CITY OF DOVER
HOSPITALITY & CIVIC FUNCTION POLICY

I. PURPOSE

There are occasions when the judicious extension of hospitality in connection with official City of Dover business is in the best interests of the City of Dover, hereinafter referred to as *"City."* There are also occasions where attendance at civic events and functions which are not sponsored by the City are in the best interests of the City. This policy outlines City policy and procedures governing the manner and extent to which the City's employees, public officials, and appointees may extend hospitality while attending civic functions for business purposes only, provides maximum per person rates authorized for meals and refreshments, and specifies the City funds that may be used for such purposes.

II. SCOPE

This policy applies to all hospitality and civic function expenses incurred by the City regardless of the source of funding, and to all City employees, public officials (as defined herein) and appointees to City Boards, Commissions and Committees. Allowable costs for hospitality and civic functions which are chargeable to federal grant funds are governed by various OMB Circulars. All City employees, public officials, and appointees shall adhere to all requirements of applicable OMB Circulars.

This policy does not apply to meal expenses incurred while on approved travel status (except as specifically delineated hereinafter), which are covered by the City Travel Policy.

III. DEFINITIONS

- *Approval Authority* – a person to whom authority has been given in the City Charter and/or Code or delegated in writing to approve hospitality and civic function expenses and to approve exceptions to the hospitality and civic function policy and the limitations outlined in this policy.

- *Civic Event/Function* - any not-for-profit festival, celebration, or any similar occurrence or event that is conducted for a charitable, historical, educational or public or civic purpose within the City, provided, however that fund-raising events and all political activities are specifically excluded from coverage under this policy.

- *Exceptions* – included hospitality and civic function expenses that exceed the per-person maximum rates specified in Appendix A of this policy and any other type of hospitality and/or civic function expenses that are not specifically included in this policy.

- *Funding Sources* – General Fund appropriations, Utility Funds, and other applicable funds. Grant funds are governed by policies of the granting agency (e.g. the federal government, state

government, etc.). Any expenditure of grant funds for hospitality or civic functions shall adhere to the more restrictive clauses of the grantor agency and this policy.

- *Hospitality* – for purposes of this policy, hospitality includes expenses for activities that City employees, public officials, and/or appointees initiate to promote the City to the public, usually with the expectation of benefits accruing directly or indirectly to the City. Hospitality is broadly defined to include providing any of the following:

    1. Meals (catered or restaurant)
    2. Light refreshments (beverages, hors d'oeuvres, pastries, cookies, etc.)

- *Official Business* – when a City employee, public official, or appointee engages a minimum of 60% of the time in a discussion of a City topic with supporting documentation.

- *Official Guest* – a person who renders a service to the City or is present at a City meeting, conference, or event at the invitation of the person authorized to host the activity. City of Dover employees, public officials, and appointees are not considered Official Guests under this policy.

- *Official Host* – an employee, public official, or appointee representing the City who hosts a meeting, conference, or event.

- *Public Official* - see VII of this policy for the IRS definition which is incorporated by reference herein.

- *Unallowable Expenses/costs* – expenses and/or costs which are not expressly permitted under this policy and/or for which sufficient documentation is not provided as required under this policy. Any obligation incurred by a City of Dover employee, public official, and/or appointee contrary to this policy becomes the personal obligation of the employee, public official, and/or appointee.

- *Work Location* – the place where the major portion of an employee's or public official's working time is spent, or the place to which the employee or public official returns during working hours upon completion of special assignments.

IV. ALLOWABLE EXPENSES AND APPROVAL

A. Allowable expenses and occasions

Expenses for hospitality and civic functions must be directly related to, or associated with, the active conduct of official City business. The occasion must serve a clear City business purpose, with negligible personal benefit derived by the official host or other City employees, public officials, and appointees. In addition, the expenditure of funds for hospitality and civic functions should be cost effective and in accordance with the best use of public funds.

The procedures set forth in this policy are intended to conform to the Internal Revenue Service regulations related to entertainment expenses and associated employee compensation issues.

The following list provides examples of approved hospitality and civic function expenses:

- Host to Official Guests

When the City is host to official guests or dignitaries from outside the City who are visiting for a bona fide official City business purpose**,** the cost of meals or light refreshments may be paid or reimbursed.

The expenses of the spouse of a guest may be reimbursed provided such hospitality serves a bona fide City business purpose. In cases where the expenses of a guest's spouse are reimbursed, expenses for the host's spouse are also reimbursable.

- Joint Meetings with Other Governmental Entities or Organizations.

The costs of meals or light refreshments may be paid or reimbursed when the City is the host or sponsor of a meeting with other local governments, local legislators, and/or other elected officials meeting with the City on official City business. All such events or meetings shall be open to all City elected officials to be reimbursable.

- Retreats, Meetings and Business Meals

The cost of meals or light refreshments may be paid or reimbursed when meetings of an administrative nature are held that are directly concerned with the welfare of the City. Where meals are involved, they *must be a necessary and integral part of the business meeting, not a matter of personal convenience (*e.g. the cost of meals for employees from the same work location may be reimbursed if a working lunch is included as part of a *scheduled meeting).* The meeting should take place over an extended period of time and the supporting documentation should include a working meal to satisfy the requirement that the meal is part of a genuine business function.

Reimbursement will ***not*** be allowed when two or more employees from the same work location or elected or appointed officials (or any combination thereof) choose to go to lunch together to continue their business as *an incidental* part of the meal, or when the meeting could have been scheduled during regular working hours.

Reimbursement may be allowed when it is necessary for employees, public officials, or appointees to conduct official City business during a meal, the circumstances surrounding the meal are beyond the control of the employee or public official, and it is impractical to complete the business during normal working hours.

- Reduced Cost to the City

The cost of light refreshments or meals may be paid or reimbursed when the cost of the refreshments or meals is likely to be less than the cost to conduct the meeting or function outside of meal hours.

- Employee Oriented Functions

The cost of light refreshments or meals may be paid or reimbursed when Citywide functions between City officials, management, and employees are held for support of City employee events and recognition activities that are open to all employees (e.g. employee appreciation day and employee picnic). However, holiday parties, birthday parties, employee retirement parties, prayer breakfasts and other events not essential for the conduct of City business are not allowable expenses under this policy.

- Receptions

The cost of light refreshments and the cost of certificates, awards, plaques, and/or promotional materials presented, may be paid or reimbursed for the Annual City of Dover Reception.

B. Approval of Transactions

When determining whether a hospitality or civic event expense is appropriate, the approving authority must evaluate the importance of the event in terms of the costs that will be incurred, the benefits to be derived from such an expense, the availability of funds, and any alternatives that would be equally effective in accomplishing the desired objectives.

Delegation of Authority

Approval for all official City hospitality and civic function expenses must be obtained at the appropriate level. In order to ensure that the approval of hospitality and civic functions is entirely independent, individuals with delegated approval authority are prohibited from approving expenses of a person to whom they directly report. The approval authority shall be the supervisor (or higher level) of the official host. In addition, individuals with delegated approval authority shall not approve their own hospitality or civic function expenses.

If the official host is the Mayor, approval authority shall be the Council President and Finance director. If the official host is Council, approval authority shall be the Mayor and Finance director. For Council-Appointed Employees, approval authority shall be the Council President. If the Council President or Mayor is not available in advance of the event, the Council Committee Chair shall be the substitute approval authority.

From time to time, supervisors may not be available for extended periods in advance of a permitted event or function. When this happens, the supervisor may delegate approval authority to a responsible person. A Delegation of Signature Authority Form or an equivalent form must be on file for each individual to whom approval authority for hospitality and civic function payments has been delegated. Any delegation of authority must be in writing, with copies provided to the Finance Department.

V. PROHIBITED/RESTRICTED EXPENSES

To prevent inequities among the various competing fund raising events, the occasion cannot be a fund raising event for any one civic, charitable, or religious organization. Furthermore, contributions and donations, including cash, property, and services, regardless of the recipient, or the purpose for which the funds, property or services will be used are prohibited costs, unless the City Council and Mayor have given specific written approval of such contributions and donations.

The following list provides examples of prohibited or restricted hospitality and civic function expenses:

- Personal Memberships

To prevent any potential conflict of interest, City funds may not be used by employees, public officials, or appointees to cover expenses related to events, meetings, meals, or activities sponsored by organizations in which the public official and/or employee holds a personal membership, unless the event, meeting, meal, or activity is already funded by the City.

- Political Expenses

Expenditures which contribute to, or pay the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections, whether direct or indirect, are prohibited.

- Holiday Gatherings

The use of public funds for meals or light refreshments for holiday gatherings for City employees, public officials, and appointees is prohibited.

- Entertainment

Costs of entertainment, including amusement, diversion, golf tournaments or outings, and social activities and any costs directly associated with such costs (such as tickets to shows ,cultural, social or sports events, greens or tee fees, meals, lodging, rentals, transportation, and gratuities) are prohibited. The Mayor and/or Council President (requests of the Mayor to be approved by the Council President and requests of the Council to be approved by the Mayor), together, may approve individual exceptions to this restriction to permit reimbursement of these types of costs, provided official business can and is conducted and documented. The Finance Director shall submit all "Request For Payment/Reimbursement of Hospitality Expenses" forms for entertainment related expenses to all Council members for review at least monthly.

- Fundraising

Costs of organized fundraising, including financial campaigns, solicitation of gifts and bequests, and similar expenses incurred to raise capital or obtain contributions are prohibited, regardless of the purpose for which the funds will be used.

- Refreshments

City funds may not be used to pay for refreshments for general office use.

- Alcoholic Beverages

The City shall not normally reimburse the costs of alcoholic beverages. The Mayor and/or Council President (requests of the Mayor to be approved by the Council President and requests of the Council to be approved by the Mayor), together, may approve individual exceptions to this restriction to reimburse the costs to purchase alcoholic beverages for official guests in cases where a City employee, public official, or appointee is the official host.

VI. PROCEDURES

A. Authorized Rates

Rates are recommended by the City Clerk and are authorized by the City Treasurer. *Maximum* rates allowed for hospitality and civic functions, specified in Appendix A, include taxes and service. These rates do not include the rental of meeting or conference facilities, which may be charged as an additional expense.

The maximum rates will be reviewed periodically by the City Clerk, City Manager, and City Treasurer and adjusted as appropriate.

B. Payment/Reimbursement Procedures

Except for regularly scheduled meetings and, unless otherwise specifically delineated in this Policy, all Hospitality and Civic expenditures must be approved in advance of the event for which the costs will be incurred. A "Request for Payment/Reimbursement of Hospitality Expenses" form must be submitted to the Finance Department. The completed request must include the following information:

1. *Name and department* of the person requesting approval and/or reimbursement.

2. *Type of activity* (e.g. reception, retreat, League of Local Govts., City/County meeting, business meeting, etc.)

3. *Date of activity*

4. *Location of activity*

5. *Purpose of activity*: explain how this is a necessary, business related expense that is appropriate to charge to/reimburse from the indicated account (e.g. business purpose/reason/benefit and how it contributes to achieving the City's mission and the purpose of the project/account being charged; business topic(s) discussed). A specific, clear, and meaningful statement of the benefit of this function to the mission of the City is required.

6. Supporting documentation of the event/meeting.

7. *Participants*: who attended (or will be attending) the activity and their business relationship to the City department. The name, title and department (if a City employee), or affiliation/occupation/group (if a guest from outside the City) of each person should be shown on the request form or an attached guest list. For meetings of a group with an established participant list or where the group is so large it would be very difficult to name all of the attendees (e.g. City Reception), the persons entertained need not be individually identified by name and title. The group must be named or described and the estimated number of attendees provided.

8. *Type and amount of expense(s)*: describe what was purchased, what it cost, and the total amount of the payment requested.

9. *Number and title of appropriate account* being charged.

10. *A certification* signed by the host or attendee, as applicable, that the expenses to be incurred are for official City business purposes.

11. *Approval signature of the supervisor or other designated approval authority* (or higher level) of the employee, public official or appointee.

12. *Approval signature of responsible person or project director* authorized to approve disbursements for this account.

13. *Approval signature for exceptions*, if required.

All requests for reimbursement must be supported by original itemized receipts, or acceptable electronic receipts, which must be submitted with the request for payment. The level of detail contained in an electronic receipt must be equivalent to that contained in an acceptable paper record.

Note: All meals require an itemized receipt as proof of payment. A credit card receipt alone shall not be sufficient.

To ensure that adequate internal control standards are met, a payment issued to reimburse hospitality and civic function expenses *shall be delivered directly to the payee.* Such payments shall ***not*** be delivered to any of the individuals involved in the approval or payment preparation process. When contracting with a vendor for catering, a purchase order must be submitted to the Finance Department ***before*** the event, along with the requisitions and any vendor proposal or estimate. After the event, the official and approving supervisor must request/authorize payment by submitting the

"Request for Payment/Reimbursement of Hospitality and Civic Function Expenses" as outlined above, and the check will be mailed directly to the vendor(s).

Hospitality while on Travel Status

The Travel Policy and the Hospitality & Civic Function Policy are separate and distinct policies.

A City employee, public official, or appointee on travel status who incurs hospitality expenses *must* claim such expenses in accordance with the procedures specified in this policy. Such expenses should be documented on the "Request for Payment/Reimbursement of Hospitality Expenses" and submitted with the Travel Expense Report to ensure that the meals for hospitality are separately justified from the meals for travel. In addition, *a per diem meal must not be added to the travel expense form when a hospitality expense for the same meal has been submitted for reimbursement.*

Payment/Reimbursement Procedures
Employees, public officials, and appointees who fail to attend approved functions or events after indicating an intent to attend, and after funds have been obligated or expended by the City shall be required to pay the associated costs for the function or event or reimburse the City for the amount spent, whichever is applicable.

C. Finance Department and Council Responsibilities

The City Council and the Finance Department will periodically (at least annually) review the implementation of this Policy and will provide policy interpretations and assistance to ensure effective and efficient implementation. Any exceptions will be subject to approval by the Council and Finance Department. Exceptions will only be made in particular cases where adequate justification is presented. However, in the interest of achieving maximum uniformity, exceptions will be permitted only in highly unusual circumstances.

D. Exceeding Authorized Meal Rates

Any request for reimbursement of expenses higher than those allowed in Appendix A to this policy must include written justification as to why the higher costs were unavoidable and necessary to achieve a City business purpose. *The fact that actual costs exceed the authorized rates is not in itself adequate justification for a higher reimbursement rate.* If adequate justification exists and provided such costs are deemed to be ordinary and necessary under the circumstances, an exceptional expense may be approved. Reimbursements of expenses shall be limited to the actual costs incurred.

E. Tax Considerations

Under Internal Revenue Service regulations, a meals/entertainment (hospitality) expense shall be considered taxable income to an employee, public official, and/or appointee under any of the following conditions: if the entertainment (hospitality) activity is not directly related or associated with the employee's job, the expense is lavish or extravagant under the circumstances, the official host (or another employee) is not present when the activity takes place, or if the expense is not

substantiated with supporting documentation, as provided in this policy. Consequently, any expense that would be considered taxable income to the employee by the IRS is not allowable under this policy. For more information on what hospitality expenses are deductible, see the IRS Web site (http://www.irs.gov) and key in entertainment in the Search window or publication 463 in the Forms and Publications Finder window.

VII. RESPONSIBILITIES

All City of Dover policies are to subject to the City of Dover Charter Part 1, Subpart A, Article II, Section 12 "Compensation and expenses – Mayor and Council and other elected or appointed officials", whereas, "Members of the council, mayor and other elected or appointed officials shall receive reimbursement for actual and necessary expenses incurred when on official business as prescribed by city ordinance or policy" and; Part II Code of Ordinances Chapter 2, Article 1, Division 4 "Code of Conduct", which is "applicable to all elected and appointed officials and to all employees of the City of Dover." Any obligation incurred by a City of Dover employee, public official, or appointee contrary to this policy shall become the personal obligation of the employee, public official, and/or appointee.

VIII. INTERNAL REVENUE CODE – DEFINITION OF PUBLIC OFFICIAL

Generally, if there is any provision in a public law which authorizes the employment of the individual, and the individual is hired or elected under this authority, the individual is considered an employee of the State or political subdivision to which the provision applies.

The following factors indicate that an office is a "public office".

1. The office was created by the constitution or through legislation, or by a municipality or other body with authority conferred by the legislature.

2. The office was delegated a portion of the powers of the government body.

3. The powers conferred and the duties to be discharged are defined either directly or indirectly in law or through legislative authority.

4. The duties are being performed independently and without control of a superior power other than the law.

5. The office has some permanency and continuity, and the officer takes an official oath.

Examples of public officers are: the president and vice president; a governor or mayor; the secretary of state; a member of a legislative body, such as a state legislature, county commission, city council, school board, a judge; a justice of the peace; and members of advisory boards and committees.

IX. RESCISSIONS

This Policy rescinds and supersedes any and all previous policies, memorandums or other documents governing hospitality and civic function expenses as described herein.

ADOPTED: OCTOBER 27, 2003

Effective Date IMMEDIATELY UPON ADOPTION

APPENDIX A

MAXIMUM RATES FOR HOSPITALITY

The maximum per person expenditures for individuals being entertained and for a City employee, public official, or appointee who is the official host or who is a participant at the request of the official host, shall not exceed the following amounts:

Meal	***Maximum Rates***
Breakfast	$15.00
Lunch	$20.00
Dinner	$35.00
Light Refreshment	$10.00

Footnotes:

1. The reimbursement for a buffet reception cannot exceed the applicable meal allowance associated with the type of buffet, i.e. breakfast, lunch, or dinner.

2. These amounts include tax and service (i.e. tips)

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PETITION TO ANNEX AND ZONE PROPERTY
Revised
Before The Utility Committee
October 20, 2003

Applicants:	Alvin L. Brittingham 5096 Hazlettville Road Dover, DE 19904 Stover Homes P.O. Box 304 Camden, DE 19934
Owner:	Alvin L. Brittingham
Equitable Owner:	Stover Homes
Location:	5096 Hazlettville Road Southwest corner of the intersection of Hazlettville Road and Wyoming Mill Road
Tax Map #:	ED-00-076.00-01-13.00-000
Size:	104.58 Acres +/-
County Zoning:	AC Agricultural Conservation (Kent County zoning)
Proposed Zoning:	RM-1 (Medium Density Residential)
Present Use:	Active Agriculture Single Family Residence with outbuildings (farm complex)
Proposed Use:	Residential Subdivision Existing Single Family Residence with outbuildings to remain on a parcel
Sanitary Facilities:	Proposed City of Dover
Water Supply:	Proposed City of Dover
File Number:	AX-03-01

Findings and Recommendations of the Dover Planning Commission

And Annexation Report Information

The Planning Commission at its meeting of Monday, September 15, 2003 considered this petition. The following members were present: Chairman Friedman, Mr. Nichols, Ms. Ann Horsey, Mr. Sadusky, Mr. Holt, Mr. Winsley, Mr. DiMondi, Col. Welsh, and Mr. Von Reider.

The Planning Commission recommends that this request for annexation be approved and that the property be zoned RM-1 (Medium Density Residential Zone) upon annexation. As part of the motion, the Planning Commission noted that the final City Council approval of the annexation should be subject to the certification of the Comprehensive Plan Update and approval of the Plan of Services (as noted in the Development Advisory Committee (DAC) comments) and with the understanding that the Cost/Benefit Analysis for the property will take place. The motion also made reference to the letter received from Office of State Planning Coordination. The motion for approval passed 9-0 of the members present. In taking this position, the Commission considered the following points:

Surrounding Land Uses:

The subject property consists of 104.58 Acres +/- of land located on the southwest corner of the intersection of Hazlettville Road and Wyoming Mill Road. The property is currently zoned AC – Agricultural Conservation (Kent County zoning). The current use of the property is active agriculture and a single family residence with outbuildings (farm complex).

To the east across Wyoming Mill Road is the location of the City of Dover owned Schutte Park (zoned IO – Institutional and Office Zone). The park facilities include soccer fields and softball/baseball fields. Also across Wyoming Mill Road and southeast of the property is the future site of the Masonic Lodge (Planning Commission application C-03-01). Further east towards downtown, the land zoned IPM (Industrial Park Manufacturing Zone) is the location of several manufacturing plants.

To the northeast of the property near the intersection with Mifflin Road are single family dwellings and an electric substation that are not located with the City of Dover. Lands located to the north of the subject property are residentially zoned. The development of the Village of Westover includes a mix of residential housing types including duplexes, townhouses, single family dwellings, and apartments. The later phases of the Village of Westover are still under construction. To the west of the Village of Westover, is the location of the residential development known as the Village of Cannon Mill which also consists of a mix of housing types. The Village of Westover and Village of Cannon Mill are zoned RM-1 (Medium Density Residential).

The land to the west and south of the subject property is under Kent County jurisdiction and includes a mix of single family dwellings and fields in active agriculture.

Interim Annexation Goals and Policy (February 28, 1994):

The Interim Annexation Policy identifies the subject property as a Category 2 property, which indicates that this property would be potentially desirable for annexation into the City of Dover. Category 2 properties are those areas that generally border the City in close proximity to existing City development and that are on the urban/suburban fringe.

The Interim Annexation Policy notes that Category 2 properties should be considered in light of their impact on existing municipal services, facilities, utilities, and fiscal vitality. Proposed land uses should be evaluated in terms of the degree to which they would support and achieve the goals of the Comprehensive Plan. Equally important should be consideration of the development potential under the current Kent County zoning and its impact on the development and image of the City. The over-arching purpose of the Annexation Policy is the achievement of sound and consistent decisions regarding the growth of the City in locations that afford efficient and effective provision of municipal services for urban land uses.

Comprehensive Planning:

The *City of Dover 1996 Comprehensive Plan* did not reflect an anticipated land use for the subject property on the Land Use Plan Map. The Map focused only on the lands within the boundaries of the City of Dover at that time.

The *Kent County 2002 Comprehensive Plan Update* recommends that this property be utilized for Low-Density Residential development (up to 2.9 dwelling units per acre). The property is located within the Kent County Growth Overlay Zone. The recently adopted (June 2003) Land Subdivision Regulations must be consulted for subdivision development requirements if developed under the jurisdiction of Kent County. Additional development bonuses may be available if the project utilizes public water and sewer.

The *Strategies for State Policies and Spending* include this area in the Community designation. The strategies indicate that the State will invest in infrastructure and public facilities in those areas designated as "Community." This strategy focuses on directing urban development to occur within and adjacent to existing towns and developed areas.

The *City of Dover Comprehensive Plan Update 2003* was adopted by the Planning Commission on September 16, 2003 and adopted by the City Council on September 22, 2003. **The Plan Update was certified by the State in accordance with Delaware Code on October 2, 2003. (See attached letter).** The *City of Dover Comprehensive Plan Update* includes a chapter (Chapter 12) and plan map addressing annexation. It identifies this property as a Category 2 – Lands Desirable for Annexation. The general land use of residential is also indicated. It is noted that Category 2 areas are intended to be annexed by the City "within the five year planning period as development proposals or other factors allow it to consider such action."

Annexation Plan Study:

The *Comprehensive Plan Update 2003* notes that additional analysis is to be completed regarding a "detailed study of the City service capacities, City utility capacities, and population growth projections." Currently, a separate Annexation Plan Study is underway by the consultants, Kise Straw & Kolodner working with Urban Partners. Upon completion of the study it is recommended that the Annexation Plan Study be adopted as an amendment to the Comprehensive Plan Update.

The consultant for the purposes of the Annexation Plan Study divided the areas identified on the Annexation Plan Map (Map 12-1) as Category 1, 2, and 3 lands into study modules. A Cost/Benefit Analysis will be conducted for each module. **A revised Draft of the Cost/Benefit analysis for the Module 2F (Lands of Alvin L. Brittingham) was received on October 15, 2003. See attached.** Staff notes that this is a DRAFT Cost/Benefit Analysis and the first test module utilizing the newly developed prototype. This information should be viewed cautiously and considered as one piece of information in evaluating this annexation application.

Recommendation of the Planning Staff:
The Planning Staff recommends that the subject property be annexed into the City of Dover and that the subject property be zoned RM-1 (Medium Density Residential) upon annexation.

In reviewing applicable sections of the *City of Dover Comprehensive Plan 2003* as described above, Staff notes that the property is identified as an area for future annexation. City services (water, sewer, electric) and amenities such as the City park and bike path are available in the vicinity of this property.

As part of the municipal annexation process a Plan of Services for the property must be completed in accordance with Delaware Code Title 22 §101. This Plan of Services must be completed for review and acceptance prior to final legislative action on the annexation. A Plan of Services indicates the services that the City expects to provide to the annexed area and how the services will be provided. The Department of Planning and Inspections is currently working with other City Departments to complete this task for submittal to the Office of State Planning Coordination for review and approval.

From the long-range planning perspective, there are opportunities regarding the transportation network in this area and open space/recreation amenities that the annexation and subsequent development of the property present. Staff expects additional discussions regarding the development of this parcel.

Public Comments:
No members of the public appeared and spoke in regards to the annexation/rezoning application.

Agency Comments from DAC Report:
- Department of Public Works has no objections to the annexation. Their comments note that sanitary sewer and water are available to the site.
- Kent Conservation District has no objections to the annexation. Their comments note that a detailed Sediment and Stormwater Management Plan is required for development of the site.
- DelDOT has no objections to the annexation.

Office of State Planning Coordination Letter (dated September 15, 2003):
The letter from the Office of State Planning Coordination notes no objection from other agencies regarding the annexation of the property into the City of Dover. The letter does note that the Comprehensive Plan Update must be certified by the State (Plan was certified on October 2, 2003) and that a Plan of Services must be received and approved prior to final action on the annexation.

Advisory Comments to the Applicant:

1. The Planning Commission recommendation pertaining to the annexation and concurrent rezoning of the property is the first step of the annexation process. The process also includes consideration by City Council, an annexation election, and formal resolution to annex the property in to the City of Dover. The annexation process is outlined in the City Charter.

2. The City of Dover Planning Commission adopted the *Comprehensive Plan Update 2003* on September 16, 2003 and City Council adopted the Plan Update on September 22, 2003. The Plan Update was certified by the State on October 2, 2003; therefore, meeting the requirements of *Delaware Code* pertaining to comprehensive planning.

3. Staff is preparing the Plan of Services for submittal to the Office of State Planning Coordination for review. This must be completed prior to final legislative action to annex the property into the City of Dover.

4. The applicant shall be aware that approval of the Annexation (and Rezoning) does not represent Subdivision or Site Plan approval. A separate application process for Subdivision or Site Plan approval is required for the development of this property.

Attachments to Report:

- Location Exhibit
- Legal Description of Property
- Development Advisory Committee Comments from the following agencies: City of Dover Department of Public Works, Kent Conservation District, DelDOT
- LUPA Review letter dated September 15, 2003 from Office of State Planning Coordination
- Comprehensive Plan Update 2003 Certification Letter dated October 2, 2003 from Office of State Planning Coordination
- Annexation Plan Study DRAFT Cost/Benefit Analysis Prototype for Site 2F – dated October 15, 2003

MEMORANDUM

Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903
Phone: (302) 736-7010 Fax (302) 736-4217

DATE: October 22, 2003

TO: Dover City Council

FROM: Dawn E. Melson, AICP
Planning Office

SUBJECT: Clearview Meadow Subdivision – Concept Plan
Planned Neighborhood Design

The Planning Office is in receipt of a proposal to establish a Planned Neighborhood Development on 89 acres +/- of land to be known as Clearview Meadow. The subject property is located on the south side of North Little Creek Road and north of the South Little Creek Road and east of Babb Drive. The property is zoned R-8 (One Family Residence Zone), R-10 (One Family Residence Zone), RM-1 (Medium Density Residence Zone), and RM-2 (Medium Density Residence Zone). A portion of this property is also subject to the AEOZ (Airport Environs Overlay Zone). This property was part of the plan for the development known as Amberfield, which has since expired. The owner of record is AL-JOHN Corporation. The equitable owner is Marta Homes, Inc.

The applicant proposes the construction of a development consisting of the following: 171 single family homes, 30 duplexes, and 96 townhouses. Access to the site would be provided by connections to North Little Creek Road, South Little Creek Road, and the continuation of Babb Drive.

The applicant is seeking approval under the Planned Neighborhood Design Ordinance (see *Zoning Ordinance* Article 3, Section 24.1.a). The Ordinance sets forth a three-step review and approval process. In the first step, the developer shall meet with the City Council and present a general sketch plan. The City Council shall determine whether or not the proposed project is of such a design and type that warrants further review by the Planning Commission.

If City Council determines that further review is warranted, then the project shall proceed to the second step which is a more detailed Conditional Use Site Plan review and public hearing before the Planning Commission. This submission to City Council represents the first step in the review process.

The Planned Neighborhood is intended to "...encourage superior residential environments through a unified planning process ..." by allowing the Planned Neighborhood Design

Option in the R20, R15, R10, R8, RM1 and RM2 zones through the Conditional Use process. The PND must present a superior community design that would not be possible under conventional zoning and is in accordance with the goals and policies of the Comprehensive Plan. The sketch plan shall reflect general layout of streets, open space, and housing areas and types. The features of this proposal are as follows:

1. The proposed PND would consist of 171 single family homes, 30 duplexes, and 96 townhouses. The development has a total of 297 dwelling units.

2. Twenty-five percent of the total site area must be set aside and preserved for open space. A total of 22.83 acres +/- of open space is planned for the development (25.8%). As part of the open space, the minimum active recreation area required totals 1.875 acres +/- based upon the number of dwelling units. The plan depicts an area of 6.8 acres labeled as a park.

3. The development must include sidewalks along all new streets.

4. The tract of land totaling 89 acres +/- exceeds the requirement that a PND shall be a minimum of twenty (20) acres.

5. Two off-street parking spaces must be provided for each dwelling unit.

6. The maximum density (gross residential density) in a planned residential development is based on the zoning. This property has areas in four zoning classifications. The gross residential density is as follows: in R-10 zone – 3 dwelling units per acre, in R-8 zone 3.8 dwelling units per acre, in RM-1 zone – 6 dwelling units per acre, and in RM-2 zone – 8 dwelling units per acre. Overall, this plan proposes a density of 3.35 dwelling units per acre.

The subject site adjoins single family dwellings on the northerly side. On the south, the subject site adjoins the apartment complexes of Country Village Apartments and Courtland Manor and townhouses located in Stoney Creek. To the east are the Dover East Mobile Home Park and lands located outside of City limits.

7. A 40-foot buffer area is required adjacent to the entire perimeter property line of the development. No structures are allowed in this buffer area.

8. Design standards and dimensional requirements are established in Article 4 Section 4.10 and 4.11. The Planning Commission may relax these requirements where the developer can demonstrate that the action is desirable and consistent with the objectives of the ordinance and the Comprehensive Plan.

9. The roads will be dedicated to the City of Dover. The road system design proposes a reduction of paved width from 38 feet to 32 feet while maintaining a 60 foot right-of-way for certain streets within the development. The road system design will also need to account for the continuation of Babb Drive. A portion of the required right-of-way for Babb Drive was identified with the approved Plan for Luther Village: Planned Neighborhood Design- Senior Housing Option and its Phase 1 Site Development Plan.

The Planning Commission through the Conditional Use process will make recommendations on the street waiver requests when the specific streets are identified. Street waiver requests are forwarded to the Utility Committee and City Council for final approval.

10. A small portion of this parcel is subject to the requirements of the AEOZ (Airport Environs Overlay Zone) found in Article 3, Section 22. A portion of the parcel lies within the Noise Zone A. According to the Land Use Compatibility Table, single, two and multi-family residential uses are permitted in Noise Zone A. (See Article 3, Section 22.6.) If residential uses are proposed in this eastern portion of the property, they would be subject to interior noise level reduction requirements.

11. The applicant has begun the process for a Traffic Impact Study (TIS). A project scoping meeting was held with DelDOT on June 12, 2003 to outline the study for this property (referred to as the John Hunn Brown property).

Comprehensive Plan Recommendations

The City of Dover *Comprehensive Plan Update 2003* recommends that the property be utilized for Medium Density Residential development. As described in the Comprehensive Plan Update, Medium Density Residential would involve developments of between 4 and 8 dwelling units per acre.

The Comprehensive Plan establishes stated goals for various types of land uses within the City limits. The stated goal for Residential Land Uses is *"to develop and maintain an adequate supply of housing of varying type, size and densities that are aesthetically pleasing and located within neighborhoods designed to promote convenience, conservation, and access to the greater community but which are properly buffered through distance and landscaping from incompatible land uses."*

Summary Comments

It is important to keep in mind that this proposal does not involve a rezoning of the land. The Planned Neighborhood Design Option is plan specific. The land would remain zoned R-8, R-10, RM-1, and RM-2. Some of these residential zones limit the type of housing. For example the R-8

and R-10 zones are limited to single family detached houses under the conventional subdivision development. The PND option allows for a greater variety of housing types and allows for commercial uses while requiring 25% open space.

The Planning Staff recommends that this Concept Plan be forwarded to the Planning Commission for further review and consideration through the Conditional Use process.
It is important to note that Staff comments provided herein pertain to the general appropriateness of the proposed location only and do not represent Site Plan review commentary. A detailed Site Plan review for code compliance and design considerations would be performed through the Conditional Use Site Plan Review process.

Advisory Comments to Applicant

The City Council may choose not to forward a proposal to the Planning Commission. In such instances, the proposal would be considered denied.

Should City Council choose to forward this proposal on to the Planning Commission for Conditional Use review, the applicant shall prepare the Conditional Use Site Plan submission in accordance with the requirements set forth in Article 3, Section 24 and Article 10, Section 1 of the City of Dover *Zoning Ordinance*. The act of forwarding a proposal to the Planning Commission for further review is not intended to represent, nor shall it be construed to mean that the project is approved. The approval authority over Conditional Use applications rests with the Planning Commission.

A pre-application conference shall be arranged with the Planning Staff prior to submission of the Conditional Use Site Plan application.

Attachment: Concept Plan for Clearview Meadow Subdivision- PND

cc: John Candeloro, Marta Homes
Stephen Kowalchuk Jr.
Ramesh C. Batta Associates
Project File – MI-03-09

CLEARVIEW MEADOW

Project Description

The John Hunn Brown property encompasses approximately 89 acres of active farmland with frontage on both North and South Little Creek Roads, as well as, access with Luther Village to Babb Road and the adjacent commercial uses along Rt. 13. As existing zonings for this property include four (4) different residential classifications, Marta Homes has chosen to develop the property for mixed residential homes under the City of Dover's Planned Neighborhood Design Option. As shown on the Concept Plan, single family homes, duplex homes, and townhomes are proposed along with 22 acres of open space featuring a centrally located community park.

Clearview Meadow will include direct road accesses from the Little Creek Roads, with both access road roads terminating at the central park. A convenience access to Babb Road at Luther Village will also be provided. These roads are designed to allow residents access to all adjacent roadways without creating shortcut thorofares though the community. The main access roads shall be built with 38 ft wide pavement while all other internal streets are proposed to be 32 ft pavement. Additionally, off-site roads intersections are currently being studied for traffic impact concerns.

We have planned all the single family homes for the northerly portion of the site for compatibility with the adjacent existing communities. Duplex homes will border the south entrance to afford a single family characteristic when entering the project. Townhomes are planned for the area between existing multi-family and commercial uses and the proposed single family homes. Being centrally located, the proposed park will have ready pedestrian access from all areas of the community.

Marta Homes looks forward to working with the City of Dover in creating an attractive mixed residential community for this area of the City.

Prepared by:
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