



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

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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.usPHONE #: (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

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

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

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

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

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

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

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

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

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

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

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

(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; Planning References: MI-24-01 and Z-24-02)

BE IT FURTHER ORDAINED:

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

ADOPTED: *

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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