



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted March 22 2016

Ordinance Number: **O – yyyy.mm.dd -**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by rezoning a parcel of land from office and residential to retail/commercial.

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Office (O) District to Thoroughfare Business (B-3) District an area of approximately 1.8 acres located at 824 – 828 Central Avenue, consisting of Map 37 lot 35-37.”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Medium-Density Residential (R-12) District to Thoroughfare Business (B-3) District an area of approximately 3.4 acres located at 8 Glenwood Avenue, consisting of Map 37 lot 38.”

TAKES EFFECT

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18.

AUTHORIZATION

Approved as to
Funding: Daniel R. Lynch
Finance Director

Sponsored
by: Councilor Dennis Ciotti
City Council Planning Board
Representative

Approved as to Legal
Form
and Compliance: Anthony Blenkinsop
City Attorney

Recorded by: Karen Lavertu
City Clerk



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DOCUMENT HISTORY:

First Reading Date: Approved Date:	Public Hearing Date: Effective Date:
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DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor, Karen Weston		
Deputy Mayor, Robert Carrier		
Councilor John O'Connor, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joseph Nicolella, Jr, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Sarah Greenshields, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

Attached is the application provided by the Property Owners and Applicant.



City of Dover, New Hampshire ZONING AMENDMENT APPLICATION

[Revision Date: February 13, 2013]
RECEIVED
Planning Office

Office Use Only	File #: <u>P16-06</u>	Date Received: <u>MAR 17 2016</u>
	Amount Paid: _____	Time Received: _____

Dover, New Hampshire

APPLICANT INFORMATION

Name of Applicant: Scott Mitchell Real Estate, LLC

Address of Applicant: 321D Lafayette Road, Hampton, NH 03242

Telephone # (603) 926-7770

Email Address scott@tropicstardevelopment.com

DESCRIPTION OF PROPOSED AMENDMENT

Amendment will rezone four properties on or near the southeasterly corner of Glenwood Avenue and Central Avenue to B-3 (Thoroughfare Business Zoning District)

AREA REZONING INFORMATION

Assessor's Map and Lot #s of all properties within the area proposed to be rezoned:

Map	Lot(s)
37	35-0-0
37	36-0-0
37	37-0-0
37	38-0-0

Current Zoning District(s) See attached Size of Area: 5.38 AC (in total)

Existing Use(s) Within Area: Properties on Central Avenue-Office; Property on Glenwood-Residential

Proposed Zoning District(s) B-3 Proposed Use of Area: Retail/Commercial

ORDINANCE AMENDMENT INFORMATION

Article# 170 Section(s) # 8 Section Title(s) Zoning Map

Current Provision(s) Language See attached for existing zoning of properties.

Proposed Provision(s) Language See attached for proposed zoning of properties.

In a separate narrative, please describe how your proposed amendment(s) addresses the following elements:

- The purpose and intent of the amendment;
- Consistency with RSA 674:17;
- Consistency with Dover's Master Plan;
- Consistency with other plans, studies, or technical reports prepared by, or for, the Planning Board and the City;
- Effect on the City's municipal services and capital facilities as described in the Capital Improvements Program;
- Effect on the natural, environment, and historical resources of the City;
- Effect on neighborhood including the extent to which nonconformities will be created or eliminated; and
- Effect on the City's economy and fiscal resources.

REQUIRED ATTACHMENTS

Fifteen (15) hard copies and one digital copy of the following:

- This application;
- A properly drafted ordinance containing the amendment in a form meeting the requirements of the City Clerk (please see attached for example);
- A statement of the purposes and intent of the proposed amendment
- For zoning map amendments:
 - A map showing the existing zoning districts of the area to be rezoned and the proposed changes to these districts;
 - The names, addresses, and telephone numbers of those submitting the petition and of any agents or representatives of the same;
 - A list and address labels including the name, address, and tax map number of each property owner of the area proposed for rezoning and each property owner within one hundred (100) feet of the subject area. The list shall be current within ten (10) days of submittal;
 - A non-refundable fee of eight dollars (\$8.00) per property owners and abutter required to be notified included on the lists of properties;
- A non-refundable fee of one hundred fifty dollars (\$150.00) to cover the cost of staff review and processing of the amendment;
- A non-refundable fee of eighty dollars (\$80.00) to cover the cost of the newspaper notice; and
- For district or citywide zoning map amendments, or for zoning ordinance text amendments, please contact the Planning Department for cost of mailing and abutter notice requirements.

SIGNATURE OF APPLICANT(S)

I /We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Signature of Applicant: See attached Date: _____

Signature of Applicant: _____ Date: _____

**City of Dover, New Hampshire
REZONING APPLICATION
(Addendum)**

The following information is supplied for each property in this rezoning application:

824 Central Avenue

Property Owner: Judith T. Spang, Trustee
Owner Address: Judith T. Spang Revocable Trust of 2003
55 Wiswall Road
Durham, New Hampshire 03824
Assessor's Map #: 37-35-0-0
Current Zoning District: O - Office District
Size of Parcel: .7 Acres
Existing Use: Professional office

826 Central Avenue

Property Owner: 826 Central Avenue, LLC
Owner Address: P.O. Box 343
Lafayette, Colorado 80026
Assessor's Map #: 37-36-0-0
Current Zoning District: O- Office District
Size of Parcel: .585 Acres
Existing Use: Office

828 Central Avenue

Property Owner: Parkstone Properties, Inc.
Owner Address: 4 Bulough Park
Newton, Massachusetts 02160

- Provision of light and air and the prevention of overcrowding of the land, through master planning of the parcels, as merged, including appropriate open space, landscaping and buffering, as part of a master plan for the development of the parcels.

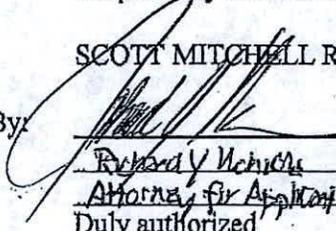
Impacts on economy, fiscal resources, environment, natural and historical resources, municipal services, capital facilities and neighborhoods: The amendment will have a positive impact on the economy of the City, while not creating any material burden on municipal services, capital facilities or any natural or historic resources in Dover. The rezoning will positively impact the fiscal resources of the City by rezoning the properties to accommodate the highest and best uses of those properties, given the affected area. The rezoning also brings the properties more in line with the manner in which this portion of Central Avenue has been developed. The area to be rezoned is adjacent to the Walgreen's Pharmacy development and across the street from the Shaws Plaza and the Hannaford/Natural Pharmacy/Papa Gino's developments. In fact, the rezoning simply represents an extension of the existing B-3 Zoning District. Through thoughtful layout of the buildings, reasonable landscaping, preservation of existing trees where possible, and the establishment of fencing and vegetative buffers, the area in question can be developed in a manner which is complementary to Central Avenue while protecting the residential neighborhood on Crescent Avenue. The applicant is not aware of any non-conformities which will be created, once the rezoning is accomplished and the properties are developed as intended.

Master Plan Consistency. The City's master plan espouses a vision for an increase in the City's commercial tax base through economic development, especially on properties already used commercially. See Vision Element 8. As noted above, the rezoning of the properties in this application will accommodate the highest and best uses of those properties, given the affected area. This will represent an improvement, in terms of commercial tax base, over the current uses of the properties. Also, as noted above, the properties, as combined, offer an opportunity to develop the land with higher quality commercial uses, while providing for the reservation of areas of open space and landscaping to protect the nearby residential neighborhood on Crescent Avenue. This is consistent with the Master Plan vision of protecting the residentially zoned areas in the City from unreasonable encroachment by commercial uses. Not all commercially-zoned properties in the City feature enough size and depth to be developed commercially with appropriate separation from residentially-zoned areas. Finally, the rezoning does not represent the expansion of commercially zoned properties outside of what is thought as the urban growth area of the City into its rural areas. See February 24, 2015 Land Use Analysis, LU 2.1. It is in an area within or adjacent to land designated as "Retail Corridor" in the Master Plan Future Land use Map. The rezoning is perfectly consistent with the other uses along Central Avenue to the west and across both streets. While the rezoning does include one parcel which is occupied by and zoned for residential use, the parcel location lines up, in terms of depth, with the depth of other commercial uses fronting on Central Avenue, and provides sufficient land to buffer residential uses on Crescent Avenue from the proposed development of the properties.

Respectfully submitted:

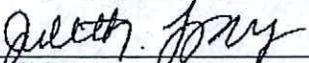
SCOTT MITCHELL REAL ESTATE, LLC

By



Richard V. Nichols (Print Name)
Attorney for Applicant (Title)
Duly authorized

Property Owner Signatures:



Judith T. Spang, Trustee

826 Central Avenue, LLC

(Print Name)
(Title)
Duly authorized

Parkstone Properties, Inc.

(Print Name)
(Title)
Duly authorized

Charles Banaian

Property Owner Signatures:

Judith T. Spang, Trustee

826 Central Avenue, LLC

(Print Name)

(Title)

Duly authorized



Parkstone Properties, Inc.

JOSEPH TISCHLER (Print Name)

PRESIDENT (Title)

Duly authorized

Charles Banaian

Property Owner Signatures:

Judith T. Spang, Trustee

Heather S. Clements, member
826 Central Avenue, LLC

Heather S. Clements (Print Name)

member (Title)

Duly authorized

Parkstone Properties, Inc.

(Print Name)

(Title)

Duly authorized

Charles Banaian

Property Owner Signatures:

Joshua T. Spang, Trustee

126 Central Avenue, LLC

(Print Name)

(Title)

Duly authorized

Parlance Properties, Inc.

(Print Name)

(Title)

Duly authorized

Alou M. Silva Mascato

Charles Barouin

Executive for Charles Barouin



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.