TO: City Council

FROM: Dawn E. Melson, AICP
Acting City Planner/ Director of Planning and Inspections

DATE: September 3, 2003

RE: Rezoning at 870 Forrest Street, Z-03-03

The Planning Commission public hearing and consideration of application **Z-03-03 Lands of Bennie Smith at 870 Forrest Street** was previously scheduled to be held on August 18, 2003. This application did not meet the public notice requirements for the Planning Commission meeting. The required public notice is comprised of an advertisement in a newspaper of general circulation and notification by mail of all property owners within two hundred (200) feet of the site at least ten days prior to the Planning Commission meeting. These requirements are outlined in Article 10, Section 2.47, City of Dover *Zoning Ordinance.*

The Planning Commission will consider the application at its meeting of September 15, 2003 and forward their recommendation report to City Council following that meeting. General information on the application is provided below.

PETITION TO AMEND ZONING DISTRICT

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:	CPO (Commercial/Professional Office Zone) & COZ-1 (Corridor Overlay Zone)
Present Use: Proposed Use:	Two buildings (former funeral home) Office buildings
File Number:	Z-03-03

PETITION TO AMEND ZONING DISTRICT

Before The Dover City Council
September 8, 2003

Applicants/Owners	WAWA, Inc. 260 West Baltimore Pike WAWA, PA 19063
Equitable Owners	W.S.F.S. Bank 838 Market Street Wilmington, DE 19801
Location:	South side of Forrest Avenue (Route 8) at the intersection with Mifflin Road
Property Address	1486 Forrest Avenue
Size:	2.10 acres +/-
Present Zoning:	C-1A (Limited Commercial Zone) & COZ-1 (Corridor Overlay Zone)
Proposed Zoning:	CPO (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:	Convenience Store
Proposed Use:	Banking Facility with Drive-thru
File Number:	Z-03-04

Findings and Recommendations of the Dover Planning Commission

This petition was considered at the August 18, 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 C-1A to CPO be approved with the property also subject to the COZ-1 (Corridor Overlay Zone). The motion also recognized project timing noting that the existing retail establishment use may continue on the subject property until the adjacent new location is constructed. The motion for approval passed 9-0 of those members present. In taking this position, the Commission considered the following points:

Surrounding Land Uses:
The area of petition consists of 2.10 acre +/- parcel of land located on the south side of Forrest Avenue (Route 8) at the intersection with Mifflin Road. To the north, across Delaware Route 8, are lands zoned RG-2 (General Residence Zone) which is the location of Country Club Apartments and Brandywine Court Condominiums and Apartments. Further north are lands zoned RG-3 (Group Housing Zone) which is the location of Hampton Square Townhouses. To the northeast are lands zoned C-2A (Limited Central Commercial Zone) at the northeasterly corner of the intersection of Delaware Route 8 and Kenton Road which is occupied by a bank. Further to the northeast are lands zoned SC-2 (Community Shopping Center Zone) which comprise Greentree Village Shopping Center. To the east a series of three parcels were recently rezoned to C-2A (Limited Central Commercial Zone). Further east are lands zoned the McDonald's Restaurant zoned C-2A and lands zoned SC-1 (Neighborhood Shopping Center Zone) which are occupied by Kent Eight Plaza. To the south are lands zoned R-8 (One Family Residence Zone) which comprise the single-family residential community of Deerfield. Further south and to the west are lands zoned R-8 which are predominantly in single family use. Further west are residential properties outside the corporate limits of Dover.

Comprehensive Plan:
In the *1996 Comprehensive Plan*, the Land Development Plan recommends Commercial Use for this property. The text of the Plan notes that this area of Route 8 is experiencing increasing commercial development pressure. It notes that "areas immediately adjacent to residential neighborhoods are recommended for the professional office uses." This serves as a transitional buffer.

The *DRAFT 2003 Comprehensive Plan Update* also recommends Commercial Use for this property.

Request for CPO (Commercial/Professional Office Zoning)
The types of permitted uses 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 CPO (Commercial/Professional Office) Zoning, the applicant submitted a Preliminary Site Plan. This Plan shows basic information on the existing buildings, parking areas, landscaping, and existing stormwater management areas. 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.

Other Considerations:
The subject property is also situated within the Corridor Overlay Zone (COZ-1) 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. The redevelopment of the parcels located to the east will impact this property.

Recommendation of the Planning Staff:
Based on the Comprehensive Plan recommendation for this area, the Planning Staff recommends that the rezoning from C-1A to CPO be approved and that the parcel be subject to the COZ-1.

Public Comments:
The following appeared and spoke in regards to the rezoning application:

- Richard Ornauer, 17 Mifflin Road, Government Relations person for the Mifflin Road Neighborhood Association: His testimony endorsed the rezoning of the property to CPO.

Agency Comments from DAC Report:

- Department of Public Works has no objections to the rezoning. Their comments also provided information regarding City trash collection and enclosure requirements (associated with site redevelopment).
- City of Dover Grounds Division has no objections to the rezoning.
- DelDOT has no objections to the rezoning.

Advisory Comments to the Applicant:

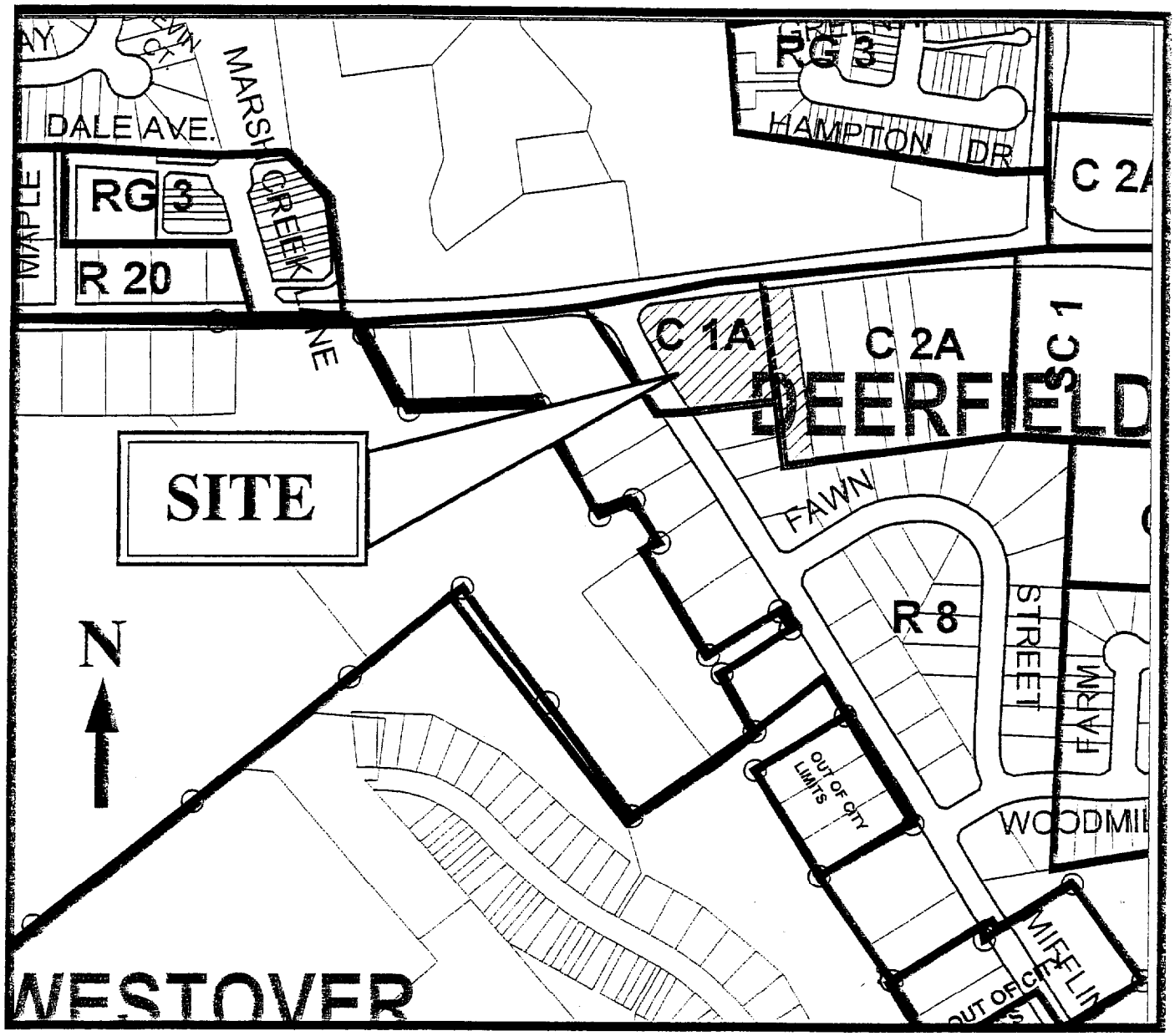
1) The applicant shall be aware that approval of the Rezoning does not represent Site Plan approval. A separate application process for Site Plan approval is required for the development of this property due to the change of use.

2) The details of the Plan will be reviewed during the Site Plan process for compliance with the *Zoning Ordinance*. Planning Commission review and consideration of the Site Plan will be required since the property is adjacent to residential uses.

City of Lover

Application No. Z-03-04

Department of Planning & Inspections



Applicant: WAWA, Inc.

Owner: WAWA, Inc

Date: 8-18-03

Tax Parcel No. ED-05-76.10-02-10.00

Site Area: 2.10 Acres

From: C-1A **To:** CPO

