STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET

November 9, 2006

Ms. Ann Marie Townshend, AICP
Director, Planning and Inspections
City of Dover
P.O. Box 475
Dover, DE 19903-0475

RE: Rezoning Request East of State Route 1
Lands of TLPD Management, LLC

Dear Ms. Townshend,

As per your letter dated October 24, 2006 we have reviewed the above mentioned rezoning request, and solicited comments from the State Agencies. This parcel is located East of State Route 1 along White Oak Road in the City of Dover. It is situated in the vicinity of the Garrison Oak Industrial park, and is in the area covered by our 1999 Memorandum of Understanding regarding development East of Route 1. It is our understanding that the applicants are requesting a rezoning from the lowest density single family residential category in your zoning ordinance (R-20; 20,000 square foot lots) to the highest density single family residential category (R-8; 8,000 square foot lots).

I must inform you that the State of Delaware is opposed to this rezoning request. The request to increase the residential density in this area is contrary to the provisions of our 1999 Memorandum of Understanding, which identifies the most desirable future land uses East of Route 1 as agricultural and low density residential. We can support no increases in density in this area. The State recently purchased a 117+/- acre conservation easement adjoining this property, which underscores our commitment to preserving the agricultural economy and natural resources in this area. We look forward to continuing our partnership to meet the mutual goals of economic development and land preservation East of Route 1. It is our hope that your City Council will deny this rezoning request as a demonstration of the City's dedication to our partnership.

Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

Constance C. Holland

Constance C. Holland, AICP
Director

cc: David Edgell
Tony DePrima

STATE PLANNING COORDINATION
122 WILLIAM PENN STREET • THIRD FLOOR • DOVER, DE 19901
PHONE: (302) 739-3090 • FAX: (302) 739-5661 • WWW.STATE.DE.US/PLANNING

TLFD Management, LLC
P.O. Box 578
Dover, DE 19903-0578
(302) 698-4146 Office (302) 698-5205 Fax

Ann Marie Townshend
Planning Director
City of Dover
P.O. Box 475
Dover DE 19903

Dear Ann Marie,

During the City Council's regular meeting on October 23,2006, council tabled TLFD Management's request to rezone Tax Parcel: LC-05-068.00-01-18.00-000 from R-20 to R-8. During the meeting and after public input had been closed and after a motion to approve and a second to approve the rezoning a discussion broke out regarding the interpretation of the approved 2003 comprehensive plan amended May, 2005 and the April 8th Memorandum of Understanding as they pertain to low density development east of RT 1 within the city of Dover limits. Since I have been told that there will be no further public input at Council's next meeting concerning our rezoning request it is important for our position to be heard by staff and council members who will be responsible for a final vote. This letter shall serve as our official position concerning this matter.

Our ownership group has spent a lot of time reading and analyzing both the 2003 updated 2005 Comprehensive Plan and the 1999 Memorandum of Understanding agreement between the State of Delaware, The County and The City of Dover. In late 1995 and early 1996 an in-depth citizen participation campaign took place in The city of Dover aimed at engaging the community to develop a community land planning guide to be used as a basis for future development within the City of Dover. During this study it was determined by a high percentage of participants that the surrounding area around the Garrison tract should remain mostly residential in character and should not become a commercial area. Because of the approval of the Garrison tract for economic reasons the general feeling was that there was little support for additional commercial or industrial uses.

The results of the community land planning exercise were used to formulate the land use designations proposed as part of the Comprehensive Plan and the accompanying zoning map. The concept of the plan was to determine what development would and could take place east of Rt1. As a result the land development plan was designed and included in the 2003

comprehensive plan. The comprehensive plan recommends that low density residential should be directed toward peripheral suburban/rural fringe areas similar to the land owned by TLFD Management. It also states that Low density residential uses are recommended in areas immediately adjacent to existing low-density residential neighborhoods for reasons of compatibility. The land owned by TLFD Management borders adjacent property zoned R-8 otherwise known as the Simpson Log Home Development. Also there are several other properties located within the same vicinity on the north side of White Oak Rd that are zoned R-8. It is our opinion that our request to rezone to R-8 is clearly compatible with the surrounding properties.

The land development plan also established a plan map (Map 11-1) which can be found on page 152 of the 2003 comprehensive plan. The chart is regularly used by the public and planning staff as mentioned during the planning commission meeting on October 16,2006 and the Council meeting dated October 23,2006 to determine the matrix of possible zoning categories in each land use categories included on the land development plan map. The plan establishes various zoning categories to specify permitted housing types and maximum residential densities by zone. Under land use category residential low density; R-20,R-15,R-10,R-8, and C-1 are acceptable. In the Development Advisory Committee report it stated that the land development plan recommends that that the TLFD Management property be used for low density residential uses. The report goes on to say that the requested R-8 (One family Residence Zone) is consistent with this category of uses. The report also concluded that the types of permitted uses in the R-8 zone mirror those in the current R-20 zone with bulk standards being different. The DAC report concluded that the requested rezoning by TLFD Management was in compliance with the comprehensive plan and that our zoning request change falls under the low density development requirement. This fact is also supported by The City of Dover Planning Commission who on October 16th, 2006 recommended unanimously (7-0) that the rezoning application be approved and that the subject area be recommended for rezoning to R-8 (One Family Residence Zone).

It should also be noted that the property in question according to City of Dover Staff does fall into both Level 2 and Level 3 categories concerning development potential. A property in Level 2 meets the City's present development plans and Level three would support the development in a long range plan.

The Memorandum of Understanding dated April 8, 1999 between The City, The County and The State of Delaware designates the area east of SR1 in Kent County as a limited growth area. It was concluded that the combination of City, State and County government would agree to growth controls to protect the areas east of SR1 from over development. As a result The City of Dover agreed to strongly adhere to the comprehensive plan and zoning designations for the areas east of SR1 which support agriculture uses

and low density development. As mentioned and supported by documentation the land owned by TLFD Management meets the low density requirement of the MOU. The City also agreed to strongly adhere to the existing comprehensive plan and zoning designations, which maintains White Oak Rd west of SR1 as a residential area. It should be noted that City of Dover water and sewer utilities are presently available to the TLFD Management property.

The County also agreed to adhere to the comprehensive plan and zoning designations for areas east of SR1 and support low density residential developments. The State of Delaware agreed to invest in a open space fund to purchase land and development rights where appropriate in areas remaining east of SR1. In our opinion the remaining lands would not include properties that meet the low density requirements that are supported by the 2003 City of Dover comprehensive plan and backed by the Memorandum of Understanding agreement between The City, County and The State of Delaware. In fact we believe that a negative comment by the State of Delaware represents a small conflict of interest. While The State of Delaware is obviously interested in acquiring property in the area they also support low density development in the area. The question the State should ask the City is does the property in question meet the City's low density development requirements approved by the Comprehensive Plan and supported by the Memorandum of Understanding.

In conclusion TLFD Management, LLC strongly feels that the facts support the rezoning request from R-20 to R-8. Planning staff has supported the request and the planning commission unanimously approved the request. The Memorandum of Understanding supports low density development in the area east of SR1 and according to the 2003 comprehensive plan the rezoning request meets the definition of low density development.

Thank You,

Frank DiMondi

Frank DiMondi

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November 9, 2006

Ms. Ann Marie Townshend
Director of Planning & Inspections
City of Dover
15 E. Loockerman Street
Dover, DE 19901

SENT BY FAX: 736-4217

Dear Ann Marie:

Thank you for forwarding a copy of Mr. DiMondi's letter addressed to you regarding the rezoning application of TLFD Management, LLC. Your question was whether it was appropriate to share his letter with Council and place his letter in the public record since the public hearing had been closed.

I think it would be appropriate to make his letter a part of the records and also furnish a copy to Council, along with your answers to the questions asked by Council when this matter was tabled.

Councilman Ruane brought up the question of the April 8, 1999, memorandum of understanding between the City, the County, and the State regarding areas east of SR1 and this was the basic reason that Council tabled a vote on the rezoning application. The applicant did not have any chance to give input regarding this question at the public hearing because the public hearing had been closed. This letter from Mr. DiMondi does give his opinion regarding the memorandum of understanding. It does also reiterate his presentation at the public hearing which is not appropriate because, as you correctly pointed out, the public hearing has been closed. However, I do not think you can separate out from his

letter what is really reargument and comments on the questions raised by Councilman Ruane and therefore, I believe it is appropriate to include his letter as a part of the record.

Very truly yours,

NICHOLAS H. RODRIGUEZ

NHR:pmw
cc: Traci McDowell, City Clerk

PETITION TO ANNEX AND ZONE PROPERTY
Before Dover City Council
November 13, 2006

Applicant/Owner	Luis A. Liranzo &Virginia Rodriguez 349 Acorn Lane Dover, DE 19901	Thomas Romanowski 446 Acorn Lane Dover, DE 19901
Location:	349 Acorn Lane, 446 Acorn Lane	
Size:	+/-1.0 acres	
Tax Parcel #:	ED-00-068.15-01-06.00; ED-00-068.15-01-14.00	
Application Date:	June 11, 2006	
County Zoning:	RS-1 (Single Family Residential)	
Proposed Zoning:	R-10 (One Family Residence)	
Present Use:	Residential dwelling	
Proposed Use:	Residential dwelling	
Comprehensive Plan Designation:	Category 1 – Lands Identified for Annexation; Designated as Residential.	
Cost-Rev Analysis:	The Cost-Revenue analysis showed a negative cash flow to the City of approximately $922 over ten years; however this figure is likely misleading because these properties are developed residential properties that are enclaves of the City.	
File Number:	AX-06-07	

Surrounding Land Uses:
These parcels are entirely surrounded by residentially zoned lands, many of which are developed residentially. Adjacent parcels are zoned R-10 (One-Family Residence), R-20 (One Family Residence, RM-1 (Medium Density Residence), and RG-2 (General Residence) in the City of Dover and RS-1 (Single Family Residence) in unincorporated Kent County.

Comprehensive Plan:

The Annexation and Growth Map contained within the current certified Comprehensive Plan designates this land as Category 1 – Lands Identified for Annexation; Designated as Residential..

Cost-Revenue Analysis:

The Cost-Revenue analysis showed a negative cash flow to the City of approximately $922 over ten years; however this figure is likely misleading because these properties are developed residential properties that are enclaves of the City.

Recommendation of the Planning Staff:

Because these parcels are in a Category 1 designated area in the Comprehensive Plan and are developed enclaves of the City of Dover, and because the proposed zoning is consistent with the Comprehensive Plan and compatible with the surrounding area, staff recommends approval of the annexation with the requested R-10 zoning.

Planning Commission Action:

The staff recommendation was made without the benefit of hearing the comments of surrounding land owners and residents. A public hearing was held by the Planning Commission on September 18, 2006, and the annexation was unanimously recommended for approval by the Planning Commission. Below is an excerpt from the Planning Commission minutes from September 18, 2006:

AX-06-07 Lands of Liranzo & Rodriguez and Romanowski: 349 Acorn Lane and 446 Acorn Lane:
Public Hearing and Recommendation on an annexation request consisting of two parcels of land consisting of one acre ± of land. The properties are currently zoned RS-1 (Single Family Residential) under the jurisdiction of Kent County. The proposed zoning for each property is R-10 (One Family Residence Zone). The subject properties are located on Acorn Lane. The owners of record are Luis A. Liranzo & Virginia Rodriguez and Thomas Romanowski. Property Addresses: 349 Acorn Lane and 446 Acorn Lane. Tax Parcels: ED-00-068.15-01-06.00-000 and ED-00-068.15-01-14.00-000.

Representative: Mr. Luis A Liranzo, Property Owner, 349 Acorn Lane.

Mrs. Townshend stated that each lot has an existing single family dwelling located on it. Mr. Liranzo approached the City of Dover because he needs to connect to City sewer and he was then encouraged to annex into the City of Dover. Other property owners in the area were notified to assess interest in annexing into the City and Mr. Romanowski expressed interest at this time.

Mrs. Townshend further stated that these are lands identified as Category 1 lands which are lands identified for annexation, designated for residential use and are enclaves of the City.

Mr. von Reider questioned with regards to the Staff's evaluation of the Cost-Revenue, it showed a negative cash flow, and could you please explain this? Responding to Mr. von Reider, Mrs. Townshend stated that the model that they have for the Cost-Revenue Analysis is really geared more toward larger annexations and undeveloped land. With this application, you are looking at lands that are enclaves of the City that are to a degree, utilizing City services, the Library, City Parks, and with municipal aid from agreements with the Police it is very possible that this is an area where the City of Dover Police would respond. When you do the Cost Revenue Analysis she believes the numbers are extremely misleading because there is some degree of service that is already being provided and is not reflected in the hard numbers.

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

Mr. DiMondi moved to forward approval to City Council AX-06-07 Lands of Liranzo & Rodriguez and Romanowski: 349 Acorn Lane and 446 Acorn Lane with the understanding and recommendation further that they come in as R-10 (One Family Residential) zoning, seconded by Colonel Welsh and the motion was unanimously carried.

Nov 9, 2006

ANN Marie Townshend
Planning Director
City of Dover
P O Box 475
Dover, DE 19903

RE: AX 06-09 Properties Adjacent to Carey Farm
South side of Forrest Ave.
TAx Parcel # ED 00 076.09-01-02 00/000

Dear Ms Townshend
This letter is to Advise you to
Withdraw my application to be
ANNexed into the City of Dover.
The Reason for this withdrawal
is the proposed ZONing Ordinance
Article 6 - Off Street Parking.

Thank You for all your help.
Sincerely
Alice M Taraila

Alice Taraila
1550 Forrest Ave.
Dover, DE 19904-3329

Untitled

to ann marie towshend, aicp dated 11 nov 06
planning director

we feel that it is not in ourbest intrest to be anexed into the city at this time. since our property at 1538 forrest ave does not border the caery farm i can see a problem in geting city water and sewerage. also the new city ordimance for parking of motor homes, boats and trailers will cause an inconvinence as we have utility trailer on our poperty.there fore we feel it is in our best intrest to withdraw our request and deny going into the city. we do appreciate all the help you have given us and we thank you for it.

Robert J Harvey Sr
robert j. harvey sr.
Priscilla J. Harvey
priscilla j.harvey