

**CITY OF DOVER, DELAWARE  
PLANNING COMMISSION  
Tuesday, February 20, 2024 at 7:00 PM**

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*City Hall Council Chambers, 15 Loockerman Plaza, Dover, Delaware*

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**AGENDA**

Written comments are accepted via mail to City of Dover – Planning Commission, P.O. Box 475 Dover DE 19903 and via email at [CompPlan@dover.de.us](mailto:CompPlan@dover.de.us).

**IN-PERSON and VIRTUAL MEETING NOTICE**

The Planning Commission Meeting for February 20, 2024 will be held as an In-Person Meeting at City Hall in City Council Chambers. The public is welcome to attend in person. The Meeting will also be provided as a Virtual Meeting using WebEx, an audio video conferencing system as an electronic means of communication. See participation information below to join by phone or computer.

**PUBLIC PARTICIPATION INFORMATION  
City of Dover Planning Commission Meeting of February 20, 2024**

**Join by Phone Dial:** 1-650-479-3208

**Access code:** 253 751 81264 (Password: 3683772)

**Join Online:** <https://bit.ly/PCMeeting2202024>

**Webinar Number:** 2537 518 1264

**Webinar Password:** DoverPC

If you are new to WebEx get the app now at <https://www.webex.com/> to be ready when the meeting starts. For problems accessing the meeting, please call the Planning Office at (302) 736-7196.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**ADOPTION OF AGENDA**

**APPROVAL OF MINUTES**

- [1.](#) Adoption of Minutes of January 16, 2024

## COMMUNICATIONS & REPORTS

**Meeting Reminder:** The next Planning Commission regular meeting date is Monday, March 18, 2024 at 7:00pm.

### Update on City Council Actions

### Department of Planning & Inspections Updates

### Education and Training Opportunities

2. The following courses are offered by the University of Delaware Institute for Public Administration. Contact the Planning Office for registration.
- Intro to Land Use Administration - February 21, 2024, 9:00AM to Noon at Kent County Levy Court, 555 S. Bay Road, Dover.
  - Freedom of Information Act (FOIA) and Ethics for Local Officials - March 20, 2024, 9:00AM to Noon at Kent County Levy Court Building, 555 S Bay Rd, Dover.

## OPENING REMARKS CONCERNING MEETING PROCEDURES FOR APPLICATIONS

## OLD BUSINESS

### Request Extension of Planning Commission Approval

## NEW APPLICATIONS

3. MI-24-01 Comprehensive Plan Amendment 2024 - Consideration of Amendment to Map 12-1: Land Development Plan Map - Public Hearing and Review for Recommendation to City Council on an Amendment to the *2019 Comprehensive Plan* with consideration of a request for amendment of Map 12-1: Land Development Plan to revise the Land Use Classification of the property located at 1079 Silver Lake Boulevard. The Request is to revise the Land Use Classification from Office to Mixed Use on Map 12-1: Land Development Plan Map. The property is located at the eastern terminus of Silver Lake Boulevard. Property Owner: Dover Federal Credit Union and equitable owner Charles Chiang. Property Address: 1079 Silver Lake Boulevard. Tax Parcel: ED-05-067.12-02-04.00-000. This is associated with Rezoning Application Z-24-02. Ordinance #2024-03. Council District 4. *The First Reading of the Proposed Ordinance was held on January 22, 2024 and Public Hearings were scheduled for Planning Commission on February 20, 2024 and City Council on March 11, 2024.*
4. Z-24-02 Lands of Dover Federal Credit Union at 1079 Silver Lake Boulevard - Public Hearing and Review for Recommendation to City Council of a Rezoning application for a parcel of land consisting of 5.04 acres+/- . The property is zoned CPO (Commercial Professional Office Zone). The proposed zoning is C-2A (Limited Central Commercial Zone). The property is located at the eastern terminus of Silver Lake Boulevard. Property Owner: Dover Federal Credit Union and equitable owner Charles Chiang. Property Address: 1079 Silver Lake Boulevard. Tax Parcel: ED-05-067.12-02-04.00-000. This is associated with Comprehensive Plan Amendment Application MI-24-01. Ordinance #2024-04. Council District 4. *The First Reading of the Proposed Ordinance was held on January 22, 2024 and Public Hearings were*

*scheduled for Planning Commission on February 20, 2024 and City Council on March 11, 2024.*

5. MI-23-04 Text Amendments: C-2 (Central Commercial Zone) Use and Standards - Public Hearing and Review for Recommendation to City Council of a series of Text Amendments to the *Zoning Ordinance* provisions of the C-2 (Central Commercial Zone) and related development provisions. In the *Zoning Ordinance*, Article 3 – District Regulations, Section 13. Central commercial zone (C-2) and Article 4 Section 4.14, these amendments revise the permitted uses and the conditional uses, add design standards, and revise the bulk standards for height and floor area ratio (FAR) of the C-2 (Central Commercial Zone). The proposed revisions to other sections of the *Zoning Ordinance* are related to Dumpsters in Article 5 Section 6; related to parking requirements in Article 6 Section 3.1; and to define Live-work unit in Article 12 - Definitions. Ordinance #2024-01. *First Reading was held by City Council on January 22, 2024 where the Public Hearing dates were set for Planning Commission on February 20, 2024 and City Council on March 11, 2024.* These text amendments are offered for consideration as part of the implementation of the *Transforming Downtown Dover: Capital City 2030 (Transforming Downtown Dover) Plan*.

## NEW BUSINESS

## ADJOURN

**Posted Agenda:** February 9, 2024

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(e)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING

**CITY OF DOVER PLANNING COMMISSION  
JANUARY 16, 2024**

The Meeting of the City of Dover Planning Commission was held on Tuesday, January 16, 2024 at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system WebEx. The Meeting Session was conducted with Chair Mrs. Maucher presiding. Members present were Mr. Cooper, Mrs. Denney, Mr. Witham, Mr. Baldwin, Dr. Jones, Mr. Reaves, Mrs. Welsh (virtual), and Mrs. Maucher. Mr. Roach was absent.

Staff members present were Mrs. Dawn Melson-Williams, Ms. Katherine Oehmke, Mr. Jason Lyon (virtual), and Mrs. Kristen Mullaney (virtual).

**APPROVAL OF AGENDA**

*Mrs. Denney moved to approve the Agenda as submitted, seconded by Dr. Jones and the motion was carried 8-0 with Mr. Roach absent.*

**APPROVAL OF MEETING MINUTES OF DECEMBER 18, 2023**

*Mrs. Denney moved to approve the Planning Commission Meeting Minutes of December 18, 2023, seconded by Mr. Witham and the motion was unanimously carried 8-0 with Mr. Roach absent.*

**COMMUNICATIONS & REPORTS**

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Tuesday, February 20, 2024, at 7:00PM in the City Hall Council Chambers. It is a Tuesday night meeting because Monday is a holiday and City Offices are closed.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on January 8 & 9, 2024. This included City Council's action to appoint Mr. William Witham Jr. to serve on the Planning Commission (Second District, for a term through June 2024).

Mrs. Melson-Williams stated that they have their Summary Chart of 2023 Applications to give you a tally of what that calendar year ended up looking like. As you see in that chart, for 2023 there were a total of forty-four (44) applications involving the Planning Commission, Board of Adjustment, Historic District Commission, and other items that were administrative in review. That was up slightly from forty-two (42) in calendar year 2022 and still slightly rebounding from what they had previously seen in 2021 and 2020. The next item that was in the packet was the Schedule of Deadlines and Meeting dates for 2024. For Planning Commission, your meetings remain on the third Monday of each month unless that third Monday happens to be holiday and then we move to Tuesday evening. The Schedule of Deadlines lays out the application deadline schedule and the meetings leading up to Planning Commission including our Development Advisory Committee and the meeting dates if City Council is involved in review of the application such as with Rezoning.

Mrs. Melson-Williams stated that included in the packet was a series of education and training opportunities for Planning Commission members. These are courses that are offered by the

University of Delaware Institute for Public Administration. There are three coming in the next couple of months, including one tomorrow on January 17, 2024 for “Planning 101: Planning Your Community’s Future.” That is an in-person one to be at the Kent County Levy Court Building. The next one is an “Introduction to Land Use Law” scheduled for February 7, 2024 and then an “Introduction to Land Use Administration” for February 21, 2024. The Planning Office does have training monies to assist Planning Commission members in attending these. If you are interested, please let Planning Staff know and we will get you registered to attend those events. Please take note whether they are in-person or virtual in making your decisions.

### **OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS**

Mrs. Melson-Williams presented the audience information on policies and procedures for the In-Person Meeting and Virtual Meeting using the WebEx system.

### **OLD BUSINESS**

**Requests for Extensions of Planning Commission Approval:** None

### **NEW APPLICATIONS**

Z-23-02 Lands of Draper Farm Properties, LLC at 1617 Forrest Avenue - Public Hearing and Review for Recommendation to City Council of a Rezoning application for a parcel of land consisting of 5.04 acres. The property is zoned R-10 (One Family Residence Zone) subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-1A (Limited Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue and adjacent to Cranberry Run Drive. The owner of record is Draper Farm Properties LLC. Property Address: 1617 Forrest Avenue. Tax Parcel: ED-05-075.00-01-07.00-000. Council District 1. Ordinance #2023-12

**Representative:** Mr. Jonathan Street, Becker Morgan Group; Mr. John Paradee, Baird, Mandalas & Brockstedt

Mrs. Melson-Williams stated that this is a Rezoning request for the Lands of Draper Farm Properties, LLC located at 1617 Forrest Avenue. It is a request to Rezone from R-10 (One Family Residence Zone) and COZ-1 (Corridor Overlay Zone) to a proposed zoning classification of C-1A (Limited Commercial Zone) and remaining subject to the COZ-1 (Corridor Overlay Zone). This is just over five acres of land located on the north side of Forrest Avenue. It is shown in the image on the screen in the solid blue color. The areas that are highlighted and outlined in blue on that image, are the areas of public notice that fall within that 200 hundred feet mailing requirement. Additionally, public notice is achieved by a bright yellow sign that is physically posted on the property and a legal ad posted in the local newspaper. All three items of public notice were completed. With this property, as noted, it is an existing parcel land. It is predominantly vacant. There was a previous residence that was demolished and there are several associated agricultural outbuildings that may remain on the property at this point. This location may look familiar to some as it was a previous Rezoning request in 2021 to rezone it to C-2A (Limited Central Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). Ultimately, that Rezoning application was unsuccessful. Tonight, we have a new application that

is seeking to rezone to C-1A (Limited Commercial Zone). The *Comprehensive Plan* for this location identifies in the Land Development Plan that the property has a land use category of Mixed Use. Our Report outlines some of the information about Mixed Use strategies in the city in the *Comprehensive Plan*. It is noted that the Mixed Use land use category does have C-1A (Limited Commercial Zone) as one of the zoning districts that it could be rezoned to. Specifically talking about the C-1A (Limited Commercial Zone), this is a zoning district that allows uses such as retail stores, personal service establishments, service establishments, restaurants, a variety of offices as well as residential uses such as one family residences, apartments, and multi-family dwellings. Through a Conditional Use process, drive-throughs may be considered. She does want to note very specifically that the C-1A (Limited Commercial Zone) zoning district prohibits the use of fuel pumps and motor vehicle storage, sales, or repairs. In the COZ-1 (Corridor Overlay Zone) for this property, that zoning classification is more related to design and development aspects for the property as it would require a series of architectural parking and landscaping guidelines to be implemented with any development on the property. With a Rezoning application such as this, the Planning Commission has to consider several factors when looking at the request which will amend the zoning map. Specifically, they have to make a recommendation and that is carried in a report to the City Council. They have to evaluate it based on the following factors: whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned; whether the adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand based on the change; and whether the proposed change is in accordance with the City's current *Comprehensive Plan*. As part of the Development Advisory Committee Report, the Planning Staff has made a recommendation in regards to this Rezoning request. Planning Staff is recommending approval of the Rezoning to C-1A (Limited Commercial Zone) while retaining that COZ-1 (Corridor Overlay Zone) provision. They make this finding noting that the zoning is consistent with the 2019 *Comprehensive Plan* and the Mixed Use land classification category it has. The C-2 (Central Commercial Zone) zoning district, we find is a mixed use zoning district and allows for commercial and residential land uses. They do recommend that the property remain subject to that COZ-1 (Corridor Overlay Zone) provision related to development activities. They recognize that this area of Forrest Avenue is a gateway into the City of Dover moving from more residential areas in the far west to increasingly commercial areas as it moves towards the central core of the City. The general area is residential in nature. There is the Dover High School Campus as well as apartment buildings of higher density residential within the general area. The property does have significant frontage on Forrest Avenue and then also frontage on Cranberry Run. There are sidewalks in the area. They note that with any Rezoning request, this does not lock it into any particular land use that is identified in the C-1A (Limited Commercial Zone). Any potential development of the site would be subject to separate review processes and implementation of the design requirements of the *Zoning Ordinance*. Additionally from the other reviewing agencies that participate in the Development Advisory Committee, they have no objections to this Rezoning from the departments of Public Works, Water/Wastewater, Electric, the Office of the Fire Marshal, DelDOT, and the Dover Kent County MPO. Each of these have identified no objection to the Rezoning and offer some advisory comments that should development happen in the future. There will be more requirements to come associated with that development review process.

Mr. Street stated that as usual, he can toss most of his presentation out because Staff has already gone through it, but he will pick up some highlights this evening. What they are proposing, as

shown before you on the screen, is the five acre piece almost directly across the street from the Dover High School located along Forrest Avenue on the west end of the City itself. The petition that they are requesting is to go from R-10 (One Family Residence Zone) to C-1A (Limited Commercial Zone) as well as the parcel remaining subject to the COZ-1 (Corridor Overlay Zone) regulations. As Staff outlined, the City has three criteria for a Rezoning. The first is whether or not there is adequate public facilities available to the parcel itself. The second would be whether or not a permitted use is compliant and/or acceptable with the surrounding parcels as far as uses in the zones. The third is whether or not it is in compliance with the *2019 Comprehensive Plan*. The first is whether or not the parcel has adequate public facilities. He would submit that the City has adequate water, sewer, electric, and he believes that there is also gas on Forrest Avenue. So, without any objection to Public Works, the public facilities are taken care of and are available for the site to use. The second two kind of go hand in hand. They are whether or not the uses are compatible with the surrounding areas and zones and whether or not it is in compliance with the *Comprehensive Plan*. Shown on the screen is a map of the proposed Land Development Plan within the *2019 Comprehensive Plan*. The subject parcel is shown in purple which identifies it as a Mixed Use parcel or Mixed Use land use in the *Comprehensive Plan*. This is a blow up of that map and on the left hand side is the purple rectangle of the five acre piece that is our parcel. He wants to try to explain what he is trying to convey with this image. If you start Downtown and you work your way west on Loockerman Street, you will come up to that purple area on the right hand side of the screen, that is where Division Street and Loockerman Street come together right about at the Booker T. Washington School. You are going to see along the Route 8 Corridor is both commercial and residential along that entire corridor. You will have commercial facing the corridor itself as you get to the McKee Road and Saulsbury Road area. You have CVS, Walgreens, Vincenzo's, the Food Lion/Gateway West Shopping Center that's got restaurants, retail, and a grocery store in it. As you move west, you have the Modern Maturity Center, Dunkin Donuts and then behind the Dunkin Donuts and behind the Modern Maturity Center you have Bicentennial Village, Woodmill Apartments in the Woodmill subdivision itself. As you move further west, you are going to run into Redners. With Redners, you've got a mixture of not only service establishments such as hair and nails, you've got a grocery store, offices. Then behind that is more residential along Dover Kenton Road as well as Bicentennial Village itself. On the south side of Route 8, you are going to have the new mexican restaurant (La Hacienda) that just opened, Wawa, WSFS Bank and more commercial/retail establishments in front of residential all along Forrest Avenue. It should be noted that if you look in the current Dover's *Comprehensive Plan*, Dover's expansion is west. The majority of the proposed annexations for the City are all west on Route 8 and Hazletville Road. Dover High School was constructed on the west end of town because Dover's expansion is west and they wanted it to be, once Dover expands, more centrally located. As you travel west, now you are getting into residential and you have this nice five acre parcel which is prime for light commercial, residential, mixed use, service type establishments, and small retail that support the surrounding community. That is what you have all along that Route 8 Corridor. The goals of Mixed Use in the *Comprehensive Plan* "encourage creation of neighborhood centers." He thinks that this is kind of a key piece. He grew up in town right over in Fairview and one thing that they had growing up was the Little Store and the old Marsteller's. Marsteller's was a more of a couple of acres parcel. There was Marsteller's, Roma's, and an Ace Hardware. You had small service type facilities. He could walk to the Little Store all of the time. Those are the types of small walkable service type of facilities that they are talking about here in concert with small pieces of residential. The second

thing is that it talks about these types of centers being close and walkable to a close community and fronting on major roadways. This fronts on Forrest Avenue and as Staff said, this is one of the gateways to Dover from the west. The third, he would submit, and he is sure that majority of the people behind him would submit that it is right smack in the middle of communities around it and a half a mile away that are all walkable and that would all be forced to be walkable, not long through DelDOT on Forrest Avenue but through the City with pedestrian facilities themselves. C-1A (Limited Commercial Zone) is an allowable use in the Mixed Use land use classification for the *Comprehensive Plan*. So, when you look at compliance with the *Comprehensive Plan* and compatibility with neighboring uses and zones, he would submit that you have a Route 8 Corridor just has commercial on the Route 8 Corridor itself and residential behind them. C-1A (Limited Commercial Zone) is an allowable zone and Mrs. Melson-Williams already brought up all of the uses that are allowed with the C-1A (Limited Commercial Zone) itself. You are talking about retail stores, personal establishments, restaurants, some residential as well as a scattering of office uses.

Mr. Reaves asked why not C-1 (Neighborhood Commercial Zone) opposed to C-1A (Limited Commercial Zone). Responding to Mr. Reaves, Mr. Street stated that he believes the difference between C-1 (Neighborhood Commercial Zone) and C-1A (Limited Commercial Zone) is that it dealt with the size of either the office or retail. C-1A (Limited Commercial Zone) allows a little bit more flexibility with the size of the retail. We are not talking about giant retail; it's like single use retail that you would see in Greentree Village, like a 1,500 SF space. He thinks that C-1A (Limited Commercial Zone) allows for a little bit larger space than that.

Mrs. Melson-Williams stated that C-1 (Neighborhood Commercial Zone) does have a limitation on the size of all establishments. It is limited to 2,500 SF per establishment. The uses are fairly similar to what is proposed with a Rezoning to C-1A (Limited Commercial Zone). There are some limitations and some additional uses that are specifically prohibited in C-1 (Neighborhood Commercial Zone).

Mr. Reaves stated that the 2,500 SF seems reasonable for a small neighborhood possible store or service establishment. He would be asking if 2,500 SF enough for what the plan is for there. Responding to Mr. Reaves, Mr. Street stated that they have no physical buildings laid out. The plan is a mixture of residential and commercial. With the 2,500 SF limitation, just through discussions, it limits what you can do commercially. So if someone needs something a little bit bigger as far as an office space than the 2,500 SF, then that's not allowed in the zone. It allows a little bit more flexibility with that. He doesn't think that they are talking about anything really big. You can't really put a large building there but it just offers a little more flexibility. Through conversations with Staff and the client, C-1A (Limited Commercial Zone) made the most sense.

Dr. Jones stated that she thinks this application has a little bit of history or previous applications. Has there been any communications to the residents because apparently there were some concerns early on? Responding to Dr. Jones, Mr. Street stated that he is not sure if there has been any communication between the owner and the residents themselves.

Mr. Witham asked that the fact that the area in question is over 5 acres, does that impact your judgement as to whether you are seeking a Rezoning from R-10 (One Family Residence Zone) to C-1A (Limited Commercial Zone)? That is no small area and it is not a large area but it is a good

sized area. Because it is over 5 acres, would that play a major factor in your decision to seek a Rezoning to C-1A (Limited Commercial Zone)? Responding to Mr. Witham, Mr. Street stated that he doesn't know that the area itself does. It's whether or not they would keep it residential and build houses or whether they would go commercial. He wasn't part of those conversations; they came to him and said "we want to rezone it." They kind of get their marching orders and they may consult with them on what zoning may or may not make sense but they (the applicant) are the ones that come to us and they (the applicant) are the ones requesting a commercial zoning.

Mr. Witham stated that if the acreage was like one acre as opposed to five acres, could that have an impact of whether you seeking a Rezoning to the C-1A (Limited Commercial Zone) or the C-1 (Neighborhood Commercial Zone)? Responding to Mr. Witham, Mr. Street stated that without having both and comparing them with the size of the parcel, it would probably play some part. He has developed a lot of one acre parcels so it kind of plays into it.

Mr. Cooper asked Mrs. Melson-Williams if she knows what the maximum square footage is for C-1A (Limited Commercial Zone) versus C-1 (Neighborhood Commercial Zone). He knows that it is at 2,500 SF for C-1 (Neighborhood Commercial Zone) but it is hard to compare without the other end. Responding to Mr. Cooper, Mrs. Melson-Williams stated that the C-1A (Limited Commercial Zone) does not have a maximum size per establishment. That is one of the big differences. There are some slight differences in the uses that are allowed between the zones. For example, the C-1 (Neighborhood Commercial Zone) does not specifically call out offices as an allowable use. It also has a few more prohibitions to it. We could also look to the bulk standards for both of those zones for comparisons, but the COZ-1 (Corridor Overlay Zone) is also going to play a factor into some of those bulk standard limitations for development as well. The COZ-1 (Corridor Overlay Zone) has a height limitation and there is buffering and landscaping requirements that are going to make your buildable area smaller in general.

Mr. Street stated that having the COZ-1 (Corridor Overlay Zone) remain on the parcel also means the buildings have to be put within 30-40 feet of Route 8. The buildings have to be pushed forward so that the buildings sit forward and the parking is to the rear. The COZ-1 (Corridor Overlay Zone) is subject to an exhaustive amount of plantings along the roadway and on the parcel as well as superior architectural standards. Those all have to be met if Site Plans move forward.

Mr. Reaves stated that with the explanation that Mr. Street explained about the commercial properties that are more east of Route 8 from the Wawa to the Redners, those areas contain four lanes of traffic, two lanes each direction. When you get down to this particular parcel, there is only two lanes of traffic going in either direction. Was that something that is a concern for this particular parcel? Responding to Mr. Reaves, Mr. Street stated not in general. He says that because he has done this for 20 years, DelDOT has their own standards and DelDOT has their own requirements depending on the traffic with whatever is generated. They can start getting into Site Plan issues. Depending on what goes there, traffic is calculated and then quantified and then they have to provide an entrance and safely maneuver that traffic in and out of the site. DelDOT plays a big part in that so it would have to meet DelDOT's standards for number 1 and for number 2 it would have to meet safety and DelDOT's requirements for left turn lanes, right turn lanes, signals, and everything else. They would have to go through that whole process

before they even get access. In general, the two lanes doesn't necessarily concern him off-hand because they would have to make accommodations for the site depending on what went there anyway.

Mr. Reaves stated that with regards to the Development Advisory Committee, the report from the DelDOT agency clearly states that there will be no access to this property from Forrest Avenue which means that the entrance to this property which is an existing entrance would be into the neighborhood entrance and exit. Traffic that would be traveling east more or less would bottleneck in that particular area and that would be pretty devastating especially around the time periods that they are exiting the school and everyone is coming back in that direction. He doesn't know what the conversation was that you had with DelDOT; however, if that road is not expanded, that could be a tremendous burden on traffic coming in and out. Responding to Mr. Reaves, Mr. Street stated that he can tell you that he saw the comment and it kind of made him scratch his head because it's just a Rezoning and that comment is really more appropriate for a Site Plan. He actually reached out to both the reviewer and the subdivision engineer and asked if there was something that he was not seeing. At times, there can be deed restrictions or actually a denial of access to a road that DelDOT says you cannot have access to the road. Route 13 is good example. It is in the Corridor Capacity Overlay which they try and limit access to Route 13. Having said that, he received communications back from when he asked if this was just a standard comment because it's on Forrest Avenue. It may be a little congested and it would be something that they would have to work through on the Site Plan and the response was basically yes. That is why it is an advisory comment not a requirement as a condition of approval of the Rezoning itself with all of these issues, DelDOT's stance might be right now that they don't want it to have access but they would still have to come work with us on any access when it was proposed with whatever Site Plan might come forward which there is none at this point.

Mrs. Maucher asked what housing density is allowed under this zoning. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that the types of units that are allowed include one family residences as attached and detached which would be things like townhouses, duplexes, single family detached, and apartments and multi-family dwellings which are more than one unit in an individual building. Some of those refer to the RG-1 (General Residence Zone) bulk standards and the RG-1 (General Residence Zone) bulk standards give a minimum lot size. There is not necessarily a density calculation; you just have to do the math.

Mrs. Maucher stated that if garden apartments were to be built, are there capacity restrictions as far as that would go with this zone? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that you are going to have some limitation just with the bulk standards and setbacks from property lines that creates a buildable area within the property itself. With that, they have not done the math to figure out what the buildable area is on the parcel with 5 acres. There is certainly opportunity there. She wouldn't want to guess the exact size this evening.

Mr. Street stated that he wanted to address something else. It is kind of his concern with DelDOT and he has had the conversation with them. They (the applicant) don't want to pull the traffic onto that residential street. That just doesn't make sense and that was his first comment. If they can't come off of Route 8, then why would they want to go to the residential street? They would try and avoid that as much as possible because it just doesn't make any sense for traffic as far as how traffic flows and what not. Your thinking is along the same lines; it doesn't make sense to

pull all that traffic into a residential street. No matter how big it is, it's still the entrance to their subdivision and he wouldn't want it if it was his.

Mr. Paradee stated that he wanted to try to address Mr. Witham's question about the size of the acreage and the square footage limitation in the C-1 (Neighborhood Commercial Zone). That is found in Section 11 of Article 3 (of the *Zoning Ordinance*) Section 11.4 limits the total floor area in any one establishment to 2,500 SF. So, you have a five acre piece of land and it wouldn't be a very sufficient use of that land to just put one 2,500 SF building on it. If it was a one acre parcel then that would make sense perhaps. But 2,500 SF on five acres is not a sufficient use of land. Their client has the intention of building something larger than 2,500 SF which they couldn't do in C-1 (Neighborhood Commercial Zone).

Mrs. Maucher stated that it is not limited to one per parcel, you could have ten establishments that are each 2,500 SF. Responding to Mrs. Maucher, Mr. Paradee stated that they could. Now we are starting to get a little bit into Site Plan issues but frankly, even if you were able to have three or four 2,500 SF buildings, it's probably not a flexible design or as efficient design as maybe having a 10,000 SF building which you couldn't do in C-1 (Neighborhood Commercial Zone). The C-1A (Limited Commercial Zone) gives them a lot more design flexibility. That is the concept and that is why the client chose that. It also specifically prohibits gas pumps.

*Mrs. Maucher opened the public hearing.*

**Mr. John Davis – 4 Stoney Drive Dover, DE 19904**

Mr. Davis stated that Dr. Jones asked a question about past history. This parcel, 2.5 years ago, was rejected by this body by a vote of 9-0 because it was not an appropriate use for that particular area which is residential. Mr. Street pointed out on his PowerPoint presentation, the map of Route 8 and the purple area which represented this property. It was outlined very well in terms of it shows that it is totally surrounded by residential area. When we talk about it being mixed use on Route 8, that's true up until you get to Dover Kenton Road. From Dover Kenton Road and Mifflin Road on west, there is no commercial establishment. These are residential neighborhoods. He did read, after 2.5 years ago, the *Comprehensive Plan*. The neighborhood centers that Mr. Street references with Marsteller's, Grocery Basket and some other quaint little stores that he remembers, that is not what's going to go in here. It is not going to be a neighborhood center that this neighborhood wants. To answer Dr. Jones' question about was there any outreach towards the neighbors. He can say unqualified, no. They have the President of the Cranberry Run Homeowner's Association here and there has been no attempt to contact any of the members of the public that came 2.5 years ago. As now, everybody had our information. Dealing with Mr. Reaves' question in terms of a left hand turn going east bound on Route 8, you pass a stop light at Dover High and then it's just a couple of hundred feet until you get to the entrance of Cranberry Run. Where the entrance it going to be directly off of Route 8, that will create yet another potential traffic tie up as somebody attempts to make a left land turn into that property. Unless you decide that there is going to be no left hand turn and of course that is something for a Site Plan as they say. What he wanted to address specifically, is whether the proposed use is in keeping with the neighborhood especially, since there is no commercial property. If we are talking about a mixed use being in compliance with the residents of Route 8

from Dover Kenton Road east, sure. You have Redners right there and Wawa across the street. There is also the new mexican restaurant, but you do not have west of Kenton Road and Mifflin Road, another commercial property until you hit the old Buck's Barber Shop at the corner of Artis Drive and Route 8. That is all residential area. They are well aware of what happens with little strip centers at the edge of the western boundaries of the City of Dover. They are very aware of what happens at the Wawa of Forrest Avenue. There was a shooting there last month. They are very aware of some of the issues that come with those particular strip centers. That is not in keeping with what is the residential nature of Heatherfield, Heatherfield East, Cranberry Run, and approximately eight (8) properties on the other side of Route 8 which back up on Dover High School's property. He would like to thank Planning Staff who have always been unbelievably helpful toward him whenever he has stopped in.

**Dr. Valarie Boyer – 3 Somerset Circle Dover, DE 19904**

Dr. Boyer stated that she is the President of the Cranberry HOA. She moved here on October 22, 1999. Why? Because there were horses across the street on Route 8. Because there were cows. There was a man living in a little trailer and he had these little animals. She thought, "I'm going to move here." Then she bought a cul-de-sac property and paid extra money to have a cul-de-sac that backed up to the woods where she put a \$23,000 fence up. Now, it is a possibility that C-1A (Limited Commercial Zone) is going to intrude on our neighborhood like this. We only have like 73 houses, but we are happy. We keep it up and we get our dues. Everyone takes care of their property. Can you imagine how our property value is going to plummet once these little structures go up? It was said before; Wawa just had a shooting. Someone was hiding in the bushes as he fired the shots. He hit someone and could have killed them. Who's to say that they can't hide behind a house or a shed or our cars and start doing some kind of rampage? The suggestion that there could be a convenience store there makes her wonder about the traffic coming down Route 8. They would have to turn into Cranberry Run. The 18-wheeler who has to use the bathroom and they want to come in would have to turn into Cranberry Run. What about the children who cross Route 8 from the high school? They want that snack. You know how it is when you're hungry after school; so, they dart across that street and with all of that traffic somebody is going to get hit. Or when you are trying to go to work in the morning and you are trying to get onto Route 8, but you can't get to Route 8 because there are people coming in and out of the development entrance. Traffic is steady on Route 8 as it is. They don't need another back up. We don't want commercial in our neighborhood. No one asked her or anyone that she knows. Would you want it in your neighborhood? No, you don't. She didn't move all the way here to have commercial structure on the side of the entrance of her neighborhood. She has a doctor who used to live across the street from her and he moved to Quail Run. It is a professional neighborhood. She is a professor at Delaware State University and she is proud of it. She doesn't want to move; she thought this was going to be her last stop. But commercial coming in, it is definitely something that she is going to have to rethink. If there is food being sold on that corner, you can believe that they are going through our park to sit there and eat and then throw the trash on the ground and then they may take a stroll through the woods. She has seen people do it before but it hasn't happened in a long time because she called the Police about it. It won't take long before Cranberry Run will be absolutely destroyed for money.

**Ms. Rose Marie Eberly – 109 Tucket Circle Dover, DE 19904**

Ms. Eberly stated that they have been here before and she is not quite sure what has changed

because she can tell you that the community hasn't changed their mind. They are definitely opposed to this Rezoning. They have concerns regarding the traffic. They already have trouble getting out of our development. Not just during the school times but also on Sundays when church lets out or if there are any activities going on in west Dover like funerals from the cemetery and many other events that cause them to have problems getting out of the development. Any retail establishments here would be 24-hour lights, noise, trash thrown everywhere with the community expected to clean it up, and loitering from kids and adults. All of the establishments that this gentleman mentioned previously east of this property have crime which is theft, prostitution, drugs, or assault. If there is any doubt that they are there, just look at Route 8 and what's going on at the Wawa or at the Kent 8 Shopping Center. Also, getting into our development, they are looking at having the entrance to this property come in on Cranberry Run. When we try to make a right turn into our development which we can't even get a turn lane there, we are taking our lives into our hands. People don't want to stop, slow down, or let us get into the development. As far as coming from the other direction, she is a bike rider and she has had a car come directly at her because she was in the turn lane and they were too impatient to wait for somebody to make a right hand turn. That car slammed on their brakes to prevent hitting her. There have been other times while she is out on Route 8 where there are wide shoulders and she should be able to ride her bike there, but no because of the traffic in that area, it is not safe. The gentleman talked about a neighborhood center. It is not a neighborhood center if the people don't want it there. The mission of the City Council is to have a "place that people want to live." She thinks that right now, they have that. It is also to have a "clean and safe place." Right now, they have that. If you put a commercial development in there, that is not going to be. "Diversity is valued" and she believes that is true. "Citizens are heard and enjoy a high quality of life." You put a retail establishment in there and that's not with the mission of City Council. They are not happy with this and she hopes that the Commission will not rezone it because this proposed establishment does not go with the neighborhood.

**Ms. Lynn Sadusky – 16 Stoney Drive Dover, DE 19904**

Ms. Sadusky stated that she just wanted to start out by thanking each Commission member who asked questions because they were very thoughtful and some of the questions that she had weren't answered in the presentation. She was here 2.5 years ago and she agrees with the people who have already spoken that nothing has changed. They weren't notified or contacted and they remain opposed as multiple neighborhoods in that area. They are opposed to this kind of construction or commercialism in our neighborhood. She wants to mention three things. First of all, she leaves for work in the mornings between 7AM and 7:15AM each morning and to get out of the neighborhood of Heatherfield, she has to sit at that stop sign sometimes for 3-5 minutes just to get out safely because there are so many buses leaving Dover High School and traffic of parents dropping their kids off. It is really a difficult place to navigate without a light. Also, as a high school teacher, she is very concerned and she mentioned this a couple of years ago, with the enticement of having a business like that across the street from Dover High. Either during school hours or after school hours, she remembers when she was in high school at Dover High a long time ago, they were running to the local Hardees and it wasn't even within visual sight. She thinks it could be very dangerous for the students at Dover High School to have that kind of business there in addition to all of the traffic and the poor residents of Cranberry Run and Heatherfield. She just wants to press that she doesn't think that we need another convenience store or some other type of large establishment in that area. Again, like somebody already said,

we have businesses east of this area but there is nothing in that area except for neighborhoods. She knows that they would like to create some competition for Wawa possibly but we don't need another establishment like that in our neighborhood. It's in accordance with the City of Dover's planning, but it's definitely not compatible with the neighborhood. They have residential zoning and they have a residential area. They don't need this type of building in the western part of Dover. She also wants to suggest that she thinks that if Mr. Street or Mr. Paradee lived in the neighborhood or if your client lived in the neighborhood or their children or grandchildren lived in the neighborhood that they would certainly not be in favor of this type of Rezoning. She too is old enough to remember Marsteller's on Walker Road and the Little Store that was a couple of miles from Fairview. She doesn't think this is a fair comparison to the kind of building that is being proposed.

**Mr. Richard Heisler – Forrest Avenue Dover, DE 19904**

Mr. Heisler stated that there is no sense in repeating everything that has been said. He would like to reiterate that getting out on Route 8 when the school is letting out or starting up, it is just all but impossible and he lives on the right side of the road. The people on the other side, he pities them. He agrees with everything that has been said and he appreciates the Planning Commission taking our input. The previous Planning Commission, they did not attend it and that's why your decision went the way it did. He certainly hopes that you consider everything that has been said here tonight by the residents.

**Mr. Darrell Muchison, Sr – 129 Falmouth Way Dover, DE 19904**

Mr. Muchison stated after hearing everyone with their statements and their proposals, he and his wife bought this home 16 years ago in June. They moved here from Philadelphia to raise our two children which has been the greatest move that we have ever done just for our children's sake. But in the same instance, they were introduced to a whole different lifestyle here in the City of Dover and he is grateful for that. He is also grateful for the peace and the quiet tranquility that this neighborhood and community brings with his choice to move here from Philadelphia. He wouldn't change it for the world. The last proposal was to put a Sheetz gas station down the street, but we came together as a community and we voiced our opinion and that was done away with. Along with everyone who just made their statements, we are really against any more confusion, any more traffic congestion that it takes for us to get in and out of our development even with the regards to the children that go to Dover High. Both of our children are graduates of Dover High; so, he has seen the changes. Some change is good and some change isn't good and this change here, he doesn't think would benefit the neighborhood of this community.

**Mrs. Ashia Muchison – 129 Falmouth Way Dover, DE 19904**

Mrs. Muchison stated that she heard a couple of people touch on the children and their safety, but she doesn't think that the magnitude of their safety was presented well enough to make you guys reconsider. That bus stop is full of children at about 7AM and they are waiting to get on the bus when someone can be turning to another area which will cause confusion with anyone getting in or out. She knows that C-1 or C-1A is saying that it could be housing but would it be a halfway house? Would it be a homeless shelter? Would it be a safe haven for women who are running from something? What is it going to be? There is going to be not only bus traffic, but it is also going to be our children in the street racing across traffic to get to that store or to get to the other side. It is going to cause chaos and not only chaos, but the cost of living. Her property

taxes are definitely going to go up more and her cost of living is going up as well. To her, the safety of our children and grandchildren are not considered.

Mrs. Melson-Williams stated that Mr. Robert Hice did send an email and that email was provided to the Planning Office via the City Clerk's Office and Staff distributed it to the Planning Commission members. Mr. Hice is at 124 Chelsea Way in Cranberry Run. His email notes where he is residing and he notes that he thought the Rezoning of this parcel was put to rest months ago. He makes the statement that "the current owners want to have this parcel rezoned so that they can sell it to a buyer that wants to build a convenient store with gas pumps. It is his understanding that it is currently zoned for residential building." He notes that he is "absolutely against that Rezoning effort because it's near his back yard." It goes on with some of the other statements related to traffic, lighting and the issues at the Wawa that was recently experienced. He feels that his house is in the City but it is still out in the country. He's asking that the Commission vote against this Rezoning. He notes that he did not receive the notice that was sent to surrounding properties. Planning Staff checked his location and his property is not within 200 feet of the subject site. It is like one parcel away from being in that mandatory notification area.

**Mr. Robert Hice – 124 Chelsea Way Dover, DE 19904**

Mr. Hice stated that he doesn't have much to add as everyone else covered it pretty well.

**Ms. Patricia Cohen – 1602 Forrest Avenue Dover, DE 19904**

Ms. Cohen stated that she wanted to thank everyone for everything that has been said tonight. She was looking over the *Comprehensive Plan*. The 2019 *Comprehensive Plan* described our City of Dover as "poised for growth in order to maintain a small-town feeling, respecting the tranquility of residential areas to ensure safe and livable neighborhoods and well planned communities." The Plan lists future challenges of maintaining the character of the neighborhoods while addressing the impact of the increased traffic infrastructure, maintenance, and air quality. She feels like the proposed changes should take into account the factors that are not seen on a daily basis unless you live there. So firstly, Route 8 is, as others have already said tonight, it's already a high traffic flow area. The 35 MPH speed limit is rarely observed and instead Route 8 resembles a NASCAR race. Speeding and illegal passing are daily occurrences. They are very grateful to our City of Dover Police Department for their continued presence in helping to promote safety in the area. But naturally, they are extremely concerned for the safety of pedestrians and residents. If this land is developed, it will result in even more traffic up and down Route 8. Consider the detrimental effects on the air quality and exposure to environmental toxins as well. Next, while the proposed changes may appear advantageous on the surface, it is important to consider the impact on the infrastructure. The existing roadways will not be able to sustain increased traffic. In reviewing the *Comprehensive Plan*, they are all seeking to arrive at a positive solution. She struggles to understand how this zoning change would benefit surrounding neighborhoods and residents. So lastly, she urges the Planning Commission members to take a field trip. Even if it's for only an hour of their day to physically sit on Route 8 and observe the traffic patterns in order to be more accurately informed of how negatively this proposed zoning change will influence the future of west Dover.

**Mr. Jack Sutton – 1618 Forrest Avenue Dover, DE 19904**

Mr. Sutton stated that after being on the phone listening to everybody, he has some great

neighbors. He has nothing really to add to what they said. Everything they said is right on point. This is not a good thing for the traffic and safety. This just bothers him that this is even coming up again. He's really just angry about it. He doesn't think that anybody is happy about what's happening here, and he's just disgusted with it all. He and his wife have lived here for 18 years now. This is a beautiful place to live and a beautiful place to raise your children. It is a beautiful place to walk and exercise and don't take that away from us. There are a lot of senior citizens around here that feel comfortable living here. All for money and greed and he just finds it disgusting. He appreciates your time and that is all that he has to say because these people are right on the money.

Mrs. Melson-Williams stated that Mr. Muchison who spoke earlier had another question that he entered into the chat. The question is will they cut down the trees? She believes that there are some existing trees on the property. This is just a Rezoning application. Any future development would be subject to a separate review process. The City does have tree preservation and tree planting requirements. Should development occur, she would imagine that's something they would evaluate versus design and the requirements of the *Zoning Ordinance*.

Mrs. Melson-Williams stated that she did get a note from Ms. Yvonne Biddle that her husband had already spoken.

Mrs. Maucher asked if there were any other written comments received other than Mr. Hice's comments. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that there were no other additional public comments, only the email from Mr. Robert Hice that she mentioned earlier.

*Mrs. Maucher closed the public hearing.*

Mrs. Denney asked if it was possible that somebody would have an interest in voting to approve this, would it be possible to make it conditional? For instance, a condition upon the fact that no entry to this come through or involve in any way Cranberry Run? Responding to Mrs. Denney, Mrs. Melson-Williams stated that a Rezoning request is on the face of the zoning district alone. You cannot condition it to a particular use or to a condition of approval such as that.

Mr. Witham asked if the issue about the entrance access to the site just raised by Mrs. Denney, wouldn't that come up on Site Plan review? Responding to Mr. Witham, Mrs. Melson-Williams stated that any questions of site design, be it entrance, building placement, and all of that would be part of a Development Review Application for the project site.

Mr. Witham stated that the public could then certainly have input with respect to that, correct? Responding to Mr. Witham, Mrs. Melson-Williams stated that certainly during a Site Development Plan, there is the ability for public hearing and input and potential conditions with an application; however, the appropriate regulatory agencies must also weigh in. The Planning Commission can't supersede a DelDOT or Kent Conservation District requirement in the long run.

*Dr. Jones moved to recommend denial to City Council for Z-23-02 Lands of Draper Farm Properties, LLC at 1617 Forrest Avenue for the change from present zoning (R-10/COZ-1) to the proposed zoning (C-1A/COZ-1) because of the testimonies from the residents. In addition to the*

*comments made by one of the callers, she had already written these things down, but she distinctly put them in order. She does not believe that approval of this Rezoning would add to the safety of the residents and/or the young people who traverse that area quite a bit. She lives almost in that area, so she sees them. The zoning request appears not to be compatible with a livable community and adding any type of commercial endeavor to that area would in fact not enhance tranquility, seconded by Mrs. Denney for the same reasons as the maker of the motion. She doesn't believe that a Rezoning in this particular area considering at most, the safety issues with regard to the school and the students. She just thinks that this is not appropriate. She doesn't think that it meets the character of what is already there as far as the housing and the character. The motion was carried 6-2 by roll call vote with Mr. Roach absent.*

*Dr. Jones voting yes; for reasons previously stated. Mr. Reaves voting yes; based on the Corridor Overlay Zone Article 3, Section 27.1A. He has a concern that it doesn't promote superior urban corridor development in the highest quality building environment. Also, it does not foster the coordination and linkage among corridor properties with adjacent lands and it does not preserve the functionality and efficiency of the roadway for traffic movement and safety. Mrs. Welsh voting yes; for reasons stated and also as she looks at Map 12.1, she sees that the ratio of commercial establishments and properties depicted on that map are significantly smaller compared to the residential neighborhoods and properties in that area and as noted by Mr. Davis in his comments. She knows that area well. She lives in that general area. The properties to the west of Mifflin Road are all depicted as residential on that Map and so she feels that that's more compatible with the situation and it is an immense safety concern as far as what we do here. Mr. Cooper voting no (as clarified); this has got to be the toughest vote that he has had to make since joining this Commission. The Comprehensive Plan says to approve the application, but the road and the residents say not to. He thinks that if there was a Site Plan that showed the entrance which is understood is not feasible at this moment, he thinks it would make it a lot easier to vote for it. Unfortunately, he has to vote to deny the motion. Mrs. Denney voting yes; in keeping with the comments that she made when she seconded the motion. She does believe that most especially its the safety issues and as far as the traffic, we all know that that is ultimately up to DelDOT. But she travels that road a lot and it is just, to me, the fact that when she even thinks in her mind of students from the high school running across. We all know that it is the same thing with those teenagers. You can say that you shouldn't run a stop sign and that you should slow down at a yellow light and all of those different things that we say that are ignored. Certainly, that would be one of them with a bunch of high school students. She thinks the safety issue is big. Mr. Witham voting no; for this particular site, the request is to amend the Zoning Map to rezone the property from R-10 (General Residence Zone) to C-1A (Limited Commercial Zone) with the COZ-1 (Corridor Overlay Zone) remaining in place. This certainly comes within the desire of the Comprehensive Plan to extend the commercial uses to include retail, personal service establishments, service establishments, restaurants, and offices. While the main concern as he sees it is a safety issue and traffic issues, he feels that perhaps those issues can be adequately addressed when it comes for Site Plan approval. He doesn't think that should adversely impact on whether it meets the Comprehensive Plan design for this particular area. Mr. Baldwin voting yes; this is a just a recommendation to City Council. Mrs. Maucher voting yes; she thinks the C-1A (Limited Commercial Zone) is a very broad zoning option and it leads to a large number of facilities that may not meet the compatibility of the surrounding area. She does recognize that it is compatible with the Comprehensive Plan, but again, that is a very broad zoning category. (Note: The vote was originally announced as 8-0 in favor of denial. However, the Chair and Staff*

*asked for clarification of the votes and two members, Mr. Witham and Mr. Cooper had voted against the motion.)*

Mr. Reaves stated that he would like to give clarification to his comment in how he addressed the issue. He votes to support the denial of Z-23-02.

Mrs. Melson-Williams stated that is a recommendation to City Council. That, along with the reasons and comments and the Report will be packaged and forwarded the City Council. This is subject to a hearing before City Council and the public hearing is scheduled for February 12, 2024. City Council meets in Council Chambers also and their meetings begin at 6:30PM.

Z-24-01 Lands of City of Dover (Old Post Office) at 55 Loockerman Plaza - Public Hearing and Review for Recommendation to City Council of a Rezoning application for a parcel of land consisting of approximately 1.27 acres (Old Dover Post Office property). The property is zoned IO (Institutional and Office Zone), subject to the SWPOZ (Source Water Protection Overlay Zone), and subject to the H (Historic District Zone). The proposed zoning is C-2 (Central Commercial Zone), subject to the SWPOZ (Source Water Protection Overlay Zone), and subject to the H (Historic District Zone). The property is located on the north side of Loockerman Plaza and adjacent to Innovation Way. The owner of record is the City of Dover. Property Address: 55 Loockerman Plaza. Tax Parcel: ED-05-077.05-04-53.00-000. Council District 4. Ordinance #2023-13

**Representative:** Mrs. Sharon Duca, Assistant City Manager for City of Dover

Mrs. Melson-Williams stated that this is a Rezoning Application for the Lands of the City of Dover; the Old Post Office site at 55 Loockerman Plaza. That subject parcel is shown on the screen in yellow. It is currently zoned IO (Institutional and Office Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone), and subject to the H (Historic District Zone). The proposed Rezoning would take it to C-2 (Central Commercial Zone), with it remaining subject to the SWPOZ (Source Water Protection Overlay Zone), and subject to the H (Historic District Zone). This is land owned by the City of Dover. The building that stands on it was the Post Office that was constructed in the 1960's. The Post Office has since relocated in the last few years into the facilities over on Bank Lane leaving the City with a tract of land with a building. City Council has taken steps to dispose of/or sell in this case the property; however, the City is currently bringing forward this request to Rezone. Looking at the *Comprehensive Plan*, again, we find a property that is identified as Mixed Use in the Land Development Plan for the City on Map 12-1. The *Comprehensive Plan* does talk specifically about the historic core and center city as a Mixed Use area where there is a mix of a commercial environment as well as a residential environment. The next piece of the *Comprehensive Plan* that we always look to is that Land Use Matrix where we find the C-2 (Central Commercial Zone) as one of the zoning districts for the Mixed Use land use category. Looking at zoning, the C-2 (Central Commercial Zone) is here in Downtown currently and would allow for a mix of retail, restaurants, hotels, art galleries, service establishments, personal service offices, as well as on the residential side, apartments, and multi-family dwellings. Additionally, there are some Conditional Uses that are allowed in the C-2 (Central Commercial Zone). She will note that specific uses that are prohibited in C-2 (Central Commercial Zone) zoning district currently are fuel pumps and motor vehicle storage sales or repairs. Noted in our Report is also the SWPOZ (Source Water Protection Overlay Zone). There

is some prohibition on uses to help protect our water resources. Then its presence in the Historic District Zone will require that any proposals for demolition and new construction redevelopment, receive an Architectural Review Certificate as part of that review process. Again, this is a Rezoning, and the Planning Commission is charged with evaluating the Rezoning on a series of three factors. Those factors being the uses permitted by the proposed change and whether they would be compatible with existing uses and zones in the area; the adequateness of public services and infrastructure either existing or to be created and expanded; and then if the proposed change is in accordance with the City's *Comprehensive Plan*. Planning Staff is recommending approval of the Rezoning to C-2 (Central Commercial Zone) finding that it is consistent with the *Comprehensive Plan*. It is a district that they find in the Mixed Use land use classification and offers opportunities for development and revitalization both on the residential and commercial and office side which are all elements of a strengthened Downtown core area. There are limitations of the current zoning with the IO (Institutional and Office Zone). While it focuses on office related realms and some of the civic kind of functions, it is very limiting when it comes to commercial activity such as retail and housing or residential opportunities. With this, again, Planning Commission is making a recommendation to City Council for this Rezoning request to take the property from IO (Institutional and Office Zone) to C-2 (Central Commercial Zone) with it remaining subject to the SWPOZ (Source Water Protection Overlay Zone) and the H (Historic District Zone).

Mrs. Duca stated that basically the City Manager's Office has been charged by the City Council to sell the old Post Office site. They are looking to, as noted in the Report from the Planning Office, support the revitalization and redevelopment of this area looking particularly at the mixed-use options.

*Mrs. Maucher opened a public hearing and after seeing no one wishing to speak, closed the public hearing.*

Dr. Jones asked if this site was part of the Historic District. Were there any comments from the Historic District Commission? Aren't they a part of DAC? Responding to Dr. Jones, Mrs. Melson-Williams stated that the Historic District Commission is an appointed body of the city. Their activities are laid out in the *Zoning Ordinance*. Rezoning requests do not come before them unless it involves Rezoning to or from the Historic District Zone. They will be involved in any future redevelopment of the project site, and you will hear from them at that point. No, they are not a standing member of the Development Advisory Committee.

Mr. Reaves asked if this property is currently up for sale or when will the City list this property for sale? Responding to Mr. Reaves, Mrs. Melson-Williams stated that the property was previously posted for sale. The City actually took requests for proposals for the project site and has selected an entity to purchase. She believes that they are in the process of contract work to complete that sale. At the present time, she believes that the City still owns it at the moment, but it may not be for long.

*Mr. Reaves moved to recommend approval to City Council for Z-24-01 Lands of City of Dover (Old Post Office) at 55 Loockerman Plaza (for Rezoning to C-2 (Central Commercial Zone) with SWPOZ (Source Water Protection Overlay Zone) and H (Historic District Zone) zones),*

*seconded by Mr. Witham and the motion was carried 8-0 by roll call vote with Mr. Roach absent. Mr. Reaves voting yes; based upon the zoning of the old Post Office and the understanding that during the Site Plan review, we will be able to comment on anything that may be contrary to that zoning. Mrs. Welsh voting yes; for reasons stated in the DAC comments. Mr. Cooper voting yes; for reasons previously stated. Mrs. Denney voting yes; in keeping with the thought that when we come to Site Plan review, they will have an opportunity to delve further into it. It is a good thing that the Post Office building is being sold and that something new will begin there. Mr. Witham voting yes; it seems to him that this fits within and is consistent with the 2019 Comprehensive Plan as it is a part of the core Downtown area and frankly, he thinks that a very few people in the City of Dover would like to see a building of that size be vacant for that long period of time. We have too many vacant properties already in Dover and we don't need anymore, particularly in the Downtown area. Also, for the other reasons set forth on the record by his fellow Commissioners. Mr. Baldwin voting yes; based on the reasons stated and Staff recommendation. Dr. Jones voting yes; for reasons previously stated. Mrs. Maucher voting yes; for the reasons previously stated.*

### **NEW BUSINESS**

#### Nomination and Election of Vice-Chairman for Planning Commission

Mrs. Melson-Williams stated that previously Mr. Hartman served as your Vice Chair so now that he is no longer a seated member of the Planning Commission, that position is vacant and per your By-Laws should be filled. You can certainly take nominations and election of the Vice Chair for the Planning Commission. She would note that per your By-Laws, the votes on Chair and Vice-Chair are to be done by a secret ballot. But you may wish to consider dispensing with that, but it should be done by motion and then seek candidates for that position.

*Mr. Witham moved to dispense the secret ballot vote and move to voice vote for the election, seconded by Dr. Jones and the motion was carried 8-0 by voice vote with Mr. Roach absent.*

Dr. Jones nominates Mrs. Welsh as Vice-Chair.

Mrs. Welsh stated that she declines the nomination, regretfully.

Mr. Reaves nominates Mrs. Denney as Vice-Chair.

Mrs. Denney stated that it is so much work, but she thinks that it is important that the Commission knows that she chairs the Kent County's Board of Adjustment. As long as everyone is fine with that, she will accept the nomination. Responding to Mrs. Denney, Mrs. Melson-Williams stated that she doesn't believe that it's a conflict. Certainly, the Vice-Chair is the presiding Officer for this meeting in the absence of the Chair. It has happened before but that is kind of the role of the Vice-Chair.

*Mrs. Welsh seconded the motion for Mrs. Denney to be elected Vice-Chair and the motion was carried 8-0 by voice vote with Mr. Roach absent.*

Mrs. Melson-Williams stated that the positions of Chair and Vice-Chair are annual appointments. They come up for re-election in the summer timeframe. Terms run through the end of June and then normally either in July or August depending on when they have a full contingent is when we do the Annual Meeting that involves the Chair and Vice Chair elections.

**Meeting adjourned at 9:09 PM.**

**Sincerely,**

**Kristen Mullaney  
Secretary**

The **Institute for Public Administration** presents

# Introduction to Land Use Administration



COURSE INSTRUCTOR

**Ann Marie Townshend, AICP**

Senior Project Manager  
Rossi Group



COURSE INSTRUCTOR

**Savannah Edwards, AICP**

Planner  
Rossi Group

**Feb. 21, 2024**  
**9:00 a.m. to NOON**

*Check-in begins at 8:30 a.m.*

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- Zoning, subdivision, and land-use codes and how they are linked to comprehensive plans
- Typical contents of land-use, zoning, and subdivision codes
- Procedures and issues governing changes to the zoning map
- Issues involved in the day-to-day administration of land-use codes

This session qualifies for credit toward the Certificate in Local Government and the Certificate for Planning Education.

Contact Sean O'Neill ([oneill@udel.edu](mailto:oneill@udel.edu)) with questions about this event.



UNIVERSITY OF DELAWARE  
**BIDEN SCHOOL OF PUBLIC  
POLICY & ADMINISTRATION**

The **Institute for Public Administration** presents

# Freedom of Information Act (FOIA) and Ethics for Local Officials



COURSE INSTRUCTOR

**Max Walton, Esq.**

Partner  
Connolly Gallagher, LLP



COURSE INSTRUCTOR

**Deborah Moreau, Esq.**

Legal Counsel, Delaware  
Public Integrity Commission

**MARCH 20, 2024**  
**9:00 a.m. to NOON**

*Check-in begins at 8:30 a.m.*

**Kent County Levy Court**  
555 S Bay Rd, Dover, DE 19901

**\$55 Registration Fee**  
*Includes refreshments*

● **Register Online**

**[www.bidenschool.udel.edu/  
ipa/events/upcoming](http://www.bidenschool.udel.edu/ipa/events/upcoming)**

This training will provide information for all officials dedicated to ensuring open, transparent, and honest government with a focus on local government.

Attendees will be provided with a comprehensive review of the most significant provisions in the Delaware Freedom of Information Act (FOIA) along with examples of how certain FOIA issues have been addressed or resolved by officials in the past.

Attendees will also discuss ethical issues that confront local officials on a regular basis in their public and private lives.

This session qualifies for credit toward the Certificate in Local Government Leadership and the Certificate for Planning Education.

Contact Sean O'Neill ([oneill@udel.edu](mailto:oneill@udel.edu)) with questions about this event.



UNIVERSITY OF DELAWARE  
**BIDEN SCHOOL OF PUBLIC  
POLICY & ADMINISTRATION**



**PROPOSED AMENDMENT TO THE 2019 COMPREHENSIVE PLAN**

First Reading before the Dover City Council on January 22, 2024

Applicant Development Advisory Committee Meeting of February 7, 2024

Review and Recommendation by City of Dover Planning Commission on February 20, 2024

**MI-24-01 Comprehensive Plan Amendment 2024**

This Request for Amendment of the *2019 Comprehensive Plan* was submitted by the property owner/equitable owner as associated with the City of Dover's annual opportunity to request Comprehensive Plan Amendments (see Chapter 15: Implementation Plan).

MI-24-01 Comprehensive Plan Amendment 2024 - Consideration of Amendment to Map 12-1: Land Development Plan Map - Review of an Amendment to the *2019 Comprehensive Plan* with consideration of a request for amendment of Map 12-1: Land Development Plan to revise the Land Use Classification of the property located at 1079 Silver Lake Boulevard. The Request is to revise the Land Use Classification from Office to Mixed Use on Map 12-1: Land Development Plan Map. The property is located at the eastern terminus of Silver Lake Boulevard. Property Owner: Dover Federal Credit Union and equitable owner Charles Chiang. Property Address: 1079 Silver Lake Boulevard. Tax Parcel: ED-05-067.12-02-04.00-000. This is associated with Rezoning Application Z-24-02. Ordinance #2024-03. Council District 4.

Owner: Dover Federal Credit Union

Equitable Owner: Charles Chiang

Address: 1079 Silver Lake Boulevard, Dover DE

Location: At the eastern terminus of Silver Lake Boulevard

Tax Parcel: ED-05-067.12-02-04.00-000

Size: 5.04 +/- acres

Present Uses: Vacant tract of land

2019 Comprehensive Plan Designation – Land Use Category: Office

Proposed Comprehensive Plan Designation – Land Use Category: Mixed Use

File Number: MI-24-01

Ordinance Number: #2024-03

## I. PROCESS BACKGROUND:

The *2019 Comprehensive Plan* was recommended by the Planning Commission and adopted by the City Council on January 13, 2020 and certified that date as per letter of March 10, 2020 issued by Governor Carney. As adopted, the *2019 Comprehensive Plan* sets forth a process by which the *Comprehensive Plan* can be amended on an annual basis. Amendments to the *Comprehensive Plan* can be initiated by staff or requested by members of the public. For amendments to the *Comprehensive Plan* that involve rezoning of property, the requests are processed concurrently.

The process to amend the *Comprehensive Plan* is detailed in the *2019 Comprehensive Plan*, Chapter 15: Implementation, specifically on pages 15-10 through 15-12 of the Plan. The Request requires submission of the following: a Comprehensive Plan Amendment Application, other appropriate application forms and fee based on the request type, property information (drawing), an analysis of the surrounding land uses and zoning classifications, and a statement of how the Request is consistent with the goals of the Comprehensive Plan.

Review of the Comprehensive Plan Amendment Requests begins with the Preliminary Land Use Services (PLUS) Review Process. Next the Requests are reviewed through Development Advisory Committee as the next step in the review process leading to the Public Hearings and Review by the City of Dover Planning Commission and Dover City Council. Comprehensive Plan Amendments are adopted through adoption (approval) of an Ordinance.

### Submitted Request for 2024

This Request for Amendment of the *2019 Comprehensive Plan* was submitted by the property owner and equitable owner as associated with the City of Dover's annual opportunity to request Comprehensive Plan Amendments (deadline of December 15, 2023 for review as 2024 Amendments). The property owner and equitable owner have made a request for amendment to the Land Development Plan (Map 12-1) associated with the property at 1079 Silver Lake Boulevard. See the detailed description of the Request in Report Section II below. Ordinance #2024-03 is proposed for adoption of this Comprehensive Plan Amendment 2024 (Application MI-24-01).

### Preliminary Land Use Services (PLUS) Review

This process involves review of the proposed amendments through the Preliminary Land Use Services (PLUS) Review. This Request (Amendment MI-24-01) is the Comprehensive Plan Amendments 2024 submitted by the City's Planning Office to the Office of State Planning Coordination for PLUS review. It was presented at the January 24, 2024 PLUS review meeting (PLUS #2024-01-05). The PLUS review comments will be forthcoming on this Amendment to the Comprehensive Plan.

## II. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT:

The proposed Comprehensive Plan Amendment 2024 (MI-24-01) is detailed below and represented in the attachments. The Request is for amendment of Map 12-1: Land Development Plan to revise the Land Use Classification of the property at 1079 Silver Lake Boulevard located the terminus of Silver Lake Boulevard. The Request is to revise the Land Use Classification on Map 12-1: Land Development Plan Map from Office to Mixed Use. The Request (MI-24-01) for

Amendment seeks to change the Land Use Classification to Mixed Use to enable consideration of rezoning the property to C-2A (Limited Central Commercial Zone).

Applicant's Submission:

The following items were submitted by the applicant: appropriate application forms and fee, a narrative analysis (written text and figures of photos and maps) describing the property location, surrounding land uses and zoning classifications, and a statement of consistency with the goals of the Comprehensive Plan. Also, a Site Sketch Plan of the subject property's boundaries was received. The Narrative and Site Sketch Plan are attached.

Map Exhibits:

Planning Staff has provided a Location Exhibit Map showing adjacent zoning in the area. Also provided for reference is a copy of Map 12-1: Land Development Plan Map as adopted and amended for the *2019 Comprehensive Plan* as an Exhibit Map identifying the Request Location on Map 12-1. For the Comprehensive Plan Amendment Request, there is also an Exhibit Map of the Current Designation & Proposed Designation showing the current and proposed Land Use Classifications (excerpts of Map 12-1).

III. PROPERTY DESCRIPTION

The subject property at 1079 Silver Lake Boulevard consists of a vacant tract of land of 5.04 acres +/- at the terminus of the Silver Lake Boulevard. The property is predominantly an open grass field with trees and vegetation along its northern boundary with Silver Lake. It has frontage on the cul-de-sac at the terminus of Silver Lake Boulevard. The property currently has the zoning of C-PO (Commercial and Professional Office Zone). The property is flanked by a senior assisted living facility and the office building of Dover Federal Credit Union. Further south on Silver Lake Boulevard as you travel towards its intersection with Walker Road are the two residential townhouse developments of Senators Lake developed circa 2012-2018 and Silver Lake Townhouses developed in the late-1980s and then other office buildings. The subject property is one of two properties along Silver Lake Boulevard that have not been developed.

IV. 2019 COMPREHENSIVE PLAN

The *2019 Comprehensive Plan* depicts the subject property as the Land Use Classification Category of Office on Map 12-1: Land Development Plan Map. The adjacent property on the south has a Land Use Classification of Office while the other adjoining property (and nearby Dover Middle Schools property) have a Land Use Classification of Institutional. The other properties fronting on Silver Lake Boulevard have Land Use Classifications of Residential Medium Density and Office. The Request seeks to revise the property to the Land Use Classification Category of Mixed Use.

The approaches to the Land Use as Office are specifically discussed in the *2019 Comprehensive Plan* beginning on page 12-16. It discusses Office Parks as a type of employment center and further describes them as follows:

**Office Parks**

The Land Development Plan designates specific tracts of land of various sizes for Office and Office Park land uses. Office Park development involves an integrated development

of office buildings with shared entrances, driveways and parking. The majority of uses permitted within an Office Park are generally weekday professional office uses involving very little or no activity at night or on weekends. For this reason, the Office Park designation may be viewed as a transitional use category when situated between more intense commercial and industrial land uses and residential land uses. This designation usually involves the C-PO (Commercial/Professional Office Zone) zoning district.

The *Comprehensive Plan* goes on to note that the Offices are found throughout the City and identifies the office concentration that is found along Silver Lake Boulevard for one.

Regarding Mixed Use Areas and the Land Use Classification of Mixed Use, this is discussed in *2019 Comprehensive Plan*, Chapter 12 – Land Development Plan beginning on page 12-7. Mixed Use areas are described as a “mix of residential, commercial, civic, institutional, and occasionally industrial uses.” The goals and for land Use of Mixed Use Areas are listed in the *2019 Comprehensive Plan* excerpts presented below:

### **Goals: Mixed Land Use**

The overall goals for Mixed Use areas are:

1. Encourage creation of neighborhood centers.
2. Within the close-knit neighborhood fabric there are opportunities for the creation of urban centers. These centers should be established along major roadways and feature mixed use development, pedestrian-friendly public environments and opportunities for connection to future transit.
3. In order to encourage non-automobile access to the center, the activities should be clustered within a one-half mile radius (or 10-minute walk) and be located so as to draw upon residents from a number of surrounding neighborhoods.
4. Develop strategies that will encourage the creation of well-defined public street spaces and pedestrian-friendly village areas that encourage walking and bicycle use. This may include on-street and behind building parking, and the creation of build-to lines for new development.
5. Improve access that limits public access to open spaces areas such as pedestrian, bicycle, and transit networks to parks and natural areas.
6. Encourage the Mixed Use of residential and commercial uses in the Downtown area.

The *2019 Comprehensive Plan* discusses Silver Lake as the largest waterbody in the City and as a scenic resource in Chapter 5 – Natural Resources and Environmental Protection. It notes that applications for new development adjacent to the Lake are reviewed by the Silver Lake Commission. This review would occur with any site development plan application in accordance with *Zoning Ordinance*, Article 5 Section 11.251.

V. RECOMMENDATIONS OF THE PLANNING STAFF:

The Planning Staff provides the following recommendations regarding Comprehensive Plan Amendment 2024: MI-24-01 Property at 1079 Silver Lake Boulevard regarding the Land Use Classification change from Office to Mixed Use.

Following our review of the goals and policies for Office Land Uses and the description of Mixed Use Areas uses in the *2019 Comprehensive Plan*, as well as analysis of the surrounding land uses, the Request for a map change in this area from a Land Use Classification of Office to Mixed Use appears to be consistent with the development of the immediate area and the goals of the *Comprehensive Plan*. Staff supports the change to a Land Use Classification of Mixed Use for this property at 1079 Silver Lake Boulevard.

The change in Land Use Classification to Mixed Use offers a broader range of zoning districts with a variety of land uses for development of this tract. It would bring the opportunity for a different mix of commercial and residential uses to the subject property. It is noted that under the current Land Use Classification of Office (and the property's current zoning of C-PO) the commercial uses are focused on office uses with allowances for commercial uses accessory to the permitted uses and also for residential development through a Conditional Use process. The change would also allow for commercial uses in the retail and service sectors to be potentially available to the nearby residences (74 existing units along Silver Lake Boulevard) and to the employees and visitors of the ten (10) office buildings and other institutions in the area. The existing sidewalk network along Silver Lake Boulevard and signalized crossings at the intersection of Silver Lake Boulevard with Walker Road expands the access to include the residential neighborhoods to the south of Walker Road. This location is considered to be infill development as it is located where existing infrastructure exists and its surrounded by existing facilities and residences.

There is some concern about the potential for the impact of development given the property's proximity to Silver Lake. However, the regulations regarding stormwater management, required buffers from Silver Lake and any floodplain and/or wetland areas, and for the design of increased opportunities for public access to natural areas and view of the Silver Lake will be part of any site development review process.

This recommendation is being made without the 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 in addition to the goals of the Comprehensive Plan.

VI. ADVISORY COMMENTS

- 1) The applicant shall be aware that approval of any Comprehensive Plan Amendment application does not represent Rezoning approval or Site Development Plan approval. A separate review process is required for rezoning; the applicant has made this application for Rezoning with Z-24-02. Also, a separate Site Development Plan must be submitted for review and approved if development activities are proposed on the property.



## CITY OF DOVER

### DEVELOPMENT ADVISORY COMMITTEE

### APPLICATION REVIEW COMMENTARY

**STAFF D.A.C. MEETING DATE: JANUARY 31, 2024**



**APPLICATION:** Comprehensive Plan Amendments 2024 – Consideration of Amendment to Map 12-1: Land Development Plan Map

**FILE #:** MI-24-01

**REVIEWING AGENCY:** City of Dover Department of Public Works and Water & Wastewater

**CONTACT PERSON:** Jason A. Lyon, P.E., Director of Water & Wastewater / Engineering Services

**CONTACT PHONE #:** 302-736-7025

**CONTACT EMAIL #:** jlyon@dover.de.us

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

##### **SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL**

1. Our office has no objections to the proposed land use classification for tax parcel ED-05-067.12-02-04.00-000.

#### RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

##### **SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL**

1. None

#### ADVISORY COMMENTS TO THE APPLICANT

##### **SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL**

1. None

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: 01/31/24

APPLICATION: Comprehensive Plan Amendment 2024 Consideration of Amendment to Map 12-1

FILE #: MI-24-01

REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal  
[josika@dover.de.us](mailto:josika@dover.de.us)PHONE #: (302) 736-4457

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 ADDRESS BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. Proposal is a review of an amendment to the 2019 Comprehensive Plan with consideration of a request for amendment of Map 12-1, 1079 Silver Lake Blvd. This office has no objections.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. N/A

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2021 NFPA 1 Fire Code (NFPA; National Fire Protection Association)  
 2021 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)  
 2019 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)  
 2019 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)  
 2009 IBC (International Building Code)  
 Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations  
 2021 Delaware State Fire Prevention Regulations  
 City of Dover Code of Ordinances

\*If you have any questions or need to discuss any of the above comments, please call the above contact person listed.

CITY OF DOVER  
DEVELOPMENT ADVISORY COMMITTEE  
APPLICATION REVIEW COMMENTARY  
D.A.C. MEETING DATE: 2/7/2024

**Dover/Kent  
County  
Metropolitan  
Planning  
Organization**

APPLICATION: MI-24-01 Comprehensive Plan Amendment 2024 - Consideration of Amendment to Map 12-1: Land Development Plan Map

FILE # MI-24-01

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob

PHONE #: (302) 387-6030

Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

**City of Dover Planning Commission**  
Comprehensive Plan Amendment Review

**MI-24-01 Comprehensive Plan Amendment 2024 - Consideration of Amendment to Map 12-1: Land Development Plan Map**

- 1) The MPO does not have any objections to the proposed amendment. The property would benefit from pedestrian improvements such as sidewalks and a trail connecting to the middle school. The road should also be able to accommodate the new volume of vehicle traffic. Further comments will be submitted if site development takes place at a later date.

**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 ORDINANCE #2024-03**

1 **AN ORDINANCE AMENDING THE 2019 COMPREHENSIVE PLAN BY AMENDING MAP**  
2 **12-1: LAND DEVELOPMENT PLAN BY CHANGING THE LAND USE CLASSIFICATION OF**  
3 **THE SPECIFIC PROPERTY LOCATED AT 1079 SILVER LAKE BOULEVARD.**

4  
5 **WHEREAS**, the City of Dover has adopted a Comprehensive Plan laying out land use policies within  
6 the City of Dover, Delaware; and  
7

8 **WHEREAS**, the City Council of the City of Dover, on January 13, 2020, following the  
9 recommendation of the City of Dover Planning Commission, adopted the 2019 Comprehensive Plan  
10 pursuant to Title 22, Section 702 of the Delaware Code; and  
11

12 **WHEREAS**, the Honorable John Carney, Governor of the State of Delaware, certified the 2019  
13 Comprehensive Plan to be effective as of January 13, 2020 by letter of March 10, 2020; and  
14

15 **WHEREAS**, the 2019 Comprehensive Plan allows for an annual amendment process; and  
16

17 **WHEREAS**, a property owner has requested an amendment to the Land Development Plan Map (Map  
18 12-1) in accordance with the process set forth in the 2019 Comprehensive Plan; and  
19

20 **WHEREAS**, the Planning Office has prepared this amendment to the Land Development Plan Map  
21 (Map 12-1) for review as part of the Comprehensive Plan Amendment 2024; and  
22

23 **WHEREAS**, the Planning Commission held a public hearing on February 20, 2024 after which the  
24 Planning Commission made a recommendation in regard to this amendment to the Land Development  
25 Plan related to the specific property.  
26

27 **WHEREAS**, it is deemed in the best interest of zoning and planning in the City of Dover to change the  
28 Land Use Classification of the property on the Land Development Plan Map (Map 12-1) as described  
29 below.  
30

31 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY**  
32 **OF DOVER, IN COUNCIL MET AND AMEND THE 2019 COMPREHENSIVE PLAN BY:**  
33

34 That from and after the passage and approval of this ordinance, that Map 12-1: Land Development Plan  
35 Map of the City of Dover has been amended by changing the designated Land Use Classification from  
36 Office to Mixed Use for a parcel located at the eastern terminus of Silver Lake Boulevard, known as  
37 1079 Silver Lake Boulevard, Dover, Delaware.

38 (Property Owner: Dover Federal Credit Union and equitable owner Charles Chiang; Property  
39 Address: 1079 Silver Lake Boulevard; Tax Parcel: ED-05-067.12-02-04.00-000; Planning References:  
40 MI-24-01 and Z-24-02)  
41

42 **BE IT FURTHER ORDAINED:**  
43

44 That upon final action to adopt this ordinance, the amendment as approved changing the Land Use  
45 Classification of the property shall be made to Map 12-1: Land Development Plan of the 2019  
46 Comprehensive Plan.  
47

ADOPTED: \*

I:\DAC\2024 Applications\2 February 2024\MI-24-01 Comp Plan Amendment 2024\First Reading Ordinance 2024-03 Comp  
Plan Amendment 1079 Silver Lake Blvd MI-24-01.docx

### SYNOPSIS

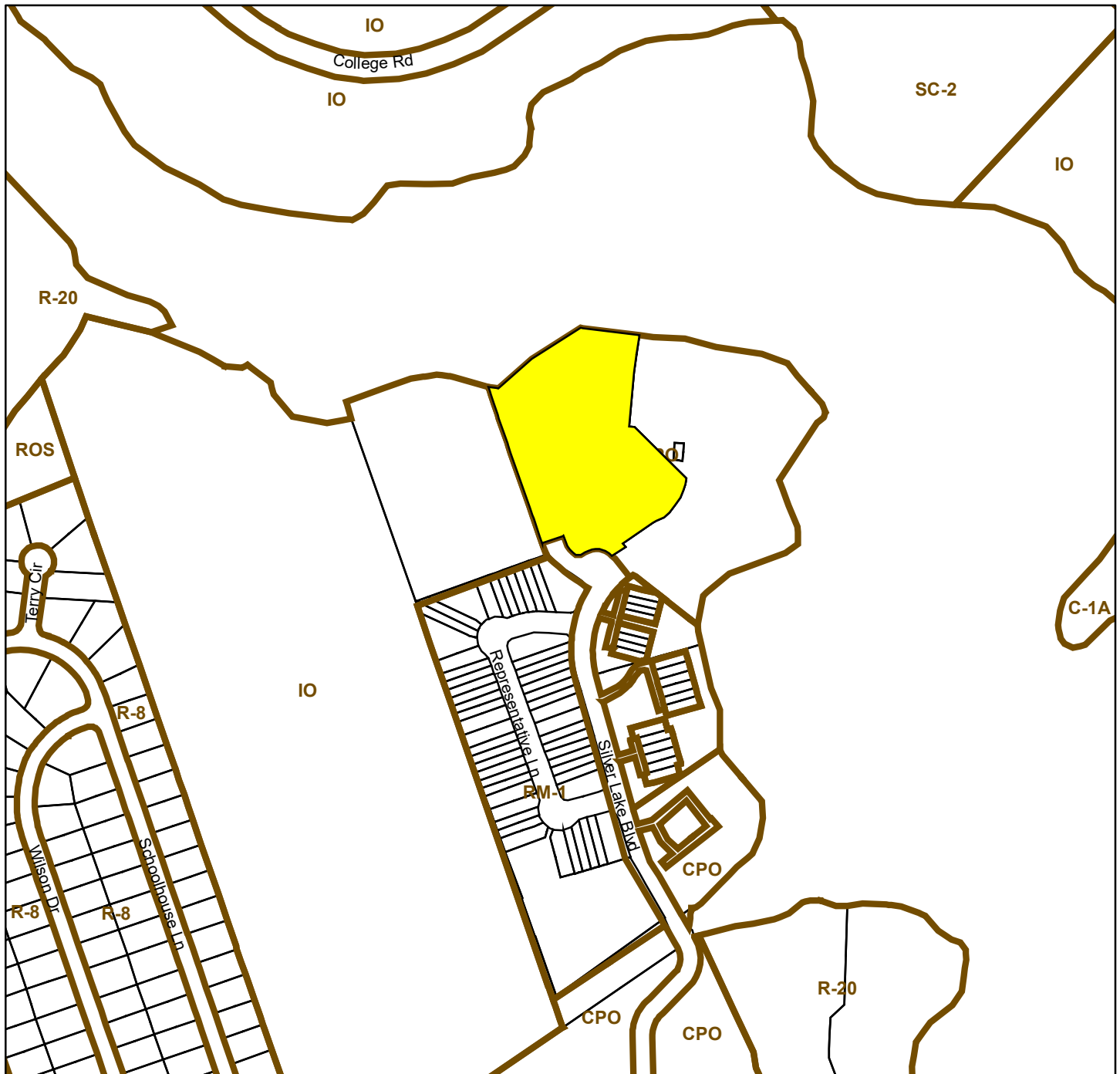
The proposed ordinance would adopt an amendment to the *2019 Comprehensive Plan* for the Land Use Classification of a property. The specific property is 1079 Silver Lake Boulevard, Dover DE. The amendment (MI-24-01) is to be reflected as a revision to Map 12-1: Land Development Plan Map of the *2019 Comprehensive Plan*.

### Actions History:

March 11, 2024 – Public Hearing & Final Action to be scheduled for City Council

February 20, 2024– Public Hearing & Action on Recommendation to be scheduled for Planning  
Commission

January 22, 2024– First Reading – City Council and setting of Public Hearing dates



Title: Property at 1079 Silver Lake Boulevard  
Consideration of Amendment to Map 12-1  
Land Development Plan Map

Address: 1079 Silver Lake Blvd

Parcel ID: ED-05-067.12-02-04.00-000

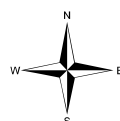
Existing Zoning: CPO (Commercial Professional Office Zone)

Current Land Classification: Office

Proposed Land Use Classification: Mixed Use

Owner: Dover Federal Credit Union

Date: 1/2/2024



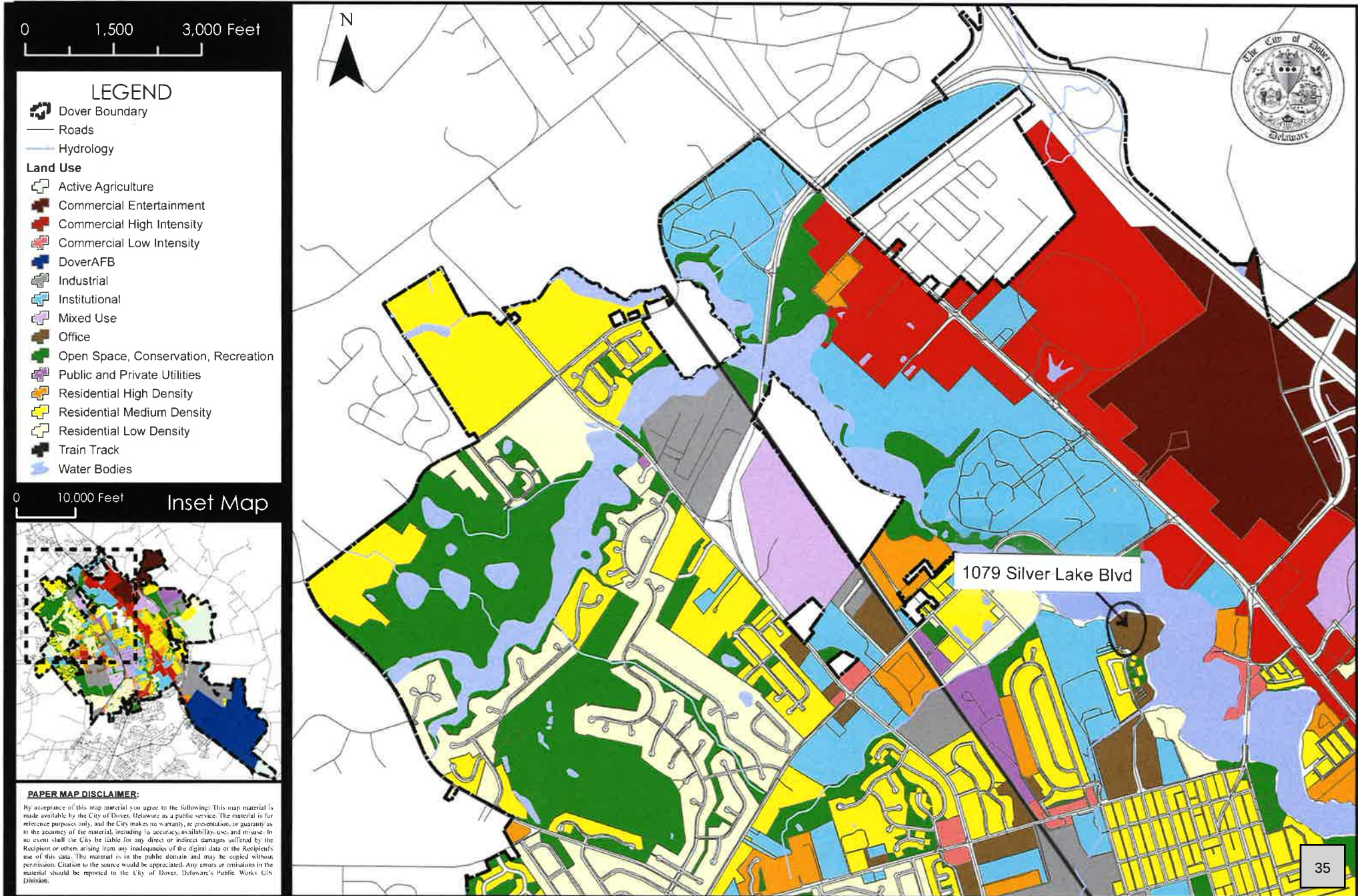
### Legend

- Dover Boundary
- Subject Property
- Zoning
- Dover Parcels

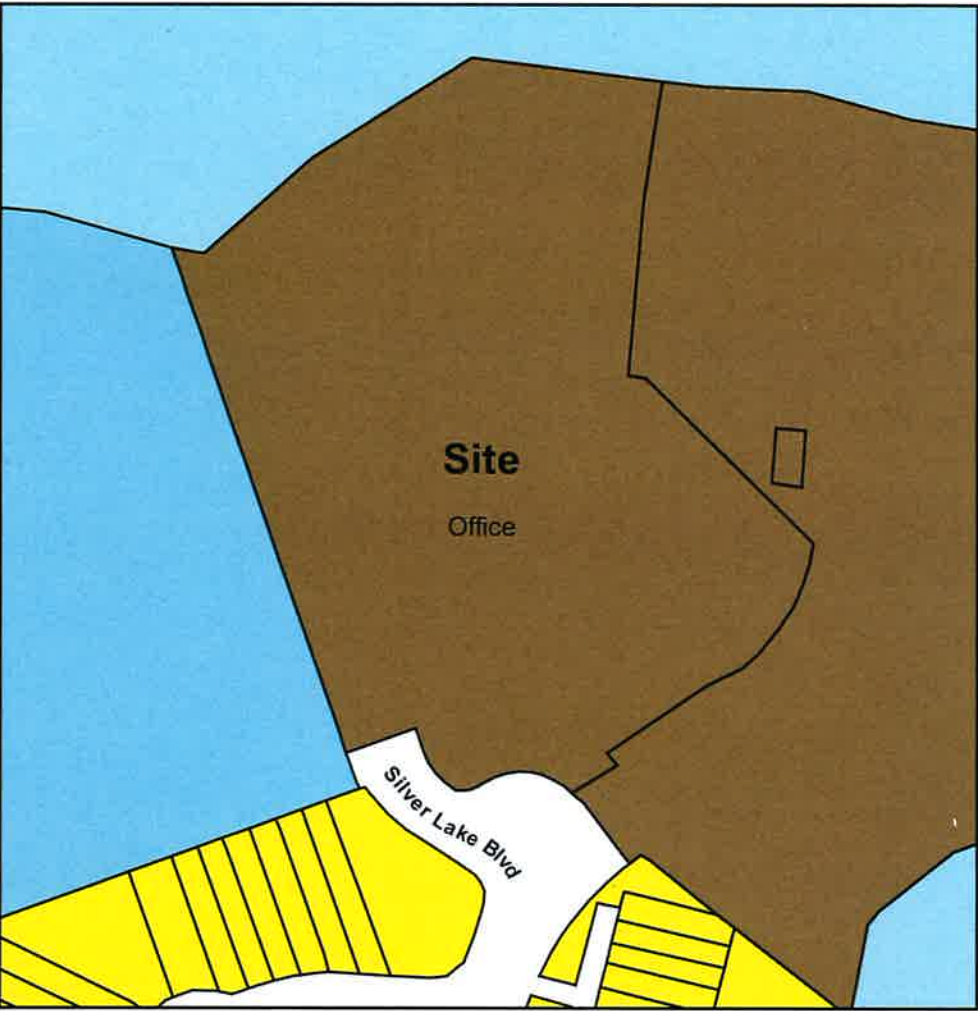
# City of Dover, DE 2019 Comprehensive Plan

## Map 12-1A: Land Development Plan

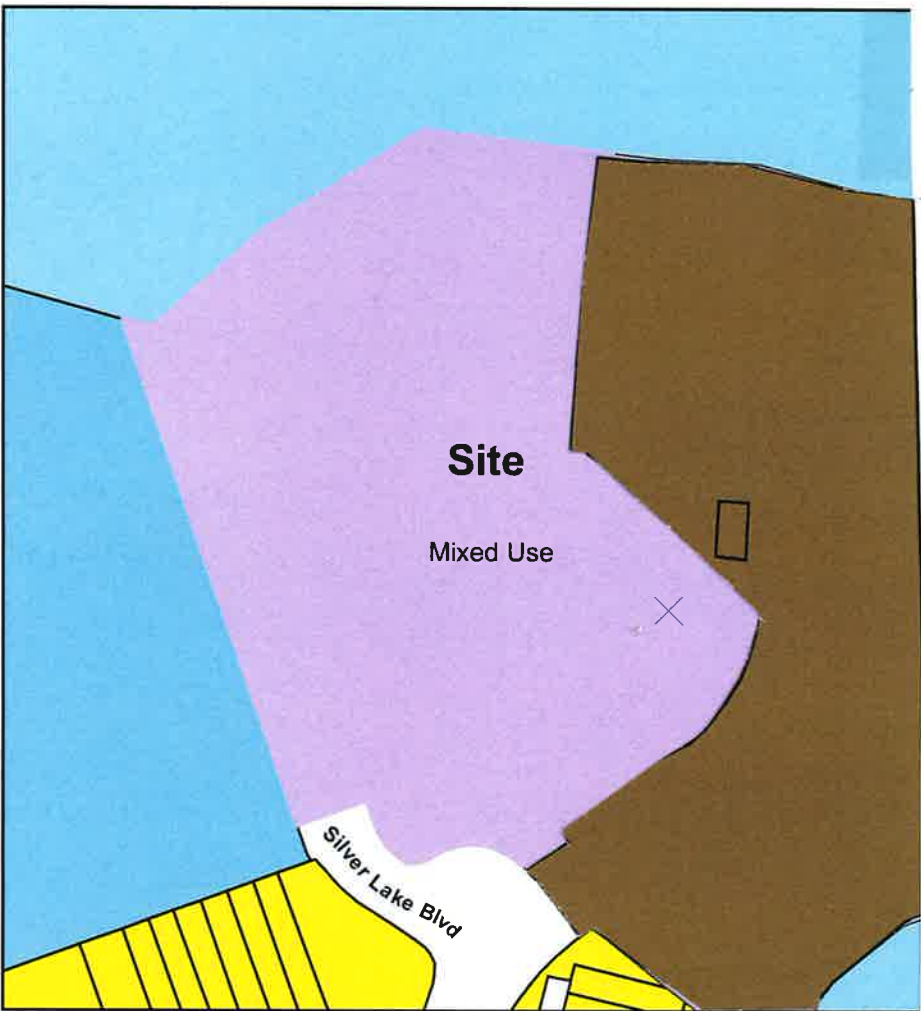
Revisions Adopted June 14, 2021



Current Designation



Proposed Designation



Plan Title: Lands of Dover Federal Credit Union  
Location: 1079 Silver Lake Blvd  
Plan Type: Comprehensive Plan Amendment  
Tax Parcel: ED-05-067.12-02-04.00  
Current Land Use: Office  
Proposed Land Use: Mixed Use  
Owners: Dover Federal Credit Union and Charles Chiang  
Date: 12/28/2023

0 70 140 280 Feet

**Land Use**  
 Active Agriculture  
 Commercial Entertainment  
 Commercial High Intensity  
 Commercial Low Intensity

DoverAFB  
 Industrial  
 Institutional  
 Mixed Use  
 Office  
 Open Space

Public and Private Utilities  
 Residential High Density  
 Residential Low Density  
 Residential Medium Density  
 Train Track  
 Water

**Narrative to Accompany Application**

**Requested Comprehensive Plan Map Change: From Office Use to Mixed Use**

**Property Orientation:**

The subject property is 5.04± acres at the end of Silver Lake Boulevard on the westerly side of Silver Lake in the City of Dover, Delaware. The property has shoreline access to the upper end of Silver Lake where the incoming Fork Branch stream marshes widen into more open waters of the lake. The property is currently undeveloped with a treed shoreline and the bulk of the land being maintained as an open mowed field. The existing Silver Lake Boulevard cul-de-sac bulb right-of-way is shaped to provide a vehicular entrance into the southwest corner of the property, with concrete curbing and sidewalks along the site frontage within the right-of-way.



**Figure 1: Oblique Aerial View (Looking North)**

### Property Analysis:

The surrounding development on adjacent properties are currently described as:

To the north is Silver Lake (Comp. Plan: Water Bodies. R7 Zone)

To the west is the Complete Care at Silver Lake senior facility (Comp. Plan: Institutional. IO Zone).

To the east is the Dover Federal Credit Union corporate office building (Comp. Plan: Office. CPO Zone).

To the southwest are the Representative Lane townhouses (Comp. Plan: Residential Med. Density. RM-1 Zone).

To the southeast are additional townhouses (Comp. Plan: Residential Med. Density. RG-3 Zone).

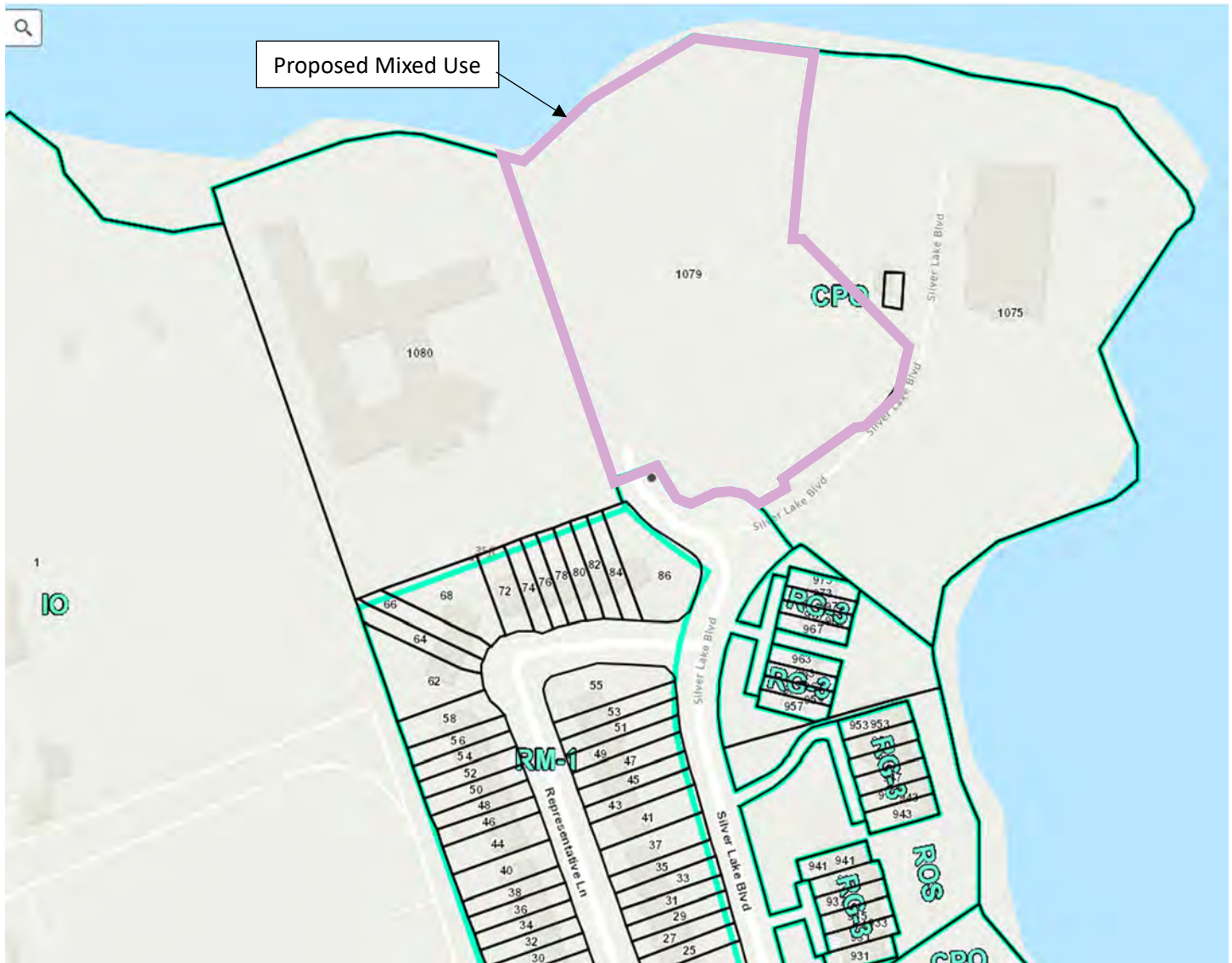
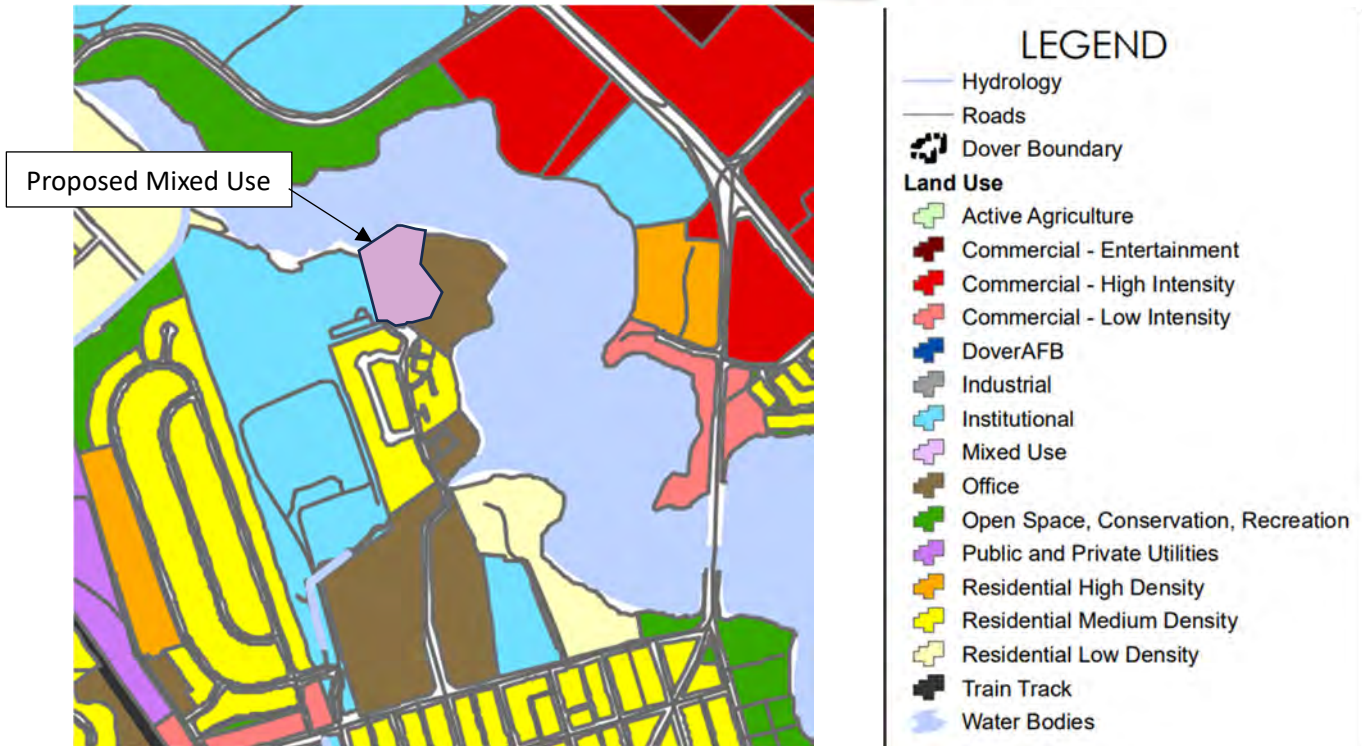


Figure 2: Dover GIS Zoning Map



**Figures 3 & 4: Portion of Dover 2019 Comprehensive Plan & Legend:  
Map 12-1 Proposed Land Development Plan**

#### **Statement of Consistency with the Goals of the Comprehensive Plan:**

The subject property has more potential than an Office Use can deliver. A Mixed Use designation will allow for development flexibility that will provide far more local community benefits for at least the residents living along Silver Lake Boulevard, as well as for the commuters to the office complexes. The vision for this application is to develop apartments above ground-level commercial spaces plus indoor/outdoor active recreation facilities. The details are in the works, and the first step for making it viable is changing to Mixed Use in concert with the Comprehensive Plan.

The guidance of the Dover 2019 Comprehensive Plan, Chapter 12 Land Development Plan starts with land development principles that include:

- Encourage infill and redevelopment.
- Encourage a mix of housing styles within new residential developments.
- Ensure that new development meets high standards for site design and architectural design.
- Provide appropriate areas for commercial development through master-planned business zones.
- Ensure that environmental standards are enforced when reviewing construction projects.
- Enhance public utilities and infrastructure that will meet the needs of the community by providing quality community services.

The proposed Mixed Use development allows for added housing, lakeside trails, green roof infrastructure, and commercial development in service to the local community. The goals of the Mixed Use provision of the Comprehensive Plan encourages the creation of neighborhood centers. Currently there is no neighborhood center on the Silver Lake Boulevard corridor, but that is what is intended with the proposed development. Meetings with the neighborhood are planned to steer the commercial spaces towards what is most needed, and most desirable. The proposed development will encourage a walkable community backdrop by Silver Lake views.

- 1) SITE SKETCH BASED ON PLOT BOOK #52, PAGE 97 ONLY.
- 2) SETBACKS SHOWN AS PROVIDED BY CITY OF DOVER PLANNING OFFICE AND DO NOT MATCH WHAT RECORD PLAN SHOWS.
- 3) 100' RIPARIAN BUFFER CAN BE REDUCED TO 50' (AS SHOWN ON PLAN) PER CITY OF DOVER PLANNING OFFICE.
- 4) REMOVAL OF EXISTING VEGETATIVE COVER CAN BE CLEARED AS IT DOES NOT MEET THE CITY OF DOVER DEFINITION OF WOODLANDS.
- 5) REAR PORTION OF THE SITE SHOWS SITE MAY LIE WITHIN THE 100-FLOOD PLAIN ACCORDING TO FEMA MAP #10001C0166H, DATED 05/05/2003. SAID LINE APPEARS TO MEANDER ALONG REAR OF SITE AS SHOWN.

- 1) OWNER OF RECORD ADDRESS: 1075 SILVER LAKE BLVD, DOVER, DE 19901
- 2) SILVER LAKE BLVD WIDTH VARIES ALONG FRONTAGE CUL-DE-SAC.
- 3) EXISTING SANITARY SEWER EASEMENT TO BE RELOCATED ONSITE, IF POSSIBLE, WITH FINAL DESIGN.
- 4) EXISTING ZONING: CPO. PROPOSED ZONING C-2A.
- 5) ENTIRE 5.0374 +/- ACRES SUBJECT TO REZONING.

Item 3.

10001C0166H

ROBERT LANE NORTH

ROBERT LANE SOUTH

PAULSON LANE DR

**LOCATION MAP**  
(SCALE : NONE)

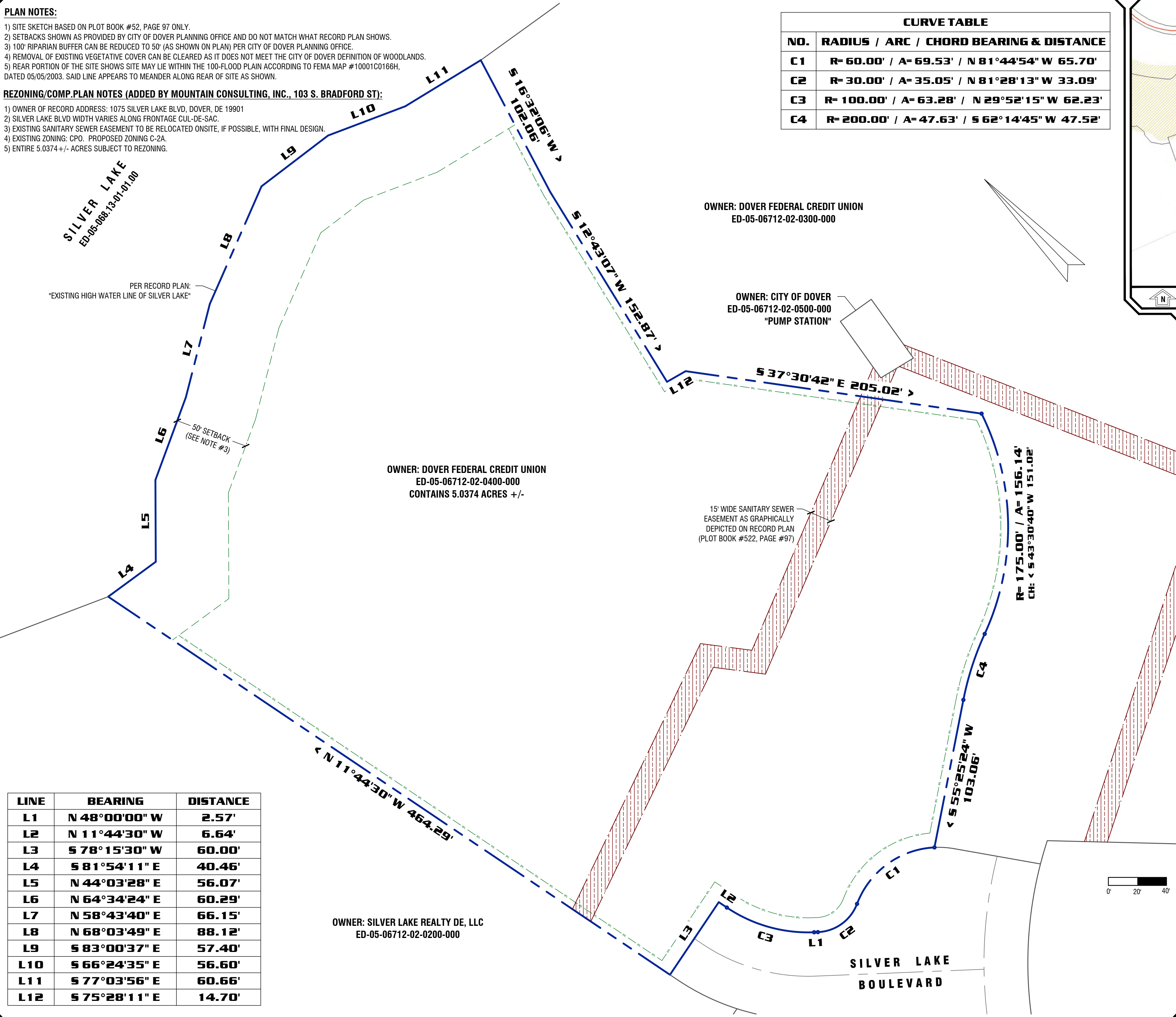
*Avi Consulting Group*  
10278 South DuPont Hwy, Felton, DE 19943  
Email: [avi.consulting.group@gmail.com](mailto:avi.consulting.group@gmail.com)

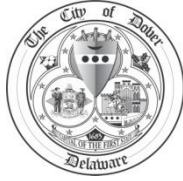
| OWNERS INFORMATION                     |  |
|----------------------------------------|--|
| <b>DOVER FEDERAL CREDIT UNION</b>      |  |
| CITY OF DOVER<br>KENT COUNTY, DELAWARE |  |

PLANS BASED ON  
RECORD PLAN #52, PAGE #97

**SHEET 1 OF 1**

**OWNER: SILVER LAKE REALTY DE, LLC**  
**ED-05-06712-02-0200-000**





PETITION TO AMEND ZONING DISTRICT

First Reading before the Dover City Council on January 22, 2024  
Development Advisory Committee Review –Applicant DAC Meeting of February 7, 2024  
Public Hearing Before Planning Commission on February 20, 2024

Application: Lands of Dover Federal Credit Union at 1079 Silver Lake Boulevard

Owner: Dover Federal Credit Union  
Equitable Owner: Charles Chiang

Address: 1079 Silver Lake Boulevard, Dover DE

Location: At the eastern terminus of Silver Lake Boulevard

Tax Parcel: ED-05-067.12-02-04.00-000

Size: 5.04 +/- acres

Present Uses: Vacant tract of land

2019 Comprehensive Plan Designation – Land Use Category: Office

Proposed Comprehensive Plan Designation – Land Use Category: Mixed Use

- This is subject to action on Comprehensive Plan Amendment 2024 Request MI-24-01 with Ordinance #2024-03.

Present Zoning: C-PO (Commercial and Professional Office Zone)

Proposed Zoning: C-2A (Limited Central Commercial Zone)

Reason for Request: To amend zoning to support development of the property as mixed use of residential and commercial uses.

File Number: Z-24-02

Ordinance Number: #2024-04

I. APPLICATION SUMMARY

This Rezoning Application Z-24-02 is for a parcel of land consisting of 5.04 acres+/- located at 1079 Silver Lake Boulevard. The property is zoned C-PO (Commercial Professional Office Zone). The proposed zoning is C-2A (Limited Central Commercial Zone). The property is located at the eastern terminus of Silver Lake Boulevard. Property Owner: Dover Federal Credit Union and equitable owner Charles Chiang. Property Address: 1079 Silver Lake Boulevard. Tax Parcel: ED-05-067.12-

02-04.00-000. This is associated with Comprehensive Plan Amendment Application MI-24-01. Ordinance #2024-04. Council District 4.

The First Reading was completed by the City Council on January 22, 2024 referring the Application to the Planning Commission for Public Hearing, Review, and Recommendation.

Existing Property:

The subject property at 1079 Silver Lake Boulevard consists of a vacant tract of land of 5.04 acres +/- at the terminus of the Silver Lake Boulevard. The property is predominantly an open grass field with trees and vegetation along its northern boundary with Silver Lake. It has frontage on the cul-de-sac at the terminus of Silver Lake Boulevard.

This application only seeks Rezoning of the property from C-PO (Commercial and Professional Office Zone) to C-2A (Limited Central Commercial Zone). The applicant is seeking rezoning to allow for future mixed-use development of the property. Any redevelopment of the site will be subject to a separate application submission for plans or permits.

Surrounding Land Uses:

In the immediate area, there are a variety of zoning districts along the length of Silver Lake Boulevard. The subject property is flanked by a senior assisted living facility zoned IO (Institutional and Office Zone) and the office building of Dover Federal Credit Union zoned C-PO (Commercial and Professional Office Zone). Further south on Silver Lake Boulevard as you travel towards its intersection with Walker Road are the two residential townhouse developments: Senators Lake developed circa 2012-2018 zoned RM-1 (Medium Density Residence Zone) and Silver Lake Townhouses developed in the late-1980s zoned RG-3 (Group Housing Zone) with its open space zoned as ROS (Recreational and Open Space Zone). Then the other office building properties are zoned C-PO (Commercial and Professional Office Zone) until you reach Walker Road.

## II. COMPREHENSIVE PLAN COMPLIANCE REVIEW

The *2019 Comprehensive Plan* currently depicts the subject area as Office as the Land Use Classification on Map 12-1: Land Development Plan Map. Under Comprehensive Plan Amendment 2024 Application MI-24-01, there is a Request to change the Land Use Classification from Office to Mixed Use for the entire parcel. If the Comprehensive Plan Amendment MI-24-01 is approved, then the requested zoning of C-2A would be consistent with the Comprehensive Plan. If the Comprehensive Plan Amendment is not approved, the zoning requested would not be consistent with the current Comprehensive Plan.

Regarding Mixed Use Areas and the Land Use Classification of Mixed Use, this is discussed in Chapter 12 – Land Development Plan beginning on page 12-7. Mixed Use areas are described as a “mix of residential, commercial, civic, institutional, and occasionally industrial uses.” The goals and for Mixed Use Areas Land Use are listed in the *2019 Comprehensive Plan* excerpts presented below:

### **Goals: Mixed Land Use**

The overall goals for Mixed Use areas are:

1. Encourage creation of neighborhood centers.

2. Within the close-knit neighborhood fabric there are opportunities for the creation of urban centers. These centers should be established along major roadways and feature mixed use development, pedestrian-friendly public environments and opportunities for connection to future transit.
3. In order to encourage non-automobile access to the center, the activities should be clustered within a one-half mile radius (or 10-minute walk) and be located so as to draw upon residents from a number of surrounding neighborhoods.
4. Develop strategies that will encourage the creation of well-defined public street spaces and pedestrian-friendly village areas that encourage walking and bicycle use. This may include on-street and behind building parking, and the creation of build-to lines for new development.
5. Improve access that limits public access to open spaces areas such as pedestrian, bicycle, and transit networks to parks and natural areas.
6. Encourage the Mixed Use of residential and commercial uses in the Downtown area.

The *Comprehensive Plan* notes that Mixed Use Areas “can be an area where a new development should foster walkability and close interactions among activities and uses in a traditional neighborhood setting.”

The Rezoning Request to C-2A (Limited Central Commercial Zone) is consistent with the Land Use Classification of Mixed Use. Table 12-1: Land Use and Zoning Matrix (from the *2019 Comprehensive Plan*) specifies that the following zones are compatible with this land use classification. See the excerpt from Table 12-1 given below. It is noted that Table 12-1 for the Mixed Use Land Use Category identifies a number of zoning districts that allow for a mix of commercial and residential uses with some being more limiting in the specific types of uses permitted or where they can be applied.

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mixed-Use | C-2 (Central Commercial) (Downtown Redevelopment Target Area Only)<br><b>C-2A (Limited Central Commercial)</b><br>TND (Traditional Neighborhood Design)<br>C-1 (Neighborhood Commercial)<br>C-1A (Limited Commercial)<br>RGO (General Residence and Office) (Downtown Redevelopment Target Area Only)<br>R-8 (One Family Residence)<br>R-10 (One Family Residence)<br>RG-1 (General Residence)<br>RG-2 (General Residence)<br>RG-4 (General Resident - Multi-Story Apartments)<br>C-3 (Service Commercial)<br>CPO (Commercial and Professional Office)<br>IO (Institutional and Office) |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The *2019 Comprehensive Plan* also discusses Silver Lake as the largest waterbody in the City and as a scenic resource in Chapter 5 – Natural Resources and Environmental Protection. It notes that applications for new development adjacent to the Lake are reviewed by the Silver Lake Commission. This review would occur with any site development plan application in accordance with *Zoning Ordinance*, Article 5 Section 11.251.

### III. ZONING REVIEW

#### Request for C-2A (Limited Central Commercial Zone) Zoning

The types of permitted uses and conditional uses in the C-2A zone are given Article 3 §14 of the *Zoning Ordinance*. See the following code excerpt below for the current provisions of the C-2A zone.

#### **Article 3 Section 14. – Limited central commercial zone (C-2A).**

14.1 Uses permitted. In a limited central commercial zone (C-2A), 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 purpose, except the following:

- (a) Retail stores.
- (b) Business, professional or governmental offices.
- (c) Personal service establishments.
- (d) Restaurants.
- (e) Service establishments.
- (f) Hotels.
- (g) Places of public assembly.
- (h) Drive-throughs.
- (i) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
- (j) Apartments and multi-family dwellings.

14.2 Conditional uses. The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

- (a) Parking lots and parking structures as a principal use on suitably landscaped lots.
- (b) Fuel pumps accessory to a permitted use.

14.3 Enclosed buildings. All permitted uses and all storage accessory thereto, other than offstreet parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

14.4 Performance standards. All uses are subject to performance standards as set forth in article 5, section 8.1.

14.5 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 prior to the issuance of certificates of occupancy for any change of use.

(Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. No. 2008-33, 8-25-2008; Ord. No. 2010-28, 1-10-2011; Ord. No. 2014-08, 7-14-2014)

### IV. PLANNING COMMISSION REVIEW FOR RECOMMENDATION

This Rezoning Application is a request for a zoning map amendment which changes the zoning district of a property. The Planning Commission as part of their public hearing and review process will provide a recommendation on the Rezoning request to City Council. As part of the process outlined in *Zoning Ordinance*, Article 10 Section 5, the Planning Commission must evaluate the following factors when considering the request:

Article 10 § 5.36 *Report of the planning commission.* Regarding each application for a zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;

(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and

(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

A Recommendation Report from the Planning Commission will be forwarded to the City Council for their consideration of the Rezoning Application Z-24-02.

#### V. RECOMMENDATION OF THE PLANNING STAFF:

This Request is to rezone lands from C-PO (Commercial and Professional Office Zone) to C-2A (Limited Central Commercial Zone). The current C-PO zone is a zoning district permitting offices, banks, and medical laboratories type uses with other commercial uses only allowed through a conditional use review process when the use is accessory to a permitted use on the same lot. The C-PO zone does allow for residential uses in the form of apartments, multi-family residences, and one-family residences.

The proposed Rezoning to the C-2A zone which is a zoning district offering a mix of uses. For the C-2A zone, the range of permitted uses that are commercial uses include retail, office, personal service & service establishments, restaurants, and places of public assembly. The C-2A zone also includes permitted uses that are residential in nature including one-family residences (detached dwellings and duplex units), apartments, and multi-family dwellings (more than 2 dwelling units in same building). The C-2A zone also includes conditional uses (uses subject to specific review for approval) for parking lots/structures as the principal use and for fuel pumps as accessory to a permitted use.

Staff recommends that the rezoning request from C-PO to C-2A (Limited Central Commercial Zone) be granted as requested, provided that the companion Comprehensive Plan Amendment for the Mixed Use Land Use Classification is first approved then making the Rezoning request compliant with the Comprehensive Plan. While the uses are similar, the C-2A clearly offers commercial uses such as retail, personal service, and service establishments in addition to large commercial uses like hotels and places of public assembly. When comparing the bulk standards of the C-PO and C-2A, we find that C-2A will allow for a taller and denser development.

It is noted that the *Comprehensive Plan's* goals for the Mixed Use Land Use Classification focus on the idea of neighborhood centers where you would find development with a variety of residential, commercial, office, and institutional uses in an area that is walkable and pedestrian and transit friendly. The Silver Lake Boulevard area includes a range of transportation modes and opportunities (vehicle, transit, pedestrian, and bicycle) along the roadway and its sidewalk network and proximity to transit stops. There is existing infrastructure for water, sanitary sewer, and electric services and the police, fire, and emergency medical services service the area.

This Rezoning Request does not grant approval of a specific use for the property but makes its land use subject to a listing of uses permitted and potential conditional uses as allowed in the C-2A zoning district. Staff again notes that any potential development for the site would have to be in line with the zoning classifications and would similarly have to follow all development design guidelines of the *Zoning Ordinance*. Were the application for Rezoning to be recommended by the Planning Commission and subsequently approved by the City Council, the applicant would still have to submit plans and/or permits for review for most uses of the site to be established.

This recommendation is being made without the 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 in making a recommendation to City Council on this Application.

V. ADVISORY COMMENTS TO THE APPLICANT:

- 1) This Rezoning Application Z-24-02 is associated with MI-24-01 Comprehensive Plan Amendment 2024: Consideration of Amendment to Map 12-1: Land Development Plan Map (Land Use Classification change) which must be approved for this Rezoning Request to C-2A to be eligible for consideration regarding compliance with the *2019 Comprehensive Plan*.
- 2) The applicant shall be aware that approval of any Rezoning Application does not represent Site Development Plan or Subdivision Plan approval. Following any decision made by City Council in regard to this Rezoning, then an application for a Site Plan, Subdivision Plan, and/or appropriate Building Permits must be submitted to the Planning Department prior to the establishment of a use, development activity, or any construction activity on the site. The applicant should contact the Planning Staff to determine the appropriate review process for any proposed projects.
- 3) The property is subject to certain requirements due to its proximity to Silver Lake as related to development. Any future site development plan, conditional use plan, or subdivision plan will be subject to review by the Silver Lake Commission as per *Zoning Ordinance*, Article 5 §11.251.
- 4) The applicant shall be aware that approval of any Rezoning Application does not represent a Building Permit, Sign Permit, or other construction activity permit approval. A separate application submission is required before issuance of permits by the City of Dover.
- 5) The applicant shall be aware that any future use may be subject to a separate permitting or licensing process through the City of Dover Licensing and Permitting Division. All businesses operating in the City of Dover are required to obtain a City of Dover Business Licenses. Certain types of uses also require a Public Occupancy Permit or Rental Dwelling Permits.

**If you have any questions or need to discuss any of the above comments, please call the Planning Office as soon as possible.**

## CITY OF DOVER

## DEVELOPMENT ADVISORY COMMITTEE

## APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JANUARY 31, 2024

**APPLICATION:** Lands of Dover Federal Credit Union at 1079 Silver Lake Blvd

**FILE #:** Z-24-02

**REVIEWING AGENCY:** City of Dover Department of Public Works and Water & Wastewater

**CONTACT PERSON:** Jason A. Lyon, P.E., Director of Water & Wastewater

**CONTACT PHONE #:** 302-736-7025

**CONTACT EMAIL #:** jlyon@dover.de.us

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****SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL**

1. Our office has no objections to the proposed rezoning of tax parcel ED-05-067.12-02-04.00-000. Any redevelopment shall adhere to the City of Dover Water/Wastewater Handbook and the Specifications, Standards & Procedures for Public Works Construction. Impact fees may be applied to this property. Future development shall comply with all aspects of the City of Dover's Cross Connection Control Program.

**RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES****SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL**

1. None

**ADVISORY COMMENTS TO THE APPLICANT****SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL**

1. None

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**

**STAFF D.A.C. MEETING DATE: JAN 31, 2023**

**APPLICATION:** Lands of Dover Federal Credit Union at 1079 Silver Lake Boulevard

**FILE #:** Z-24-02

**REVIEWING AGENCY:** City of Dover Electric Department

**CONTACT PERSON:** Shawn Burgett, Engineering Services & System Ops Superintendent

**CONTACT PHONE #:** 302-674-7568

**CONTACT EMAIL #:** sburgett@dover.de.us

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**

**ELECTRIC**

Our office has no objection to the rezoning of: ED-05-067.12-02-04.00-000.

**RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES**

**ELECTRIC**

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of electric and meters will be assessed at that time.
2. Any redevelopment shall adhere to the City of Dover's Electric Service Handbook.  
<https://evogov.s3.amazonaws.com/media/27/media/13108.pdf>.

**ADVISORY COMMENTS TO THE APPLICANT**

**ELECTRIC**

1. None.

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: 01/31/24

**APPLICATION:** Lands of Dover Federal Credit Union at 1079 Silver Lake Blvd.**FILE #:** Z-24-02REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal  
[josika@dover.de.us](mailto:josika@dover.de.us)PHONE #: (302) 736-4457

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 ADDRESS BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. Proposal is a rezoning application. This office has no objections.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. N/A

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2021 NFPA 1 Fire Code (NFPA; National Fire Protection Association)  
 2021 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)  
 2019 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)  
 2019 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)  
 2009 IBC (International Building Code)  
 Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations  
 2021 Delaware State Fire Prevention Regulations  
 City of Dover Code of Ordinances

\*If you have any questions or need to discuss any of the above comments, please call the above contact person listed.

CITY OF DOVER  
DEVELOPMENT ADVISORY COMMITTEE  
APPLICATION REVIEW COMMENTARY  
D.A.C. MEETING DATE: 2/7/2024

**Dover/Kent  
County  
Metropolitan  
Planning  
Organization**

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APPLICATION: Z-24-02 Lands of Dover Federal Credit Union at 1079 Silver Lake Boulevard

FILE # Z-24-02

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob

PHONE #: (302) 387-6030

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Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

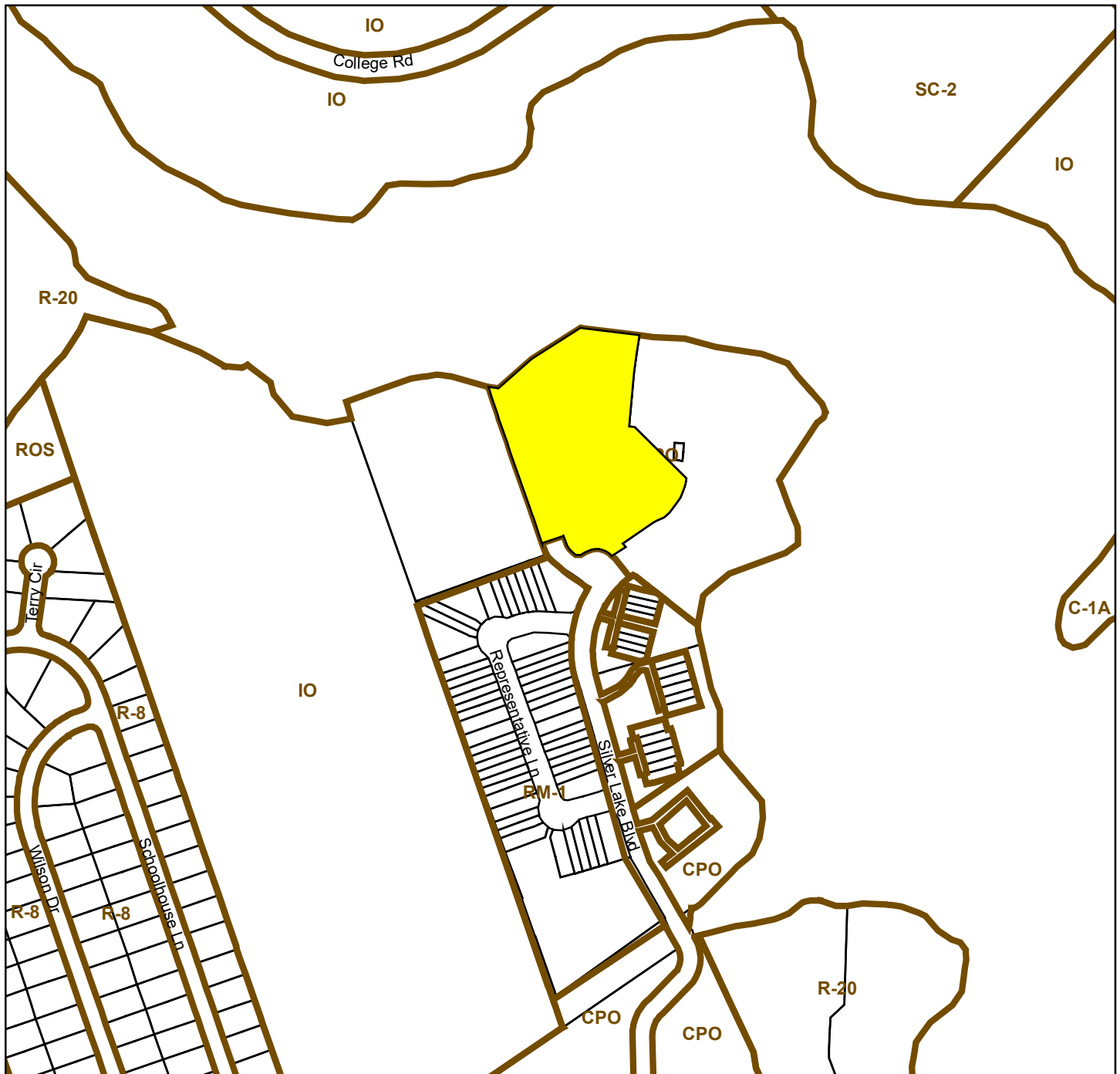
**City of Dover Planning Commission**  
Zoning Review

**Z-24-02 Lands of Dover Federal Credit Union at 1079 Silver Lake Boulevard**

- 1) The MPO does not have any objections to the proposed rezoning. The property would benefit from pedestrian improvements such as sidewalks and a trail connecting to the middle school. The road should also be able to accommodate the new volume of vehicle traffic. Further comments will be submitted if site development takes place at a later date.

**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.**

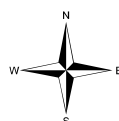




**Title:** Lands of Dover Federal Credit Union  
**Address:** 1079 Silver Lake Blvd  
**Parcel ID:** ED-05-067.12-02-04.00-000  
**Existing Zoning:** CPO (Commercial Professional Office Zone)  
**Proposed Zoning:** C-2A (Limited Central Commercial Zone)  
**Owner:** Dover Federal Credit Union  
**Date:** 1/2/2024

### Legend

- Dover Boundary
- Subject Property
- Zoning
- Dover Parcels



**Narrative to Accompany Application**

**Requested Zoning Change: From CPO to C-2A**

**Property Orientation:**

The subject property is 5.04± acres at the end of Silver Lake Boulevard on the westerly side of Silver Lake in the City of Dover, Delaware. The property has shoreline access to the upper end of Silver Lake where the incoming Fork Branch stream marshes widen into more open waters of the lake. The property is currently undeveloped with a treed shoreline and the bulk of the land being maintained as an open mowed field. The existing Silver Lake Boulevard cul-de-sac bulb right-of-way is shaped to provide a vehicular entrance into the southwest corner of the property, with concrete curbing and sidewalks along the site frontage within the right-of-way.



**Figure 1: Oblique Aerial View (Looking North)**

**Adjacent Properties:**

The surrounding development on adjacent properties are currently described as:

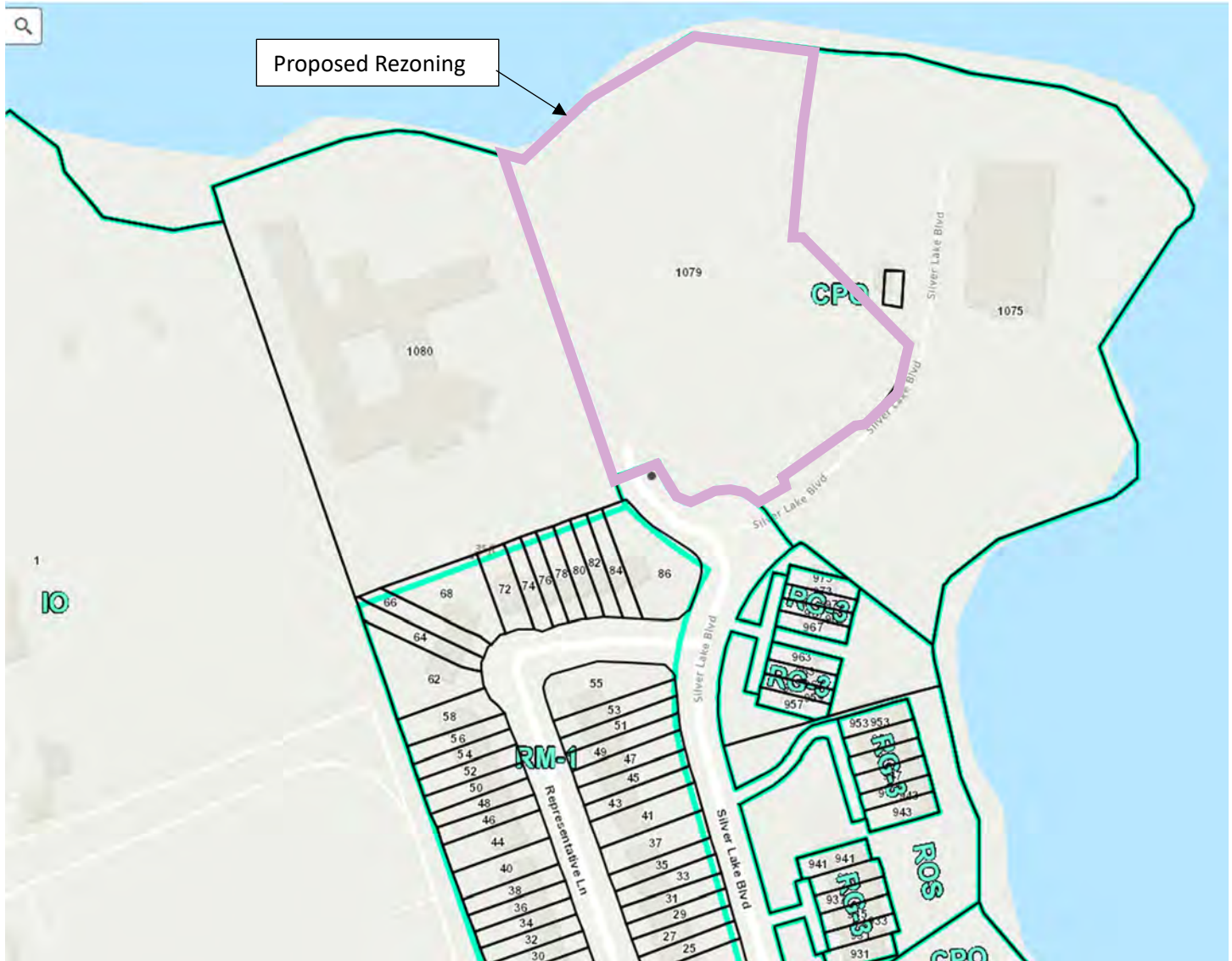
To the north is Silver Lake (Comp. Plan: Water Bodies. R7 Zone)

To the west is the Complete Care at Silver Lake senior facility (Comp. Plan: Institutional. IO Zone).

To the east is the Dover Federal Credit Union corporate office building (Comp. Plan: Office. CPO Zone).

To the southwest are the Representative Lane townhouses (Comp. Plan: Residential Med. Density. RM-1 Zone).

To the southeast are additional townhouses (Comp. Plan: Residential Med. Density. RG-3 Zone).



**Figure 2: Dover GIS Zoning Map**

**Zoning Comparison****Allowed Uses:****C-PO: Commercial and Professional Office Zone**

- (a) Business, professional or governmental offices.
- (b) Banks.
- (c) Medical laboratories.
- (d) Drive-in facilities accessory to any permitted use.

**C-2A: Limited Commercial**

- (a) Retail stores.
- (b) Business, professional or governmental offices.
- (c) Personal service establishments.
- (d) Restaurants.
- (e) Service establishments.
- (f) Hotels.
- (g) Places of public assembly.
- (h) Drive-throughs.
- (i) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
- (j) Apartments and multi-family dwellings.

**Bulk Standards:**

| ZONE:                                                  | C-PO          | C-2A                                                   |
|--------------------------------------------------------|---------------|--------------------------------------------------------|
| <b>Minimum required:</b>                               |               |                                                        |
| Lot area                                               | 5,000 sq. ft. |                                                        |
| Lot width (ft.)                                        | 50            |                                                        |
| Lot depth (ft.)                                        | 100           | 100                                                    |
| Front yard (ft.)                                       | 10            | 15                                                     |
| Side yard (ft.)                                        | 5             | None required, but 5 feet min. if provided             |
| Rear yard (ft.)                                        | 15            | 20 above ground floor. At ground floor, 5 ft. required |
| Side or rear yards which adjoin a residence zone (ft.) | 25            | 25                                                     |
| Off-street parking                                     |               |                                                        |
| Per 300 sq. ft. floor area or                          | 1             | 1                                                      |
| Per employee (whichever is greater)                    |               | 1                                                      |
| <b>Maximum permitted:</b>                              |               |                                                        |
| Building height                                        |               |                                                        |
| Stories                                                | 3             | 6                                                      |
| Feet                                                   | 45            | 75                                                     |
| Floor area ratio                                       | 2             | 4                                                      |
| Lot coverage                                           | 75%           | N/A                                                    |

The proposed C-2A zoning expands the allowed uses and allowable density, both of which are necessary for the proposed Mixed Use development to have apartments above ground-level commercial spaces plus indoor/outdoor active recreation facilities. Parking on the property will be a limiting factor for the achievable density even with structured parking garage levels above and/or below ground planned. Required Silver Lake buffers and lake slopes will also restrict practicable lot coverage.

### **Access and Infrastructure Analysis**

The fixed-end generator of Silver Lake Boulevard will have increased traffic from additional residential apartment units. The commercial spaces should substantially be patronized by the local community living and working on Silver Lake Boulevard, but there will be additional trips generated by the commercial spaces.

The single point of access into the development from the cul-de-sac of Silver Lake Boulevard may not be adequate to serve the uses and circulation needed throughout the site, and a second point of access may be necessary through DPW Street coordination since Silver Lake Boulevard is not a DelDOT-maintained roadway. Final traffic engineering may be required to include DelDOT if additional trips onto Walker Road do not blend into background traffic.

Fire and Emergency Service access shall be provided as required by the Office of the State Fire Marshal, with adequate circulation and lighting for life safety and security. Fire hydrants exist in the vicinity of the Silver Lake Boulevard cul-de-sac for supporting emergency fire suppression. The buildings will be fully sprinklered.

An existing sanitary sewer easement through the property leading to the adjacent Silver Lake Pump Station may contain both gravity and forcemain sewer pipes. The property development may require permanent relocation of these lines and easement on the property in cooperation and conformance with the rules and regulations of the Dover Department of Water & Wastewater. Potable water supply adequacy shall be confirmed and upgraded if necessary with the review and approval of the Dover Department of Water & Wastewater.

Stormwater management on the site, if developed to capacity, will be challenging, but preliminary investigation indicates relatively deep groundwater, that will allow subsurface stormwater management. The envisioned development also has significant green roof areas to help mitigate stormwater requirements, and enhance overall landscaping and trail amenities throughout the site at ground level, and on the roof levels.

Conceptual development of this future project has already begun. The project requires a Comprehensive Plan amendment (by separate application) to allow Mixed Use development, and rezoning to C-2A for the appropriate mix of commercial and residential uses envisioned.

The proposed rezoning to C-2A is consistent with the surrounding zones and uses, and will enhance and support the local community. Meetings with the neighborhood are planned to be held prior to DAC and Planning Commission to steer the commercial spaces towards what is most needed, and most desirable to establish a viable neighborhood center at this property. The Applicant Team looks forward to reporting to the City on our progress with the neighborhood meetings, and to achieving the required Comprehensive Plan and Rezoning approvals to bring these amenities to Silver Lake Boulevard.

- 1) SITE SKETCH BASED ON PLOT BOOK #52, PAGE 97 ONLY.
- 2) SETBACKS SHOWN AS PROVIDED BY CITY OF DOVER PLANNING OFFICE AND DO NOT MATCH WHAT RECORD PLAN SHOWS.
- 3) 100' RIPARIAN BUFFER CAN BE REDUCED TO 50' (AS SHOWN ON PLAN) PER CITY OF DOVER PLANNING OFFICE.
- 4) REMOVAL OF EXISTING VEGETATIVE COVER CAN BE CLEARED AS IT DOES NOT MEET THE CITY OF DOVER DEFINITION OF WOODLANDS.
- 5) REAR PORTION OF THE SITE SHOWS SITE MAY LIE WITHIN THE 100-FLOOD PLAIN ACCORDING TO FEMA MAP #10001C0166H, DATED 05/05/2003. SAID LINE APPEARS TO MEANDER ALONG REAR OF SITE AS SHOWN.

- 1) OWNER OF RECORD ADDRESS: 1075 SILVER LAKE BLVD, DOVER, DE 19901
- 2) SILVER LAKE BLVD WIDTH VARIES ALONG FRONTAGE CUL-DE-SAC.
- 3) EXISTING SANITARY SEWER EASEMENT TO BE RELOCATED ONSITE, IF POSSIBLE, WITH FINAL DESIGN.
- 4) EXISTING ZONING: CPO. PROPOSED ZONING C-2A.
- 5) ENTIRE 5.0374 +/- ACRES SUBJECT TO REZONING.

Item 4.

10001C0166H

HARBORVIEW RD

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HARBORVIEW RD

N

**LOCATION MAP**  
(SCALE : NONE)

N

**LOCATION MAP**  
(SCALE : NONE)

**PLAN PREPARED BY**

*Avi Consulting Group*

10278 South DuPont Hwy, Felton, DE 19943  
Email: [avi.consulting.group@gmail.com](mailto:avi.consulting.group@gmail.com)

| OWNERS INFORMATION                     |  |
|----------------------------------------|--|
| <b>DOVER FEDERAL CREDIT UNION</b>      |  |
| CITY OF DOVER<br>KENT COUNTY, DELAWARE |  |

**CHARLES CHIANG**

1079 SILVER LAKE BLVD, DOVER, DELAWARE 19904  
KENT COUNTY, DELAWARE

PLANS BASED ON  
RECORD PLAN #52, PAGE #97

DRAWN BY: NP

**CHECKED BY:** \_\_\_\_\_

**SCALE:** 1"=40'

DATE: 03/20/2023

DATE OF FLD WRK: N/A

DATE CRNRS SET: N/A

FIELD BOOK/PAGE: N/A

SCJ FILE NAME: N/A

**DRAWING #:** 1079\_SilverLakeBlvd

**CONTRACT #:** 1079\_SilverLakeBlvd

**SHEET 1 OF 1**

56

**OWNER: SILVER LAKE REALTY DE, LLC**  
**ED-05-06712-02-0200-000**

**OWNER: DOVER FEDERAL CREDIT UNION**  
**ED-05-06712-02-0300-000**

**OWNER: CITY OF DOVER**  
**ED-05-06712-02-0500-000**  
**"PUMP STATION"**

**OWNER: DOVER FEDERAL CREDIT UNION**  
**ED-05-06712-02-0400-000**  
**CONTAINS 5.0374 ACRES +/-**

15' WIDE SANITARY SEWER  
EASEMENT AS GRAPHICALLY  
DEPICTED ON RECORD PLAN  
(PLOT BOOK #522, PAGE #97)

**R= 175.00' / A= 156.14'**  
**CH: < S 43°30'40" W 151.02'**

**SILVER LAKE**  
**BOULEVARD**



### PETITION TO AMEND TEXT of *Zoning Ordinance*

Applicant Development Advisory Committee Meeting of February 7, 2024  
Report to the Dover Planning Commission for February 20, 2024

- Proposed Changes: Text Amendments to the following:
- *Dover Code of Ordinances*, Appendix B: Zoning (*Zoning Ordinance*)
    - Article 3 – District Regulations, Section 13 –Central Commercial Zone (C-2)
    - Article 4 Section 4.14 – C-1, C-1A, C-2, C-2A zones (Bulk Standards)
    - Article 5 Section 6 – Dumpsters for trash and recycling
    - Article 6 Section 3.1 – Required off-street parking spaces
    - Article 12 – Definitions (Define Live-work unit)

Summary of Amendments: This is a series of text amendments to the *Zoning Ordinance* provisions of the C-2 (Central Commercial Zone) and related development provisions. These amendments revise the permitted uses and the conditional uses, add design standards, and revise the bulk standards for height and floor area ratio (FAR) of the C-2 (Central Commercial Zone). There are proposed revisions to other sections of the *Zoning Ordinance* related to parking requirements and Dumpsters. These text amendments are offered for consideration as part of the implementation of the *Transforming Downtown Dover: Capital City 2030 (Transforming Downtown Dover)* Plan.

File Number: MI-23-04

Ordinance Number: #2024-01 (CCOW-LFA #1)  
Proposed Ordinance #2024-01 - Amending Zoning Ordinance, Article 3 Section 13 Central Commercial Zone (C-2) and related development provisions of Zoning Ordinance with CCOW- LFA Amendment #1

## I. BACKGROUND ON DEVELOPMENT OF TEXT AMENDMENTS

### **Introduction**

The *Transforming Downtown Dover: Capital City 2030 (Transforming Downtown Dover)* focused on a range of physical and programmatic solutions to provide a fresh and integrated approach to transform Downtown Dover and the surrounding area into a vibrant, thriving community and regional destination. <https://www.downtowndoverpartnership.com/ddp/downtown-dover-strategic-master-plan/>

## Background

The Downtown Dover Master Plan Code Revisions Workgroup (Workgroup) was organized in 2023 with the purpose of reviewing the *Dover Code* of ordinances and other comparable codes for revitalized downtowns and to see what changes could/should be made based on the *Transforming Downtown Dover Plan*. The Workgroup was made up of City Planning Staff and representatives from the Downtown Dover Partnership. This Workgroup put together a list of suggested changes as presented in a Memo dated September 26, 2023 “Potential Revisions to Zoning Ordinance for C-2 (Central Commercial Zone)” and set up a series of public meetings to ascertain public feedback.

## Comment Gathering with Outreach Meetings

The Workshop & Meetings on C-2 Code Amendments associated with the *Transforming Downtown Dover: Capital City 2030 Plan* were held on October 10, 11, and 12, 2023 as two Stakeholder Meetings (Business Interests, Realtors, Engineers, Developers, and Others) and a Walk-in Workshop for the Public. The events included a series of presentation boards of the Potential Revisions, the Tentative Timeline, and informational maps of area for viewing and also a PowerPoint Presentation of the same information. Conversations and discussions of these items occurred with Planning Staff and the participants. Comment sheets and post-its gathered written comments. These comments were reported to the CCOW-LFA Committee at their October 24, 2023 Meeting in a summary listing by topic area (Uses, Building Height, Parking, and Miscellaneous).

## Presentation of Suggested Changes

The potential code changes were articulated in concept form. Since most of the Downtown area is zoned C-2 (Central Commercial Zone), the proposed changes focus on the C-2 zoning district. From the feedback received, we listed the proposed changes in the chart “Potential Revisions to Zoning Ordinance for C-2 (Central Commercial Zone); see chart as follows. The proposed changes are listed in the column titled “Recommended Concepts for Revision.” These potential changes were categorized into the four topic areas of Uses, Building Height, Parking and Miscellaneous and were numbered 1 through 23 for ease of discussion. These were presented to the CCOW-LFA Committee as concepts only and not formal ordinance (text amendment) language and format.

### Potential Revisions to Zoning Ordinance for C-2 (Central Commercial Zone) 10.24.2023

|      |    | CURRENT CODE<br><i>Zoning Ordinance, Article 3 Section 13 or as noted</i>                                                                         | RECOMMENDED CONCEPTS FOR REVISION                                                                         |
|------|----|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| USES | 1  | Retail stores                                                                                                                                     | No change                                                                                                 |
|      | 2  | Restaurants                                                                                                                                       | No change                                                                                                 |
|      | 3  | Hotels, including bed and breakfast inns                                                                                                          | No change                                                                                                 |
|      | 4  | Art galleries and studios                                                                                                                         | No change                                                                                                 |
|      | 5  | Service establishments                                                                                                                            | No change                                                                                                 |
|      | 6  | Personal service establishments                                                                                                                   | No change                                                                                                 |
|      | 7  | Business professional, and government offices                                                                                                     | No change                                                                                                 |
|      | 8  | Apartments and multi-family dwellings, provided that no dwelling units shall be permitted in the first floor on the street frontage of Loockerman | Allow uses associated with apartments (i.e., lobbies, amenity spaces) on first floor of Loockerman Street |
|      | 9  | Parking lot and parking structure is a Conditional Use (A Conditional Use is required to be reviewed and approved by the Planning Commission.)    | Parking lot and parking structure as a permitted use                                                      |
|      | 10 | Not clearly allowed                                                                                                                               | Microbrewery/craft distillery/meadery                                                                     |

|                 |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                 | 11 | Allowed by interpretation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Commercial Kitchen                                                                                                                                                                                                                                                                                                                                                                                         |
|                 | 12 | Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:<br>(1) An area fully concealed from any street and equal to not more than 20 percent of the area devoted to retail sales shall be so used;<br>(2) Electrical power not to exceed a total of five rated horsepower, and steam pressure not in excess of 60 pounds of pressure per square inch shall be used exclusively;<br>(3) Not more than four employees are engaged in such production or processing | Allow the making and processing of consumer goods and products such as baked goods, glass blowing, and handmade items where goods are processed and sold at retail or on-line.                                                                                                                                                                                                                             |
|                 | 13 | Pop-up kitchen/restaurant/retail are not clearly allowed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Pop-up kitchen/pop-up restaurant/pop-up retail                                                                                                                                                                                                                                                                                                                                                             |
|                 | 14 | Place of public assembly is a Conditional Use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Place of public assembly as a permitted use                                                                                                                                                                                                                                                                                                                                                                |
|                 | 15 | Outdoor use – i.e., patios, eating areas, parklets                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Clarify process of outdoor use – i.e., patios, eating areas, parklets                                                                                                                                                                                                                                                                                                                                      |
| BUILDING HEIGHT | 16 | Maximum building height is 6 stories and 75 feet<br><i>Zoning Ordinance, Article 4 Section 4.14</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Maximum building height 10 stories and 125 feet <ul style="list-style-type: none"> <li>If building is above 3 stories, then upper floors need to be setback (wedding cake style) on sides facing the street.</li> <li>Consider Residential 10% set aside of units for affordable units for every floor above 6 stories and 75 feet. Can be put into an affordable housing fund for non-profits.</li> </ul> |
| PARKING         | 17 | No parking requirements for existing buildings in C-2<br><i>Zoning Ordinance, Article 6 Section 3.1(a)ii</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | No parking requirements for existing buildings in C-2 zone<br>No minimum parking requirements for new construction in C-2 zone                                                                                                                                                                                                                                                                             |
|                 | 18 | Parking minimums for the following uses (for all zoning districts): <ul style="list-style-type: none"> <li>Medical Office: 1 space per 300 square feet of floor area</li> <li>Apartments: 2 spaces per dwelling unit plus 1 space per 200 square feet office space plus 0.25 space per dwelling unit for visitor space</li> <li>Restaurants and bars: 1 space for every 4 seats plus 1 space for every 3 bar seats</li> <li>Hotel: 1 space per guestroom plus 1 space for every 200 square feet of office space, banquet hall, or meeting areas</li> </ul> <i>Zoning Ordinance, Article 6 Section 3.1</i>                    | No minimum parking requirements based on use in the Downtown Redevelopment Target Area                                                                                                                                                                                                                                                                                                                     |
|                 | 19 | The Planning Commission (or City Planner if it's an administrative plan review) may consider a waiver to reduce the required parking amount by up to 50% if applicant demonstrates the project is adequately served by transportation and parking alternatives. <i>Zoning Ordinance, Article 6 Section 3.9</i>                                                                                                                                                                                                                                                                                                               | Parking Waiver still available for consideration                                                                                                                                                                                                                                                                                                                                                           |

|               |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                       |
|---------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
|               | 20 | Bicycle parking-1 bicycle parking space for every 20 parking spaces. The Planning Commission may waive this requirement. <i>Zoning Ordinance, Article 6 Section 3.10</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Bicycle parking will still be required                                                                                                |
| MISCELLANEOUS | 21 | Floor Area Ratio (FAR) 4.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Consider removing any lot coverage restrictions                                                                                       |
|               | 22 | Tree mitigation fund not available                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Allow for tree mitigation fund whereby a donation to the fund in lieu of planting a tree per the landscaping requirements in Downtown |
|               | 23 | Dumpster rate based on use. <ul style="list-style-type: none"> <li>• Restaurant: Two required for the first 3,000 square feet of gross building area; one required for each additional 3,000 square feet of gross building area or fraction thereof</li> <li>• Office and retail less than 50,000 square feet: Two required for the first 16,000 square feet of gross floor area; one required for each additional 16,000 square feet of gross floor area or fraction thereof</li> <li>• Apartment: Two required for the first 48 apartments; one required for each additional 24 apartments or fraction thereof</li> </ul> <i>Zoning Ordinance, Article 5 Section 6</i> | Eliminate Dumpster rate but keep screening and enclosure requirements                                                                 |

### Recommendation to Draft the Ordinance

Following review and discussion of the proposed concepts for changes, the CCOW-LFA Committee at their October 24, 2023 Meeting recommended that Staff move forward with drafting of the Text Amendments. This recommendation was adopted by the Consent Agenda at the City Council Meeting of December 11, 2023.

### Proposed Draft Ordinance #2024-01

Planning Staff conducted additional research and developed a Draft Proposed Ordinance #2024-01 which focuses on revisions to the C-2 (Central Commercial Zone) found in *Zoning Ordinance*, Article 3 Section 13 and the C-2 zoning district bulk standards found in *Zoning Ordinance*, Article 4 Section 4.14. Planning Staff also looked at some of the regulations related to development activity in general and how a development location in the Downtown core is affected. There are proposed revisions to other sections of the *Zoning Ordinance* as related to parking requirements and Dumpsters. Some of these revisions will amend these development regulations when they are applied to properties located in the Downtown Redevelopment Target Area. The Downtown Redevelopment Target Area is defined (boundaries described) in the *Dover Code of Ordinances*, Appendix C – Downtown Redevelopment, Article II. Definitions, Section 4 – Target Area.

The Proposed DRAFT Ordinance was offered to the CCOW-LFA Committee on January 9, 2024 for review and consideration to begin the formal review and adoption process. Following public comments and discussion by the Council Committee of the Whole – Legislative, Finance, and Administration Committee, recommended that the Ordinance be forwarded for First Reading and that Staff look again at the step-back provisions for a determination. Staff evaluated the design standards for height related to the step back provisions as proposed in the Draft Ordinance and presented an alternative. This alternative was captured as the Council Committee of the Whole - Legislative, Finance, and Administration Committee (CCOW-LFA) Amendment #1 which revises the proposed step back provision from a distance of ten (10) feet to six (6) feet in certain areas of the primary façade.

## II. CODE REVIEW & ANALYSIS:

Any revisions to the C-2 zoning district need to stay within similar parameters for development in the Downtown core where the C-2 zoning district is found. The C-2 Zone allows for a mix of uses, both residential and commercial; therefore, adjustments to the uses permitted and conditional uses were carefully considered. Also, in looking to increase opportunities for density within the Downtown core as envisioned by the *Transforming Downtown Dover Plan*, the revisions to the allowable height (and number of stories) were tempered with adding a series of design standards to guide implementation of such building construction to be compatible with the existing character of the area and its location within the Historic District Zone. Staff also looked at other provisions related to development activities and from experience with projects in the Downtown area adjustments were suggested related to the Dumpsters and parking provisions.

## III. SUMMARY OF PROPOSED TEXT AMENDMENTS:

Key components of the proposed Text Amendments for Proposed Ordinance #2024-01 (CCOW-LFA #1) amending *Zoning Ordinance*, Article 3 Section 13 – Central Commercial Zone (C-2) and related development provisions includes the following:

- **Article 3 Section 13.1** – Add new permitted uses, revise certain uses from conditional uses to permitted uses, add Live-work units as use, and limit the establishment size of manufacturing related uses.
- **Article 3 Section 13.2** – Move certain conditional uses to permitted uses and require conditional use review for manufacturing related uses where the size of the establishment is greater than 5,000 square feet in floor area.
- **Article 3 Section 13.5** – Add design standards related to façade articulation, height, step-backs of upper floors (above fourth floor), and off-street parking and screening.
- **Article 4 Section 4.14** – Increase allowable building height to ten stories and 125 feet in height. Increase Floor Area Ratio to 5.0.
- **Article 5 Section 6** – Revise requirements for number of dumpsters based on use. Revised to list requirements for Apartment Complexes or Apartment Buildings with over 10 units and for non-residential uses. Also allow for consideration of alternative solutions for the storage and collection of trash and recycling.
- **Article 6 Section 3** – For the off-street parking space requirements, an exemption is added for new construction with the Downtown Redevelopment Target Area so that there are no minimum parking requirements based on use. However, a parking strategy statement must be submitted for review to use the exemption.
- **Article 12** – Add definition of “live-work unit”

## IV. TEXT AMENDMENT REVIEW PROCESS

Because this is a Text Amendment proposed to the *Zoning Ordinance*, a Public Hearing and Recommendation by the Planning Commission are required. This review process began when the proposed Ordinance was submitted to the City Council for First Reading on January 22, 2024. The

City Council has referred Ordinance #2024-01 (CCOW-LFA #1) to the Planning Commission for a Public Hearing and consideration on February 20, 2024. Then it is scheduled for Final Reading, Public Hearing and Final Action by Council on March 11, 2024. At the meeting the City Council may act to adopt the whole Ordinance, to reject it, to adopt part of the Ordinance, and/or to make other amendments to the proposed text.

V. RECOMMENDATION OF PLANNING STAFF: Review and Recommendations:

As part of the process outlined in *Zoning Ordinance*, Article 10 Section 5, the City Planner must evaluate the following factors when preparing a report on the text amendment request:

Article 10 § 5.22 *City planner report*. For each proposed zoning text amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that evaluates the following factors:

(A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and;

(B) Whether proposed amendment is consistent with the aims of the comprehensive plan of the city.

The Planning Office is in support of these changes to the C-2 zoning district and related development provisions as drafted in Proposed Ordinance #2024-01 with CCOW-LFA #1. The Planning Staff was the lead drafter of this Text Amendment package. Planning Staff developed the proposed Ordinance for the Text Amendment for the C-2 (Central Commercial Zone) and related provisions as part of efforts to implement the *Transforming Downtown Dover* Plan and in consideration of economic development strategies and interaction with developers/property owners with an interest in development in the Downtown area.

The *2019 Comprehensive Plan* as part of Chapter 11: Housing and Community Development Plan under Goal 3: Provide Safe and Healthy Livable Neighborhoods, Recommendation 7: Articulate the Link Between Housing and Health discusses complete neighborhoods and mixed-use developments. Additionally, the Chapter 12: Land Development Plan discusses goals for Mixed Use Areas including in Downtown Dover. For the Land Development Plan and its principles, one of the goals is to encourage redevelopment of the Downtown Redevelopment Target Area with a mix of residential, commercial and office uses. See Page 12-2. This Text Amendment to the C-2 zone clarifies and enhances the potential mixed uses in the C-2 zone.

Additionally, the following advisory items are noted.

- 1) The Planning Office provided an opportunity to Development Advisory Committee (DAC) members to comment on the proposed Text Amendments at their meetings on January 31, 2024 and February 7, 2024. No other Agency which partakes in the DAC process had any significant comment or objection with regards to the proposed Text Amendments to the C-2 zone and related provisions.
- 2) The Proposed Ordinance is also subject to Legal Review by the City Solicitor, which may identify additional clarifications or corrections.
- 3) The approval of this Text Amendment does not authorize the establishment of the uses on properties within the C-2 zone. Prior to the establishment of a use, the appropriate

applications for site development activity plan review, Building Permits, and other construction activity Permits, Business and Occupancy Licensing, etc. are required.

#### V. PLANNING COMMISSION REVIEW FOR RECOMMENDATION

This is a request for a zoning text amendment which revises the text in the *Zoning Ordinance*. The Planning Commission as part of their public hearing and review process will provide a recommendation on the zoning text amendment request to City Council. As part of the process outlined in *Zoning Ordinance*, Article 10 Section 5, the Planning Commission must evaluate the following factors when considering the request:

Article 10 § 5.23 *Report of the planning commission*. Regarding each proposed amendment to the ordinance text, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

- (A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and
- (B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

A Recommendation Report from the Planning Commission will be forwarded to the City Council for their consideration of the Text Amendment Application.

#### Attachments:

- Development Advisory Committee Agency Comments
- Public Comments received during CCOW-LFA Review and to date (2/7/2024)
- Proposed Ordinance #2024-01 (CCOW-LFA#1)



## CITY OF DOVER

### DEVELOPMENT ADVISORY COMMITTEE

### APPLICATION REVIEW COMMENTARY

**STAFF D.A.C. MEETING DATE: JANUARY 31, 2024**



**APPLICATION:** Text Amendment: Text Amendments: C-2 (Central Commercial Zone)

**FILE #:** MI-23-04

**REVIEWING AGENCY:** City of Dover Department of Public Works and Water & Wastewater

**CONTACT PERSON:** Jason A. Lyon, P.E., Director of Water & Wastewater / Engineering Services

**CONTACT PHONE #:** 302-736-7025

**CONTACT EMAIL #:** jlyon@dover.de.us

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

##### **SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL**

1. Our office has no objections to the proposed text amendment to the C-2 zone.

#### RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

##### **SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL**

1. None

#### ADVISORY COMMENTS TO THE APPLICANT

##### **SANITATION**

1. Please note that if a dumpster is installed in the City of Dover, it shall be serviced by a private contractor.

##### **WATER**

1. The developer will be responsible for the design and installation of any infrastructure necessary to provide proper water pressure to all stories of the building in the C-2 zone.

##### **STREETS / STORMWATER / WASTEWATER / GENERAL**

1. None

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 ELECTRIC**  
**DEVELOPMENT ADVISORY COMMITTEE**  
**APPLICATION REVIEW COMMENTARY**  
**STAFF D.A.C. MEETING DATE: JAN 31, 2023**

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**APPLICATION:** Text Amendment: C-2 (Central Commercial Zone) Use and Standards  
**FILE #:** MI-23-04  
**REVIEWING AGENCY:** City of Dover Electric Department  
**CONTACT PERSON:** Shawn Burgett, Engineering Services & System Ops Superintendent  
**CONTACT PHONE #:** 302-674-7568  
**CONTACT EMAIL #:** sburgett@dover.de.us

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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**

**ELECTRIC**

1. Electric Department has no objections to the Text Amendments to the Zoning Ordinance provisions of the C-2 and related development provisions.

**RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES**

1. None

**ADVISORY COMMENTS TO THE APPLICANT**

1. None

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: 01/31/24 Revised

APPLICATION: Text Amendments C-2 Use and Standards

FILE #: MI-23-04

REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal  
[josika@dover.de.us](mailto:josika@dover.de.us)PHONE #: (302) 736-4457


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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 ADDRESS BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. Proposal is a review of a series of Text Amendments to the Zoning Ordinance provisions of the C-2 and related development provisions. This office has no objections.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Routine DAC comments/requirements should be taken into consideration, especially:
  - a. Parking distances and access with parking
  - b. Perimeter access
  - c. Fire Lane
  - d. Emergency/Rear access
  - e. Street width
  - f. Water supply for fire systems
2. Live-work unit will need to follow IBC and NFPA for occupancy classification and most stringent will apply.
3. The 10 stories, 125 feet is noted

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2021 NFPA 1 Fire Code (NFPA; National Fire Protection Association)  
 2021 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)  
 2019 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)  
 2019 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)  
 2009 IBC (International Building Code)  
 Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations  
 2021 Delaware State Fire Prevention Regulations  
 City of Dover Code of Ordinances

\*If you have any questions or need to discuss any of the above comments, please call the above contact person listed.

CITY OF DOVER  
DEVELOPMENT ADVISORY COMMITTEE  
APPLICATION REVIEW COMMENTARY  
D.A.C. MEETING DATE: 2/7/2024

**Dover/Kent  
County  
Metropolitan  
Planning  
Organization**

APPLICATION: MI-23-04 Text Amendments: C-2 (Central Commercial Zone) Use and Standards

FILE # MI-23-04

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob

PHONE #: (302) 387-6030

Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

**City of Dover Planning Commission**  
Text Amendment Review

**MI-23-04 Text Amendments: C-2 (Central Commercial Zone) Use and Standards**

- 1) The MPO does not have any objections to the proposed text amendments. Note that the MPO is currently working on a study to address the walkability of downtown Dover and find critical areas in need of safety and connectivity improvements. The proposed changes to parking requirements are likely to complement this study's results, as they will both encourage walking and bicycling in the downtown area. More can be found on the study's webpage which continues to be updated: <https://doverkentmpo.delaware.gov/downtown-dover-pathways/>

**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 ORDINANCE PROPOSED ORDINANCE #2024-01  
WITH CCOW-LFA AMENDMENT #1**

**(Council Committee of the Whole – Legislative, Finance, and Administration Committee Amendment #1  
indicated in green text)**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN  
COUNCIL MET:**

That Appendix B – Zoning, Article 3 Section 13. Central Commercial Zone (C-2) be amended by inserting the text indicated in **bold, blue font** and deleting the text indicated in ~~red-strikeout~~ as follows:

And be amended by inserting the text in **bold, green font** and deleting the text indicated in ~~bold, blue strikeout~~ as follows:

**APPENDIX B – ZONING**

**ARTICLE 3 - DISTRICT REGULATIONS**

**Section 13. - Central commercial zone (C-2).**

13.1 *Uses permitted.* In a central commercial zone (C-2), 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 purpose, except the following:

- (a) Retail stores.
- (b) Restaurants, **cafes, and eating establishments.**
- (c) Commercial kitchens.**
- (d) Microbrewery, craft distillery, and meadery establishments.**
- ~~(e)~~ (e) Hotels, including bed and breakfast inns.
- ~~(f)~~ (f) Art galleries and **artisan** studios.
- ~~(g)~~ (g) Service establishments.
- (h) Banks and financial institutions**
- ~~(i)~~ (i) Personal service establishments.
- ~~(j)~~ (j) Business, professional, and government offices.
- ~~(k)~~ (k) Apartments and multi-family dwellings, provided that no dwelling units shall be permitted ~~in~~ **on** the first floor on the street frontage of Loockerman Street. **Uses accessory to the residential units such as lobby and amenity spaces are permitted on the first floor.**
- (l) Live-work units.**
- ~~(m)~~ (m) Indoor recreation and amusement establishments.
- (n) Parking lots and parking structures as a principal use.**
- (o) Places of public assembly.**
- (p) Manufacturing, assembling, converting, altering, finishing, cleaning, cooking,**

baking, or any other processing of products where goods so produced or processed are to be sold at retail on the premises or online and where the size of the establishment shall not exceed 5,000 square feet in floor area.

(q) Open space areas.

13.2 *Conditional uses*. The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

~~(a) Parking lots and parking structures as a principal use.~~

~~(b) Places of public assembly.~~

~~(c) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:~~

~~(1) An area fully concealed from any street and equal to not more than 20 percent of the area devoted to retail sales shall be so used;~~

~~(2) Electrical power not to exceed a total of five rated horsepower, and steam pressure not in excess of 60 pounds of pressure per square inch shall be used exclusively;~~

~~(3) Not more than four employees are engaged in such production or processing.~~

(a) Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking, or any other processing of products where goods so produced or processed are to be sold at retail on the premises or online and where the size of the establishment exceeds 5,000 square feet in floor area.

13.3 *Uses prohibited*. The following uses are prohibited:

(a) Fuel pumps and motor vehicle storage, sales, or repairs.

13.4 *Enclosed buildings*. All permitted uses and all storage accessory thereto, other than offstreet parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas ~~associated with restaurants~~, outdoor gathering areas, and outdoor sales areas approved by the city planner or approved as part of the site development plan approval required by article 3, section 13.6.

13.5 *Design standards*. The following standards shall apply to the site and building development in the central commercial zone (C-2):

13.51 *Facade Articulation*. Building facades should incorporate design elements to provide a base, middle, and top of the building to reinforce the pedestrian scale at the street level.

~~13.52 *Height*. For buildings greater than four (4) stories in height, then the upper floors above the fourth story shall step back ten (10) feet on the primary facade. For buildings greater than six (6) stories, then the upper floors above the sixth floor shall~~

~~step back an additional ten (10) feet on the primary façade. These step back areas may begin at a lower height than these minimums as part of the building design in order to be compatible with the character of the area.~~

**13.52 Height.** For buildings greater than four (4) stories in height, then the upper floors above the fourth story shall step back six (6) feet for fifty percent (50%) of the width of the primary façade. For buildings greater than six (6) stories, then the upper floors above the sixth floor shall step back an additional six (6) feet on the primary façade. These step back areas may begin at a lower height than these minimums as part of the building design in order to be compatible with the character of the area.

**13.53 Step back areas.** The step back areas should be open to the sky and can be open air balcony spaces or other design architectural features that are not enclosed spaces.

**13.54 Off-street Parking.** Off-street parking lots shall not be permitted to be situated between the street line and the primary façade of the principal building. Consideration should be given to locating parking to the side or rear of the building.

**13.55 Screening.** Any off-street parking lots provided shall be screened from the street line by buildings, landscaping, or other means. Off-street parking lots shall be screened from adjacent residential zones and residential uses. This screening provision does not apply to adjacent alleys.

~~13.5~~ **13.6** *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

~~13.6~~ **13.7** *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 prior to the issuance of certificates of occupancy for any change of use.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 4 Section 4.14 amended by inserting the text indicated in **bold, blue font** and deleting the text indicated in ~~red-strikeout~~ as follows:

**Section 4.14. - ~~C-1, C-1A, C-2, C-2A zones.~~**

Bulk and parking regulations for neighborhood commercial (C-1), limited commercial (C-1A), central commercial (C-2), and limited commercial (C-2A) zones are as follows:

|                    | C-1   | C-1A | C-2 | C-2A |
|--------------------|-------|------|-----|------|
| Minimum required:  |       |      |     |      |
| Lot area (sq. ft.) | 2,500 |      |     |      |
| Lot width (ft.)    |       | 25   |     |      |

|                                                          | C-1                                        | C-1A                                       | C-2                                                    | C-2A                                                   |
|----------------------------------------------------------|--------------------------------------------|--------------------------------------------|--------------------------------------------------------|--------------------------------------------------------|
| Lot depth (ft.)                                          |                                            |                                            | 70                                                     | 100                                                    |
| Front yard (ft.)                                         | 25                                         | 25                                         | 0                                                      | 15                                                     |
| Side yard (ft.)                                          | None required, but 5 feet min. if provided | None required, but 5 feet min. if provided | None required, but 5 feet min. if provided             | None required, but 5 feet min. if provided             |
| Rear yard (ft.)                                          | 15                                         | 15                                         | 20 above ground floor. At ground floor, 5 ft. required | 20 above ground floor. At ground floor, 5 ft. required |
| Side or rear yards which adjoin a residential zone (ft.) | 15                                         | 15                                         | 15                                                     | 25                                                     |
| Off-street parking                                       |                                            |                                            |                                                        |                                                        |
| Per 300 sq. ft. floor area or                            |                                            |                                            |                                                        | 1                                                      |
| Per employee (whichever is greater)                      |                                            |                                            |                                                        | 1                                                      |
| Maximum permitted:                                       |                                            |                                            |                                                        |                                                        |
| Building height                                          |                                            |                                            |                                                        |                                                        |
| Stories                                                  | 2                                          | 2                                          | <del>6</del> <b>10</b>                                 | 6                                                      |
| Feet                                                     | 30                                         | 30                                         | <del>75</del> <b>125</b>                               | 75                                                     |
| Floor area ratio                                         | 1.0                                        | 1.5                                        | <del>4.0</del> <b>5.0</b>                              | 4.0                                                    |

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 5 Section 6 amended by inserting the text indicated in **bold, blue font** and deleting the text indicated in ~~red-strikeout~~ as follows:

**Section 6. - Dumpsters for trash and recycling.**

*6.1 Location of trash receptacles.* In all zones of the City of Dover (except in residential zones where standard City of Dover 90-gallon trash containers are used), all trash receptacles and bulk recycling bins (excluding publicly operated recycling drop off centers), which shall be referred to collectively as "dumpsters" in this ordinance, are to be situated in order to allow safe and efficient access by trash collection vehicles, and shall be screened from public view. All dumpsters must comply with the following regulations:

*6.11 Location and screening required.* All dumpsters must be located in approved locations on the lot. Dumpsters must be placed on hard, paved, dust-free surfaces and may not be placed in designated parking spaces, fire lanes, or access ways. Outside storage of trash, cardboard, or

shipping pallets is prohibited. A dumpster enclosure is required to screen the dumpster from view whenever these units are situated so that they will be visible from any public right-of-way or from an adjacent property.

6.12 *Minimum dumpsters required.*

| Use                                                                         | Dumpsters Required                                                                                                                                                              |
|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <del>Restaurant</del>                                                       | <del>Two required for the first 3,000 square feet of gross building area; one required for each additional 3,000 square feet of gross building area or fraction thereof</del>   |
| <del>Shopping center (excluding supermarkets or anchor tenants)</del>       | <del>Two required for the first three stores; one required for each store thereafter</del>                                                                                      |
| <del>Supermarkets &amp; anchor tenants in shopping centers</del>            | <del>Two required in addition to requirements for shopping center</del>                                                                                                         |
| <del>Office &amp; retail less than 50,000 square feet</del>                 | <del>Two required for the first 16,000 square feet of gross floor area; one required for each additional 16,000 square feet of gross floor area or fraction thereof</del>       |
| <del>Office &amp; retail greater than 50,000 square feet</del>              | <del>Two required for the first 50,000 square feet of gross floor area; one required for each additional 24,000 square feet of gross floor area or fraction thereof</del>       |
| <del>Industrial, warehousing &amp; institutional</del>                      | <del>Two required for the first 80,000 square feet of gross building area; one required for each additional 40,000 square feet of gross building area or fraction thereof</del> |
| Apartment complex <b>or</b><br><b>Apartment Building with over 10 units</b> | Two required for the first 48 apartments; one required for each additional 24 apartments or fraction thereof                                                                    |
| <b>Non-residential uses</b>                                                 | <b>Two required per property</b>                                                                                                                                                |

6.13 *Selection of trash service.* Applicants for site development plan approval shall specify the proposed method of trash collection (~~side load or front load~~) at the time of application. A change in the method of collection may require an alteration of the site plan, subject to approval of the city planner or the planning commission.

6.14 *Maneuvering space.* Adequate off-street truck maneuvering space shall be provided on-lot and not within any public street right-of-way or other public lands. Internal site circulation lanes are to be designed with adequate turning radii to accommodate the size and efficient maneuvering of trash collection vehicles.

6.15 *Minimum dimensions for dumpster enclosures.* All dumpster enclosures must be adequate to screen dumpsters from public view. Enclosures for private collection must be no less than seven feet in height. The height of enclosures for City of Dover collection may be no less than five feet high.

6.16 *Enclosure construction.* All dumpster enclosures shall be constructed of durable materials that will withstand the normal use and wear expected in trash removal operations. Whenever a dumpster, in its enclosure, will be visible from a public right-of-way, the appearance of the dumpster enclosures shall complement the architecture of the principal building on the lot, and be constructed with the same or similar exterior materials.

6.17 *Gates.* Gates are required whenever a dumpster, in its enclosure, will be visible from a public right-of-way. Gates must be designed to swing back behind the front of the enclosure and lock in the open position. If City of Dover trash service is provided, it is the responsibility of the property owner or occupant to open and securely lock back the gates to allow for trash pick up. The gates may be opened 12 hours prior to pick up, and must be closed within 12 hours after pick up.

6.18 *Reduction of dumpster requirement.* When a use is required to provide dumpsters as part of site development plan approval, the required number of dumpsters may be reduced under the following circumstances:

a) *Dumpster pads reserved for future use.* An area of the site reserved for a dumpster may be substituted for an actual dumpster. The provided area must be large enough to accommodate a dumpster and must be accessible to trash collection services. The city planner may require that the owner of record of the property provide a dumpster in the reserved location, together with any enclosure required, upon determining there is need for the additional dumpster.

b) *Trash compactor substitution.* Trash compactors may be substituted for ordinary dumpsters at a two to one ratio. The city planner may approve a higher substitution ratio if specifications are provided indicating the machine will achieve a correspondingly higher trash compaction ratio. Trash compactors must meet the same location and screening requirements as other dumpsters. Sites providing trash compactors must still provide separate receptacles for recycling.

**c) *Alternative solutions.* Alternative solutions for the storage of and collection methods for trash and recycling receptacles may be considered. The city planner or planning commission may authorize alternative solutions.**

6.2 *Location and screening approval required.* The locations of new dumpsters on a site and any screening necessary shall be approved through the site development plan approval process, according to the type of review required in article 10 of this appendix.

6.3 *Unauthorized dumpsters.* Any dumpster not previously approved through the site development plan approval process may be required by the city planner to be moved, removed, or screened if said dumpster is a nuisance to neighboring properties by virtue of its current location.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 6 Section 3.1 amended by inserting the text indicated in **bold**,

**blue font** and deleting the text indicated in ~~red-strikeout~~ as follows:

**Section 3. - Required off-street parking spaces.**

3.1 *Schedule of requirements.* Accessory off-street parking spaces, open or enclosed, shall be provided for any lot as specified in Article 4—Zoning Bulk and Parking Regulations, or as specified below for each use in any zone, whichever is greater.

(a) *Exceptions.*

i. Where Article 3—District Regulations, specifies a minimum parking requirement, this parking requirement shall prevail.

ii. For existing buildings within the C-2 zoning district, the requirements of Article 4, Section 4.14—~~C-1, C-1A, C-2, C-2A zones-zoned~~, bulk and parking regulations governing the C-2 zoning district shall prevail.

**iii. For new construction within the downtown redevelopment target area, as described in appendix C of the Dover Code of Ordinances, there is no minimum off-street parking requirement based on use. To utilize this exception, a parking strategy statement must be submitted for review as part of the site development plan approval required by appendix B, zoning, article 10, section 2.**

| For:                                                 | At Least One Parking Space For Each                                                                                   |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Places of worship                                    | Two hundred (200) square feet of floor area, but not less than one (1) space for each four (4) seats, where provided  |
| Libraries                                            | Three hundred (300) square feet of floor area                                                                         |
| Medical offices—All types                            | Three hundred (300) square feet of floor area                                                                         |
| Nursery school or kindergarten                       | Adult attendant, plus one for every 20 children                                                                       |
| Elementary or junior high school                     | Eight (8) seats in main auditorium/cafeteria or gymnasium                                                             |
| High school, technical school, college or university | Five (5) seats in main auditorium/cafeteria or gymnasium; if none, see Article 4—Zoning, Bulk and Parking Regulations |
| Hospitals or sanitariums                             | Three beds                                                                                                            |

|                                                                                |                                                                                                                                            |
|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| For:                                                                           | At Least One Parking Space For Each                                                                                                        |
| Apartments                                                                     | Two (2) per dwelling unit and one (1) for every two hundred (200) square feet of office space and 0.25 per dwelling unit for visitor space |
| Roominghouses                                                                  | Guestroom                                                                                                                                  |
| Dormitories                                                                    | Three (3) beds                                                                                                                             |
| Eating and drinking places                                                     | Four (4) seats plus one (1) for every three (3) bar seats                                                                                  |
| Funeral homes                                                                  | Two (2) employees, plus five (5) spaces for each chapel                                                                                    |
| Hotels and motels                                                              | Guestroom, plus one (1) for every 200 square feet of office space, banquet hall, or meeting areas                                          |
| Athletic fields, baseball, football or boxing stadiums and arenas; race tracks | Three (3) seats                                                                                                                            |
| Golf courses                                                                   | Per employee and four (4) parking spaces for each hole                                                                                     |
| Golf or baseball driving range                                                 | One-half (½) stall                                                                                                                         |
| Airports                                                                       | Per employee and for each two (2) airplanes in storage                                                                                     |

218

219 3.2 *Areas computed as parking spaces.* Areas which may be computed as open or enclosed off-  
220 street parking spaces include any private garage, carport, or other area available for parking,  
221 other than a street or driveway. However, a driveway within a required front yard for a one-  
222 family or two-family residence may count as one parking space, other than a corner lot as  
223 provided in article 5, section 1.3.

224 3.3 *Location and ownership of required accessory parking facilities.* Required accessory parking  
225 spaces, open or enclosed, may be provided upon the same lot as the use to which they are  
226 accessory, or elsewhere, provided all spaces therein are located within 150 feet walking distance  
227 of such lot. In all cases, such parking spaces shall conform to the regulations of the district in  
228 which they are accessory and shall be subject to deed restriction, filed with the city clerk, binding  
229 the owner and his heirs and assigns to maintain the required number of spaces available either:

230 (a) Throughout the existence of such use to which they are accessory; or

231 (b) Until such spaces are provided elsewhere.

3.4 *Size of spaces.* The minimum parking space dimensions shall be at least nine (9) feet in width and at least 18 feet in length. Disabled accessible spaces shall meet ADA requirements.

3.5 *Access.* Unobstructed access to and from a street shall be provided. Each drive lane shall have at least ten feet of width so that one-way drives have at least ten feet of width and that two-directional drives have two lanes of ten feet each. Unless otherwise specified within this section, access shall be provided by at least one two-directional drive lane or two one-directional drive lanes.

3.6 *Drainage and surfacing.*

(a) All open permanent parking areas and access drives shall be properly drained and all such areas shall be provided with paved asphalt, concrete or other hard, paved, dust-free surface.

(b) All permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The city planner may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. Curbing shall not be required for loading areas, handicapped access and for parking spaces accessory to a one-family or two-family residence (see also article 6, section 5.3).

3.7 *Joint facilities.* Required parking spaces, open or enclosed, may be provided in spaces designed to serve, jointly, two or more establishments, whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.

3.8 *Combined spaces.* When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the planning commission may reduce the total parking spaces required for that use with the least requirement.

(a) *Campus Parking Plan.* When a new building or building addition is made to a campus involving multiple buildings under common ownership where one or more of the uses will be generating demand for parking when the other use or uses are not in operation, the applicant shall present a campus parking plan as a part of the site development plan that includes an analysis of the parking needs based on the provisions of section 3.8 of this article.

3.9 *Adjustments to parking requirements.* The planning commission or city planner, according to the type of plan review required by appendix B, zoning, article 10, planning commission, may reduce, in an amount not to exceed 50 percent, the number of parking spaces required when, in the opinion of the commission, it has been demonstrated that the use is adequately served by transportation and parking alternatives, including but not limited to:

(a) Site plan proposals within the downtown redevelopment target area, as described in appendix C of the Dover Code of Ordinances, may be granted a 20 percent reduction in the amount of off-street parking normally required, due to the availability of mass transit, municipal parking and existing pedestrian amenities.

(b) Designated off-street parking reserved for car pools, van pools, and bicycle parking facilities, in accordance with the following schedule:

(1) Each carpool space shall be equivalent to three standard parking spaces.

(2) Each vanpool space shall be equivalent to five standard parking spaces.

(3) Every group of five bicycle parking spaces shall be equivalent to one standard parking space.

(c) Employer participation in a traffic-mitigation plan approved by the Delaware Department of Transportation.

(d) Cash-in-lieu of parking contributions toward the capital construction or improvement of municipal parking facilities that are proposed. The cash-in-lieu of parking contribution shall be in a monetary amount equivalent to the estimated cost of construction for the number of standard surface parking spaces for which the reduction is sought. To take advantage of this option, the developer shall submit to the city engineer a cost estimate for the parking requested to be waived. The city engineer shall examine the estimate for accuracy in current prevailing costs of construction at the time of proposal and shall report to the planning commission his/her findings.

(e) Proposals involving superior urban design which contribute to an enhanced pedestrian environment and which include such features as pedestrian plazas and pocket-parks, pedestrian-way connections with existing sidewalk systems and community facilities, park benches and other street furniture, mass transit connections and shelters, and landscaping and shade tree plantings.

In all areas, except the downtown redevelopment target area, the planning commission or city planner, according to the type of plan review required by appendix B, zoning, article 10, planning commission, may require the development plans to have an area of open space designated where parking could be constructed less than or equal to the number being reduced. In such cases the plan shall bear a note which explains that the petitioner, in accepting a parking reduction, agrees to construct such additional parking as is otherwise required under the provisions of this appendix, if the planning commission, after a hearing, determines that the reasons for granting said reduction no longer exist. In all such instances where the planning commission determines that the reasons for granting a reduction no longer exist, the owner of record for the subject property for which a reduction was previously granted must construct the parking required to meet the regulations of the city during the next construction season.

3.10 *Bicycle parking.* Bicycle parking shall be provided for parking spaces at a rate of one bicycle parking space for every 20 parking spaces or a fraction thereof. The planning commission

may waive the requirement for the bicycle parking if it is demonstrated that bicycle parking would not be appropriate for safety reasons or due to the nature of the use of the site.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 12 – Definitions be amended by inserting the text indicated in **bold, blue font** in appropriate alphabetical order:

***Live-work unit: A first floor business use, such as an office, studio, shop, café, service establishment, personal service establishment, or other permitted use in combination with an office and a dwelling unit located above such place of business. A person or persons other than the proprietor of the first floor business may occupy the dwelling unit portion of a Live-work unit.***

ADOPTED: \*

#### SYNOPSIS

This is a series of text amendments to the *Zoning Ordinance* provisions of the C-2 (Central Commercial Zone) and related development provisions. These amendments revise the permitted uses and the conditional uses, add design standards, and revise the bulk standards for height and floor area ratio (FAR) of the C-2 (Central Commercial Zone). There are proposed revisions to other sections of the *Zoning Ordinance* related to parking requirements and Dumpsters. These text amendments are offered for consideration as part of the implementation of the *Transforming Downtown Dover: Capital City 2030 (Transforming Downtown Dover)* Plan.

(SPONSORS: \*) (INITIATION BY THE CITY PLANNER)

Following public comments and discussion by the Council Committee of the Whole – Legislative, Finance, and Administration Committee, Staff evaluated the design standards for height related to the step back provisions as proposed in the Draft Ordinance. The Council Committee of the Whole - Legislative, Finance, and Administration Committee (CCOW-LFA) Amendment #1 revises the proposed step back provision from a distance of ten (10) feet to six (6) feet in certain areas of the primary façade.

#### Actions History:

1/22/2024 Scheduled for First Reading – City Council

1/9/2024 - Introduced at Council Committee of the Whole/Legislative Finance, and Administration Committee

## **MI-23-04 Text Amendments; C-2 (Central Commercial Zone) Uses and Standards and Related Development Standards**

### **Public Comments Received Through February 7, 2024:**

- Comments Received during Council Committee of the Whole – Legislative, Finance, and Administration Committee Review:
  1. Letter of January 8, 2024 from Downtown Dover Partnership noting recognition of process, their support of changes including the parking requirements, and a suggested change for the step-back provisions
  2. Email of January 9, 2024 from Donny Legans noting his agreement with proposed changes to parking requirements. And also noting his concerns with the Land Use Change process (the process to amend the Comprehensive Plan).
- Other Comments Received:
  3. Email of January 29, 2024 from John T. Childress of Mosaic Development Partners with attachment of Letter dated January 26, 2024 from WZG Structural Consulting Engineers, Inc.



**Downtown Dover Partnership**  
**Main Street Dover**  
**101 W. Loockerman Street, Ste 2B**  
**Dover, DE 19904**  
**(302)678-2940**

January 8, 2024

Ms. Andria Bennett  
Dover City Clerk  
15 Loockerman Plaza  
Dover, DE 19903

We wish to provide comment on behalf of the Downtown Dover Partnership (DDP) board of directors regarding the Potential Revisions to C-2 Zone to be heard on January 9, 2024 at the CCOW-LFA.

We commend the thorough process of the staff of the City of Dover Planning Department to respond to the recommendation in the *Capital City 2030: Transforming Downtown Dover!* master plan to revisit current c-2 zoning and design standards in an effort to encourage development in downtown Dover. Their approach was responsive and proactive, as well, in researching other municipalities in the nation.

Specifically, we support the majority of the proposed changes, including that of “No parking requirements for existing buildings in C-2 zone” and “No minimum parking requirements for new construction in C-2 zone.” We believe these are appropriate and follow nationwide trends.

We propose change to the following:

| Proposed change:                                    | DDP requested change:                      | If not requested change proposed (left):                                                                                      |
|-----------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Step back of ten (10) feet at/above four (4) floors | Step back of six (6) feet at fourth floor. | <u>At most:</u> A step-back not to exceed eight (8) feet on any level, with no more than two step-backs required on a facade. |

Thank you for your thoughtful consideration of the request.

Sincerely,  
  
Diane Laird, Executive Director

  
Todd Stonesifer, Board President

CC: DDP Board of Directors  
Dawn Melson, Principle Planner



**From:** Donny Legans  
**To:** City Clerks Office  
**Subject:** EXTERNAL: Public Comment on C2 zoning changes  
**Date:** Tuesday, January 9, 2024 8:24:45 AM

Some people who received this message don't often get email from donny@railhaus.com. [Learn why this is important.](#)

**WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Dover,

I wish to add my comments to C2 changes. I agree completely with the proposed changes to minimum parking requirements. As the owner/operator of Rail Haus we support off street parking of course but the requirement for certain amount was a tedious and expensive process on property owners.

**One related suggestion if I can add:** Can we revisit the once-a-year process for Land Use change? I own an Industrial property in Downtown Dover. That land use has fallen out of favor compared to Mixed Use land use for good reason. An owner has many options once a property is slated for Mixed Use. It doesn't skip any of the needed steps (DAC, public meetings, pre construction agency approvals) but it does kick start the process for when a developer can start the design process. AS it stands today, Major Land Use change can only be submitted on Dec 15<sup>th</sup>, so the rest of the year an owner is just sitting on a property in an outdated Land Use until the first hearing in January after submission.

Sorry for being off topic but before we can get to C2 zoning (Downtown Redevelopment Target area), the Land Use must match the rest of Downtown properties and the recommendations from the city that **Mixed Use** is the way forward for Downtown Dover. Right now my property can only be zoned for light manufacturing, aviation, and C3 until we change Land Use to Mixed Use.

Background detail:

#### **Determination by the City Planner**

Your Request for Rezoning and Land Development Plan Map Amendment will fall under one of the two categories listed below. Refer to the 2019 Comprehensive Plan for more details on the Comprehensive Plan Amendment process (Chapter 15, pages 15-10 through 15-12).

Minor Variation - To qualify, the following three conditions must be met:

- The rezoning is of a unique circumstance and cannot set precedent for other lands in the vicinity of the rezoning; and,
- The relative size of the rezoning or the variation from the land use recommended by the Comprehensive Plan is so minor that it would have no impact on the goals and objectives of the Comprehensive Plan; and,
- The proposed zoning is adjacent to or in the immediate vicinity of other similarly zoned lands and would not alter the pattern of development in the area.

**Comprehensive Plan Amendment Request – If Request does not meet the conditions of a Minor Variation then it will require submission to the Office of State Planning Coordination's**

Preliminary Land Use Services (PLUS) review process.

Comprehensive Plan Amendment Requests will be processed annually. Applications for amendments to the Comprehensive Plan must be received by the City Planning Office by **December 15th**. The City will compile any Requests received into one submission to the Office of State Planning Coordination, regardless of Planning Staff concurrence with the Request. The City will submit Comprehensive Plan Amendment Requests for consideration through the PLUS process in **January** of each year.

Donny Legans  
Co-Owner  
Rail Haus Beer Garden  
719.440.2870  
[donny@railhaus.com](mailto:donny@railhaus.com)

**From:** [Bennett, Andria](#)  
**To:** [Melson-Williams, Dawn](#); [Duca, Sharon](#)  
**Cc:** [City Clerks Office](#)  
**Subject:** FW: EXTERNAL: Mosaic/Colonial Team comments for the C-2 Zoning  
**Date:** Monday, January 29, 2024 10:12:42 AM  
**Attachments:** [Outlook-klq3i5of.png](#)  
[WZG letter - Mosaic\[1\].pdf](#)  
[image001.png](#)

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Good Morning,

Attached, please see the letter from the Mosaic Partners structural engineer addressing the proposed setbacks in the C-2 Zoning.

*Andria Bennett*

City Clerk

City of Dover

P: (302) 736-7009

F: (302) 736-5068

[abennett@dover.de.us](mailto:abennett@dover.de.us)



**This email has been blind copied to members of council and the mayor.**

---

**From:** John Childress <jchildress@mosaicdp.com>  
**Sent:** Monday, January 29, 2024 9:56 AM  
**To:** City Clerks Office <CityClerk@dover.de.us>; Hugg, Dave <dhugg@dover.de.us>  
**Cc:** Greg Reaves <greg\_reaves@mosaicdp.com>; Meagan Whetstone <meagan@mosaicdp.com>; Jed Hatfield <jedhatfield@colonialparking.com>  
**Subject:** EXTERNAL: Mosaic/Colonial Team comments for the C-2 Zoning

**WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good Morning,

Attached is a document from our structural engineer addressing the proposed step backs in the C-2 Zoning. Please let us know if you have any questions.

Thank you,  
John

**John T. Childress**  
*VP Development & Special Projects*

E: [jchildress@mosaicdp.com](mailto:jchildress@mosaicdp.com)

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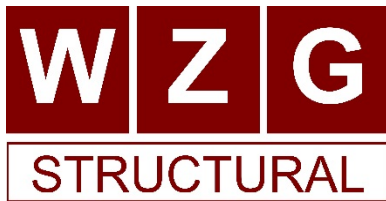
**Mosaic Development Partners, JV, LLC**

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**Natalie E. Bird, PE**  
Principal

January 26, 2024

Councilman Sudler  
City of Dover City Hall  
15 Loockerman Plaza  
Dover, DE 19901

**Re: Dover, Delaware: C-2 Zoning Changes**

Dear Members of the City of Dover Planning and Inspections Department, and City Council Members:

It was brought to our attention that the 'Proposed Ordinance #2024-01', would require buildings within the historic district of Dover to have a 6' setback above the fourth floor of construction. From a structural engineering perspective, the setback will result in a transfer level in order to distribute the building loads to the building foundations. Typically, a transfer level has deeper beams to support the column loads from above the floor and transfers them to the building columns on the floor below to distribute the load to the building foundations. The floor-to-floor height of the building will likely need to be taller at this transfer level to accommodate the additional structure depth required. While this represents additional construction costs, setbacks can be provided through engineering and design without compromising the structural integrity of the building.

Any setback in the building above the foundation level will add to the construction cost, both for the structure and for exterior building treatments. They will also reduce the usable area of the floor plates resulting in few and/or smaller units. The closer to the midspan of the transfer beam that this setback occurs, the more structure will be required to support it. Additionally, transition details at the setback from façade to roof require more flashing, roof drains and leaders. In short, a setback will either result in a heavier structure or additional columns, both of which are more expensive than an optimized structural system.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact our offices.

Sincerely,

**WZG STRUCTURAL CONSULTING ENGINEERS, INC.**

A handwritten signature in blue ink that reads 'Natalie Bird'.

Natalie Bird, PE  
Principal

Delaware PE# 17357