PETITION TO AMEND ZONING DISTRICT

Before the Dover City Council
August 14, 2006

Applicants/Owners	Clifton & Marie Hutton
Location:	Northwest and Southwest Corners of Fox Hall Drive & Kenton Road
Property Addresses:	98 Fox Hall Drive Northwest Corner of Fox Hall Drive & Kenton Road Southwest Corner of Fox Hall Drive & Kenton Road
Tax Parcel ID #s:	ED-05-067.18-02-12.00-000, ED-05-067.18-02-13.00-000 ED-05-067.18-02-14.00-000
Size:	Three parcels of land totaling 4.351 Acres+/-
Present Zoning:	RM-1 (Medium Density Residence Zone)
Proposed Zoning:	RM-2 (Medium Density Residence Zone) permitting: One-family detached dwellings, one-family lot line dwellings, duplex dwellings, townhouses, rooming houses accommodating not more than five roomers, garden apartments.
Present Use:	A portion of the subject area is currently vacant. There is a single-family detached house on one of the parcels.
Proposed Use:	Townhouses
File Number:	Z-06-05
Comprehensive Plan:	Residential

On July 17, 2006, **tthe Planning Commission recommended denial of the rezoning of the subject parcels from RM-1 to RM-2.** The Planning Commission stated that RM-1 is sufficient at six (6) dwelling units per acre. In making this recommendation, the Planning Commission noted the following: a concern that the highest density would be placed at the exit to Kenton Road rather than within the development at a location that would keep the egress points unclogged; a concern because the potential new residences would be required to egress to Fox Hall Drive then to Kenton Road and it creates a problem due to the infrastructure of Fox Hall Drive; noting that the current densities on Fox Hall Drive are single family homes as well as the other levels of existing development along Kenton Road; and noting the inherent dangers of the Fox Hall Drive to Kenton Road intersection on a curve and also in an area with facilities that draw bicyclists.

This application is to rezone the properties at the corner of Fox Hall Drive and Kenton Road. This rezoning application consists of three parcels of land consisting of a total of 4.351 acres ± (189,529 S.F.). The three parcels consist of 1.56 acres, 1.34 acres, and 1.451 acres. The subject area includes two parcels west of and adjacent to Kenton Road on the south side of Fox Hall Drive including the parcel addressed as 98 Fox Hall Drive. The third parcel is located at the northwest corner of Kenton Road and Fox Hall Drive.

The subject area was annexed into the City of Dover on August 22, 2005 and zoned RM-1 (Medium Density Residence). The original annexation application requested RG-3 zoning; however, staff recommended RM-1 zoning. The applicant agreed to the RM-1 zoning, but had been under the impression that this allowed a greater density than it does. The RM-1 zone allows a maximum residential density of six dwelling units per acre. The applicants have requested a change in zone to RM-2, which would allow a maximum residential density of eight dwelling units per acre.

Existing Property
The property consists of a house, a barn and vacant land.

Surrounding Land Uses:
This property is located at the corner of Kenton Road and Fox Hall Drive. With the exception of the subject parcels, Fox Hall Drive remains an enclave of the City, under jurisdiction of Kent County. The residential properties along Fox Hall Drive are zoned RS-1 (Single-Family Residential) in Kent County. To the east along Kenton Road, there is land zoned R-10 (One-family Residence). To the northeast across Kenton Road is land zoned IO (Institutional and Office), and to the southeast across Kenton Road is land zoned RG-2, English Village. Immediately south of the subject parcels are the Mallard Pond Development, zoned RG-2 (General Residence).

Comprehensive Plan:
In the *2003 Comprehensive Plan Update as amended 2005*, the Plan recommends that this property be used for Residential uses. Because it is depicted in the Growth and Annexation Plan, it does not indicate appropriate density.

Request for RM-2 (Medium Density Residence Zoning)

The types of permitted uses in the RM-2 (Medium Density Residence Zone) are outlined in Article 3 §7.

> 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) Rooming houses accommodating not more than five roomers.
> (g) Garden apartments.
> 7.2 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.
> 7.3 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures. The approval shall be required prior to the issuance of certificates of occupancy for a change of use.
> 7.4 *Maximum density.* The gross residential density in an RM-2 zone shall not exceed eight dwelling units per acre.
> 7.5 *[Signs.]* Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

Recommendation of the Planning Staff:

The difference between the existing zoning and the proposed zoning is that the proposed zoning of RM-2 would allow a maximum of eight dwelling units per acre, rather than six dwelling units per acre in the RM-1 zone. Additionally, the RM-2 zone allows garden apartments, while the RM-1 zone does not.

Staff supports the request for RM-2 (Medium Density Residence Zone) because the zoning request is consistent with the Residential land use depicted in the Comprehensive Plan, and the allowable uses are largely consistent with the current RM-1 zoning, with the exception of allowing for garden apartments and a higher maximum density. Staff recommends that the Planning Commission forward a recommendation to City Council to approve the request for rezoning of the property to RM-2 (Medium Density Residence Zone).

This recommendation is being made without that benefit of hearing the comments of surrounding landowners and residents. A public hearing is required on this matter and the Planning Commission should give those comments consideration.

ADVISORY COMMENTS TO THE APPLICANT:

1) The applicant shall be aware that approval of any rezoning application does not represent Site Development Plan or Subdivision Plan approval. A separate Site Development Plan or Subdivision Plan must be submitted and approved if additional development activities are

proposed on the property.

2) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit or other construction activity permit approval. A separate application submission showing all improvements is required before issuance of permits by the City of Dover.

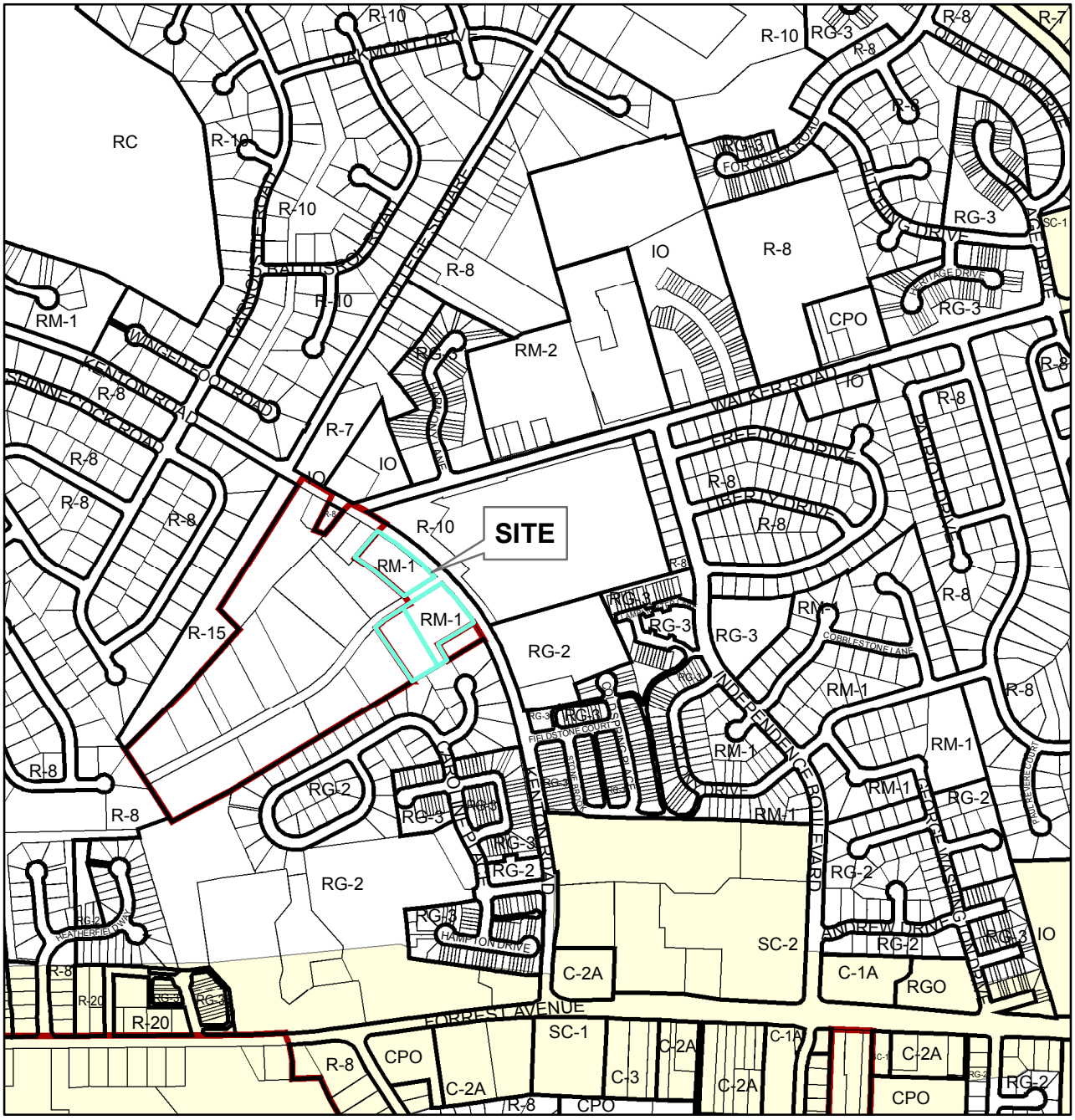
3) Any business entity must maintain a current City of Dover business license in accordance with the permitted uses of the property's zoning classification and as outlined in *Dover Code of Ordinances.*

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.

City of Dover

Application No.: Z-06-05

Department of Planning & Inspections



Plan Title: Lands of Clifton and Marie Hutton
Plan Type: Rezoning
Tax Parcels: ED-05-067.18-02-12.00-000,
ED-05-067.18-02-13.00-000, ED-05-067.18-02-14.00-000
Site Area: 4.351 AC.
Owner: Clifton and Marie Hutton
Current Zoning: RM-1
Proposed Zoning: RM-2
Date: 7-7-06

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