



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

Z-24-02

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 01/31/24

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

FILE #: Z-24-02

REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal
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**

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

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.

