PETITION TO AMEND ZONING DISTRICT
Before the Dover City Council
April 9, 2007

Applicants/Owners:	747 Associates, LLC 747 North Dupont Highway Dover, DE 19901 Vanguard Commercial Development, Inc. 1500 Serpentine Road, Suite 100 Baltimore, MD 21209
Location:	Rt. 13 & Leipsic Road
Property Addresses:	747 North Dupont Highway
Tax Parcel ID #:	ED-05-068.05-01-12.00-000, ED-05-068.05-01-13.00-000, and ED-05-068.05-01-15.00-000
Size:	25.058± acres
Present Zoning:	C-4 (Highway Commercial Zone)
Proposed Zoning:	SC-2 (Community Shopping Center Development Zone)
Present Use:	Commercial
Proposed Use:	Commercial (Shopping Center)
Comprehensive Plan Designation:	Commercial
File Number:	Z-07-05

Following a public hearing before the Planning Commission on March 19, 2007, the Planning Commission voted unanimously to recommend in favor of the rezoning from C-4 to SC-2.

This zoning change is being requested by 747 Associates, LLC and Vanguard Commercial Development, Inc. The application includes three parcels of land totaling 25.058 acres. The subject parcels are currently zoned C-4 (Highway Commercial Zone). The applicant is requesting SC-2 (Community Shopping Center Development Zone) zoning. Tax Parcel: ED-05-068.05-01-12.00-000, ED-05-068.05-01-13.00-000, and ED-05-068.05-01-15.00-000.

Existing Property:
The subject parcels are commercially used as Berry Van Lines.

Surrounding Land Uses:
The parcel to the southeast is zoned C-PO (Commercial/Professional Office District). The parcel immediately across Leipsic Road is zoned SC-2 (Community Shopping Center Development Zone). Other surrounding parcels are zoned C-4 (Highway Commercial Zone).

Comprehensive Plan:
In the *2003 Comprehensive Plan Update*, as amended May 2005 and September 2006 the Land Development Plan recommends that this property be used for Commercial Use. The requested SC-2 (Community Shopping Center Development Zone) is consistent with this category of uses.

Preliminary Land Use Services Review (PLUS)
This application was reviewed during January 2007 by the Preliminary Land Use Services as required by the City of Dover's Memorandum of Understanding (MOU). This MOU requires that non-residential developments consisting of more than 75,000 square feet or more of floor area complete the PLUS Review process prior to application submission. See attached PLUS Review Comment Letter dated February 21, 2007. **A requirement of the PLUS process is the submittal of a response letter; the applicant has not yet submitted a response.**

Request for SC-2 (Community Shopping Center Development Zone)
The types of permitted uses in the SC-2 (Community Shopping Center Development Zone) are the following: Convenience retail stores such as drug stores, grocery stores, luncheonettes, variety stores or combinations thereof; personal service stores such as, but not limited to, barbershops, beauty parlors, and tailors; service establishments furnishings services other than of a personal nature, but excluding gasoline filling stations and motor vehicle storage, repair, or service; business, professional and governmental offices, public libraries; banks, theaters and restaurants; manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises (with additional restrictions); hotels and clubs.

Article 3, Section 17.7 of the *Zoning Ordinance* addresses the building setbacks, buffers and landscaping for the Shopping Center Development Zones as follows:

17.7*Building setbacks, buffers and landscaping.* The following building setbacks shall supersede the front, side and rear yard requirements of article 4, sections 4.14 and 4.15:
TABLE INSET:

Minimum setback from:	SC-1	SC-2	SC-3
Street right-of-way	50'	50'	100'
Nonresidential zone	50'	50'	100'
Residential zone	50'	100'	200'

There shall be a landscaped buffer area of no less than ten feet along all lot lines. Where adjacent to residential zones, the buffer shall consist of a landscape screen no less than 6 1/2 feet high. All landscaping shall be properly maintained throughout the life of any use on the lot.
No less than ten percent of the site area shall consist of landscaping, pedestrian malls and courtyards. Parking areas shall be landscaped.

Application Requirements

Article 3, Section 17.9 of the *Zoning Ordinance* specifies the application requirements for a Shopping Center Development zoning application. Below is a listing of these requirements and an assessment of this application's completeness of each component (as of March 1, 2007).

1. *Substantiation of the need for the shopping center based on the developer's market analysis and expression of tenant interest for all SC-2 and SC-3 zoning proposals* – The applicant has provided letters of intent from prospective tenants and a summary of the need.
2. *Nature of the applicant's interest in the development* – The applicant is the equitable owner of the site.
3. *The approximate use, height and floor area of all buildings and other structures* – The approximate use, height and floor area for each building is included on the plan drawings.
4. *Preliminary traffic study and proposed methods for alleviating adverse impact on adjacent roads* –The applicant submitted a draft traffic impact study (TIS) to DelDOT and provided a copy to the Planning Office. DelDOT is currently reviewing the study. A site plan application will not be accepted by the Planning Office until the final TIS is complete. Portions of the draft TIS are included with this report. A full copy is available at the Planning Office.
5. *Approximate size and capacity of all proposed parking areas* – This is included.
6. *Proposed drainage plan* – This is included.
7. *Plans of existing natural features showing topography, soils, drainage and vegetation* – An existing conditions plan is included.
8. *Site plans showing approximate locations of buildings, malls, roads, parking, landscaping and utility and drainage easements* – This is included.

Recommendation of the Planning Staff:

The applicant has met the application requirements for the SC-2 (Community Shopping Center Development Zone), and the zoning request is consistent with the Comprehensive Plan. The plan involves redevelopment of an existing commercial site. For these reasons, staff recommends in favor of the rezoning.

The staff recommendation was made prior to the public hearing before the Planning Commission. Following the public hearing on March 19, 2007, the Planning Commission recommended in favor of the requested rezoning. The excerpt of the ***draft*** minutes from the public hearing from the Planning Commission is below:

Z-07-05 Berry Van Lines properties located at 747 N. DuPont Highway - Public Hearing and Recommendation to City Council on a rezoning application consisting of three parcels of land consisting of a total of 25.058 acres ±. The property is currently zoned C-4 (Highway Commercial Zone). The proposed zoning is SC-2 (Community Shopping Center Zone). The subject area is located east of North DuPont Highway (Route 13) and on the south side of Leipsic Road, near the intersection of Route 13 and Leipsic Road. The owner of record is 747 Associates, LLC and the equitable owner is Vanguard Commercial Development Inc. Tax Parcels: ED-05-068.05-01-12.00-000, ED-05-068.05-01-13.00-000, and ED-05-068.05-01-15.00-000.

Representatives: Mr. Ben Snyder, Pricket, Jones and Snyder; Mrs. Anna Jones, Morris and Ritchie Associates; and Leonard Weinberg, Applicant.

Mrs. Townshend stated that the applicant went through the State's PLUS process and the letter from the State is attached. The applicant, by State law, is required to submit a letter, a response to the State, which has not yet been done. We would look for this at the time they come in with a Site Plan.

Mrs. Townshend further stated that this is an area that is designated as commercial in the Comprehensive Plan and that the rezoning would take it from one commercial zoning classification to another. The parcel to the southeast is zoned C-PO and owned by Dover International Speedway. Immediately across Leipsic Road is lands zoned SC-2 and other parcels along the highway are zoned C-4.

Mrs. Townshend further stated that there are some application requirements for the SC-2 zone. One is the substantiation of need for the shopping center. The applicant has provided letters of intent from perspective tenants that Planning Staff has put in the file. The applicant is the equitable owner which is the nature of the applicant's interest. The drawings that you have include a Conceptual Plan that includes approximate use height for floor area of all the buildings and structures.

Mrs. Townshend further stated that the preliminary Traffic Study and proposed methods for alleviating adverse impact on adjacent roads, they have recently turned in their Traffic Impact

Study to the Department of Transportation. It is currently under review by the Department of Transportation. Staff took some draft pages of the Traffic Impact Study with some of the traffic numbers and proposed methods for alleviating traffic. Staff included that in your packets because the study is pretty thick and cumbersome to get through.

Mr. Friedman stated that this property was previously marked for a Wal-Mart and during that process, is was clear that DelDOT wanted the intersection fixed and is something that you are going to have to face as well.

Mr. von Reider stated that he does agree with the comments from the State regarding cross access easement as this would be a great opportunity to develop that whole road behind Arby's and then in the future to Buckson Drive.

Mr. Holt stated that he would like to see if there was a way that this could be extended to Buckson Drive as this is a dead end street now and if they could somehow link that up with Leipsic Road it would take a lot of traffic off of the highway.

Mr. Friedman opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Mr. Holt moved to forward to City Council approval of application Z-07-05 Berry Van Lines properties located at 747 N. DuPont Highway with the proposed zoning of SC-2, Community Shopping Center, Seconded by Mr. Nichols and the motion was unanimously carried.

City of Dover

Department of Planning & Inspections

Application No.: Z-07-05



Plan Title: Lands of Berry Van Lines at 747 N. DuPont Hwy.
Plan Type: Rezoning
Tax Parcels: ED-05-068.05-01-12.00-000, ED-05-068.05-01-13.00-000, and ED-05-068.05-01-15.00-000
Site Area: 25.085ac
Owner: 747 Associates LLc
Current Zoning: C-4
Proposed Zoning: SC-2
Date: 3-5-07

Legend

- Dover Parcels
- Dover Boundary
- Zoning

0 250 500 1,000 Feet

N W E S

April 16, 2007

Sent to Governor and Local Legislators

Dear FIELD(Salutation):

As you know, Dover, Delaware is experiencing unprecedented and continuing growth in residential and commercial development. While this economic development is good for Dover, the State, and its citizens, the development growth is placing tremendous demands on the infrastructure in the State. Principal among these demands is reliable and adequate electric transmission infrastructure. The construction of new transmission infrastructure in our region is critically important to ensure electric reliability and to keep pace with the rapidly increasing demand for power in Dover and the Delmarva Peninsula.

The City of Dover and the other members of the Delaware Municipal Electric Corporation* are strongly in support of the Mid-Atlantic Power Pathway (MAPP) Transmission Project proposed by Pepco Holdings, Inc (PHI). This project represents the first significant transmission expansion in our region in over two decades. The proposed project would tie existing economic transmission and generation assets in the west to load centers on the Delmarva Peninsula, including Dover. The project would provide access to much needed power supply and improve reliability to the region at the lowest cost and with the least environmental impact.

The Delmarva Peninsula has experienced significant electric transmission congestion over the past ten years, resulting in Dover and other Delaware electric consumers experiencing higher costs. While new generation projects are currently being proposed in Delaware, either the generation projects would be new pollution sources or the project cost to electric rate payers in Delaware will be unreasonably high. The MAPP transmission project, on the other hand, would not create new pollution sources but would create long-term benefits to Delaware. The new transmission line is critical to the future economics of the City of Dover Public Utilities and their customers. PHI's proposed transmission lines would open up a variety of new options for electricity supply to our customers and customers throughout the Delmarva Peninsula, and generally increase the capability of the system to transfer more economic western power to our region. In addition, the project would:

- Improve reliability on the Delmarva Peninsula by adding a south to north feed onto the peninsula providing a critical redundant electrical feed to this region.
- Greatly reduce or eliminate congestion problems that have contributed to higher electricity prices for the City of Dover's customers.
- Enable more competition and greater access to affordable generation sources, while also offsetting the impact of expected future generation plant closings.

The City of Dover Council support the proposed MAPP Transmission Project and encourage the State of Delaware, PHI, and the various planning and regulatory agencies, to move this important project forward without delay. The future of economic development and reliable electric service in Dover and the Delmarva Peninsula depend on it.

Sincerely,

Stephen R. Speed
Mayor

Beverly C. Williams
Council President

SRS/BCW/tm/jg
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cc: City Council
Patrick E. McCullar, DEMEC

April 9, 2007

Mr. George P. Beer, President
Delaware Valley Development Company
722 Yorklyn Road, Suite 350
Hockessin, DE 19707

Dear Mr. Beer:

The City of Dover offers our full support of the Delaware Valley Development Company's application for 2007 Housing Tax Credits for the revitalization of the Walker Woods Apartments.

There is an ever growing need for affordable, quality housing for lower income families. The rehabilitation of Walker Woods will definitely help fill that need, and make a significant and welcomed change for many local residents.

I am pleased to provide any administrative support that may be needed for this worthwhile project. If you require any additional information, please call my office at 736-7004 or contact me via email at sspeed@dover.de.us.

Sincerely,

STEPHEN R. SPEED
Mayor

CITY OF DOVER
TRANSPORTATION PROJECT PRIORITIZATION

Adopted by City Council on April 9, 2007

1. **Governors Avenue Corridor Upgrades**
2. **Downtown Dover Signalization Upgrades**
3. **Intermodal Transportation Terminal (Bus Station)**
4. **Loockerman Street / Forrest Avenue Improvements**
5. **College Road Corridor Upgrades**
6. **West Dover Connector Study**
7. **Kenton Road Corridor Upgrades**
8. **U.S. 13 Sidewalk Construction**
9. **Crawford Carroll Avenue Extension**
10. **US Route 13 Service Road Corridor Study**

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