

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.](#)

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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 15th, 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

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](#)

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



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

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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

C: +1 (609) 351 0625



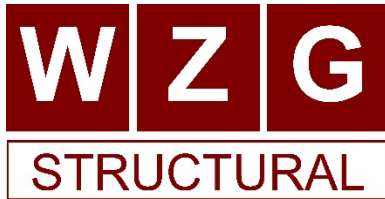
Mosaic Development Partners, JV, LLC

3002 Cecil B. Moore Ave | Suite 202 | Philadelphia | PA 19121

150 Rouse Blvd | Suite 100 | Philadelphia | PA 19112

8201 Corporate Drive | Suite 1130 | New Carrollton | MD 20785

www.mosaicdp.com



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