PETITION TO AMEND COMPREHENSIVE PLAN

Before the Dover City Council
March 12, 2007

Applicants/Owners:	Delaware State University (State of Delaware) 1200 N. DuPont Highway Dover, DE 19901
Location:	North DuPont Highway (U.S. 13), on the southwest corner of College Road
Property Addresses:	1200 N. DuPont Highway
Tax Parcel ID #:	ED-05-057.00-01-01.00
Size:	17.85± acres
Present Use:	Vacant land/Agriculture
Proposed Use:	Commercial
Comprehensive Plan Designation:	Institutional
Proposed Comprehensive Plan Designation:	Commercial
Present Zoning:	IO (Institutional and Office Zone)
Proposed Zoning:	No Zoning Change Proposed at this time
File Number:	MI-07-01

Following a public hearing on February 20, 2007, the Planning Commission recommended approval of the change in classification of the Lands of Delaware State University from Institutional to Commercial. The recommendation was approved with a vote of six in favor and one opposed.

This is an application to amend the Land Development Plan map of the Comprehensive Plan as it relates to 17.85 acres of the subject parcel. This amendment is being requested by Delaware State University. The subject parcels are currently zoned IO (Institutional and Office Zone) and is depicted on the Land Development Plan map as Institutional. The applicant is requesting a change in the land use designation from Institutional to Commercial. There is no request for zoning change associated with this application at this present time.

Existing Property
The subject area is located at the southwest corner of U.S. Route 13 and College Road. They are currently an undeveloped portion of the Delaware State University campus. The southern part of the larger parcel is the location of the Delaware Agricultural Museum and Village.

Surrounding Land Uses:
Silver Lake is located immediately west of the subject parcels.

Comprehensive Plan:
In the *2003 Comprehensive Plan Update*, as amended in May 2005 and September 2006, the Land Development Plan recommends that this property be used for Institutional uses. The applicant is requesting a change in the Comprehensive Plan to allow for Commercial uses.

Recommendation of the Planning Staff:
The applicant has requested a change in the Land Development Plan map of the *2003 Comprehensive Plan Update* from the land use category classification from Institutional to Commercial.

The subject parcels are located on U.S. Route 13, which is the location of a significant amount of commercial development. The Comprehensive Plan identifies U.S. Route 13 as an appropriate location for continued commercial development. The proposed amendment would allow commercial activity on the Delaware State University that would be accessible to pedestrian on-campus students without crossing U.S. Route 13.

Because of the location of the amendment request and the commercial nature of U.S. Route 13, staff supports the proposed amendment to the Comprehensive Plan and recommends that the Planning Commission forward the amendment to City Council with a favorable recommendation.

The staff recommendation was made prior to public hearing before the Planning Commission. Following the public hearing on February 20, 2007, the Planning Commission recommended approval of the application with a vote of six in favor and one opposed.

The project was reviewed through the State's Preliminary Land Use Service (PLUS) process on January 31, 2007. State comments were received after the Planning Commission recommendation. Below is a summary of State comments on the proposed amendment.

Office of State Planning Coordination

This proposed comprehensive plan amendment is located in Investment Level 1 according to the *Strategies for State Policies and Spending.* Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.

After consulting with the Office of Management and Budget's Division of Facilities Management, we have determined that the subject parcel is under the control of the Delaware State University. Land use changes, rezoning requests, and development proposals are at the discretion of the University. Our office has no objections to the proposed comprehensive plan amendment that would change this parcel from an institutional land use to a commercial land use. Any change to the City of Dover Comprehensive Plan is at the discretion of Dover's Planning Commission and City Council.

It is noted in the PLUS application that no rezoning application is currently pending for the site. We would like to remind the City that Delaware Code requires that local zoning must be updated to be consistent with the comprehensive plan. Should the plan amendment be adopted and certified, a zoning change will be necessary within 18 months.

Division of Historical and Cultural Affairs

The Division of Historical and Cultural Affairs is not in favor of Amendment 1. This is the parcel on which the Delaware Agricultural Museum sits. While the museum itself is not historic, it includes many historic buildings and uses them for educational purposes. This will introduce adverse visual and noise intrusions on the Village area, which is currently screened by the Museum building, landscaping, and the existing agricultural field from surrounding commercial and institutional uses. If this amendment is approved, the DHCA requests that the development be sited to the northwestern end of this parcel and include a wide, heavily landscaped buffer area between the two uses.

Department of Transportation

Given the abundance of shopping opportunities of present on the opposite side of US Route 13, DelDOT questions the University's reasoning in using vacant land within walking distance of the main campus for a shopping center. Pedestrian safety for students crossing Route 13 has been a concern in the past. The proposed development could help in this regard, but would raise new safety issues for students crossing State College Road. It is recommended that the University contact Traffic Studies Engineer, Mr. Thomas Meyer, to discuss what safety measures they could take to promote pedestrian safety on both Route 13 and State College Road. Mr. Meyer may be reached at (302) 659-2005.

With the condition that the shopping center tenants would be specifically oriented toward student needs, DelDOT would encourage the proposed development. DelDOT will comment on a specific plan for this site when one is presented.

The Department of Natural Resources and Environmental Control

The DNREC Water Supply Section has reviewed the City of Dover Comprehensive Plan Amendment and determined that Amendment 1, map change from Institutional to Commercial, involves parcels that fall mostly within an excellent ground-water recharge potential area (See attached maps).

The City of Dover Comprehensive Plan Amendment 2007-01-02 presents 5 (five) amendments. Amendments 2 through 5 do not impact critical areas as identified in Delaware Code, Subchapter 60, Subchapter VI, § 6082. Amendment 1 impacts an area of excellent ground-water recharge potential. The proposed change in land use from institutional to commercial with the intention of constructing a shopping center has the potential to harm the quantity and quality of the ground water beneath.

Excellent Ground-Water Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. These soils are able to transmit water very quickly from the land surface to the water table. This map category (excellent) is an indicator of how fast contaminants will move and how much water may become contaminated (Andres, 2004). Land use activities or impervious cover on areas of excellent ground-water recharge potential may adversely affect the quality and quantity of ground water in these areas.

Dover does not have ordinances protecting excellent ground-water recharge potential areas. The online version of the 'Dover Final Comprehensive Plan Amended 2005' found on the City of Dover website has language that conveys a vague understanding of this type of critical area:

Phase III Actions (2006-2008)

> "***Wellhead Protection and Well Zone Recharge Areas***
> The City should add the development of well-head and recharge area protection ordinances in Phase III. It will be required by December 2007 by DNREC"

Wellhead protection areas are different from excellent ground-water recharge potential areas. Well zone recharge areas are a misnomer.

The DNREC Water Supply Section recommends that the portion of the new development within the excellent ground-water recharge area not exceed 20% impervious cover. Some allowance for augmenting ground-water recharge should be considered if the impervious cover exceeds 20% but is less than 50% of that portion of the parcel within this area. However, the development should not exceed 50% regardless. A water balance calculation (environmental assessment) will be necessary to determine the quantity of clean water to be recharged via a recharge basin (Thornthwaite, 1957). The purpose of an impervious cover threshold is to minimize loss of recharge (and associated increases in storm water) and protect the quality and quantity of ground water and surface water supplies.

In addition, because the excellent ground water recharge area can so quickly affect the underlying aquifer if contaminants are spilled or discharged across the area, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

Language for developing ordinances can be found it the DNREC publication, *Source Water Protection Guidance Manual for the Local Governments of Delaware* at: http://www.wr.udel.edu/publications/SWAPP/swapp_manual_final/swapp_guidanace_manual_final.pdf

City of Dover (PLUS 2007-01-02)

The areas of excellent ground-water recharge are shown in green. The parcels included in the Amendments are outlined in blue.

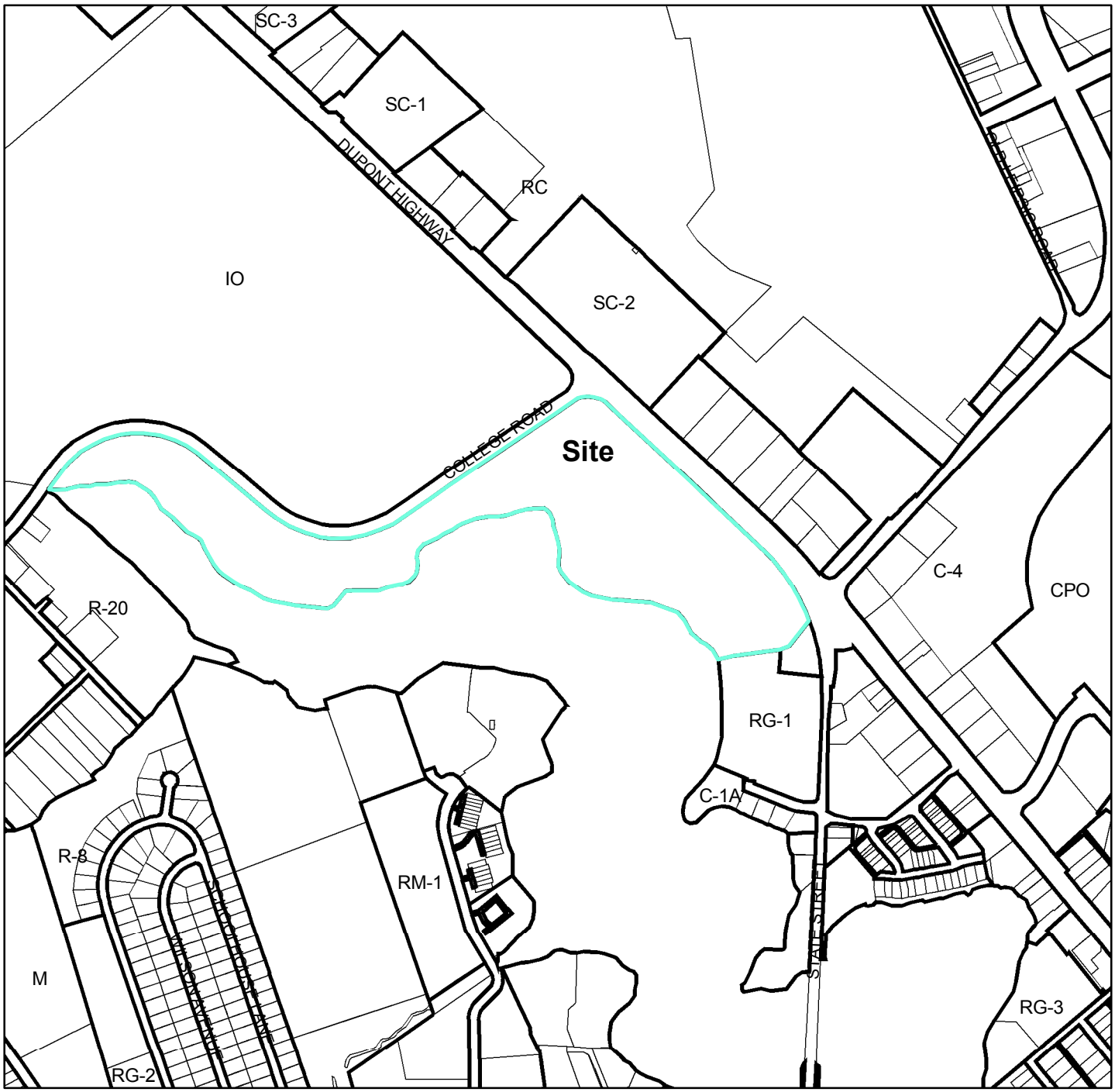




City of Dover

Department of Planning & Inspections

Application No.: MI-07-01



Plan Title: Lands of State of Delaware c/o Delaware State University
Plan Type: Comprehenshive Plan Amendment
Tax Parcel: ED-05-057.00-02-21.00-000
Site Area: 17.9ac
Owner: State of Delaware c/o Delaware State University
Zoning: IO
Current Land Use: Institutional
Proposed Land Use: Commercial
Date: 2-2-07

Legend

- Dover Parcels
- Zoning
- Dover Boundary

0 500 1,000 2,000 Feet

PETITION TO AMEND COMPREHENSIVE PLAN AND ZONING DISTRICT
Before the Dover City Council
March 12, 2007

Applicants/Owners:	Robert and Janet Kidd 850 S. State Street Dover, DE 19901
Location:	South side of Wyoming Avenue, between Governors Avenue and Bradford Street
Property Addresses:	Corner of Wyoming and Governors Avenue
Tax Parcel ID #:	ED-05-077.17-07-01.00-0001 ED-05-077.17-07-02.00-0001 ED-05-077-17-07-03.00-0001
Size:	0.87 ± acres
Present Use:	Vacant lot
Proposed Use:	Professional Office
Comprehensive Plan Designation:	Residential Low Density
Proposed Comprehensive Plan Designation:	Commercial
Present Zoning:	R-15 (One Family Residence)
Proposed Zoning:	C-PO (Commercial Professional Office Zone)
File Number:	Z-07-01

Following a public hearing on February 20, 2007, the Planning Commission unanimously recommended approval of the amendment to the Land Development Plan Map from Residential Low Density to Office and Office Parks and amendment of the zoning classification from R-15 (One Family Residence Zone) to C-PO (Commercial/Professional Office Development Zone).

This is an application to amend the Land Development Plan Map of the Comprehensive Plan and the zoning of the subject parcels. This amendment is being requested by Robert and Janet Kidd. The subject parcels are currently zoned R-15 (One Family Residence Zone) and is depicted on the Land Development Plan map as Residential Low Density. The applicant is requesting C-PO (Commercial/Professional Office Development Zone) zoning.

The requested plan amendment would change the land use category from Residential Low Density to Commercial.

Existing Property
The subject parcels are currently vacant lots at the southeast corner of Governors Avenue and Wyoming Avenue. The three parcels are identified by addresses 110, 120, and 132 Wyoming Avenue.

Surrounding Land Uses:
There are four residential parcels zoned R-8 (One Family Residence Zone) across Wyoming Avenue to the north. The adjacent parcels to the south are zoned RGO (General Residence and Office Zone) and C-1A (Limited Commercial Zone). Across Bradford Street to the east, there is a commercial parcel zoned C-2A (Limited Central Commercial Zone). Across Governors Avenue to the west, there are commercial parcels zoned C-1 (Limited Commercial Zone).

Comprehensive Plan:
In the *2003 Comprehensive Plan Update*, as amended in May 2005 and September 2006, the Land Development Plan recommends that this property be used for Residential Low Density uses. The applicant is requesting a change in the Comprehensive Plan to allow for Commercial uses.

Request for C-PO (Commercial/Professional Office Development Zone)
The following is an excerpt from the *Zoning Ordinance* Article 3 §26.3 which describes the uses permitted in the C-PO zoning district:

> 26.3*Uses permitted.* In a commercial/professional office development district, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, or designed to be used, in whole or in part, for any purpose except the following:
>
> 26.31 Business, professional or governmental offices.
>
> 26.32 Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
>
> 26.33 Service agencies, such as real estate agencies, insurance agencies, computer services, [and] travel agencies.
>
> 26.34 Medical and dental offices including clinics and laboratories incidental to these uses.
>
> 26.35 Offices for philanthropic and eleemosynary institutions and organizations.

Recommendation of the Planning Staff:

The rezoning requested requires a change in the Land Development Plan map of the *2003 Comprehensive Plan Update*. This entails changing the land use category classification from Residential Low Density to Commercial.

In 2005, when the City amended the *2003 Comprehensive Plan Update* (MI-05-03) and completed the Comprehensive Rezoning (MI-05-02), staff initially recommended changing the land use designation as the applicant is currently requesting, as well as changing the zoning to C-PO (Commercial/Professional Office Development District). In response to strong public objection to the proposed change, the Planning Commission recommended against this change, and City Council upheld the recommendation to maintain the current zoning as R-15 (One Family Residence Zone). A previous rezoning application for the subject parcels in 1998 was also denied.

In reviewing the surrounding zoning and land uses, staff notes that the three subject parcels are the only remaining residential parcels in the immediate area on the south side of Wyoming Avenue. The requested C-PO (Commercial/Professional Office Development District) provides for transition from the commercial uses to the south and the residential uses to the north.

Staff believes that the requested zoning is consistent with the other immediately surrounding uses on the south side of Wyoming Avenue. The applicant has requested a land use designation change to Commercial. Staff believes that the Office and Office Parks designation is more restrictive than the Commercial designation, and would allow the applicant to attain the requested zoning.

The staff recommendation was made prior to public hearing before the Planning Commission. Following a public hearing on February 20, 2007, the Planning Commission unanimously recommended approval of amending the Land Development Plan Map designation from Residential Low Density to Office and Office Parks, and amending the zoning classification from R-15 (One Family Residence Zone) to C-PO (Commercial/Professional Office Development Zone).

The project was reviewed through the State's Preliminary Land Use Service (PLUS) process on January 31, 2007. State comments were received after the Planning Commission recommendation. Below is a summary of State comments on the proposed amendment.

Office of State Planning Coordination

This proposed comprehensive plan amendment is located in Investment Level 1 according to the *Strategies for State Policies and Spending.* Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Our office has no objections to the proposed comprehensive plan amendment that would change this parcel from residential land use to commercial / professional office land use. Any change to the City of Dover Comprehensive Plan is at the discretion of Dover's Planning Commission and City Council.

Department of Transportation

DelDOT is not opposed to this change.

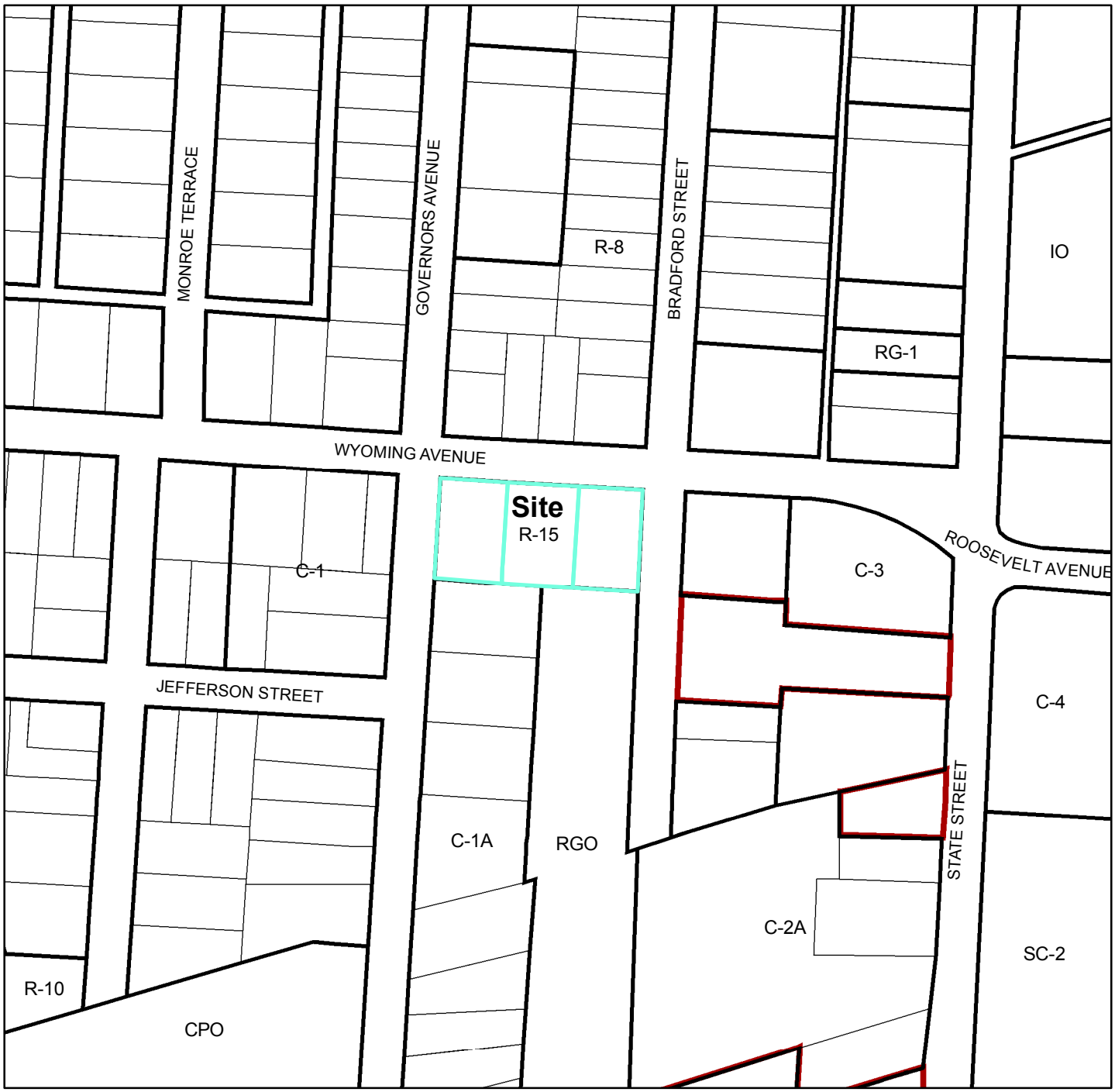
Through the City's Development Advisory Committee process, DelDOT has seen a concept sketch for the assemblage that would place an 11,200 square foot office building on the property, with access on South Bradford Street and parking underneath the building. They would expect such a building to generate about 240 trips per day (120 vehicles arriving and departing), as compared to about 30 trips per day generated by the three single-family detached houses there now.

In terms of traffic impact, the increase in trip generation would be offset to some extent by the change in access. The shift in access, from three driveways on Wyoming Road to a single driveway on South Bradford Street would increase safety and would give patrons access, by way of cross access easements, to South State Street.

City of Dover

Department of Planning & Inspections

Application No.: Z-07-01



Plan Title: Lands of Kidd at 110, 120 and 132 Wyoming Avenue
Plan Type: Comprehenshive Plan Amendment and Rezoning
Tax Parcels: ED-05-077.17-07-01.00-000, ED-05-077.17-07-02.00-000 and ED-05-077.17-07-03.00-000
Site Area: 0.87ac
Owner: Robert Kidd and Janet Kidd
Current Zoning: R-15
Proposed Zoning: C-PO
Current Land Use: Residential Low Density
Proposed Land Use: Commercial
Date: 2-2-07

Legend

- Dover Parcels
- Zoning
- Dover Boundary

0 140 280 560 Feet

PETITION TO AMEND COMPREHENSIVE PLAN
Before the Dover City Council
March 12, 2007

Applicants/Owners:	J. Richard Jones Joan Meade Jones 38 Glade Circle E Rehoboth Beach, DE 19971
Location:	East side of Artis Drive, southwest of Route 8
Property Addresses:	924 Artis Drive Dover, DE 19904
Tax Parcel ID #:	ED-00-075.00-02-56.05
Size:	41.3 ± acres
Present Use:	Recreational/Forest
Proposed Use:	Residential
Comprehensive Plan Designation:	Annexation Category 3 – Lands to be Evaluated for Annexation
Proposed Comprehensive Plan Designation:	Annexation Category 2 – Lands Desirable for Annexation (Residential)
File Number:	MI-07-02

Following a public hearing on February 20, 2007, in which six residents of Artis Drive spoke in opposition to the proposed Comprehensive Plan amendment, the Planning Commission unanimously recommended approval of the proposed change of the Lands of Jones at 924 Artis Drive from Category 3 – Lands Evaluated for Annexation to Category 2 – Lands Desirable for Annexation (Residential).

This is an application to amend the Growth and Annexation Map of the Comprehensive Plan as it relates to the subject parcel. This amendment is being requested by J. Richard Jones and Joan Meade Jones. The subject parcel is currently located within the Category 3 – Lands to be Evaluated for Annexation designation of the Comprehensive Plan. The applicant is requesting that they be amended to reflect as Category 2 – Lands Desirable for Annexation.

Existing Property

The subject parcel is located on the east side of Artis Drive and is currently used as a golf course and driving range. If added to the Category 2 – Lands Desirable for Annexation category, the lands would be designated as Residential. If annexed, a residential zoning classification would be applied. The subject parcel is currently contiguous to the City of Dover, since the annexation of the Calvary Baptist Church property on Forrest Avenue in January 2007.

Comprehensive Plan:

In the *2003 Comprehensive Plan Update*, as amended in May 2005 and September 2006, the Growth and Annexation Map shows this parcel as Category 3 – Lands to be Evaluated for Annexation. The applicant is requesting a change in the Comprehensive Plan to change this to Category 2 – Lands Desirable for Annexation. The Comprehensive Plan states that lands in the Category 3 area will not be annexed within the plan horizon. Changing this to Category 2 would allow the City to consider annexation of the property once the amendment is complete.

Recommendation of the Planning Staff:

The applicant has requested a change in the Growth and Annexation Map of the *2003 Comprehensive Plan Update* from the annexation Category 3 – Lands to be Evaluated for Annexation to Category 2 – Lands Desirable for Annexation

The City has annexed land out to Artis Drive, and the area of the subject parcel is the logical extension of this annexation area. Additionally, the City has water service available in the area, and once sewer is extended to the recently annexed parcels of the Carey Farm, Destiny Christian Church, and Calvary Baptist Church, the developer will have the ability to extend City sewer to the property. For these reasons, staff has no objections to changing the designation to Category 2 – Lands Desirable for Annexation.

The staff recommendation was made prior to the public hearing before the Planning Commission. Following the public hearing on February 20, 2007, the Planning Commission unanimously recommended approval of the proposed Comprehensive Plan amendment.

The project was reviewed through the State's Preliminary Land Use Service (PLUS) process on January 31, 2007. State comments were received after the Planning Commission recommendation. Below is a summary of State comments on the proposed amendment.

Office of State Planning Coordination

This proposed annexation plan amendment is located in Investment Levels 3 and 4 according to the *Strategies for State Policies and Spending*. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. 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.

The Investment Level 3 portions of this parcel are adjacent to the homes along Artis Drive. When the *Strategies* were developed this area was recognized in our analysis as existing development. When the *Strategies* were drafted in 2003 – 2004 the City had no plans to annex in this area. The Comprehensive Plan certified on September 22, 2003 identified this as "Category 3 – Lands to be Evaluated for Annexation." As such, this parcel was not considered to be part of an annexation area. The parcel is also located outside of the Kent County Growth Zone, and is in the vicinity of several parcels enrolled in Agricultural Preservation Districts. These factors contributed to the designation of the majority of the parcel as Investment Level 4.

On May 17, 2005 our office certified an amendment to Dover's comprehensive plan which reclassified a number of properties along Route 8 from "Category 3 – Lands to be Evaluated for Annexation" to "Category 2 – Lands Desirable for Annexation." At that time we were made fully aware of the City's plans to install utility infrastructure in this area, and to consider the annexation of a number of vacant parcels along this corridor that have been proposed for development. Our understanding is that one such parcel has been considered as the location of a new high school, and another is identified as the location of a large church. Our office supported these annexations by accepting the amendment to the City's certified plan.

The parcel in question is adjacent to lands that were designated as annexation areas in the 2005 amendment. Our office understands that the City is continuing to evaluate potential annexations in this area. Please keep the history and background described above in mind as you consider our comments:

- Our office recommends that the City delay the consideration of this annexation plan amendment until the regularly scheduled plan update (which is due by September of 2008). We do not encourage a piecemeal approach to annexation plan amendments. The City's certified plan identifies this entire area as under evaluation. We would prefer to see this parcel integrated in the context of a future plan for the entire area.

- Our office recommends that the City work with the Kent County Department of Planning Services to ensure that the City's goals for the area that includes this parcel are integrated into the 2007 Kent County Comprehensive Plan Update. We would presume that the Kent County Growth Zone Boundary will have to be amended. Delaying action on this

plan amendment as recommended above will allow for this important coordination to occur.

- We encourage the City to consider this parcel (and this entire area, if further annexations are considered) as a Transfer of Development Rights (TDR) receiving area. It would be ideal to include the details of a municipal TDR program in a comprehensive plan update, and to coordinate the municipal program with Kent County's program. Our office is available to assist the City in any way regarding the implementation of Transfer of Development Rights programs.

- If the City of Dover feels that there is an extraordinary community benefit to be achieved by annexing this property before the 2008 plan update is complete, then the State does not object. There is currently a policy in place that enables the City to consider plan amendments on a bi-annual basis. We also understand that the City has utility infrastructure in the area, and has been evaluating this area for potential annexation since the 2003 plan was certified. We will only request that upon annexation the parcel be placed in the lowest density residential zone available in order to allow for the future implementation of a TDR receiving area.

Department of Agriculture

Amendment number 5 proposes annexation of a parcel currently zoned Agricultural Conservation (AC) in Kent County, and designating the parcel as residential once in the city. The current Comprehensive Plan does not consider annexing this parcel within its five-year planning period.

This parcel is located in both Investment Levels 3 and 4 under the *Strategies for State Policies and Spending*. The *Strategies* do not support residential development in level 4 areas. The Department generally does not object to development within Investment Level 3; however, it is the general understanding that these areas are to be developed farther into the future than Levels 1 and 2.

There are a number of parcels currently enrolled in the Delaware Agricultural Lands Preservation Program in the vicinity of this proposed annexation area. These parcels will remain in the program until the land owners decide to withdraw their property. The Department is concerned that the landowners in the preservation program will be discouraged from continued participation in the preservation program if Department endorses this proposal at the present time.

The Department would prefer to see this annexation request delayed and addressed when the City updates its comprehensive plan in 2008. At that time, the Department would like to see this annexation proposal presented in the larger context of the City's western annexation and land development plan for the next 5-year comprehensive plan cycle.

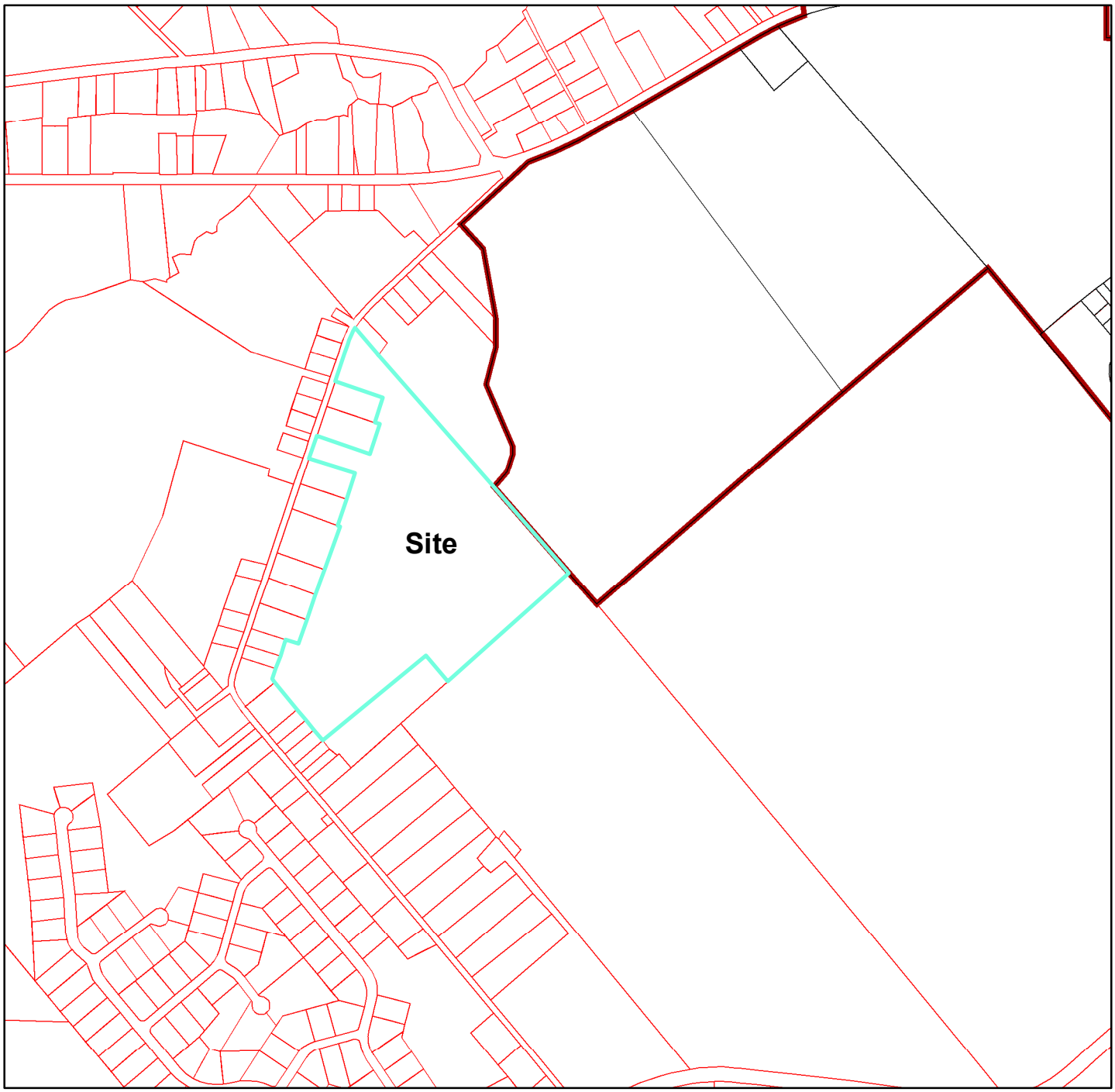
Department of Transportation

DelDOT is not opposed to this amendment. They support the Office of State Planning Coordination's comments on the need to plan for the larger area east of Artis Drive, of which this parcel is a part. DelDOT will comment on a specific plan for this site when one is presented.

City of Dover

Department of Planning & Inspections

Application No.: MI-07-02



Plan Title: Lands of Jones at 924 Artis Drive
Plan Type: Comprehenshive Plan Amendment
Tax Parcel: ED-00-075.00-02-56.05-000
Site Area: 17.9ac
Owner: State of Delaware c/o Delaware State University
Current Designation: Category 3 Lands to be Evaluated for Annexation
Proposed Designation: Category 2 Lands Desirable for Annexation
Date: 2-2-07

Legend

- Dover Parcels
- Dover Boundary
- Kent County Parcels

0 500 1,000 2,000 Feet

PETITION TO AMEND ZONING DISTRICT
Before the Dover City Council
March 12, 2007

Applicants/Owners:	Dover Station, LLC 800 Industrial Street, Suite F Wilmington, DE 19801
Location:	Clarence Street
Property Addresses:	Clarence Street Dover, DE 19901
Tax Parcel ID #:	ED-05-076.12-04-02-00.000
Size:	12.7898± acres
Present Zoning:	RG-1(General Residence)
Proposed Zoning:	IO (Institutional/Office)
Present Use:	Vacant/Wooded
Comprehensive Plan Designation:	Mixed Use
Proposed Use:	Institutional/Office
File Number:	Z-07-04

Following a public hearing on February 20, 2007, the Planning Commission unanimously recommended approval of the rezoning of the subject parcel from RG-1 (General Residence Zone) to IO (Institutional and Office Zone) as requested by the applicant.

This zoning change is being requested by Dover Station, LLC. The subject parcel is currently zoned RG-1 (General Residence Zone). The applicant is requesting IO (Institutional Office Zone) zoning. Tax Parcel: ED-05-076.12-04-02.00-000.

Existing Property:
The subject parcel is currently vacant and wooded.

Surrounding Land Uses:
The land adjacent to the site to the east and north consists of old commercial and industrial sites zoned IO (Institutional/Office Zone) and C-3 (Service Commercial Zone). To the south and west, there is land zoned RG-1 (General Residence Zone) in the City of Dover.

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 Mixed Use. The requested IO (Institutional/Office Zone) is consistent with this category of uses.

Request for IO (Institutional/Office Zone)
The types of permitted uses in the IO (Institutional/Office Zone) are the following: business, professional or governmental offices, and research, design and development laboratories, located entirely within a building on the same lot therefore, including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees; public and institutional uses including hospitals, sanitariums for general medical care, medical clinics, libraries, police stations, courthouses, transit centers, motor vehicle storage and repair facilities accessory to a public or institutional use, schools, colleges, and universities, places of worship, philanthropic and eleemosynary institutions, parks, playgrounds, public indoor recreation centers, civic centers, athletic fields and public utility rights-of-way and structures necessary to serve areas within the city; restaurants accessory to permitted uses located on the same lot; and firearm ranges, prisons, and correctional facilities [and] public incinerators as a conditional use. Article 4, Section 4.15 of the Zoning Ordinance address bulk standards for the Institutional/Office Zone. The bulk standards are as follows:

> Section 4.15. [C-3, C-4, R-C, IO zones.]
> Bulk and parking regulations for service commercial (C-3), highway commercial (C-4), recreation and commercial (R-C) and institutional and office (IO) zones [are as follows]:

TABLE INSET:

			For Buildings In:			
			C-3	C-4	RC	IO
Minimum required:						
	Lot area (sq. ft.)				5 ac	

	Lot width (ft.)	100	150 per building	250	50
	Lot depth (ft.)	100	150	400	50
	Front yard (ft.)	25	30	30	20
	Side yard (ft.)	20	25	50	10
	Rear yard (ft.)	10	10 or equal to bldg height	50	15 or equal to bldg height.
	side or rear yards which adjoin a residence zone (ft.)	30	30	100	30
	Off-street parking				
	Per 300 sq. ft. floor area or	1	1 ½	1	1
	Per employee (whichever is greater)	1	1		1
Maximum permitted:					
	Building height				
	Stories	2	4	10	10
	Feet	30	45	130	130
	Floor area ratio	0.5	2.0	4.0	4.0
	Lot coverage	0.5	2.0	4.0	4.0
	Lot Coverage				85%

Recommendation of the Planning Staff:
This request is to rezone land from RG-1 (General Residence Zone) to IO (Institutional/Office Zone). The primary difference between the current zone and requested zone is the permitted uses. RG-1 allows for residential development while IO allows for public and institutional uses. Additionally IO (Institutional/ Office Zone) has different bulk standards.

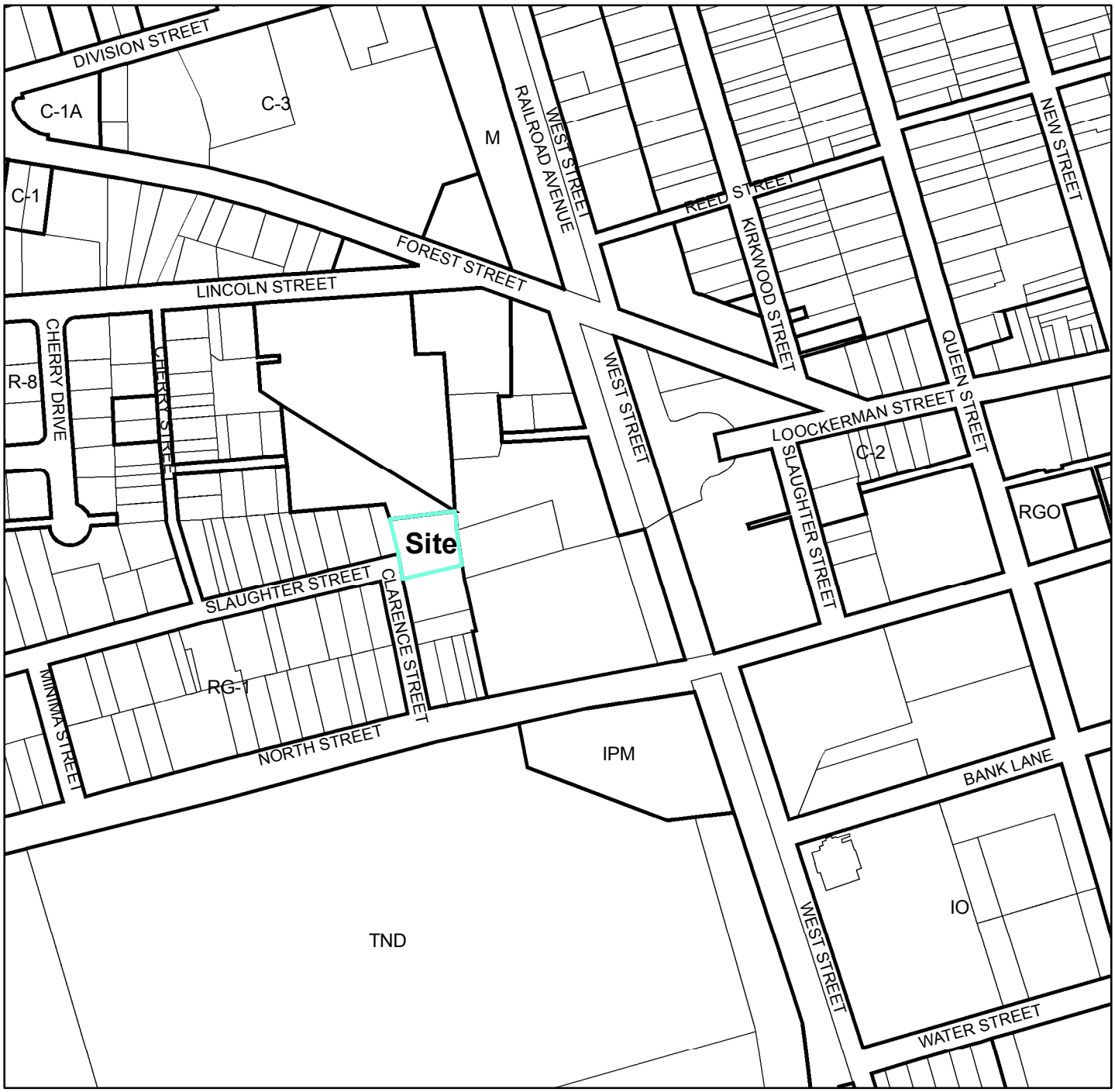
While staff has some concerns about the height requirements in the IO (Institutional and Office Zone), the floor area ratio should preclude a structure from being erected that would be so large as to be out of character with the surrounding area. The requested zoning is consistent with the Comprehensive Plan.

The staff recommendation was made prior to the public hearing held by the Planning Commission on February 20, 2007. Following the public hearing, the Planning Commission unanimously recommended approval of the rezoning application.

City of Dover

Department of Planning & Inspections

Application No.: Z-07-04



Plan Title: Lands of Dover Station LLC
Plan Type: Rezoning
Tax Parcel: ED-05-076.12-04-02.00-000
Site Area: 0.442ac
Owner: Dover Station LLC
Current Zoning: RG-1
Proposed Zoning: IO
Date: 2-2-07

Legend

- Dover Parcels
- Dover Boundary
- Zoning

0 200 400 800 Feet