EXHIBIT 1
COUNCIL MINUTES 01/12/04
Z-03-08

MAPLE DALE
Country Club

January 12, 2004

City of Dover
Dover, DE. 19901

To: Tony DePrima, City Manager
Re: Council Meeting Agenda

Dear Mr. DePrima:

Based on your suggestion Maple Dale Country Club would like to be removed from the Public Hearing/Final Reading on rezoning a section of our property at the intersection of Maple Dale Road and Maple Dale's Entrance. This is being removed at this time to clarify new state laws that need further clarification related to this agenda item.

It is our understanding that the process for this issue will be resolved in two or three months. Thank you, for your attention in this matter.

Sincerely,

Frank Donnelly

Cc: Mike Mercer
Dave Coll
Mike Malkiewicz

City of Dover

PETITION TO AMEND ZONING DISTRICT

Before The Dover City Council
January 12, 2004

Applicants/Owners:	John R & Norma T. Collins 202 American Avenue Dover, DE 19901
Location:	Northwesterly corner of American Avenue and an unnamed City Alley approximately 164.5 feet ± south of Smith Street
Property Address:	202 American Avenue
Tax Parcel ID #:	ED-05-068.17-03-65.00/000
Size:	4,992 s.f. (0.15 acres) ±
Present Zoning:	RG-1 (General Residence Zone) and R-8 (One Family Residence Zone)
Proposed Zoning:	R-8 (One Family Residence Zone) permitting the raising of field and garden crops, vineyards and orchard farming, the maintenance of nurseries, and the seasonal sale of products thereon, one family detached dwellings, not to exceed one such dwelling per lot; Public Buildings, structures and uses, including parks and playgrounds subject to approval of site plans by the planning commission in accordance with Article 10, Section 2. Conditional Permitting with the approval of the planning commission meeting specific conditions: Places of worship, including parish houses; schools including nursery schools, kindergarten and day care centers in accordance with Article 5, Supplementary Regulations, Section 14; Day Care Facilities; philanthropic and eleemosynary institutions; hospitals and sanitariums for general medical care; and funeral homes in accordance with specific regulations; Railroad and public utility, rights of way and structures necessary to serve areas within the city, Country Clubs, or other annual membership clubs, catering exclusively to members and their guest, as well as various accessory uses and customary home occupations.
Present Use:	Single Family Residential
Proposed Use:	Same
File Number:	Z-03-07

Findings and Recommendations of the Dover Planning Commission

This petition was considered at the December 15, 2003 meeting of the Planning Commission. The following members were present: Chairman Friedman, Mr. Nichols, Mrs. Horsey, Mr. Sadusky, Mr. Holt, Mr. Winsley, Mr. DiMondi, Col. Welsh, and Mr. Von Reider.

The Planning Commission recommends that this request for rezoning from RG-1 to R-8 be approved. The motion for approval of the rezoning passed 9-0 of those members present. The procedure for rezoning (amendment to the zoning map) is outlined in the *Zoning Ordinance* Article 10 §5.



This application is to rectify a split zoned property located at the northwesterly corner of an unnamed City alley and American Avenue approximately 164.5 feet ± south of Smith Street. The area of petition consists of a 0.1146 acre +/- (4,992 square feet ±) which is a portion of a combined tax parcel known as ED-05-068.17-03-65.00/000 and totals of 0.379 acres (16,512 s.f.±) of land and further described as Lot H of Smiths Addition. The applicants have requested the rezoning to R-8 to codify their holdings into one property with one zoning classification. The property owners had consolidated their holdings for assessment purposes, but never recorded a plan expunging lot lines. The City of Dover *Zoning Ordinance* does not permit the erection of either an addition or an accessory structure on a separate property from the principal use or structure. In order to receive building permits, the owners must seek a rezoning of the property and then record a minor lot line adjustment plan to create one parcel. The applicants have chosen to rezone the parcel where the current single family dwelling exists from a General Residence Zone (RG-1) to a One Family Residence Zone (R-8) which the balance of the property is zoned.

Surrounding Land Use:

This property is located in the heart of a residential neighborhood surrounded by single family dwellings to the north and east. To the west and one block over are properties zoned RG-1 and

RGO (General Residence and Office Zone) located on the easterly side of North State Street. The following pictures depict the immediate neighborhood.



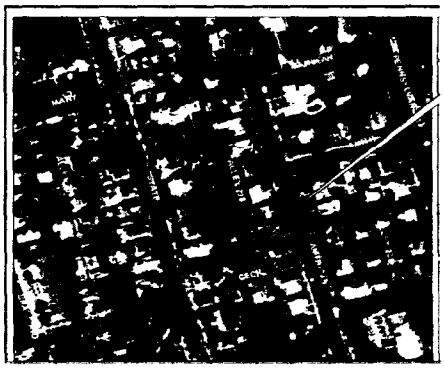
View south



View north east



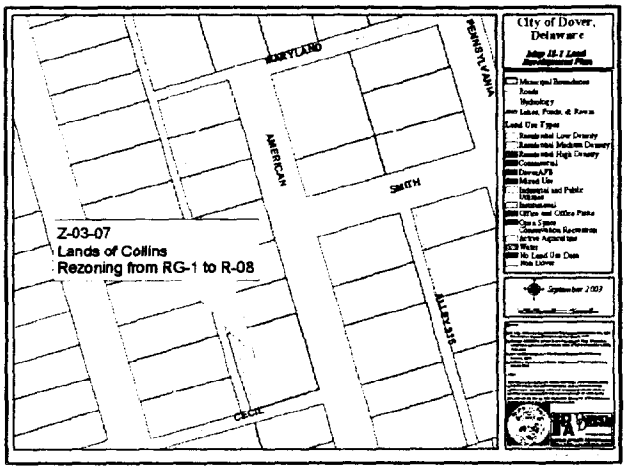
Portion Zoned R-08



2002 Aerial Photograph

Comprehensive Plan:

In the *2003 Comprehensive Plan Update*, the Land Development Plan recommends that this property be used for medium density residential purposes. The 1996 Comprehensive Plan recommended the same use for this area. See the attached Land Development Map below.



Recommendation of the Planning Staff:
Staff supports the rezoning of this property and the subsequent Minor Lot line Adjustment Plan. This is actually a down-zoning and provides for the continued viability of a single family lot.

Public Comments:
The application was represented by Norma Collins.
No one appeared and spoke in regards to the rezoning application.

Agency Comments from DAC Report:
- Department of Public Works has no objections to the rezoning.
- City of Dover Electric has no comments on the rezoning.
- DelDOT has no comments on the rezoning.
- Kent Conservation District has no objection to rezoning this site.

ADVISORY COMMENTS TO THE APPLICANT:

1) The applicant shall be aware that approval of any rezoning application does not represent Minor Lot Line Adjustment Plan approval. A separate Minor Lot Line Adjustment Plan must be submitted and approved is required for the development of property.

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

Attachments to the Report:
- Development Advisory Committee Application Review Commentary (comment sheets) from the following:
  - Department of Public Works
  - City of Dover Electric
  - Delaware Department of Transportation
  - Kent Conservation District
- Exhibit Location Map

CITY OF DOVER PUBLIC WORKS

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: November 26, 2003

APPLICATION: Lands of John R. Collins and Norma T. Collins – Rezoning from RG-1 to R-8

FILE#: Z-03-07 **REVIEWING AGENCY:** City of Dover Public Works

CONTACT PERSON: Scott Koenig or Andrew Riggi **PHONE#:** 736-7025

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. Our office has no objection to the proposed rezoning of the portion of parcel ED-05-068.17-03-65.00-000 from RG-1 to R-8 to eliminate the split-zoning of the parcel.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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
DEVELOPMENT ADVISORY COMMITTEE MEETING
APPLICATION REVIEW COMMENTARY

NOVEMBER 26, 2003 - 10:00 A.M. - CAUCUS ROOM

DOVER ELECTRIC

APPLICATION: LANDS OF JOHN R. COLLINS AND NORMA T. COLLINS-REZONING FROM RG-1 TO R-8

FILE NO.: Z-03-07 REVIEWING AGENCY: CITY OF DOVER ELECTRIC

CONTACT PERSON: STEPHEN A. ENSS PHONE #: 736-7091

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE. PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:
A. The City of Dover Electric Department reviewed the re-zoning application and has no comment.

RECOMMENDATIONS SUGGESTED FOR AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

If you should have any questions or need to discuss any of the above comments, please contact Stephen Enss at 736-7091 or contact the Planning Department at 736-7010 as soon as possible.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 26, 2003

DELDOT

APPLICATION: Lands of John R. Collins and Norma T. Collins

FILE#: Z-03-07 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Richard A. Woodhall PHONE#: 760-2262

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:
No comments

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: December 4, 2003

KENT CONSERVATION DISTRICT

APPLICATION: *Lands of Collins - rezoning*

FILE #: *Z-03-07* **REVIEWING AGENCY:** *Kent Conservation District*

CONTACT PERSON: *Jared Adkins* **PHONE #:** *697-2600, ext. 3*

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

- *Kent Conservation District has no objection to rezoning this site.*

RECOMMENDATIONS SUGGESTED FOR AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

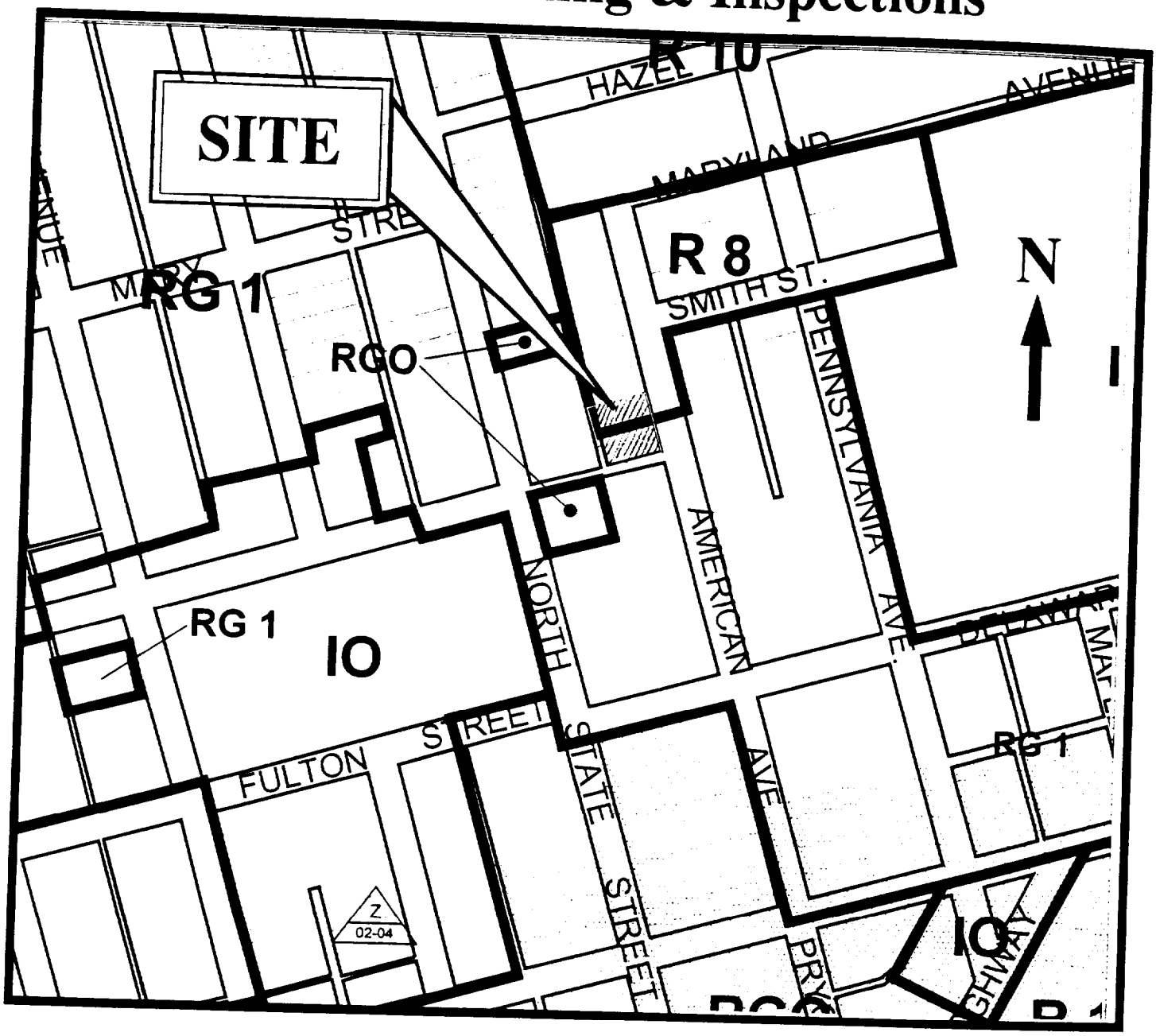
ADVISORY COMMENTS TO THE APPLICANT:

- *A detailed Sediment and Stormwater Management Plan must be approved by our office prior to any land disturbing activity (i.e. clearing, grading, filling, etc.) over 5000 square feet.*

City of Dover

Application No. Z-03-07

Department of Planning & Inspections



Applicant: Lands of John & Norma Collins

Owner: John & Norma Collins

Date: 12/15/03

Tax Parcel No. ED-05-068.17-03-65.00

Site Area: 0.1146 Acres

From: RG-1 & R-8 **To:** R-8