale Country Club, we are hereby submitting the following documents for review by City Council at their next available scheduled meeting.

1. Twelve (12) copies of the sketch site plans
2. City of Dover Sketch Plan review fee of $100.00
3. One (1) disk with PDF versions of the plans

09-02000006

Maple Dale Senior Housing Community
State of Compliance with the Goals of the 2008 Comprehensive Plan

According to the City of Dover Comprehensive Plan, Maple Dale Country Club is zoned as Open Space. Immediately adjacent to the site along Kenton Road is residential medium density housing (Turnbury). The senior housing option under the PND was added to the city's zoning code in 1997. Although several senior housing projects were constructed, the current comprehensive plan discusses the need to continue to provide safe and adequate housing for the senior segment of the population. As part of the Comprehensive Plan the Planned Neighborhood Design (PND) is discussed with specific discussion on senior housing via the Senior Citizen Housing Option. The proposal for Maple Dale is in accordance with the PND, which proposes to offer a mixture of residential housing in a single development. The senior housing neighborhood proposed for Maple Dale is designed with pedestrians in mind along with multi-modal streets and sidewalks that lessen the visual impact of garages and automobiles. The Comprehensive Plan suggests that the PND is the leading design style and offers flexibility in varied housing stock and layouts.

During the community workshops held for the 2008 Comprehensive Plan, the majority of survey participants (61%) stated that there is a scarcity of adequate affordable housing within the city. When asked to rate the desirability of housing types, a significant number of respondents ranked age-restricted communities/housing (seniors) as second in desirability. The Comprehensive Plan goes on to say that Age Restricted Housing has continued to grow. Additionally, new senior housing facilities provide more than the adequate number of housing options for the retirement community. In Part IV - Housing Strategies & Programs states as a follow-up to the *1996 Comprehensive Plan*, the concept of a Planned Neighborhood Design (PND) Concept was implemented to provide for a wide variety of housing types to appeal to a wide variety of income levels. These developments have filled a niche for affordable attached housing.

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In Part V – Plan Goals: Housing and Community Development - Goal 1 is to "Encourage Balanced Housing Opportunities for All Income Levels and Phases in Life and to Ensure that adequate, safe, and affordable housing is offered to all income levels, ages and citizens of the City." Recommendation 2 states "Encourage the use of mixed use/mixed style housing types though residential zoning with specific discussion on "Evaluate the provisions of Planned Neighborhood Design and the Senior Citizen Housing Option and Evaluate and update Codes to encourage compact and diverse development throughout the City." Chapter 12 – Land Development Plan also includes Recommendations for Private Open Space and suggests that open space should be centrally located and accessible to residents via sidewalks and pedestrian paths.

The proposed Maple Dale Senior Housing is situated within 1.3 miles of a grocery store, pharmacy, restaurants, physician offices and other convenience oriented businesses desirable for seniors. Additionally it is located within 1.8 miles of a senior center. Most importantly the proposed development is located on the lands of Maple Dale Country Club which offers a wide variety of recreational activities. The project is limited to two specific areas of the property 1) the periphery of the golf course and 2) the area immediately adjacent to the existing club house thus maintaining the quality of the existing open space and recreation facilities. It is the projects intent to use the cart path as a continuous walking path for the residents of the community providing 5 miles of safe pedestrian paths on site. The proposal also has minimal impact on the "open space" nature of the site while providing senior housing that is in keeping with the nature of the surrounding zoning and in compliance with the 2008 Comprehensive Plan.

In summary we believe the Maple Dale Senior Housing project meets the objectives and goals of the City of Dover Comprehensive Plan.

Please review the sketch site plan and architectural elevation. We request this project be reviewed by City Council at their next available scheduled meeting.

Please contact me should you have any questions or need additional information.

Sincerely,

BECKER MORGAN GROUP, INC.

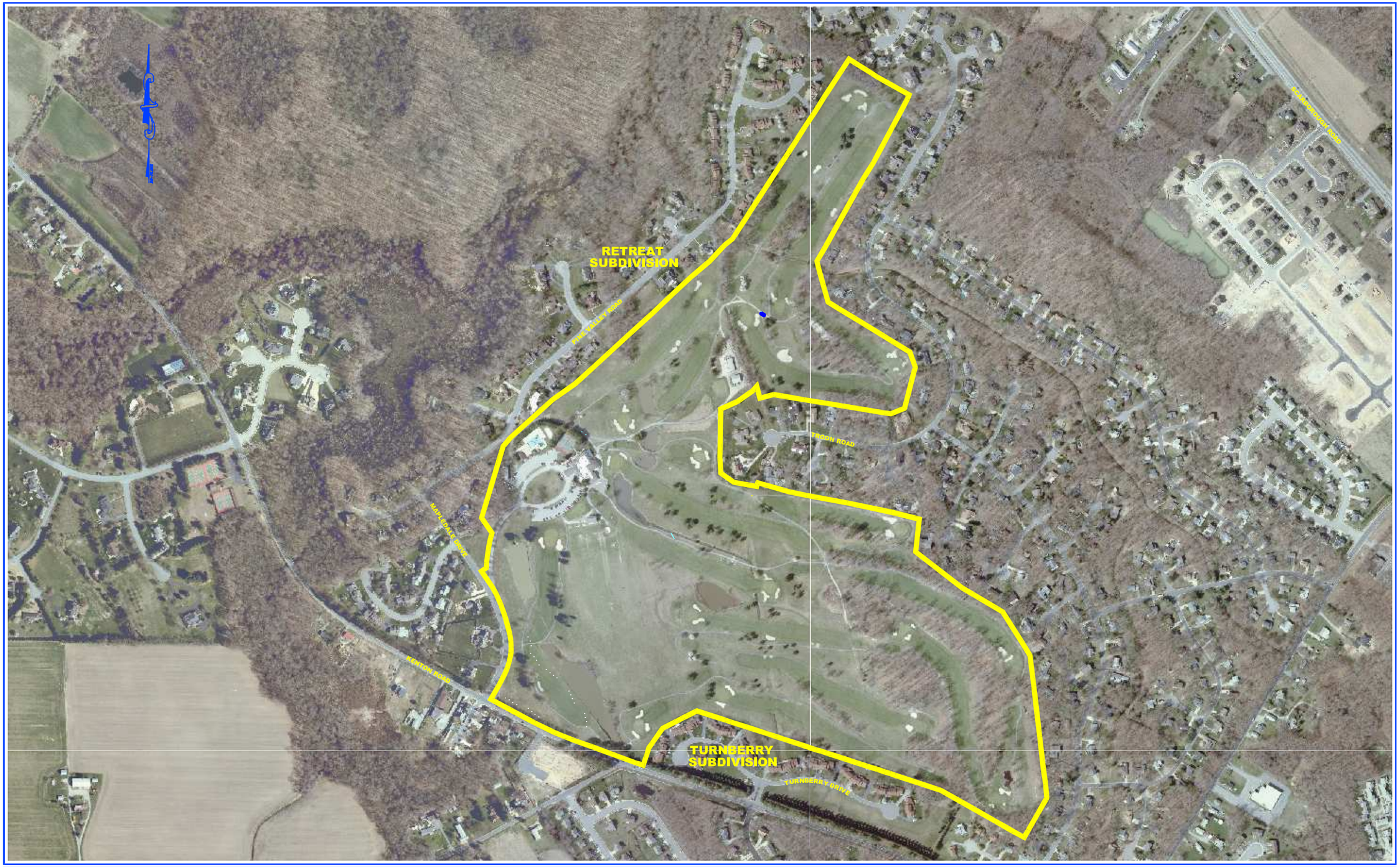
Michael J. Henry, LEED AP
Associate

MJH/rlh

Enclosures

Cc: Larry Mcallister, Maple Dale Country Club

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MAPLE DALE Country Club

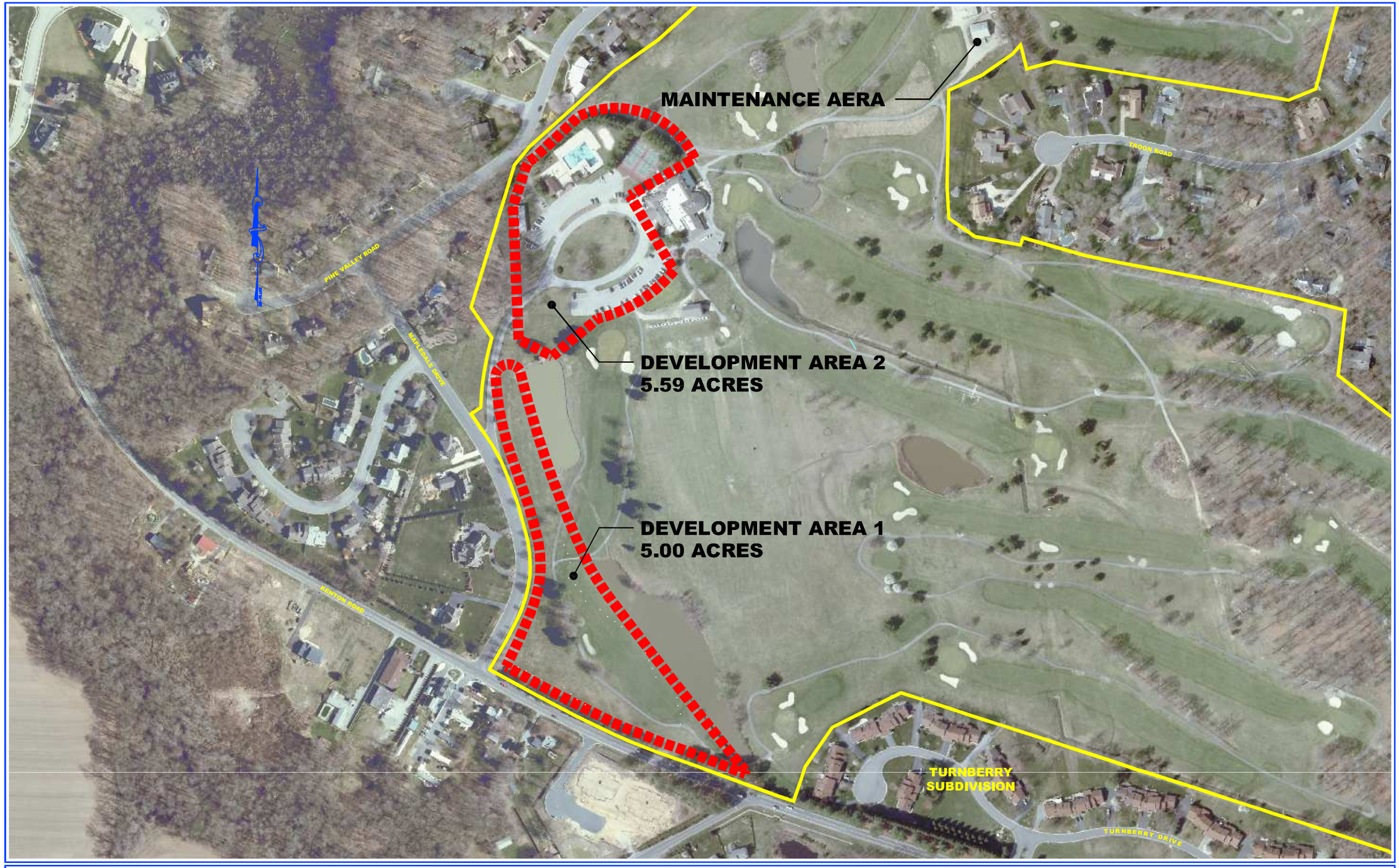
MAPLE DALE SENIOR HOUSING

EXISTING GOLF COURSE

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MAPLE DALE SENIOR HOUSING

GOLF COURSE DEVELOPMENT AREAS

MAPLE DALE Country Club

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MAPLE DALE Country Club

MAPLE DALE SENIOR HOUSING

6TH, 9TH FAIRWAY AND DRIVING RANGE CHANGES

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MAPLE DALE Country Club

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GOLF COURSE QUAD PLEX

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MAPLE DALE SENIOR HOUSING

GOLF COURSE CLUB HOUSE AND CONDOS

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