City of Dover

PETITION TO AMEND ZONING DISTRICT

Before The Dover City Council
September 22, 2003

Applicants/Owner	Bennie Smith 717 W. Division Street Dover, DE 19903
Location:	South side of Forrest Street and east of Gibbs Drive
Size:	32,532 S.F. +/-
Present Zoning:	RG-1 (General Residence Zone) & COZ-1 (Corridor Overlay Zone)
Proposed Zoning:	C-PO (Commercial/Professional Office Zone) permitting offices, financial institutions, service agencies, medical and dental offices, and conditionally permits accessory laboratory, retail, and business services in office complexes, drive-in facilities, and residential uses. Generally these districts should promote superior development, prevent offices in mature residential neighborhoods, and serve as a transition area between low, medium, and high intensity development. Permitted through the Conditional Use process: planned senior housing developments. COZ-1 (Corridor Overlay Zone)
Present Use:	Two buildings (former funeral home)
Proposed Use:	Office buildings
File Number:	Z-03-03

Findings and Recommendations of the Dover Planning Commission

This petition was considered at the September 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 C-PO be approved with the property also subject to the COZ-1 (Corridor Overlay Zone). 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 area of petition consists of one parcel located on the south side of Forrest Street and east of Gibbs Drive known as 870 Forrest Street. The property is currently zoned RG-1 (General Residence Zone). The proposed zoning is C-PO (Commercial Professional Office Zone). The property is also subject to the COZ-1 (Corridor Overlay Zone 1). Immediately surrounding this property are residential properties zoned RG-1 and R-8 (One Family Residence Zone). This area of single family dwellings is known as Lincoln Park. To the north of the subject property across Forrest Street (Route 8) is zoned IO (Institutional and Office Zone) and is the location of an elementary and middle school. To the northeast of this parcel at the intersection of Forrest Street and Division Street is a mix of zoning including C1-A (Limited Commercial Zone), M (Manufacturing Zone), C-3 (Service Commercial Zone), and IO (Institutional and Office Zone). The commercial uses in this area include a laundromat, car wash, and retail store.

Comprehensive Plan:
In the *1996 Comprehensive Plan*, the Land Development Plan recommends Commercial Use for this property.

The DRAFT *2003 Comprehensive Plan Update* recommends Mixed Use for this property and the surrounding properties in the block bounded by Gibbs Street, Lincoln Street, and Forrest Street. This recognizes a combination of land uses including residential, commercial, office, and institutional uses.

Request for C-PO (Commercial/Professional Office Zoning)
The types of permitted uses in the C-PO (Commercial/Professional Office Zone) are outlined in Article 3 §26 and include a variety of office type uses.

> Article 3 §26.1 Generally. In order to encourage, promote and protect superior professional office development and in particular, to encourage the establishment and grouping of office complexes for safer access, greater convenience and to prevent the development of professional offices in healthy, mature residential neighborhoods, office development shall be permitted in the C-PO district. Such district shall be located in order to serve as a transition area between low, medium and high intensity development.

As required with a request for C-PO (Commercial/Professional Office) Zoning, the applicant submitted a Preliminary Site Plan. This Plan shows basic information on the existing buildings, parking areas, landscaping, and proposed stormwater management. The subject property meets the requirements that the lot area be at least 10,000 S.F. and have a minimum width of 100 feet and depth of 100 feet. Since a change of use is proposed, the redevelopment and use of the existing buildings on the site will require a Site Plan reviewed by the Planning Commission as per the *Zoning Ordinance.*

Other Considerations:
The subject property is also situated within the (COZ-1) Corridor Overlay Zone, which sets forth specific site design, architectural, and landscape requirements that shall be adhered to through the site planning and construction process. The requirements of the COZ-1 are outlined in Article 3 §27. Compliance with these requirements and other *Zoning Ordinance* requirements will be reviewed as part of the Site Plan approval process.

Recommendation of the Planning Staff:
Based on the Comprehensive Plan recommendation for this area, the Planning Staff recommends that the rezoning from RG-1 to C-PO be approved. This zoning classification complies with the current *1996 Comprehensive Plan* and the DRAFT *2003 Comprehensive Plan Update.*

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

Agency Comments from DAC Report:

- Department of Public Works has no objections to the rezoning. Their comments also provided information associated with site redevelopment regarding utilities (sewer and water) and City trash collection and enclosure requirements.
- City Electric Department noted that equipment relocation is the owner's expense.
- City of Dover Grounds Division has no objections to the rezoning.
- DelDOT has no objections to the rezoning. An entrance permit will be required for site redevelopment. Additional information was also provided on potential street improvements, parking, and cross-access requirements for the redevelopment of the property.

Advisory Comments to the Applicant:

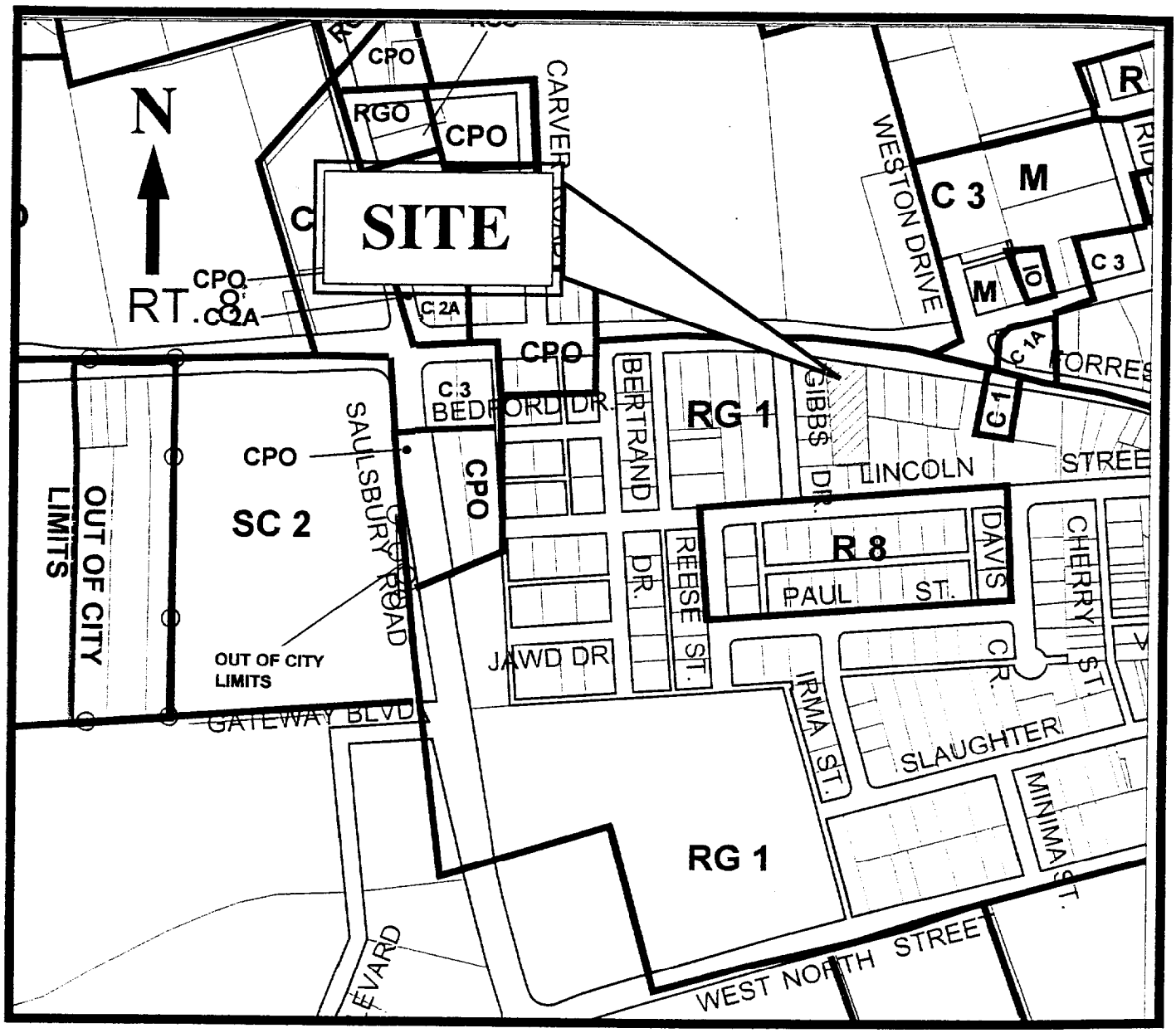
1) The applicant shall be aware that approval of the Rezoning does not represent Site Plan approval. A separate application process for Site Plan approval is required for the development of this property due to the change of use.

2) The details of the Plan will be reviewed during the Site Plan process for compliance with the *Zoning Ordinance*. These items include site access, curbing, parking, utilities, tree plantings, Dumpster location, lighting, etc.

City of Dover

Application No. Z-03-03

Department of Planning & Inspections



Applicant: Bennie Smith-870 Forrest Street

Owner: Bennie Smith

Date: 8-18-03

Tax Parcel No. ED-05-76.12-01-08.00

Site Area: 32,532 Sq.Ft.

From: RG-1 **To:** CPO



Dover Plan Amendments Table
September 17, 2003 – Including Planning Commission Action

Revision Number	Request / Comment	Staff Response/ Recommendation	Planning Commission Action	Council Action
1	Letter from John G. Kays dated March 24, 2003: request for commercial or office designation for 4 acres on Saulsbury Road	No change is recommended. The comprehensive plan designates this area as "Medium Density Residential." This is consistent with the McKee Road Corridor Plan, and the previous 1996 Comprehensive Plan.	No change recommended.	
2	Letter from Joel Halpern dated April 3, 2003: request for commercial use for two parcels on Governors Avenue directly across from his existing office.	No change recommended. These parcels would be the only two commercial parcels on an otherwise residential block and would adversely impact the residential uses beside and behind this area. The lots in this block are too small to qualify for CPO zoning, and the small size makes it unlikely that they would be able to meet commercial standards if developed.	No change recommended.	
3	Letter from Gregg Moore dated June 12, 2003: request to include all of Dover Downs parcels East of SR1 in the annexation plan.	Consistent with the desires of the State Planning Office, the parcels East of State Route 1 that were previously noted as Category 1 have been changed to Category 3 " Lands to be Evaluated for Annexation." Pursuant to this request, the annexation map has been amended to include all remaining Dover Downs lands as an "Area of Concern." It is our intention to evaluate all lands in this area through our upcoming annexation study, and to work in conjunction with the State and the County to determine which lands, if any, East of State Route 1 are desirable for annexation.	Adopted as stated in Staff Response.	
4	Letter from Gerry Esposito of Tidewater Utilities dated August 28, 2003: notes four issues regarding water service territories, and indicates Tidewater's interest in meeting with the City to discuss.	No change is recommended. The letter has been forwarded to the City Manager for his consideration.	No change recommended.	
5	Memo from Juanita Weiczoreck of the Dover/Kent MPO dated July 31, 2003: includes an edited copy of Chapter 8	The editorial comments and additional information will be integrated into Chapter 8. There were no substantive changes to the plan text.	Adopted as stated in Staff Response with changes noted in Revision #15.	

Revision Number	Request / Comment	Staff Response/ Recommendation	Planning Commission Action	Council Action
6	Memo from Tony DePrima dated August 8, 2003: reported results of plan presentation to the Kent County Levy Court on August 5.	Based upon the Levy Court comments Map 12-1 will be amended to reflect Agricultural Preservation districts, and it should be noted that there are no such districts in the City's short term (0-5year) annexation plans. The plan text of Chapter 12 has also been amended to remove "political" language as requested. Staff has also added text in Chapter 11, which indicates the importance of Agricultural Preservation, and coordination with the Delaware Department of Agriculture.	Adopted as stated in Staff Response.	
7	Memo from Tony DePrima dated August 25, 2003: suggested inclusion of the "Education Corridor" concept.	The text of Chapter 11 has been amended to reflect the concept of an Education Corridor which would stress interconnections and linkages between the three major campuses along the northern portion of Route 13 (DSU, DTCC, Wilmington College). A supporting graphic has also been added to the text.	Adopted as stated in Staff Response.	
8	Plan Certification Issue: insert additional demographic information as per letter from Connie Holland dated August 25, 2003	Additional demographics information from the US Census has been included in Chapter 3.	Adopted as stated in Staff Response.	
9	Plan Certification Issue: insert additional information regarding parks and recreation facilities and programs as per letter from Connie Holland dated August 25, 2003.	Additional information regarding parks and recreation facilities and programs has been included in Chapter 7.	Adopted as stated in Staff Response.	
10	State Planning Request: designated all lands East of SR1 (except enclaves) as "Lands to be evaluated for Annexation" and work through the process for reviewing and updating the State Strategies to develop a plan for dealing with development pressure in this area in conjunction with the State and the County as per letter from Connie Holland dated August 25, 2003.	Map 12-1 has been amended to show all lands East of SR1 as "Category 3 - Lands to be Evaluated for Annexation". Enclaves located along Horsepond Road have been left as "Category 1 – Lands Intended for Annexation." In addition, the "Area of Concern" has been extended to include all of Dover Downs lands East of SR1 to indicate their desire to be included in Dover's limits at some point in the future. A portion of Chapter 12 has been rewritten to more accurately describe the "Area of Concern" as extending beyond 1000' in some cases.	Adopted as stated in Staff Response.	

Revision Number	Request / Comment	Staff Response/ Recommendation	Planning Commission Action	Council Action
11	State Planning Request: provide a description of City services other than water, sewer and electric to indicate that Dover is a full service community as per letter from Connie Holland dated August 25, 2003.	Additional information regarding city services has been included in Chapter 7.	Adopted as stated in Staff Response.	
12	State Planning Request / Kent County Request: Both the Delaware Department of Agriculture (DDA) and Kent County Levy Court indicated that they wished to see the Papen agricultural district removed from the annexation plan.	The Papen agricultural district is currently designated "Category 3 – Lands to be Evaluated for Annexation." The plan text in Chapter 12 clearly indicates that these lands are not currently under consideration for annexation, but will be evaluated in the future. However, staff has chosen to add Agricultural Preservation districts to Map 12-1 in order to help guide the annexation evaluations in a manner which preserves active farmland. Staff has also added text in Chapter 11, which indicates the importance of Agricultural Preservation, and coordination with the Delaware Department of Agriculture.	Adopted as stated in Staff Response.	
13	Editorial Comments: miscellaneous edits received from the State Historic Preservation Office related to Chapter 6, undated.	These changes have been incorporated in the document.	Adopted as stated in Staff Response.	
14	Miscellaneous Change: new population total of 32, 043 to be referenced throughout the document	Text has been added to Chapter 3 describing the update of Dover's population by the Census Bureau. The new total population of 32,043 has been referenced throughout the document where appropriate.	Adopted as stated in Staff Response.	
15	Miscellaneous Change: City Council's Transportation Committee reordered the list of projects in Chapter 8. **At the September 16th meeting the Transportation Committee made the following changes to the Prioritized Transportation Project Lists: delete ranking column from lists and move the Crawford Carroll Avenue Project from Projects –Scoped to Project Studies list.	The plan has been amended to include the list of projects prioritized by City Council's Transportation Committee. Staff agrees with September 16th changes to Prioritized Transportation Project Lists.	Adopted as stated in Staff Response and include revision to Project Lists deleting the ranking and moving of Crawford Carroll Avenue Project to Project Studies List.	

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16	Miscellaneous Change: List of zoning districts acceptable for "low density" will be amended to reference certain parcels with low density deed restrictions placed upon them, page 134.	Page 134 has been amended to reference the potential that parcels with low density deed restrictions upon them may be placed in other zoning districts provided that the overall density of the development still meets the parameters of "low density."	Adopted as stated in Staff Response.	
17	Miscellaneous Change: insert text in Chapter 7 regarding the City's storm sewer system and NPDES permitting issues.	Chapter 7 has been amended to include this text, as prepared by the Department of Public Works. This text was unintentionally omitted from the original draft.	Adopted as stated in Staff Response.	
18	Map Change: Steel's Pharmacy on S. State Street change from residential to commercial.	Map 11-1 has been changed to reflect commercial use for this parcel. This land use reflects the existing and anticipated future use of this parcel.	Adopted as stated in Staff Response.	
19	Map Change: Dover Downs stormwater management pond located behind White Oak Farms change from unclassified to Open Space.	Map 11-1 has been changed to reflect open space use for this stormwater management feature. The previous "unclassified" designation was a mapping error.	Adopted as stated in Staff Response.	
20	Map Change: Co-Generation plant on North Street change from residential to industrial.	Map 11-1 has been changed to reflect industrial use for the Co-Generation plant. The previous "residential" designation was a mapping error.	Adopted as stated in Staff Response.	
21	Miscellaneous Change: Update acknowledgements page	The acknowledgements page has been updated with the names of all staff and collaborators.	Adopted as stated in Staff Response.	
22	Miscellaneous Change: grammatical edits	A variety of grammatical edits have been made throughout the document.	Adopted as stated in Staff Response.	