CITY OF DOVER PLANNING COMMISSION
AGENDA
Tuesday, February 17, 2015– 7:00 P.M.

City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

ADOPTION OF MINUTES OF REGULAR MEETING of January 20, 2015

COMMUNICATIONS & REPORTS

1) Reminder: The Planning Commission Quarterly Workshop is scheduled for WEDNESDAY, February 18, 2015 at 12 noon in the City Hall Conference Room.

2) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, March 16, 2015 at 7:00pm in the City Council Chambers.

3) Update on City Council Actions

4) Update on Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW DEVELOPMENT APPLICATIONS

1) MI-15-01 Comprehensive Plan Amendments 2015 – Public Hearing and Review for Recommendation to City Council regarding a series of Amendments to the *2008 Comprehensive Plan*, as amended. The Amendments include consideration of the following: a request for amendment of Map 12-1: Land Development Plan to revise the Land Use Classification of a property as associated with rezoning application Z-15-01 and amendments to the text of Chapter 13 – Growth and Annexation Plan of *Comprehensive Plan*. Ordinance #2015-01.

    A. Consideration of Amendment to Map 12-1: Land Development Plan Map - Request for a parcel located on the east side of North State Street between the Silver Lake bridge and Lepore Road to revise the Land Use Classification from Residential Medium Density to Commercial on Map 12-1: Land Development Plan Map.

Property Address: 801 North State Street. This is associated with rezoning application Z-15-01.

B. Consideration of Amendment to Chapter 13 – Growth and Annexation Plan – Amendment to Chapter 13 - Growth and Annexation of the *Comprehensive Plan* to amend the text to delete the Cost Revenue Analysis Model and to delete the requirement for its use as a means of reviewing annexation proposals within the Category 2 Annexation Areas.

2) Z-15-01 Lands of 801 Gold Coast, LLC at 801 North State Street: Rezoning from RG-3 to C-2A – Public Hearing and Review for Recommendation to City Council on a rezoning application for a 1.943 acre +/- parcel. The property is zoned RG-3 (Group Housing Zone). The proposed zoning is C-2A (Limited Central Commercial Zone). The property is located on the east side of North State Street between the Silver Lake bridge and Lepore Road; the property is adjacent to Silver Lake. The owner of record is 801 Gold Coast, LLC c/o Luther D. Shank III. Address: 801 North State Street. Tax Parcel: ED-05-068.09-01-13.00-000. Council District 3. Ordinance #2015-02. *Associated with request (MI-15-01) for Comprehensive Plan Amendment as a land use classification to Map 12-1*.

3) SB-13-06P Revised Jefferson Terrace (previously known as The Meadow) Subdivision on Jefferson Terrace – Public Hearing and Review of Preliminary Subdivision Plan to create five (5) residential lots from an existing parcel totaling 4.23 acres +/- of land. The property is zoned R-10 (One Family Residence Zone) and R-8 (One Family Residence Zone). The property is located south of but not adjacent to Wyoming Avenue and west of Monroe Terrace. The proposal includes an extension of the street known as Jefferson Terrace. The owner of record is Penntex, LCC. Address: Jefferson Terrance. Tax Parcel: ED-05-077.17-06-2.01-000. Council District 2. *Waivers granted approval by City Council on 1/13/2014: Increased Length of Dead End Street and Increased Percentage of Lots on Cul-de-sac. This submission is a Revised Preliminary Subdivision Plan which supersedes the previous submission SB-13-06P filed for review in February 2014*.

NEW BUSINESS

ADJOURN

THE AGENDA ITEMS MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

Posted Agenda: posted February 6, 2015 at 12noon

CITY OF DOVER PLANNING COMMISSION
January 20, 2015

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, January 20, 2015 at 7:00 PM with Vice Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Cregar, Mr. Holt, Mr. Baldwin, Ms. Still, Mr. Ambruso and Mr. Tolbert. Dr. Jones and Colonel Welsh were absent.

Staff members present were Mrs. Townshend, Mr. Cook, Mrs. Harvey and Mrs. Mullaney. Also present were Mr. Phil McGinnis, Mr. Scott Kidner, Mrs. Rebecca Kidner and Mr. Emmanuel Davis. Speaking from the public was Mrs. Tricia Arndt, Mr. Charles Salkin, Mr. Joe Hutter, Mr. Cameron Llewellyn, Ms. Theresa Owens, Mr. Ryan Weber, Mrs. Jennifer Mabus, Ms. Lauren Tinsley, Mr. Randy Jones, Mrs. Diana Welch, Mr. Theo Morgan and Mr. Michael Schott.

APPROVAL OF AGENDA

Mr. Holt moved to approve the agenda as submitted, seconded by Ms. Still and the motion was unanimously carried 7-0 with Dr. Jones and Colonel Welsh absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF DECEMBER 15, 2014

Ms. Still moved to approve the Planning Commission minutes of December 15, 2014, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting will be held on Tuesday, February 17, 2015 at 7:00 PM in the City Hall Council Chambers.

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop will be held on Wednesday, February 18, 2015 at 12:00 noon in the City Hall Conference Room.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on December 8, 2014 and January 12, 2015.

Mrs. Townshend stated that on January 11, 2015 Governor Markell designated Dover as one of three (3) Downtown Development Districts. That will make properties within that District boundary eligible for a number of incentives. Most notably, the 20% rebate of cash from the State after the property owner or business spends $25,000 on that property. The County will be matching the State's rebate up to $10,000 and the City will be adopting a series of incentives to further incentivize Downtown redevelopment. They are getting a lot of inquiries and she thinks that they will start to see things happening Downtown because now the numbers work a little better.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Townshend presented the audience information on policies and procedures for the meeting.

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW DEVELOPMENT APPLICATIONS

1) C-15-01 Professional Office at 15 Kings Highway NE – Public Hearing and Review of a Conditional Use Site Plan Application to permit professional offices at an existing 3,250 S.F. ± structure on a 25, 920 S.F. ± parcel. The property is zoned RG-1 (General Residence Zone) and subject to the H (Historic District Zone). Planned interior renovations will convert the use from residential to office. The property is located at the north side of Kings Highway on the segment designated S.R 8 at the corner of Kent Avenue. The owner of record is Philip W. Coombe and equitable owner Marengo Ventures, LLC c/o Scott and Rebecca Kidner. Property Address: 15 Kings Highway NE. Tax Parcel: ED-05-077.05-02-50.00-000. Council District 3.

Representatives: Mr. Phil McGinnis, McGinnis Commercial Realty; Mr. Scott Kidner, equitable owner; Mrs. Rebecca Kidner, equitable owner

Mr. Cook stated that this is a Conditional Use Site Plan to permit professional offices at an existing 3250 S.F. structure on an existing 25,920 S.F parcel. The property is zoned RG-1 (General Residence Zone) and subject to the H (Historic District Zone) regulations. The property is located at the north side of the segment of Route 8 between Maple Lane and Kent Avenue. It's addressed as Kings Highway Northeast. The site includes a house, detached garage and existing paved areas for parking, sidewalks and driveway. The owner of record is Philip W. Coombe and the applicant is Marengo Ventures, LLC c/o Mr. and Mrs. Kidner. The property address is 15 Kings Highway NE, Tax Parcel: ED-05-077.05-02-50.00-000.

Mr. Cook ran through the report for the benefit of the public audience.

The *Zoning Ordinance* allows professional uses in the RG-1 (General Residence Zone) district as a Conditional Use subject to regulations. A summary of some of the regulations for such uses are found in the DAC report. These would be primarily concerning preserving the residential character of the use and of the physical structure and property itself. These regulations have to do with primarily regulating how many similar uses can be within a two hundred fifty (250) foot radius of that proposed use. There should be no display of products or goods visible from the street. There are parking requirements which require two (2) off-street parking spaces minimum and then a maximum of four (4). The parking should be screened from adjacent residential uses, usually by means of landscaping or sometimes barriers such as a fence. These screens need to be in place for the duration of approved Conditional Use if it is approved. There are limitations of signs such that any proposed sign for the property would be limited to six (6) square feet. There are also limitations on the hours of operation whereby they could not be open before 6:00AM and they could not be open after 8:00PM and that no more than four (4) employees could be engaged in the operation on the premises during those times.

For Conditional Use applications generally they made reference in the report to the criteria. The Commission reviews the proposed projects to determine whether or not these uses are intended and whether they are appropriate in type and scale for the immediate neighborhood.

The applicant proposes using the existing residential structure as professional offices. This location at 15 Kings Highway NE is more than two hundred fifty (250) feet from a previously approved

professional office at 109 East Division Street which was application C-14-04. In the report, they do make some note about the architecture. The building is located within the City's Historic District Zone; this means that significant exterior renovations could be subject to review by the Historic District Commission. They have records noting that the structure was built in 1915. They believe that there's probably been many renovations over the years and in terms of style the house is a little bit of a mish-mash but there are lots of things going on and certainly interesting historic details on it. There are no recent records of building permits so there is no history of any recent remodeling. There is a brick garage in the rear; this garage can be accessed directly from an alley which is along the rear property which is adjacent to the rear property line of the property.

Staff noted in the report that the site is larger than most of the parcels surrounding it. The garage area is located in the upper left hand corner. A driveway does come from the front of the property. As shown on the site plan, to the left of the structure a driveway does come from Kings Highway and leads back to that garage. People can also exit and enter through the alley.

One of the things noted in the report by Staff is that the existing landscaping is proposed by the applicant to be retained and just to be cleaned up for the most part. They took note of the shrubrow along the alley and also the shrubrow extends down Kent Avenue. These are proposed to be retained and this would screen the backyard. It's a pretty sizable backyard; there's a little pond back there with all kinds of vegetation. This would screen the proposed parking area which is actually the existing parking area. They count the garage as one (1) space and there are two (2) paved parking spaces forward of the garage. The seven (7) foot shrubrow is there. They noted the location of the Murphey School across the street. There is a tree planting requirement per the requirements of the *Zoning Ordinance* whereby nine (9) trees are required on-site based on a minimum tree density requirement of one (1) tree per three thousand (3,000) square feet. They did not receive a detailed plan with the application; however, before Final Plan approval and issuance of Certificate of Occupancy there would be a requirement that they would receive such a plan for review. Staff believes that the requirement is satisfied; they just need to see the counts.

The applicant did verbally discuss with Staff that there were no plans for significant landscape changes other than clean-up and trimming. The site does have access from the alley as well as from the front. There's public sidewalk along the Kings Highway NE frontage. Staff also made note of the crosswalk crossings across the public rights-of-way as well as pedestrian signals at that corner. Although off-street parking is required, on-street parking does seem to be readily available along Kent Avenue at the times that Staff visited the site which was in the middle of a typical work day. Bicycle parking is required according to the *Zoning Ordinance* and that would be one (1) space. They have provided additional detail to the applicant regarding that.

As conditions of approval to meet code objectives, Staff outlined five (5) things in the report. They recommended the acceptance of the existing paved drive and parking areas to be accepted as an existing condition. They found that a parking area without a raised curb to be more consistent with the objectives for preserving the residential character of the property, meaning that they recommended that the parking can stay as is. They recommended again that the hedgerows be preserved on the north and east side property lines and to maintain those and retain them at their present height for the duration of the Conditional Use. They recommended a screening requirement for parking spaces in the west side yard. They recommended some additional vegetation be placed there to satisfy the *Zoning Ordinance* requirement and that the parking areas have some screening

from the neighboring properties. There were recommendations made to satisfaction of the bicycle requirement. Staff also recommended that the Conditional Use permit be evaluated after a period of one (1) year and at that time the Planning Commission could evaluate the continuation of that permit and whether the conditions of original approval were met sufficiently.
For the public record there were some letters received from the public and these were placed on the Commissioner's desks before the meeting. There is a letter from Mrs. Tricia Arndt and one from Ms. Elizabeth Hastings.

Mr. McGinnis handed out additional correspondence to the Commissioners.

Mr. McGinnis stated that he was here representing the owner, Mr. Coombe and Mr. and Mrs. Kidner who propose to occupy the premises as an office if the application is approved. What was handed out was two (2) pieces of correspondence that were obtained from immediate neighbors of the property. He knows that Staff received correspondence from some property owners who were not contacted previously by the applicants because they live outside the range of the mailed notice requirements. One email is from Judge Young who lives across the street and the other is from the Murphey School which is across the street. Mr. Coombe also talked to the neighbor directly to the west who is in between living at the house and a nursing home who has no problem with the application. For the most part, that means the immediate neighbors are fine with the application. Every single person that was on the list was contacted by Mrs. Kidner except for two (2) people in which they had incorrect phone numbers for; they were sent letters. Again, the immediate neighbors are perfectly okay with the application. Mr. Coombe is a Korean War amputee; his mortgage is underwater so part of the issue here is that with Mr. Coombe's short sale, the Kidner's are going to buy the property and the Coombe's will escape from their debt. The property is in bad condition at this point. It needs to be renovated and the Kidner's are going to do that; they are going to restore it to bring it back up to Code. They are not planning to do anything on the outside of the property except to add the handicap ramp which is required or otherwise wouldn't even be considered. He apologized for the vague Site Plan that was referred to earlier. It's because of the rush over the mortgage conditions that they had to get something submitted. The fact that there is not much on the plan is evidence that there is not much going on there.

The Kidner's are lobbyists so they are going to be doing lobbying at this location. The point is that lobbyists don't get a lot of walk-in traffic; it's not like a doctor or psychologist even a lawyer who practices law. As lobbyists, most of their business is done over the phone. The only people who would be coming and going are the Kidner's and a couple of people who work for them.
This end of Kings Highway is probably even more of a commercial use than the last application that the Planning Commission approved further up the street. The Murphey School is across the street, Central Middle School is behind it and across the street is a Catholic charity. There is a lot more activity than residential. They have been given the same lists and conditions that the Commissioners have received. They had the DAC meeting and are on the record at the DAC meeting as accepting all of those conditions. They proposed more parking than what is being presented tonight until the DAC said they had too much parking. Parking was taken away to reflect residential appearance of the property when they are finished. They recognize that they are located in the Historic District so they are not making any changes to the exterior of the property. They will finish the Site Plan that is required with all of the conditions on the Site Plan that need to be done. Mr. Bob Larimore did the survey. They will turn over a list of things that have to be included to him so that he can update it and get it submitted prior to issuance of a Certificate of Occupancy. The Landscape Plan would be

submitted; there is nothing going on with the landscaping. They have been asked to keep the hedgerow which they never considered taking down in the first place. The back yard is filled with sort of overgrown stuff that will be cleaned up. They would like to have a nicer appearance than what is there now. Bicycle parking posts is certainly going to be okay. They accept the conditions as proposed by Mrs. Townshend.

Mr. Cregar asked to see Photo 5 on the slide show. He questioned if what they were talking about is additional vegetative screening that would screen the car parking area? Responding to Mr. Cregar, Mr. Cook stated yes, it would be in that yard area shown in the picture.

Mr. Cregar further questioned if it would be on just the west side? Responding to Mr. Cregar, Mrs. Townshend stated that the Staff recommendation was just for the west side but if they wanted to see it along the front, which could also be placed as a condition.

Mr. McGinnis stated that their understanding was that it was going to be "L" shaped. There are two (2) parking bumpers there that exist and right in the general area where the parking bumpers are, as you go to the long side of the parking space the immediate neighbor's garage is right there. They understood it to be an "L" shaped screening.

Mr. Cook read part of Recommendation #3 from the Report: "Specific recommendations would include additions to the hedges shown on/near the property line as shown in Photo 4 and the area forward of the parking bumpers as shown in Photo 4 and 5." The parking bumpers are perpendicular to property line so the parking bumpers can barely be seen there but they are parallel to the garage door probably twenty (20) feet closer to us.

Mr. Cregar questioned if there would be any screening that would be parallel to that garage door? Responding to Mr. Cregar, Mr. Cook stated yes.

Mr. McGinnis stated that they failed to mention that there was a comment from one of the neighbors, Mr. Salkin about use of the alley. His recommendation was to put a sign up about how to use the alley. He thinks that he is worried about left hand moves out of the property. Another concern would be people using the alley to access the property. He thinks using a sign goes back to the issue of the residential appearance of the neighborhood so they would be reluctant to put a sign up about not turning left. Mr. and Mrs. Kidner are going to advise clients while they are there if they park in this parking area versus parking on the street, to please turn right in the alley and go to the traffic light. Most of their visitors if they get visitors are going to be out-of-town visitors who are somewhere on their way to Legislative Hall or wherever the case may be and wouldn't even know about the alley anyway. They anticipate all of their visitors using the street for parking and access because it's easier than driving off of Kings Highway and using that alley. He comes out of that area fifty (50) different ways and parking on the street is so much easier. They will do what they can to limit access to the alley but they don't want to put up a sign.

Mr. Tolbert questioned if the alley was also used for trash disposal? Responding to Mr. Tolbert, Mr. McGinnis state yes.

Mr. Tolbert further questioned if trash cans sit out in the alleyway? Will they be blocking the traffic that is coming and going? Responding to Mr. Tolbert, Mr. McGinnis stated that the trash cans are

shielded by the garage. There is trash can and a recycling can but they are not in the alley; there is about ten (10) feet between the alley and the garage.

Mr. Tolbert opened a public hearing.

Ms. Tricia Arndt – 11 Pennsylvania Avenue Dover DE 19901

Ms. Arndt stated that she submitted comments earlier this afternoon. She is a firm believer that vibrant Downtowns rely on strong neighborhoods. There are multiple office spaces properties for sale or lease in the Downtown area along State Street, Governors Avenue and Reed Street. She listed some properties that are for sale in her written comments. Why would the City consider allowing office space in neighborhoods when there is alarming excess of empty buildings in areas zoned for such uses? Aren't we trying to encourage re-development Downtown? Shouldn't the City endeavor to keep prosperous, tight-knit neighborhoods, rather than chipping away at them with multiple Conditional Use approvals? Her seven (7) year old asked to come tonight which she thought was a very odd request from a little girl. She asked her daughter what she would like to say if she came. She said that she would say that she wanted families and kids in her neighborhood not businesses. So simple and so true. Please stop allowing office space where it doesn't belong. Instead let's focus on incentives to get businesses to locate Downtown where office space is plentiful and parcels are zoned for such uses. For these beautiful historic homes, let's develop better incentives to encourage buyers to invest in improvements to restore them.

Mr. Charles Salkin – 15 Maple Lane Dover DE 19901

Mr. Salkin stated that he lived at the property caddy corner to the rear of the subject parcel. Just a few general observations, first he appreciates the comments from his neighbor Ms. Arndt. He thinks she hit the nail on the head as to how they feel about this situation generically. He hopes that the Planning Commission will take a closer look at those concerns because she is right on target. Secondly, it's not fair in his view to characterize neighbor's reactions to this proposal to being perfectly fine. Surely he has a limited number of concerns and objections. He thinks the reason Ms. Arndt, he and others have concerns about this parcel is not all related specifically to the Kidner's proposal. During the experience they had in dealing with 109 East Division Street, a very similar issue came before them. They believed that by working with the City and working with the owner of that subject parcel that they would resolve this issue for the future. That did not happen. He personally did not support the ordinance to bring this here tonight but at some point he realized that the neighbors and the owners of the property in the City felt that compromise was reasonable so he removed himself from those discussions. They were told at that time that properties would have to revert to residential use or would have to go through a new Conditional Use application if the property was sold and that is the only reason that he backed off of that discussion. The owner of 109 East Division Street was agreeable to that. We have since heard that the City Solicitor that this was not a restriction that the Planning Commission could put on a property. He thinks that is unfortunate but that's a concern that he brings here tonight.

It's their understanding that the purpose of the ordinance was to deal with properties that were not able to be sold for residential use like the one at 109 East Division Street. It was marketed as a house on residential property for months and months, in fact years with no takers. This particular parcel was immediately advertised as a business opportunity. He thinks that's very inappropriate. That's not a feeling towards the Kidner's, they are simply a customer. He hopes the Planning Commission will take a look at that issue as well. Properties that are in residential areas should

remain residential. Generally, he thinks it's a poor way of land use in the City. The Kidner's are not the issue. They are people who have a very reasonable plan; they are good communicators. His main concerns about this parcel are the alley traffic. It's a safety and noise issue and it has been for a long time. The idea that they would be adding traffic to that small alley is a major concern. It's actually a pedestrian way for a lot of people at all hours of the day. He believes that the property driveway should either be closed with a gate or have a sign. Contrary to what Mr. McGinnis said he thinks a very sensitively designed sign would be appropriate there. He also encourages them to take a closer look at the existing driveway to confirm that it in fact complies with ADA. Just because it is paved and works for cars does not mean that it doesn't need to be upgraded. He trusts that there will be some provision that will guarantee that the interior use of the property cannot be done in such a way that it would preclude future residential uses.

Mr. Joe Hutter – 48 Delaware Avenue Dover DE 19901

Mr. Hutter stated that he is located on the corner of Pennsylvania Avenue and Delaware Avenue. There are a couple new faces from when they were here with Mr. Ruggerio for 109 East Division Street. To back up what Mr. Salkin said about them being led to believe that certain restrictions were going to occur, he did not know until this week when he demanded an answer about why the residents were not told that the Conditional Use was not going to be able to be enforced. He does not know why because the City has their names and addresses and he thinks that's wrong. As far as the Kidner's go with this application, he doesn't want to repeat anything that has already been said but he still believes in his heart that they should not have businesses in their neighborhood. If there is anything that he has noticed during his fifty-two (52) years here on earth is once you give the government something, it goes and goes and never stops. What if that property turns into a store? They can say all they want that it's not going to happen but it's never going to stop. That's his biggest concern. He does not care for the way that everything went down with 109 East Division Street although Mr. Ruggerio is a fantastic neighbor. He is good to us and they are good to him. Mr. McGinnis said that they are lobbyists and they are not going to have visitors but then said that they are not going to put a sign up because they are going to tell the visitors where to park. It contradicts right there and that does say that they are going to have visitors at this location; it's plain and simple. He feels bad for Mr. Coombe because he is a very nice gentleman. But to mislead that all the neighbors are good with the application, they are not. He is not within the two hundred (200) feet and he understands that; however; he is in the next block and the traffic around there is a lot especially when it comes to the school. Those kids are the most important. The City won't even salt those streets when it's a sheet of ice. Somebody is going to fall and hurt themselves so that needs to be addressed. The children's safety is the most important thing when they are being dropped off and picked up from school. They do not need any more action or whatever in that neighborhood. They bought into the place knowing that there was a school. They knew that there was going to be action at least twice a day. But now more and more is getting a little ridiculous.

Mrs. Townshend stated the issue is that after the Planning Commission hearing on the Ruggerio property, the question came up of whether it is a legal condition to tie a Conditional Use to ownership of the property because a Conditional Use relates to the use. If a new owner purchases the property and still meets all of those conditions, the question they asked was is it legal to tie it to the ownership? They were told by the Deputy City Solicitor that no, it is not legal to tie it to the ownership. Given that the Conditional Use was approved that their role was to notify the applicant and to notify the Commission but that was the limit of notification. At that point the decision could not be changed; the decision had already been made.

Mr. Tolbert closed the public hearing.

Mr. Cregar stated that he realizes that they can't tie it to ownership but can it be tied to that individual particular office use? Responding to Mr. Cregar, Mrs. Townshend stated yes, for example if they wanted to tie it to an office for government relations or lobbying it could be tied specifically to that. If they sold it to another lobbying firm they could still operate. It could be tied to the number of employees, the hours of operation, landscaping or signage but it can't be tied to the ownership.

Mr. Cregar further questioned if they could specify that it be a governmental relations office at that particular property? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mrs. Kidner stated that she is an attorney and has practiced for about twenty-two (22) years. Her primary practice is lobbying but she also has law clients. One is Kent County, they do not come to her office very often but she thinks the point that Mr. McGinnis is trying to make is that she doesn't have a general practice where there's this constant influx of domestic clients and criminal clients or people in and out all day long. For the most part, her clients are governmental entities or corporations. Once in a while she is going to have somebody come into town but it's not daily in and out. The traffic is more like a residence than it would be an office. In fact, they might generate less traffic than she would from her residence running her three (3) children in and out. That was the point that was being made. She is going to be practicing law there and even though her practice is primarily government relations, for her limit it to a government relations office would be unfair. She would have to lose some of her clients.

Mr. Tolbert questioned if it was a lobbyist office and a law office? Responding to Mr. Tolbert, Mrs. Kidner stated that her husband is a lobbyist not a lawyer. In the State of Delaware, you can be a lawyer and a lobbyist. You don't have to be a lawyer to be a lobbyist.

Mr. Tolbert stated that he understands. But will there be two (2) services provided from that property? Responding to Mr. Tolbert, Mrs. Kidner stated yes.

Mr. Tolbert questioned if she would be taking clients other than local governments? Responding to Mr. Tolbert, Mrs. Kidner stated yes. The point is that the type of clients that she represents, like Kent County, are not clients that are in and out creating constant traffic. They are going to be good neighbors and are not going to generate a lot of traffic and they are going to restore the home. Their plan is to renovate it; it is really not livable right now. It's been vacant for quite some type and someone talked about it being a beautiful old home. It's not really a beautiful old home right now; it will be if they are permitted to renovate it and they look forward to calling it their office home.

Mr. Cregar stated that it was stated that this property just came on the market. His understanding was that the property has been on the market although there may not have been a sign in front this property for over a year. Is that correct? Responding to Mr. Cregar, Mr. McGinnis stated that this property has been on the market for about three (3) years. It was by word of mouth. Mr. Coombe didn't want to actually list it. They have shown many different people through the property. They have shown some potential residential people through it and at the same time they are trying to

preserve what's left of Mr. Coombe's wealth. There is a valuable consideration at plate but yes, it's been on the market for about three (3) years.

Mr. Holt stated if it's been on the market for that long, the chances of it ever becoming another residential property is slim. It needs a lot of work inside and they couldn't find anybody willing to do that. Responding to Mr. Holt, Mr. McGinnis stated yes, the cost of the renovations is upwards of $100,000. That's the fact of the matter. The very first thing that has to happen is that the roof has to come off to the rafters. There's a consideration here of who's going to make that investment.

Mr. Cregar asked for Mrs. Townshend to remind them of why they established this Conditional Use and what they were talking about in the preservation of some of these homes. Mrs. Townshend stated that it started with Mr. Ruggerio coming in with an application to re-zone his property to RGO (Residential and General Office Zone) which permitted office use. Through that public hearing it was determined that it permitted a laundry list of uses other than the professional offices and the single family residences that some residents were clearly uncomfortable with. From that we worked with Mr. Ruggerio, his legal counsel and residents to come up with a way for it to work. In discussing this with the Planning Commission and Council was that some of these older homes are vacant, are very costly to maintain, and very costly to renovate especially after they have been vacant. By allowing them to be used in limited way as professional offices could allow them to be rehabilitated in a way that typically businesses have somewhat deeper pockets than residents. That was kind of where the discussion went. When the Ordinance was approved, initially it was written to also apply to State Street. Due to some of the concerns that came forth from residents on State Street, State Street was removed and it's only Route 8 and Governors Avenue.

Mr. Holden stated that he believed he remembers some Conditional Use conditions that related to an annual review or a set timeline for review. He asked for a refresher on some of those conditions. Responding to Mr. Holden, Mrs. Townshend stated that this was one of the recommended conditions of this application and Mr. Ruggerio's application. After the period of a year, the Planning Commission would review the application after it's been operational, provide a public hearing so that if there are issues it could be addressed at that time. They have done this in other cases. In some cases after that one year review they have determined that there have been problems and have had to address them as necessary. That is something that Article 10 Section 1 does allow is periodic re-visiting. They have had some where they have re-visited them multiple times; where it will come back after a year and then come back again if it was somewhat marginal. As a condition, the Commission is able to re-visit the application as long as they set that condition as they see fit.

Mr. Holden questioned if there have been Conditional Use approvals that have been rescinded at those reviews? Responding to Mr. Holden, Mrs. Townshend stated not necessarily at those reviews. There have been instances where Conditional Uses are not abiding by their conditions and there is a process set forth in the *Zoning Ordinance* for revocation of a Conditional Use. It would be initiated by Staff, brought to the Planning Commission and provided an opportunity for a public hearing where both the holder of the Conditional Use and the public have an opportunity to speak.

Mr. Cregar questioned if the applicant understands that part of this recommendation said that in one (1) year they would come back to review this and are they okay with that? Responding to Mr. Cregar, Mr. Kidner stated yes.

Ms. Still asked for clarification of what happened with the Ruggerio property as far as the Conditional Use and the Deputy Solicitor saying that was not able to be tied to the owner. Mrs. Townshend stated that the Conditional Use could not be tied to the ownership.

Ms. Still stated that it's not tied to the owner anymore but the Conditional Use property for that is still in place for the operation of the facility? Responding to Ms. Still, Mrs. Townshend stated yes.

Mr. Ambruso moved to approve C-15-01 Professional Office at 15 Kings Highway NE which would permit legal and government relations offices with the conditions specified in the DAC Report, seconded by Mr. Holt and the motion carried by roll call vote 7-0 with Dr. Jones and Colonel Welsh absent. Mr. Baldwin voting yes, for the reasons Mr. Ambruso stated. Ms. Still voting yes, the motion complies with the Conditional Use of the facility and understanding that there will be a review at a year's timeframe. Mr. Ambruso voting yes, he doesn't want to see another one of these properties fall victim to becoming another vacant house. Mr. Holden voting yes, for reasons mentioned previously and also he understands the near residents' concerns and desire for family. He also thinks it's a benefit to have the property taken care of as opposed to being abandoned for years at a time. Mr. Cregar voting yes, for all of the reasons previously stated and also he believes that the character of this business can be maintained in this neighborhood and they can be good neighbors and function together. One of the hardest things that the Planning Staff, City Council and Planning Commission have to do is trying to blend these neighborhoods. This is not easy stuff anymore. They are trying to maintain their neighborhoods but also make sure that these properties are maintained and that these things can co-exist together and that they can have vibrant neighborhoods. Mr. Holt voting yes, for the reasons stated by everyone and also he grew up with the Barros family in Dover they were good friends of his and he hates to see old houses like this fall into disrepair He thinks this is a saving grace for that property and it is going to be good for the neighborhood. Mr. Tolbert voting yes, not in disrespect for the comments they have heard to the contrary but they all know that when properties fall into disrepair and stay that way for a length of time do more to destroy a neighborhood than anything. It's an old building in the Historic District. It's a beautiful building and it's going to be restored without changing the general appearance or altering its place in the neighborhood.

2) C-15-02 Walk in the Light Church at 149 South Governors Avenue – Public Hearing and Review of a Conditional Use Plan Application to permit a place of public assembly (place of worship) in an existing commercial structure on a 3,795 S.F. ± parcel. The property is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the east side of Governors Avenue between West Loockerman Street and Minor Street. The owner of record is D & S Investment Co., LLP. Property Address: 149 South Governors Avenue. Tax Parcel: ED-05-077.09-02-03.00-000. Council District 2.

Representatives: Mr. Emmanuel Davis, Pastor of Walk of Light Ministries

Mrs. Harvey stated that the Conditional Use Plan Review is to permit a church within an existing vacant tenant space located at 149 South Governors Avenue. The property is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located between West Loockerman Street and Minor Street. The tenant space was most recently utilized as a retail establishment and the applicant has submitted a proposal for the use of space as a church that would be a change of use. A church is classified as a place of public assembly as defined by the *Zoning*

Ordinance. The project does not propose any building additions or changes to impervious surface coverage; therefore, it does not require approval of a Site Development Plan by Planning Commission. The church will occupy the existing vacant tenant space and the second tenant space within the building is being utilized as a service establishment. The application submission consists of a building floor plan that has been included in the packet. The allowable occupancy load will be established per the Building Code and fire regulations. The C-2 (Central Commercial Zone) zoning district does not have an off-street parking requirement. The use as a place of public assembly is typically subject to a parking requirement based on floor area or seat count; however, in this case it meets the exception of Article 6 Section 3.1A2 making the use subject to the C-2 (Central Commercial Zone) parking requirements rather than the *Zoning Ordinance,* Article 6 Section 3.1 requirements for parking for specific uses. Staff notes that there is on-street parking available in the area and several municipal parking lots located within the immediate area.

Pastor Davis stated that he would be the Pastor of the church, Walk of Light Ministries. He is a minister and has been a minister a few times before. He was in the military so he has been a minister in a few places. He is a Delawarean and he and his wife are going to start a ministry in the Dover area. The church will be an asset to the community. The parking won't be a conflict because the church would meet during non-business hours in the evenings and on the weekends. They will also be a referral to charity; they are not set-up to where they can do charitable activities but they are going to share their ministries and gospel with the community. They are also not by themselves; they also have a church that they fellowship within Laurel, DE. He and his wife also work full time so there won't be any employees in the building during the day. The Fire Marshal's Office has already given them a seating capacity of eighty (80). There is a parking lot adjacent to them for parking. They will be a blessing and an asset to the Dover community, with their military background. Not only will it be spiritual presentation of a church it's a storefront and will also look professional at all times.

Mr. Tolbert questioned if the applicant was in agreement with the overview? Responding to Mr. Tolbert, Pastor Davis stated yes, they are in compliance.

Mr. Holt questioned if their church hours would primarily be on Sunday? Responding to Mr. Holt, Pastor Davis stated yes, Sunday evenings.

Mr. Holt further questioned if there was going to be any other hours? Responding to Mr. Holt, Pastor Davis stated that there's going to be Sunday school on Sunday morning at 9:45 AM, a regular morning worship will be held at 11:00 AM and then there is a scheduled time for prayer and then periodically they will have unscheduled services maybe on Sunday afternoon at 4:00 PM or Friday evenings at 7:00 PM. That will probably be when they have guest churches come in and fellowship. The use is strictly church services or church meetings.

Mr. Holt questioned how large their congregation is? Responding to Mr. Holt, Pastor Davis stated that right now they just have a couple of members. They do a house service right now. One of their members is from extended mileage. They believe that once they open the doors, people will see the love, see the teaching, see the mission and they will come.

Mr. Holt further questioned if they had a church bus? Responding to Mr. Holt, Pastor Davis stated no, they don't have any general transportation for the church right now. They are just getting it off the ground.

Mr. Cregar questioned what a shunt trip switch was? Responding to Mr. Cregar, Mrs. Townshend stated that a shunt trip switch is a mechanism that if the fire alarm goes off that any amplified music or amplification system would also shut off so that the fire alarm is not drowned out by the sound.

Mr. Holden questioned if there were first permitted uses that would potentially be impinged if the Conditional Use was approved? Responding to Mr. Holden, Mrs. Townshend that it would depend on what he means by "being impinged." The principal permitted uses that don't go through the Conditional Use process are typically retail, restaurant or office type uses that have more regular traffic. She doesn't think that this displaces any of those uses but it does require Conditional Use because part of the purpose of the Downtown zone is to really create that foot traffic and create an atmosphere where people are coming down and walking around and going from one shop to another.

Mr. Tolbert opened a public hearing.

Mr. Cameron Llewelyn –

Mr. Llewelyn happened to be the person bestowed as the Chairperson or Co-Chairperson of the Downtown Dover Merchant's Association; it's part of the Downtown Dover Partnership. There are people here with him tonight. They meet once a month to talk about the things that they can do to help Downtown Dover grow. There have been many people before us that have done a lot of work and some of those people have grown very weary. There are some people in the back of this room that have come as a second wave and have relieved some of those prior people. They want to thank those that have gotten them to where they are today. There's one housekeeping issue. He would like everybody in the room to understand that there's no such thing as a vacant property in Downtown Dover; there are only available storefronts. When using the term "vacant" it sounds very negative. He just wants to make sure that as a community we embrace that.

There are a lot of people active in the DDP and their vision is to create a vibrant Downtown with storefronts that are not just open from 9:00 AM to 5:00 PM but from 7:00 AM to grab a cup of coffee to 9:00 PM to grab a nightcap after having dinner. With Governor Markell's bill that was passed, this is a huge thank you to Mrs. Townshend for the tireless work that she put in there. The vision for Downtown Dover is active, open storefronts. There's synergy now among merchants that allows them to feed off of each other and share clients so they have a lot of good growth. This project just so happens to be in what they like to call the "gateway to the west." Not a whole lot seems to feed back and forth from that intersection where the pharmacy is located. There's a gal in the room tonight that just purchased the property at 150 South Governors Avenue and she is going to open a vintage clothing store. That really helps us take the activity they already have on the first block of Loockerman Street and start to move it further west. There's a four point plan that the Main Street America Program has put together and nowhere in that does it say that they want to bring a bunch of churches Downtown. The reason for this is that a church that is only there for a few hours in the evening and on Sundays does not meet that four point plan to create an active, vibrant Downtown. They are here tonight with a group of concerns. There is a potential for somebody that wants to open a white tablecloth restaurant there on the corner. Negotiations are

happening but if a church were there they would be able to say no to granting a liquor license to someone who wants to sell a $35 aged prime rib but you can't have a glass of red wine with it. That's an issue for them as a community. With the news that they got on January 11, 2015, they think that the owner of that property should basically look at turning it into a retail storefront not something that is only open a few hours a week.

Ms. Theresa Owens – 150 S Governors Avenue Dover DE 19904

Ms. Owens stated that she was the recent renter of 149 South Governors Avenue. She signed a lease for two (2) years and broke her lease after a year and a half because she purchased 150 South Governors Avenue. She is the lady that Mr. Llewelyn is speaking of that's opening a retail store across the street. 152 South Governors Avenue is a church which obviously they were there before she came so she had no say in that. She thinks it's fabulous that there's anybody who wants to be a small business; however, the biggest issue is during the day time. She has been there for a year and a half; she has seen computer places, retail places, antique places, a bakery and now a tattoo shop. They are growing in their little area and now she is there. To her it's very important where retail people are because those walker-byers (which every single day she recorded how many people walked by her store) is what made her want to come down to Downtown Dover. Instead to build up with the rest of the restaurants and the retail area because she cares. She wants to have more business and more money so she wants retail business to open up at the same times that she is open. The only big issue that she has is being across the street is being next to a church already that's closed during the day. Now directly across the street will be another fail for me because no one is going to want to come shop at her store if there's nothing else to shop at.

Mr. Ryan Weber – The Golden Fleece 132 West Loockerman Street Dover DE 19904

Ms. Weber stated that he has a problem with this Conditional Use. They are the business owners; they are the ones who lay their heads down. They think of how to better their business, how to get more customers Downtown or how they will pay for the kids to go to college. Nothing against the church but a church can go two (2) blocks in any direction that a business slot can't. There are lots of churches Downtown within a four (4) block area. If you have ever been on vacation and gone to a small town no matter what country, city or state you are not seeing storefront churches, office buildings or lawyer's offices. You are seeing retail. Retail feeds retail hence why malls and other places spend billions of dollars a year on marketing to try figuring out customers. There is no church, office or lawyer in a mall. We need to stick to retail. He knows he was here last time when this was done for the Loockerman Exchange building and this is getting on a dangerous slope for him as a property owner of three (3) properties. He hopes that everyone here understands that the voices that are speaking today are the property and business owners; they are the ones that lay their heads down.

Mrs. Jennifer Mabus – Bayard Pharmacy 200 West Loockerman Street Dover DE 19904

Mrs. Mabus stated that she and her husband opened Bayard Pharmacy about two (2) years ago so their business is within the two hundred (200) feet. Now that the grant was awarded to Downtown Dover they have more potential than ever to really revitalize and pull businesses Downtown into the storefronts which would be retail or dining. They have all worked so hard since the parking debacle that happened last year. They have become this huge family and have so many hopes and dreams for Downtown. Again, now that this grant has happened they feel more positive than ever that they can get the image that they want and that's a destination place that people will drive up from

Milford, DE to come hang out Downtown. She doesn't think that a church in a storefront would help that.

Mrs. Lauren Tinsley – A Center for Mental Wellness 121 West Loockerman Street Dover DE 19904

Mrs. Tinsley stated that she is the Co-Chair of the Downtown Dover Merchant's Committee along with Mr. Llewelyn and agrees with everything that everyone else has said. While a lot of the people here are business owners, she and her sister who owns Bel Boutique have been very fitted and passionate about staying in Downtown Dover along with their father who actually purchased the buildings they own and also spent a lot of money and effort in to doing what the rest of us are hoping continues to happen Downtown which is really invested in renovating these buildings and bringing them back up to Code. They get comments all the time about how great their buildings are and they keep encouraging other people to do the same thing. One thing that she knows is happening is her sister is trying to take advantage of the program through Governor Markell and at the same time she has scheduled a meeting with Mrs. Townshend. There are a lot of business owners who are currently located Downtown who are committed to staying down there. There are a lot of things she is worried about is while she is waiting for her meeting with Mrs. Townshend. She is searching through the properties that are available in Downtown Dover to see what's a good fit for the expansion that they want to do because she doesn't want to go outside of Downtown Dover. She is very committed to being down here. Some of the different options that are available because this is such prime location for different types of retail establishments or different types of businesses that some of them own while they are targeting bringing different stores from Milford, DE or different places to expand. She is just getting concerned that little by little they might now have those spaces to offer at these prime locations that other people would love to try applying for this incentive money while they have this year to really take advantage and try to recruit people in. It has only been a week or two since it's been announced so they have a lot of recruiting to do but they are trying to entice people to come who really want to renovate and want to do a lot to improve Downtown Dover so that they can bring in more businesses.

Mr. Randy Jones – unknown address

Mr. Jones stated that he is not just from Sussex County or Kent County, he is an American. In listening to what everybody is saying concerning a church and everybody is entitled to their own opinion but he does believe if Walk in the Light Ministries comes to that area they will bring the blessings of God. The blessings of God will filtrate all the businesses that are there. You never know whenever the Davis' or an outing, somebody might patronize the people's businesses that are already there.

Mrs. Diana Welch – The Golden Fleece 132 West Loockerman Street Dover DE 19904

Mrs. Welch stated that she owns the Golden Fleece Tavern. She really has no particular problem with a church or a store. It's just how does it on an ethical or a moral level make sense? Also, why will the tenant at this location need a shunt trip switch? Responding to Mrs. Welch, Pastor Davis stated that the Fire Marshal is requiring a shunt trip switch in case they are having services and there's a fire alarm so people could hear the fire alarm.

Mrs. Welch questioned how loud they were going to be? Responding to Mrs. Welch, Pastor Davis stated that right now they don't have instruments but they plan on having instruments.

Mrs. Welch stated that they have the farmer's market going on now that filters people around. What will happen is those people that have places to go like Bell, Book & Candle, Bel Boutique and all the little shops, then they round the corner and there's just a empty store and that's a problem. She thinks that it's already been mentioned that malls don't have churches for a reason; it's a commercial center. She is a licensed real estate agent and she would be glad to help them find a location that would be ideal for them. But it's not about the church or not wanting somebody there it's about what they do want at that location which is another open six (6) days a week retail business that feeds other businesses. That won't happen on Wednesday evenings and Sunday mornings. It will be empty five (5) days a week. They have many retail places that would love to go in that spot. She has been asked herself several times. If it doesn't get rented by a church it will not remain unoccupied or unavailable.

Mr. Theo Morgan – Computers Fixed Today 131 West Loockerman Street Dover DE 19904

Mr. Morgan stated that he owns Computer Fixed Today located at 131 W Loockerman Street. The reason he is here tonight is to hear what everyone has to say. He does have some highly technical operations and he kind of wanted to get an idea because the church that's currently there across the street, on Wednesday evenings you can hear them at his location. He would like to know whether or not they would be having services during the week. His business hours are from 10:00 AM to 7:00 PM. As far as he is concerned, he needs the peace and quiet to really concentrate on what he is doing in there because there is a lot at stake. He wants to make sure that whatever is going on in the church is not going to interrupt what he has going on at his business.

Pastor Davis questioned if he has said 7:00 PM? Responding to Mr. Davis, Mr. Morgan stated yes.

Pastor Davis stated that the only thing that they have during the week at 7:00 PM is Wednesday night prayer and Bible study. There would be no instrument or acapella singing; it's strictly going to be prayer and bible study.

Mr. Morgan stated secondly, since there is a Conditional Use permit on the floor that does have a parking consideration. He would like to see if Council would be open to designating some additional parking in order to accommodate them regardless if there are fifty-five (55) spaces that are available for use when businesses are not in prime time. As this gentleman continues to grow if this Conditional Use is approved, he can absolutely see no reason on this earth why that ministry wouldn't have additional teachings during the prime time hours. There are tons of grants that are available to a non-profit organization such as the one that is being presented to the Committee. It's inevitably going to create a parking consideration. He doesn't know what the scope of the Condition Use is but what he can see happening because Pastor Davis is a very smart military minded man who knows how to get stuff done. He is going to grow his ministry and what he can also see happening is it's also going to grow the considerations of the citizens that are currently there and they are already depleted. They only have a total of ten (10) two hour spots that are allocated to the businesses on the Loockerman, Governors and Minor Street area that can be available for any one of those seven (7) businesses at any given time. All of these business owners present tonight are doing pretty well. It's just a consideration that really needs to be put into focus.

Mr. Michael Schott – unknown address

Mr. Schott stated that he has been a customer Downtown for going on thirty (30) years. Parking has always been fun Downtown. He says that he is going to be open at 7:00 PM on Friday's and

Sunday's during the day. There are businesses that are open and he frequents one right around the corner that's open until midnight on Friday's. They have twenty to thirty (20-30) people there. They have ten to fifteen (10-15) who show up on Sunday's from 1:00 PM to 6:00 PM or noon to 7:00 PM. Plus there is also The Golden Fleece and Irish Mike's that are open at 4:00 PM on Sunday's and they are open on Friday nights. Parking is going to be an issue. His other concern is having an empty storefront. They are working hard to get them done. Going around the corner to the bakery, the tattoo parlor or dress shops across the street with friends, he doesn't want to see people not going around the corner because they are having music and stuff on a Friday night and they don't want to deal with it. It's just a lot of minor stuff but it makes a difference because it's all about retail and growing Downtown into a place where everybody wants to come.

Mrs. Townshend stated that there was a very conscious discussion made by the City. There has been plenty of deliberation on this over the years but there was a very conscious decision made to not require parking for Downtown businesses especially in existing buildings where there's nowhere on the site to provide parking. Parking long term is an issue but they have talked a lot about parking over the last year and she would say that if you go to the parking lots now, they are very rarely full. She thinks the parking crisis is more something to come when they get a few more vibrant businesses. The time frames that they have has zero complaints on parking; this has been evenings and weekends when you have not only the lots that are permit lots during the week but you also have the State complex, the Library, the City parking lot that are all empty. Again, there was a very deliberate decision made in drafting the *Zoning Ordinance* in recent months to not require parking Downtown. As a matter of fact, there was previously parking required for new construction and even that was taken out. They need to deal with the parking issue, no doubt, but that has been tasked to the Parking Committee of the Downtown Dover Partnership to deal with not only the parking permits and the metered parking for the current day but to plan for how we get to the next level. There is a lot of work to been done but they have specifically not tied it to any specific application, especially occupying an existing space.

Mr. Tolbert closed the public hearing.

Mr. Holt questioned how long has 149 South Governors Avenue been empty? Responding to Mr. Holt, Mrs. Townshend stated that Ms. Owens who just purchased the building across the street had an active business in there until this past fall.

Ms. Owens stated that she broke her lease at one year and five months because she purchased the building directly across the street. During the thirty (30) day process of breaking her lease, she let people come in to check out the building because she was excited to have other people come into Dover. There were plenty of interested people but she is not the landlord so that had nothing to do with her but she helped out the Downtown Dover Partnership, It was a very popular and it was retail ready. It's a beautiful place. There is nothing that needs to be done. It had everything from the bathroom to the central air to the floor to painting. Someone could open up shop tomorrow.

Mr. Holt further questioned if it stays as it is now, is there a good likelihood it would find a tenant? Responding to Mr. Holt, Ms. Owens stated yes, 100%. It's not only a great price but it's a great spot. She searched for eight (8) months and when she found it she signed immediately. She only had to do minor things to it and she left it pristine when she left because she wanted to make sure that there was no issues for her but also for the next person who came in. It was retail ready and they

wouldn't have to tear down anything that she had put up. She doesn't have a doubt that there will be plenty of people interested.

Mr. Cregar questioned if they open a church at this location, what is the law if someone wants to open a restaurant? How close can they be? Responding to Mr. Cregar, Mrs. Townshend stated that the City's Ordinance does not address it.

Mrs. Welch stated that it's not a City Ordinance, it's a State law. Anytime that you open up a new bar or restaurant, anything that serves alcohol or anything that changes how you serve alcohol. For example when she opened a patio, she changed how she was serving alcohol and everything needed to be re-applied for. In her particular case, she had to send letters out to people located within a two hundred fifty (250) feet space. At any given time if somebody that didn't like that she was adding a patio on and going to serve alcohol in a different way they could have shut her down. For an existing business that's a problem. For a new business that could be a problem too. The lady across the street that owns the Governors/Loockerman space has indicated that she wants to do a jazz club in there. She will have to apply for a liquor license and the churches will have an impact on her ability to do business if they didn't like her serving alcohol.

Mrs. Townshend stated that there wasn't anything explicit in the State statute or regulation it's more the notification and the opportunity for them to object.

Pastor Davis stated that not only a church but anybody could impact a business's ability to serve alcohol. Responding to Pastor Davis, Mrs. Welch stated that is true but they worry more about churches.

Pastor Davis stated that one thing about this ministry is that they are not trying to change anybody or change what they do. This is with respect to the property owners but also don't forget that Downtown Dover has a lot of foot transportation. There are a lot of people who walk to where they are going. He comes to work in Dover and sees people walking all the way to the bus stop just to catch a bus somewhere. Not only that, he sees harmony where they could be harmony and even better harmony where they could also accommodate people who say they can't walk to certain churches but they can walk to Pastor Davis' church. They are not trying to make people do anything different.

Mr. Holt stated that he gets the feeling that since Dover has this new grant and they are trying hard to bring Downtown back that they need to maybe give Dover a chance with this particular property as a retail outlet.

Mr. Holden stated that he applauds what Pastor Davis is trying to do and his efforts. He does share Mr. Holt's feeling. With a lot of the residents and businesses Downtown, he thinks that area has maybe not thrived recently but has survived well. He thinks the recent improvements that have happened Downtown due to a lot of the businesses. The grant opportunities and Governor Markell's efforts here recently improved those and he thinks that they really need to give first permitted uses a chance to thrive. He also hopes that his efforts and ministry finds a good place and thrives but he leans towards that this isn't the appropriate use for the property.

Mr. Tolbert stated that he has heard what has been stated regarding this application and he has heard a lot of comments about how it will impede business. What comes to his mind is that a church brings in people who will frequent and do business at these local businesses; they will bring in customers. That's the potential that a church may have. Seeing it as a hindrance depends on how you market your retail business to a great extent; as to whether you will attract these potentially new customers that will be coming in. You can put your marketing hats on and attract these new potential customers to your business.

Mr. Holden moved to deny C-15-02 Walk in the Light Church at 149 South Governors Avenue, seconded by Mr. Cregar and the motion to deny was approved by roll call vote 6-1 with Dr. Jones and Colonel Welsh absent. (Thus the conditional use of a place of assembly cannot be established.) Mr. Holt voting yes, to give Downtown Dover new businesses a chance to see if this Downtown Dover will succeed in their efforts that they have put into it so far and to leave this store as a retail outlet. Mr. Cregar voting yes, this is very difficult because he has lived Downtown for twenty-five (25) years. He has been a part of this community for sixty-three (63) years. He definitely supports what the applicant wants to do but he has seen Dover in different configurations and different evolutions and he does believe that we have a group of business people that are truly striving to bring back retail to this area which is very important and to try to come up with an appropriate mix in the Downtown area is a challenge. He believes that with the new opportunity with the grant, with this Downtown group that is thriving and is trying to do retail, he thinks they need to give it that opportunity. Mr. Holden voting yes, for all the reasons stated. He thinks they need to give Downtown Dover every opportunity to thrive and there may be a point in time where other Conditional Use plans may be more viable but he thinks that they need to keep all of those options open for Downtown Dover. Mr. Ambruso voting yes, for all reasons previously stated. Ms. Still voting yes, based on all previous comments. Mr. Baldwin voting yes, this is a very difficult decision because they all realize that everybody needs some kind of divine guidance but yet you have to look at the fact that this is a business community and they have to give every effort to fill that space with a business that will be productive. Mr. Tolbert voting no, for the reasons he previously stated. He sees the church as an entity that will bring a number of people into the area and those people are potential customers. The retail businesses in Dover need all of the customers they can get from anywhere they can get them. The church is just one entity that will bring in people and these people just walking through will see the other businesses. In his view they will come in and do business so he doesn't see it as a distraction or a hindrance; he sees it as a plus.

NEW BUSINESS

1) S-15-01 Lands at 598 North DuPont Highway: Waiver Request – Review and Consideration of a Waiver Request for the Elimination of Upright Curbing as associated with the Administrative Site Plan for the site improvements to include 683 SF ± of new impervious surface for parking. The property is zoned C-1A (Limited Commercial Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) and it is adjacent to Silver Lake. The site is located on the west side of DuPont Highway south of Lepore Road. Property Owner: Faithwork, LLC. Property Address: 598 North DuPont Highway. Tax Parcel: ED05-068.09-01-18.00-000. Council District 3.

Mrs. Townshend stated that this is a curbing waiver request that is for something that is an Administrative Site Plan and unfortunately for items that are Administrative Site Plans the *Zoning Ordinance* does not give Staff the authority to issue a curbing waiver. It still needs to be done by the

Planning Commission. What they are looking at is the conversion of a residential property to a real estate office at 598 North DuPont Highway. The use is permitted. The improvements are minor so it's all able to be handled administratively; however, there's a current driveway and current parking configuration and the *Zoning Ordinance* requires the six (6) inch upright curbing surrounding all parking areas. They will be adding a slight bit of asphalt. So since they will not be looking to install upright curbing it does require a waiver from the Planning Commission. There is a memo in the packet and in addition there is a letter from the Realtor who will be overseeing the office.

Mr. Cregar moved to approve S-15-01 Lands at 598 North DuPont Highway to eliminate the upright curbing requirement, seconded by Ms. Still and the motion was unanimously carried 7-0 with Dr. Jones and Colonel Welsh absent.

2) S-14-01 NBR Properties at 850 New Burton Road: Plan Revision – Information on Revision of the Site Development Plan approved by the Planning Commission on February 18, 2014 for the construction of a 20,000 S.F. office building with the associated site improvements on a 1.671 acre parcel. The property is zoned C-1A (Limited Commercial Zone). The property is located southwest of the intersection of New Burton Road/Queen Street and West Street. The owner of record is NBR Properties, LLC. Property Address: 850 New Burton Road. Tax Parcel: ED-05-076.00-01-23.00-000. Council District 2. *Final Site Plan approval was granted on November 24, 2014 and construction has commenced under Building Permit #14-1435.*

Mrs. Townshend stated that this item does not require any action by the Planning Commission. It is an informational item. When the Site Development Plan S-14-01 at 850 New Burton Road came to the Planning Commission the Site Plan included a drive aisle between the building and New Burton Road. At the time that was designed it was because they were working with a medical office that would have required that additional fire lane coverage and since that point in time they are now working with non-medical clients to lease the building. They eliminated that drive aisle which converts that area that would be asphalt to landscaping. Staff approved it administratively but since it was something different than the Commission saw, they thought they should bring it back to the Commission to make them aware of it.

Mr. Cregar questioned if it changed the Landscape Plan? Responding to Mr. Cregar, Mrs. Townshend stated no, not at all.

Meeting adjourned at 8:55 PM

Sincerely,

Kristen Mullaney
Secretary

PROPOSED AMENDMENTS TO THE *2008 COMPREHENSIVE PLAN*
Public Hearing before the
Dover Planning Commission
February 17, 2015

Proposed Amendments to the *2008 Comprehensive Plan*: There are two amendments proposed to the *2008 Comprehensive Plan* at this time.

A. **Amendment to Map 12-1: Land Development Plan Map – Request for Land Use Classification Change from Residential Medium Density to Commercial** – Change of land use classification for property located on North State Street between Silver Lake and Lepore Road from Residential Medium Density to Commercial.

   This amendment has been requested by the affected property owner, in conjunction with a rezoning request , as specified in the *2008 Comprehensive Plan*.

B. **Amendment to Chapter 13 – Growth and Annexation Plan** – This amendment removes the language relating to the Cost Revenue Analysis. The Cost Revenue Analysis model is dated and the value of the model is unclear. Staff is prepared to do a more general analysis of the financial benefits of annexation requests without use of a formal model.

Ordinance Number: #2015-01

File Number: MI-15-01

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 4, 2015

APPLICATION: Comprehensive Plan Amendments 2015: Proposed Amendments to the *2008 Comprehensive Plan*

FILE#: MI-15-01 REVIEWING AGENCY: City of Dover Planning Office

CONTACT PERSON: Ann Marie Townshend, AICP PHONE#: 736-7196

Project Background:
The *2008 Comprehensive Plan* was adopted by City Council on February 9, 2008, and subsequently amended on November 23, 2009, (in conjunction with the 2009 Comprehensive Rezoning Project), amended on March 14, 2011, amended on April 11, 2011, amended on March 12, 2012, and amended on March 10, 2014. As adopted, the *2008 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 *2008 Comprehensive Plan*, Chapter 15: Implementation, specifically on pages 183 and 184 of the Plan. This process involves review of the proposed amendments through PLUS (Preliminary Land Use Services). These Comprehensive Plan Amendments 2015 were submitted to PLUS review for the January 28, 2015 PLUS review meeting. PLUS comments will be forthcoming.

The proposed amendments are detailed below and represented in the attachments.

A. Amendment to Map 12-1: Land Development Plan Map – Request for Land Use Classification Change from Residential Medium Density to Commercial

This proposed amendment is an applicant-initiated amendment, where one property owner is requesting a change to the Land Use Classification for property located on the east side of North State Street, between the Silver Lake bridge and Lepore Road. The request is that Land Use Classification be changed from Residential Medium Density to Commercial as depicted on Map 12-1: Land Development Plan. This request is associated with the rezoning application for the same property, identified as Z-15-01 Lands 801 Gold Cost LLC at 801 North State Street.

According to the applicant:

> 801 Gold Coast LLC formally petitions for an amendment to the Comprehensive Plan for Tax Parcel: ED-05-068.09-01-13.00-000; Property Address is 801 North State Street, Dover DE 19904, and change in zoning from RG-3 to C-2A. The parcel was acquired in October of 2013. This parcel abuts C-2A zoning to the West (Compass Point) and to the North (C&M Custom Homes). To the East is RG-3 (Overlook at Silver Lake), and the South is Silver Lake. Owner initially reviewed the viability of using present zoning and use with City of Dover Planning Staff. Considerable effort and studies were completed to evaluate developing property under present zoning as Group Housing with Senior Citizen housing under PND option. It was determined that the project was not viable. The proposed C-2A Zoning would be compatible with the property to the West and North of the Parcel and general area development. The existing infrastructure (sewer, water, roadways, etc.) will support the proposed zoning. C-2A zoning would allow for a mix use including a blend of commercial and residential in harmony with surrounding community. The property has special features and unique qualities that C-2A zoning will afford us the ability to develop the property as a showcase on the quality of life afforded by living in the City of Dover.

Regarding Commercial uses, in Chapter 12 – Land Development Plan, page 151 and 153, the *2008 Comprehensive Plan* states the following:

> ***Assumptions:*** *Commercial Land Uses*
> 1. Dover will continue to be the dominant commercial center within the central Delmarva region.
>
> 2. Ease of access to commercial establishments is highly desirable within urban environments.
>
> 3. Jobs and commerce in the retail, wholesale, and service sectors are an important part of Dover's economic vitality.
>
> 4. Well designed, aesthetically pleasing commercial centers and corridors contribute to the City's overall image and the positive feeling of its residents.
>
> **Neighborhood Commercial**
> The Plan identifies areas for continued neighborhood commercial use to meet the convenience retail need of existing and future residential areas.

B. Amendment to Chapter 13 – Growth and Annexation Plan

This amendment removes the language relating to the Cost Revenue Analysis on page 171 and 172. Currently, the Comprehensive Plan requires that a detailed Cost Revenue Analysis model be run for annexations within the Category 2 Annexation Area. This Cost Revenue Analysis model is dated and the value of the model is unclear. Staff is prepared to do a more general analysis of the financial benefits of annexation requests without use of a formal model.

These Amendments to the Comprehensive Plan are subject to public hearing before the Planning Commission which makes a recommendation to City Council. Planning Commission may act separately on each amendment in their recommendation to City Council.

Recommendations of the Planning Staff: The Planning Staff provides the following recommendations in regards to the Comprehensive Plan Amendments 2015.

A. Amendment to Map 12-1: Land Development Plan Map – Request for Land Use Classification Change from Residential Medium Density to Commercial

Based on the assumptions and the description of Neighborhood Commercial uses in the *2008 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 Residential Medium Density to Commercial appears to be consistent with the development of the area and the goals of the *Comprehensive Plan*. Staff supports the change to a Land Use Classification of Commercial for this property at 801 North State Street.

B. Amendment to Chapter 13 – Growth and Annexation Plan

Staff supports the elimination of the use of the Cost Revenue Analysis in review of annexation requests.

MI-15-01 Comprehensive Plan Amendments 2015

There are two amendments proposed to the *2008 Comprehensive Plan* at this time. The *2008 Comprehensive Plan* is available on the City's website at http://www.cityofdover.com/Comprehensive-Plan-4005/

A. **Amendment to Map 12-1: Land Development Plan Map – Request for Land Use Classification Change from Residential Medium Density to Commercial** – Change of land use classification for property located on North State Street between Silver Lake and Lepore Road from Residential Medium Density to Commercial.
    - Exhibit Map showing subject area of the Current Map 12-1 and the Proposed Map 12-1 indicating the proposed change of land use classification designation.

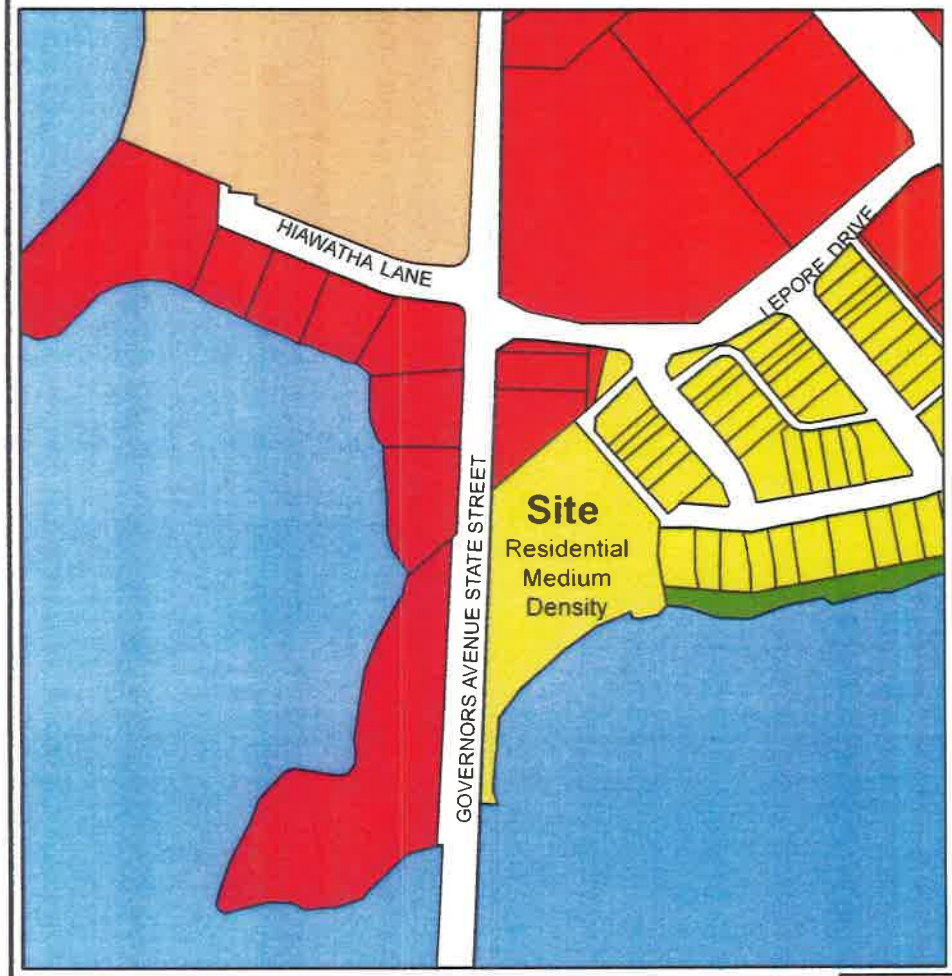
B. **Amendment to Chapter 13 – Growth and Annexation Plan** – This amendment removes the language relating to the Cost Revenue Analysis. The Cost Revenue Analysis model is dated and the value of the model is unclear. Staff is prepared to do a more general analysis of the financial benefits of annexation requests without use of a formal model.
    - Copy of text of Chapter 13 – Growth and Annexation Plan. Amendment editing mark-up shown in red ~~strikethrough~~ to identify text to be deleted.

City of Dover

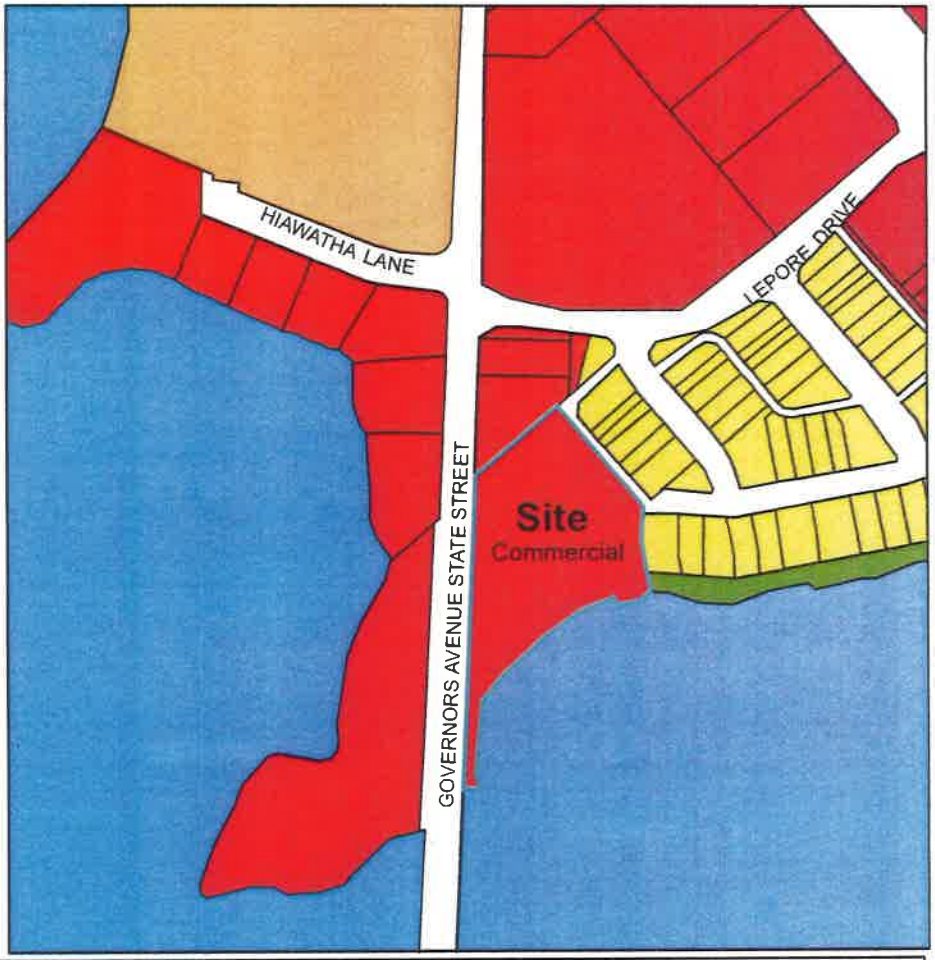
Department of Planning & Inspections

2015 Comprehensive Plan Amendment

Current Designation



Proposed Designation



Plan Title: 801 North State Street
Location: 801 North State Street
Plan Type: Comprehensive Plan Amendment
Tax Parcel: ED05-068.09-01-13.00
Current Land Use: Residential Medium Density
Proposed Land Use: Commercial
Owners: 801 Gold Coast LLC
Date: 12/30/2014

0 125 250 500 Feet

Legend

- Dover Boundary
- Dover Parcels

Land Use Classifications

- Active Agriculture
- Commercial
- DoverAFB
- Industrial and Public Utilities
- Institutional
- Mixed Use
- Office
- Open Space, Conservation, Recreation
- Residential High Density
- Residential Low Density
- Residential Medium Density
- Train Track
- Water

CHAPTER 13

GROWTH AND ANNEXATION PLAN

Part I – Growth and Annexation Background

Dover has a history of growth through annexation. One of the most outspoken advocates of annexation was the late Mayor Crawford Carroll. Under his guidance and leadership, Dover's land area grew in size from 8,267 acres in 1969 to 12,287 acres in 1971 through annexation. Mayor Carroll understood the wisdom of annexing lands surrounding the City that were under development pressure and, during this period, the City had a policy of not providing services unless the property was annexed into the City. Over time, these lands developed into bustling commercial, industrial, institutional, and residential areas that provided Dover with the tax base needed to continue to offer the high quality public services which are the trademark of the City.

Since Mayor Carroll's time, the City has continued to grow through annexation at a more modest pace. By 1996, the City's land area was approximately 14,400 acres, and between 1996 and 2003, only a few parcels consisting of approximately 59 acres were annexed. Since 2003, the City's land base expanded more substantially, by a total of 596 acres. A number of the more recent annexations were enclaves that were mostly surrounded by other lands in the City; however, there were several large areas of expansion, particularly the south side of State Route 8 west to Artis Drive, as well as the Bush Farm north of Denneys Road.

Dover is now at a time when rounding out the boundary and filling in the holes are the priorities for annexation. Annexation of enclaves is important, as these "holes" within the City often benefit from City services without the opportunity to participate in the local government that provides those services, or fulfilling the obligation to pay municipal taxes. Additionally, these enclaves often cause confusion to service providers, including emergency services, in that it is often unclear whose jurisdiction the parcels belong.

This plan represents an evaluation and restatement of Dover's annexation policies, and a new set of annexation objectives that are consistent with Delaware law, the Governor's Livable Delaware initiatives, the *State Strategies for Policies and Spending*, and the plans of adjacent municipalities and Kent County. The following sections will discuss the above-mentioned plans, and how this Growth and Annexation Plan has been coordinated with them.

General Policy Statement

Annexation is the systematic expansion of the City's corporate boundaries into an unincorporated area. The process for annexation is detailed both in the City's charter and within Title 22, Chapter 1, Section 101, Delaware Code.

With annexation properties gain access to municipal services and property owners gain political voice within the City government that is providing them with City services and utilities. Without timely and properly planned annexations, developing local jurisdictions would be burdened with tax inequities, municipal service inefficiencies, political fragmentation, and disorderly growth patterns.

People residing adjacent a local boundary often enjoy many of the services of the municipality without providing monies to support the cost of the services such as parks, recreation programs, libraries, police and fire, as well as other essential services provided by incorporated jurisdictions. Some problems that result from fragmentation of boundaries include the fact that cities and towns cannot properly plan or address orderly growth, transportation issues, environmental issues including, but not limited to, pollution control, sewer districts, water services, and school districts.

Benefits of Annexation

- Orderly Growth – Presents a true reflection of existing social, economic and cultural components of the local jurisdiction.
- Unified Community – Prevents fragmentation of government authority and duplication of services.
- Transportation Issues – Roads, sidewalks, mass transportation and bike paths are more easily addressed within an incorporated area.
- Unified Political Representation – Citizens may participate in the local government jurisdiction which is providing them with City services.
- Access to Full Range of Municipal Services – Properties that are annexed become eligible for the full range of City services provided by the municipality, such as street sweeping, trash removal, street lighting and the like.

Coordination with Relevant Planning Documents and Efforts

Strategies for State Policies and Spending

The *Strategies for State Policies and Spending* sets forth the State's policy on land use and development. The *Strategies* document and associated maps (originally approved in 1999) were updated and approved with Governor Ruth Ann Minner's signature on September 23, 2004. The *Strategies for State Policies and Spending* identifies land as Level 1 through 4, indicating the appropriateness of development. These levels differ from the Categories identified on the Dover Potential Annexation Areas Map.

One of the core principles guiding Livable Delaware is to direct urban development to occur in and adjacent to existing towns and developed areas. The *Strategies* Map 14-1 designates the majority of the land within the City of Dover boundaries as Level 1, described as higher density development, a variety of transportation options, mixed uses and a sense of place with a common identity. The State policy will be to encourage redevelopment and reinvestment along with providing services to the community. The Level 1 areas have the highest priority for State investment and spending. The *Strategies* indicate that the State will invest in infrastructure, public facilities, and employment and social services in these areas.

With the small exception of lands that have significant environmental or policy impediments to development, the balance of the land within the City is designated as Level 2. These are described as less developed areas either near larger communities or as independent small towns and rural villages, but all with services. The State's intent for properties within these areas is to "...use spending and management tools to promote well designed development...(that) provides

for a variety of housing types, user-friendly transportation systems and provides essential open spaces and recreational facilities, other public facilities, and services to promote a sense of community."

There are few Level 3 areas within the City and they generally are on the upper reaches of the St. Jones River or the Mudstone Branch, and the agricultural lands east of State Route 1. These lands in the City of Dover context are described as being "...adjacent to or intermingled with fast growing areas..." identified as Level 1 or 2. The State intends that while these lands may be developed, there are issues of timing, phasing, site characteristics or State agency programs that may make the development inappropriate in the short term. The investments encouraged by the State are for "... agricultural preservation, natural resource protection, (and) parks and open space..." The State will maintain the existing infrastructure, while supporting local growth management efforts.

A few parcels or areas are identified as "out-of-play" by the state. These are the waterways of the St. Jones, the Mudstone Branch, the two agricultural parcels whose owners have sold their development rights to the state, and the Dover Air Force Base. These are identified as "...not at all available for development or redevelopment..."

There are no Level 4 areas within the City, but a portion of the Growth Area is identified as such. Level 4 properties are identified as predominantly agricultural and agriculture related or naturals areas, parks and preserves. As documented in *Strategies for State Policies and Spending Update-2004*, "It is the state's intent to discourage additional development in Investment Level 4 areas unrelated to the area's need."

In looking at the City's Growth and Annexation Plan, the areas identified for annexation during the five-year horizon are largely consistent with the Level 1, 2 and 3 areas. The exceptions to this include the Papan Farm east of Wyoming Mill Road, which recently came out of an Agricultural Preservation District, which is reflected as Level 3 and Level 4, and a portion of the lands along Artis Drive west of the City which are Level 4.

In addition, the lands owned by Dover International Speedway (and immediately surrounding these lands), immediately north and south of Leipsic Road, are located within the Level 4 area. If any development is planned in this area, it will be subject to a master plan developed in cooperation with the property owner, the State of Delaware, and the City of Dover.

Kent County Comprehensive Plan

The City also reviewed the Growth Zone identified in the Kent County Comprehensive Plan[1] in developing its Growth and Annexation Plan. With the exception of the lands identified above in the area of Artis Drive, lands identified within the Growth and Annexation Plan are largely consistent with the Kent County Growth Zone. The Kent County Comprehensive Plan is supportive of growth in and around municipalities. The City will continue to coordinate development efforts with Kent County in areas of mutual concern and will work with the County to ensure development along the shared boundary remains consistent.

[1] Kent County adopted its County Comprehensive Plan on October 7, 2008.

Camden and Wyoming

Camden and Wyoming are the only two municipalities that are close to or adjacent to the boundaries of the City of Dover. The Town of Camden adopted its 2007 Comprehensive Plan in May 2008, and the Town of Wyoming is in the process of updating its plan.

The Town of Camden 2007 Comprehensive Plan, does not include any potential annexation areas that approach the Dover area. The annexations anticipated by Camden are to the south and west of the town, infill parcels or enclaves.

Wyoming's most recent plan was adopted in January 2004 and includes an annexation component. The town is currently in the process of updating its Comprehensive Plan. City of Dover Planning staff met with the Mayor and staff from Wyoming to discuss areas of common interest. The three areas of common interest in annexation are the lands south of Webbs Lane and east of New Burton Road, the Papan Farm east of Wyoming Mill Road, and the Papan Farm parcels west of Wyoming Mill Road. In response to concerns raised by the Town of Wyoming, the City removed the Papan Farm parcels west of Wyoming Mill Road from the Category 3 Annexation Area, but still shows them as an Area of Concern on Map 13-1.

The City of Dover and the Town of Wyoming determined that both jurisdictions have a vested interest in the Papan Farm east of Wyoming Mill Road and the lands east of New Burton Road and Webbs Lane, and that both municipalities will continue to show these within their annexation areas. If, and when, a property owner requests annexation into either municipality, the municipality receiving the request will notify the other, at which time such municipality will have the opportunity to comment through the public process. Both Wyoming and Dover agree that if the West Dover Connector bisects the parcel, this road would become an appropriate southern boundary to Dover and an appropriate northern boundary to Wyoming.

The City of Dover continues to assert that Dover is in a stronger position to provide utilities, including water, sewer and electric, to these areas, along with the wide array of other City services including trash collection, street sweeping, planning support, inspection services, and code enforcement.

Part II -- Annexation Goals and Policies

Purpose

The purpose of having an annexation policy is to provide the City Council, Planning Commission, and staff a basis from which to make sound and consistent decisions regarding the growth of the City. Specific goals to support this policy include:

- Direct urban development toward the City center where more efficient and effective provision of City services is provided.
- Direct urban development away from agricultural lands, environmentally sensitive areas, and natural open spaces existing at the City's periphery.

- Avoid premature annexation of lands that could lead to development contrary to the goal of containing urban development within planned areas where the basic services of sewer, water, streets, waste management, police, fire, electricity, community facilities, schools, recreation and transportation can be provided without lowering the quality of services currently provided to the existing population.

Part III - City of Dover 2008 Annexation Plan

Lands Considered for Annexation

The City of Dover's 2008 Growth and Annexation Plan is described in this chapter and is graphically depicted on Map 13-1. **The term "Growth and Annexation Plan" refers to both the text and the map, and in practice, neither should be considered or relied upon without referencing the other.** Using the above goals as a framework, the City has identified three distinct areas of annexation potential for the City of Dover, identified as Category 1, 2, and 3. These categories are based on those developed in the *2003 Comprehensive Plan*, but they have been refined to address current circumstances.

Category 1 – High Priority Annexation Areas

These lands are show in dark green on Map 13-1. Lands in this category are primarily enclaves of unincorporated territory mostly surrounded by the City of Dover. In all or most of these cases, the City provides these parcels with one or more essential service (sewer, water, police, fire, trash). It is the intention of the City to annex these properties within the five-year planning period. The City will work with those interested in annexation and their neighbors, as well as incentivize annexation to residents of these areas. Because annexation often comes with City property taxes and costs associated with connecting to the City's water and sewer systems, the City should make efforts to incentivize annexation within Category 1 areas.

Category 1 Recommendations:

- In Category 1 areas, the City will not utilize the cost-revenue analysis model, as the parcels are primarily small parcels for which the model is not correctly calibrated. Additionally, because the Category 1 areas consist primarily of enclaves, they should be annexed regardless of the results of the model.

- The City will explore incentives for property owners within these areas to annex into the City. Incentives may include phasing in of taxes, a limited tax abatement, and/or developing a payment plan for connection fees and impact fees to the City's water and sewer system.

- The City will not extend sewer and/or water infrastructure to Category 1 areas unless the property owners annex into the City. In cases where there is an immediate need due to a failing septic system or another issue impacting the health, safety and welfare of the area residents, the City may connect the properties to utilities with the condition of annexation. This may be necessary, as the annexation process can take up to three months. Exceptions to this requirement may be made with the approval of the City

Planner and City Manager, with documentation as to why annexation is not technically or legally feasible.

Category 2 – Priority Annexation Areas (0 – 10 Years)

These lands are shown in yellow on Map 13-1. Lands in this category are on the periphery of the City, and in many cases close gaps or holes in what would appear to be the orderly limits of the City. Many of these areas help to round out City boundaries. In some cases, owners of these parcels have expressed interest in annexation. In other cases, these parcels would provide for a logical extension of City services and utilities. It is the intention of the City to consider annexing these properties within the next ten years, as properties express interest. Lands in Category 2 will be further scrutinized by using the cost-revenue analysis model.

The Category 1 and 2 lands represent the extent of the City's annexation interest within the five-year planning horizon. With the exception of the new Category 2 property along Route 8 and Artis Drive all Category 1 and 2 lands are consistent with the Kent County Comprehensive Plan.

One area of land included in the Category 2 annexation area is land owned by Dover International Speedway (and lands immediately surrounding these lands) that is located east of State Route 1, immediately north and south of Leipsic Road. Much of this land is used for RV camping associated with NASCAR racing events.

Because of its location east of State Route 1 and adjacent to active agricultural lands (some of which are in agricultural preservation districts or easements), the City is sensitive to the concerns that any development planned in this area be very carefully planned in a way that respects the natural and agricultural environment. While Dover International Speedway has no immediate plans for development in this area, they have expressed interest in possible annexation of this land into the City. As Map 13-2 Potential Land Use for Annexation Areas indicates, the appropriate zoning for this land will be determined at the time of annexation. If any of this area annexes prior to plans for development, the land will be zoned A (Agriculture Zone). If annexation is associated with a development application, a zoning district will be applied that is compatible with a master plan associated with the property to be annexed. No amendment to the Comprehensive Plan is required as long as development is proposed in accordance with a master plan developed in coordination with the property owner, the State of Delaware and the City of Dover.

Category 3 – Areas to Be Considered for Long Term Annexation (5+ years)

These lands are shown in orange on Map 13-1. These lands are generally adjacent to or near the City boundaries, but slightly beyond the parcels in Categories 1 and 2. Some of these lands are vacant, while some include existing developments that may or may not be already receiving City services at unincorporated rates. The City does not intend to annex these parcels within the five-year planning period, but rather believes it is important to begin planning for potential annexation over the long term.

The majority of the Category 3 lands are consistent with the Kent County Comprehensive Plan. Some of the Category 3 lands are within Agricultural Preservation Districts. The City does not intend to annex these lands as long as they are in preservation; however, if they come out of the

Agricultural Preservation Program and are proposed for development, the City would like to consider annexation.

Areas of Concern

Map 13-1 identifies "Areas of Concern" as areas where the City has a vested interest in the future of the areas but does not intend to annex them during the planning horizon. Most notably, these include areas east of State Route 1 and areas west of Wyoming Mill Road. The areas east of State Route 1 north of Garrison Oak are predominantly lands that were requested for inclusion in the City's annexation area by Dover International Speedway. Earlier drafts of the Potential Annexation Areas map depicted these as Category 2 Annexation Areas; however, these areas were removed from this designation following objection by the Delaware Department of Agriculture. The Areas of Concern shown west of Wyoming Mill Road are areas shown in earlier drafts as Category 3 Annexation Areas; however, these areas were removed after discussions with the Town of Wyoming during which the Town expressed their interest in annexing these areas. If developed, the City would like to be notified by the Town of Wyoming or Kent County so that the City can work with the relevant jurisdiction to ensure that land planning includes interconnections with areas that may ultimately develop in the City of Dover.

Classification of Potential Annexation Lands

Map 13-2 shows land use classifications for lands within the Category 1 and Category 2 Annexation Areas. The zoning classifications considered for each land use classification are identified in Table 12-1: Land Use and Zoning Matrix.

Map 13-2 identifies lands the following areas for medium density residential land use if annexed into the City: the Papan Farm east of Wyoming Mill Road, the Kesselring Farm south of Webbs Lane, the enclave area along Nixon Lane and Acorn Lane, and the area north of Denneys Road. The plan identifies areas to the west of the City, including Fox Hall Drive and the Artis Drive area, as low density residential land use. This designation is also recommended in the area east of State Route 1 along Fox Road (currently developed residential lots). The map identifies the large enclave area north of the Dover Mall (which is currently a mobile home park) as mixed use, as if this area were to annex and redevelop, it is an ideal opportunity for a master-planned mixed use community.

The large enclave area east of McKee Road and north of College Road has been identified as potential industrial land if annexed. This area is adjacent to other industrially zoned areas and is bisected by the railroad tracks. There is a small enclave area along McKee Road north of College Road that has been identified as Office and Office Parks. Most of the remainder enclave areas have been designated as Commercial in use if annexed.

Zoning Review for Annexations

The review of zoning for each parcel proposed for annexation should reflect a consideration of the details that may not be accommodated in a citywide Plan. That review may include:

- Proposed zoning be in compliance with the land use category shown on Map 13-2 and used in conjunction with Table 12-1: Land Use and Zoning Matrix;

- Character and compatibility of the surrounding land uses and properties;
- The street type and capacity serving the property;
- Environmental concerns and conditions that may influence land use and zoning;
- Market concerns and conditions;
- The compatibility with the overall goals of the Comprehensive Plan.

Each annexation request will be evaluated based on these criteria. Again, any request for exceptions to these criteria must be made through and subject to the approval of, the Planning Director and City Manager with documentation as to why exceptions are made and if they are technically and/or legally feasible.

~~Cost-Revenue Analysis Model~~

~~*Overview*~~

~~The City of Dover developed a model cost/revenue analysis model to apply in evaluating individual annexation requests. Conceptually, the model seeks to measure all potential fees and revenues associated with a particular annexation and all direct and indirect service costs as well as potential opportunity costs. Where appropriate, it accounts for quality of life impact factors and indicators.~~

~~The analysis model consists of a series of calculations and tables preceded by a development program for each annexation area under consideration. The development program draws physical data from existing City information, presents population and housing unit data from the US Census, and shows base calculations for land and property values as well as property tax impact for non-residential uses. The model analyzes both existing and proposed development and considers residential and non-residential uses separately. Non-residential uses include both commercial and industrial development.~~

~~The analysis model calculates fiscal impacts for ten primary cost areas including sewer and water, sanitation, police, fire, planning and inspections, streets, library, parks and recreation, electric, and general administrative (tax assessor, city clerk, council, mayor, city manager, information technology, finance, public works, central services, facilities management, fleet maintenance, administrative services, human resources, insurance, and retiree health care). Eleven revenue sources are included in the model: property tax, transfer tax, municipal street aid fund, electric, sewer and water, sanitation, permits and licenses, wastewater impact fees, Comcast franchise, library, emergency services (police, fire, ambulance), and miscellaneous (fines, 911 fees, miscellaneous charges, and recreation).~~

~~The detailed methodology for the cost/revenue analysis is a 465-page document available from the Department of Planning and Inspections. Other relevant data, calculations, and tables prepared by Kise Straw & Kolodner/Urban Partners are also available at the Department. The model will be used for the actual parcels proposed to be annexed as requests are submitted.~~

~~*Interpretation of Results:*~~

~~Findings vary widely depending on factors such as number and value of existing housing units and square feet of non-residential uses, developable area, and proposed zoning type for new development. In interpreting these findings, it is important to consider the following key points:~~

1. ~~Findings should not be viewed cumulatively:~~
   - ~~Not all areas will be annexed and developed simultaneously. The tool is intended to review the fiscal impact of individual annexations and does not consider cumulative impacts;~~
   - ~~The pace of development will vary depending on specific development proposals.~~
2. ~~Findings will vary as the analysis tool is updated to reflect specific development proposals:~~

   ~~As areas come up for annexation consideration, the City may wish to update the analysis inputs to reflect particular development proposals or alternative zoning.~~
3. ~~Annexation decisions should not be made solely on cost/revenue analysis findings:~~
   - ~~Analysis findings are intended to be considered as one of several variables taken into account by the City when weighing the pros and cons of the annexation of a particular site, as identified above;~~
   - ~~Other variables include quality of life and social benefits not accounted for in the tool, City growth management objectives, and infrastructure capacity.~~

Implementation

The City of Dover has or will take the following steps to implement the Annexation Plan:

1. Adoption of the Growth and Annexation Chapter and Annexation Plan Maps 13-1 and 13-2;
2. Develop incentives for annexation of lands within the Category 1 area, such as:
   a. Developing a payment plan for utility connection charges and impact fees;
   b. Abating City property taxes for a period of time or phasing in City property taxes over a period of time.
3. Initiate Owner-requested Annexations following the Adoption of the Annexation Plan;
4. ~~Implement the Cost/Revenue Analysis Model as a means of reviewing annexation proposals within Category 2 annexation areas~~.

An annexation policy would not effectively bring about the City's desired goal of directing urban development toward the City center and away from rural, valued agricultural and environmentally sensitive areas without coordination with Kent County Planning Services Staff and zoning practices. Therefore, the City will work with the County to develop the required coordination.

Annexation Requirements as per the Delaware Code and City Charter: The current process for the City to annex properties is a multi-step process. Annexations must comply with the following requirements of the Delaware Code:

1. All annexations must be consistent with the City's most recently adopted municipal comprehensive plan. The area(s) being considered must be depicted as area(s) for future annexation on the adopted plan.

2. The City shall have the ability to annex a parcel only if and to the extent that such parcel is contiguous with existing municipal boundaries. Nothing herein shall be construed to allow rights of way, utility easements and waterways or like entities to be annexed in corridor fashion or to be utilized as a corridor route for annexation to gain contiguity.

3. The City shall prepare a plan of services indicating those services it expects to provide to the newly annexed area, how such services will be provided, and the fiscal and operating capabilities of the City to provide such services.

4. At the time of annexation, the City shall by ordinance rezone the area being annexed to a zoning classification consistent with the adopted comprehensive plan or development strategy.

5. The City when proposing annexation must fully comply with the provisions of Chapter 92 of Title 29 as to state notice, and must demonstrate that it has notified all other affected jurisdictions, conducted a public hearing, and provided a comment period of at least 30 days before formal annexation. The City shall file with the State Office of Planning Coordination any written comments received concerning such proposed annexation together with any response(s) thereto.

6. The Advisory Council on Planning Coordination has established a mechanism for resolving disputes between jurisdictions regarding annexations. The mechanism developed by the Council includes:

    a. Determination of how the costs for the dispute resolution process are born among the parties;

    b. Timeline for the dispute resolution process; and

    c. Extent to which the dispute resolution process will be enforceable. (42 Del. Laws, c. 120, §1; 22 Del. C. 1953, §101; 55 Del. Laws, c. 265; 70 Del. Laws, c. 186, §1;73 Del. Laws, c. 186, §10; 73 Del. Laws, c. 213.)

PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the
City of Dover Planning Commission
February 17, 2015

Applicants/Owners:	801 Gold Coast LLC
Address:	801 North State Street
Location:	East side of North State Street between the Silver Lake Bridge and Lepore Road
Tax Parcel ID #:	ED05-068.09-01-13.00-000
Size:	1.943 +/- acres
Present Use:	House
Proposed Use:	Mixed Use Building
Comprehensive Plan Designation:	Residential Medium Density (proposal to change to Commercial)
Present Zoning:	RG-3 (Group Housing Zone)
Proposed Zoning:	C-2A (Limited Central Commercial Zone)
File Number:	Z-15-01
Ordinance Number:	2015-02

Existing Property
The property is currently zoned RG-3 (Group Housing Zone) and consists of one parcel of land with a single family home on it.

Surrounding Land Uses:
The subject property is surrounded by a variety of uses. Immediately south of the subject parcel is Silver Lake. The property to the east is the Overlook on Silver Lake, which is zone RG-3 (Group Housing Zone) and developed residentially. The property immediately north adjacent to the subject property is zoned C-2A (Limited Central Commercial) and is commercially developed. The property immediately west across North State Street is zoned C-2A (Limited Central Commercial Zone) and is developed commercially.

Comprehensive Plan:
The *2008 Comprehensive Plan* depicts the subject area as Residential Medium Density land use classification on Map 12-1: Land Development Plan Map. Under MI-15-01, there is a request to change this classification to Commercial. If the Comprehensive Plan Amendment is approved, the requested zoning would be consistent with the Comprehensive Plan. If the Comprehensive Plan Amendment is not approved, the zoning requested would not be consistent with the Comprehensive Plan.

Request for C-2A (Limited Central Commercial Zone)
The following description of the C-2A zoning district is provided from Article 3 §15 of the *Zoning Ordinance.*

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.

Recommendation of the Planning Staff:
Staff supports the rezoning request from RG-3 to C-2A, provided that the companion Comprehensive Plan Amendment is also approved. The requested zoning is consistent with other properties in the area, particularly those fronting on North State Street.

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.

ADVISORY COMMENTS TO THE APPLICANT:

1) The subject building has an active Rental Dwelling Permit, but the property owner has been unresponsive to requests by the Department of Planning and Inspections to inspect the dwelling. The subject property must comply with current inspection requirements before any land development applications can be reviewed by the City of Dover.

2) The subject property is located on Silver Lake. Prior to the Planning Commission considering a Site Development Plan application, the Site Development Plan will be subject to review by the Silver Lake Commission.

3) The applicant shall be aware that following any decision made by City Council in regards to approval of this rezoning, that a Site Plan, Subdivision Plan and or appropriate Building Permits must be submitted to the Planning Department prior to the establishment of a use or any construction activity on the site. The applicant should contact the Planning Staff to determine the appropriate review process for any proposed projects.

4) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit, other construction activity permit approval, or authorization to establish a use. A separate application submission showing proposed improvements is required before issuance of permits by the City of Dover.

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

City of Dover

DATA SHEET FOR PRELIMINARY SUBDIVISION PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF February 4, 2015

PLANNING COMMISSION MEETING OF February 17, 2015

Plan Title:	Jefferson Terrace Subdivision (Revised) (previously referred to as The Meadow Subdivision at Jefferson Terrace) SB-13-06P Revised
Plan Type:	Preliminary Subdivision Plan (Revised)
Applicant/Owner:	Penntex, LLC
Project Engineer:	Bohler Engineering
Location:	West of Monroe Terrace, south of but not adjacent to Wyoming Avenue
Tax Parcel:	ED-05-077.17-06-02.01-000
Existing Site Area:	Parcel 1 - 2.35 acres ± Parcel 2 - 1.88 acres ±
Total Proposed Site Area:	4.23 acres ±
Zoning:	R-8 (One Family Residence Zone) R-10 (One Family Residence Zone)
Present Use:	Vacant
Proposed Use:	Five (5) single family lots for residential development
Sanitary Facilities:	City of Dover
Water Supply:	City of Dover
Waivers Approved:	Exceed the Maximum Street Length of a Dead End Street Increased Percentage of Lots on Cul-de-sac
Active Recreation Plan:	Exemption for Small Developments

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 4, 2015

APPLICATION: Jefferson Terrace Subdivision – Preliminary Subdivision Plan (Revised)

FILE #: SB-13-06P REVIEWING AGENCY: City of Dover Planning Office

CONTACT PERSON: Dawn Melson-Williams, AICP PHONE #: 302-736-7196

PLAN SUMMARY

This review is a Preliminary Subdivision Plan* to permit the subdivision of land totaling 4.23 acres ± into five (5) parcels for single family detached dwellings with residual land to be known as Jefferson Terrace. The parcel is zoned R-8 (One Family Residence Zone) and R-10 (One Family Residence Zone). This parcel is located west of Monroe Terrace and south of but adjacent to Wyoming Avenue. The owner of record is Penntex, LLC. Tax Parcel: ED-05-077.17-06-02.01-000. **(This submission is a revised Preliminary Subdivision Plan which supersedes the previous submission of SB-13-06P filed for review in February 2014.)*

Previous Applications

The Planning Staff administratively reviewed a Minor Lot Line Adjustment Plan (Application MI-12-10) and granted approval on June 5, 2012 (recorded June 12, 2012) involving this parcel of land. The Plan reduced the size of the parcel that included the existing dwelling at 324 Wyoming Avenue by aligning its rear property line with adjacent residential parcels and dividing it from the lands to the south. The parcels impacted by the revisions were 324 Wyoming Avenue and the land south of 324 Wyoming Avenue with frontage on Jefferson Terrace and Monroe Terrace. The property at 324 Wyoming Avenue is not part of this Subdivision Plan application. It is the remaining land area to south of 324 Wyoming Avenue (and other properties) that is the subject of this Preliminary Subdivision Plan application.

The first step of this subdivision, the Conceptual Subdivision Plan (SB-13-06C), was reviewed by the Planning Commission on November 18, 2013 and granted conditional approval for a subdivision of five (5) residential lots. Upon recommendation from the Planning Commission, the Safety Advisory & Transportation Committee recommended approval of two waivers for the project relating to the cul-de-sac street. City Council on January 13, 2014 granted approval of the waiver requests allowing for increased length of the dead-end street (cul-de-sac street) and for an increased percentage of lots on a dead-end-street. The applicant previously filed the Preliminary Subdivision Plan SB-13-06P for review in February 2014; however, they requested that review of the application be placed on hold prior its Public Hearing before the Planning Commission. The current submission resumes the review process for the Preliminary Subdivision Plan.

SITE CONSIDERATIONS

The minimum lot area for lots within the R-8 (One Family Residence Zone) Zoning District is 8,000 SF and 10,000 SF for R-10 (One Family Residence Zone) Zoning District. A majority of the subject tract of land is zoned R-10. However, the land area proposed as Lot 1 of the subdivision contains both R-10 and R-8 zoning. Overall, the residential lots within this proposed subdivision meet or exceed the minimum lot size requirements for R-10 as all lots will be greater than 10,000 SF in size.

This subdivision of land and any future development on the parcels is subject to the requirements found in the City of Dover *Zoning Ordinance,* Article 3 §1 and referenced sections which outline the permitted uses for the R-8 (One Family Residence Zone) and R-10 (One Family Residence Zone). The following table highlights some of the design standard requirements for the R-8 and R-10 (One Family Residence Zones). (NOTE: This chart is not an all-inclusive listing of the code requirements, but is provided as information on development requirements.)

MINIMUM REQUIRED:	R-10 One Family Residence Zone	R-8 One Family Residence Zone
Lot Area	10,000 SF	8,000 SF
Lot Configuration – width (ft.)	80 ft.	70 ft.
Lot Configuration – depth (ft.)	110 ft.	100 ft.
Front yard setback (ft.)	25 ft.	25 ft.
Minimum side yard (ft.)	15 ft.	10 ft.
Total Both Side yards (ft.)	30 ft.	20 ft.
Rear yard setback (ft.)	30 ft.	30 ft.
Off-Street Parking Spaces	2 per dwelling	2 per dwelling
Maximum Permitted : Building Height: Stories Feet	 2 ½ stories 35 feet	 2 ½ stories 35 feet
Lot Coverage	30%	35%

Since this parcel is zoned R-8 and R-10 it is subject to the provisions of *Zoning Ordinance,* Article 5 §1.7 Uniformity of design in all one-family residence zones. These provisions limit construction of buildings that are like or substantially like a neighboring building in order to prevent monotony of architectural design.

SITE CONSIDERATIONS

Flood Hazard Areas

Flood Hazard Areas (100-year flood plain) are to remain as natural open space. The southern portion of this tract of land includes a Flood Hazard Area. The rear lot lines of Lot 3 and Lot 4 are placed to avoid inclusion of the Flood Hazard Area on the residential lot. The Flood Hazard Area remains as the natural area adjacent to an existing stream including woodland and wetland areas. From the plans it appears that some woodland clearing in the floodplain may be necessary as related to implementation of the stormwater management for the development; a permit for

development activities in the floodplain will be required (per *Dover Code of Ordinances,* Chapter 50).

Wetlands

The southern portion of this tract of land also includes areas delineated as wetlands. One area is large enough in size to require a setback from the wetland area per the *Zoning Ordinance*. The setback of 100 feet can be reduced to fifty (50) feet when a riparian buffer is established. The existing woodland can be recognized as satisfying the riparian buffer requirement. This buffer requirement does not impact the five lots proposed for residential development; the impacts are to the residual land area (Parcel 2 area).

Wet Soils and Basements

The *Zoning Ordinance* Article 5 §11.23 regarding wet soils limits the building construction when seasonally high water table is within two and one-half feet of the surface and requires construction subject to conditions to address the prevention of water damage. Subdivision plans must identify the seasonal high water table on each lot if basements are proposed.

STREETS

The Subdivision Plan proposes an extension of Jefferson Terrace as a public street leading to the west from Monroe Terrace. There is existing right-of-way (60 feet wide) for a portion of the street. The extension of Jefferson Terrace is proposed as thirty-six (36) feet paved width before terminating the cul-de-sac. This extension of Jefferson Terrace was required by the Planning Commission to be thirty-six (36) feet paved width. The right-of-way for the street will continue sixty (60) feet of width. The thirty-six (36) feet of paved street width will allow for on-street parking on both sides of the street. Parking would be prohibited within the cul-de-sac. Appropriate street signage will be necessary to denote the areas available for on-street parking.

The street extension includes the required upright curbing and sidewalk to be constructed to the City of Dover Standards. The applicant will need to work with the City's Department of Public Works regarding the detailed street design for this extension of Jefferson Terrace and the associated curb cuts for entrance drives to the individual lots fronting this new street segment. The *Land Subdivision Regulations,* Article VI. §A. Streets also include requirements related to format of right-of-way lines and street layout.

Approved Waiver Request: Length of Dead-end Street

On January 13, 2014, City Council approved a waiver request (with affirmative recommendations from the Planning Commission and the Safety Advisory and Transportation Committee) to allow for the extension of Jefferson Terrace (west of Monroe Terrace) to exceed 400 feet. The proposed dead end street is approximately 390+/- feet in length when measured from the center line of Monroe Terrace to the center of the proposed Jefferson Terrace cul-de-sac. However, the length of the proposed cul-de-sac is 440 feet when measured to the terminus of the street right-of-way. Approval has been granted allowing this proposed dead end street (cul-de-sac) to exceed the permitted length of a dead end street per the *Land Subdivision Regulations,* Article VI §A.15.

Approved Waiver Request: Increased Percentage of Lots on Cul-de-sac

On January 13, 2014, City Council approved a waiver request (with affirmative recommendations from the Planning Commission and the Safety Advisory and Transportation

Committee) to over 20% of the lots to front on the turnaround section of the cul-de-sac. The Plan depicts three proposed lots or 60% of the proposed five (5) lots in the subdivision to the front on the turnaround section of the proposed Jefferson Terrace cul-de-sac. Approval has been granted to allow proposed lot percentage to exceed the maximum of 20% of the lots in a development allowed to front on the turnaround section of a cul-de-sac.

Tree Planting & Preservation Plan

The subject site includes areas of existing woodland and scattered individual trees. Several individual trees are proposed to remain on Lot 1, Lot 2, and Lot 3. *Tree clearing is limited to a maximum of 50% of the woodland of the parcel.* Small areas of tree clearing are identified for implementation of stormwater management drainage on Lots 3-5 and on the residual Parcel 2. The existing woodland on the overall tract is 1.85 acres and with the development of the subdivision total of 1.70 acres in woodland is proposed to remain. This results in a non-woodland area of 2.53 acres (110,206.8 S.F.). With the new tree plantings required at a rate of one tree per 3,000 SF of non-woodland lot area, a total of thirty-seven (37) trees are required. Seven (7) existing trees are proposed to remain and thirty (30) new tree plantings are proposed.

The *Zoning Ordinance*, Article 5 §16.52 does allow for limited clearing of trees to accommodate the placement of the house, driveway (property access, utilities, etc. for an area of up to 30 feet from the proposed building foundation and 15 feet from utility placement. It appears that additional clearing can be proposed on Lots 3 and 4 at the rear of the proposed house locations.

Active Recreation Plan

The *Zoning Ordinance* includes requirements for areas of Active Recreation to be provided with the development of residential subdivisions at a land area rate per lot. However, there are exceptions to this requirement for residential subdivisions where the property is less than five acres and less than ten dwelling units are proposed. This Jefferson Terrace Subdivision project is eligible for this exemption and the project will require a cash donation instead of identifying an active recreation area of land. See code excerpt below. The process will involve submission of the appraisal information to the Planning Office for review by the Parks Recreation & Community Enhancement Committee City Council, and the Planning Commission. Once the amount is confirmed, the donation must be paid prior to the first Building Permit being issued.

Article 5 Section 10.5 *Exemption to recreation area and open space dedication.*

10.51 *Exemptions for small developments.*

10.511 *Residential developments with less than five acres of land and less than ten dwelling units.* These developments shall be exempt from the land requirements set forth in [sub]sections 10.1 and 10.2, but shall require a full cash donation to be made by the developer in lieu of a dedication of land.

10.52 *Amount of cash donation.* This cash donation shall be equivalent to ten percent of the appraised value of gross land area. The land area value shall be based on the appraisal prepared for the developer to secure construction financing. This submitted appraisal shall be a copy of the original supplied to the lending institution, with that institution identified, and shall conform in all ways to the Uniform Standard of Professional Appraisal practice and be performed by an appropriately qualified certified appraiser. If an appraisal prepared for construction financing is not available, then the developer shall have an appraisal done in accordance with the procedures set forth in [sub]section 10.174.

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

CITY AND STATE CODE REQUIREMENTS: NEED TO UPDATE

1) The name of the subdivision has been revised to Jefferson Terrace; it was previously proposed as The Meadow. Since there is an existing residential subdivision known as The Meadows the revision was necessary to avoid confusion in emergency response.
   a) The name Jefferson Terrace was suggested for usage during processing of the subdivision plan. Given the small size and infill style development is it unlikely that the development will be recognized by a subdivision name but rather the street location.
   b) The street name of Jefferson Terrace is appropriate as the proposed street is a continuation of the existing street segment known as Jefferson Terrace.

2) A Record Plan sheet must be prepared for recordation according to the Record Plat requirements. Currently Sheet 5 has a portion of this information already provided.
   a) Provide a data column on the Record Plan.
   b) Indicate actions taken on waivers for the subdivision.
   c) Identify the locations of any existing or future easements (drainage, utilities, etc.) on the site and reference documents establishing the provisions of the easements.
   d) Appropriate deed restrictions and notes on the Record Plan should note the features of this southern area (Parcel 2 area) and the restrictions to development related to the existence of the flood hazard area, wetlands, retention of the woodland as a riparian buffer, tree clearing limitations, etc.
   e) Additional review comments will be provided with the submission of a Record Plat sheet(s).

3) At the time of Final Plan submission update file number on cover sheet. This submission is SB-13-06P and then the Final submission will be SB-13-09F.

4) Sheet 1: The Project Notes will need to be updated with the following:
   a) Item #13: Check wording (approved a waiver request (…) to *allow* over 20%).
   b) Under Governing Agencies: Clarify that City of Dover is the Department of Planning & Inspections and the Department of Public Works. The phone number 736-7196 is the Planning Office.
   c) List name of managing member signing on behalf of the property owner.

5) Sheet 2:
   a) Ensure notes are applicable to this project in the City of Dover. For example, road construction notes reference a county inspector rather than City; Utility Notes must reference approved materials for use in the City; lighting notes seem to reference to a commercial project with an ATM.
   b) City Water/Wastewater Notes: Update references to Public Works (from Public Utilities) and their contact number to be 736-7025.

6) Sheet 4 - Existing Conditions and Demolition:
   a) Clarify the existing woodland edge and the proposed edge location after clearing.

b) Suggest utilizing a "X" graphic to mark individual trees to be removed.

7) Sheet 5 - Site Plan:
   a) The label for the street Jefferson Terrace is off; add tie line to street location. Clarify the extension of the street also is proposed as right-of-way.
   b) Provide the percentage of the proposed Residential Lot 1 within each of the zoning classifications of R-8 and R-10. This information is needed to determine the bulk standards for this specific residential lot. The District and Bulk requirements for R-8 (One Family Residence Zone) may need to be added to the Plan if found to govern the development of this specific lot. Currently the percentages are given by the 'deed' parcels.
   c) A series of additional notes and a data column will be required if this sheet is utilized as the basis for the Record Plat. For the Record Plat, the building footprints are not required.

8) Sheet 6 – Grading & Drainage Plan: The applicant will need to work with the Department of Public Works regarding the design of the extension of Jefferson Terrace to the City of Dover Standards and details for construction of this new street segment and the associated curbing, sidewalks, drainage, and signage (for traffic control and parking limitations).
   a) Evaluate the location of curb cuts to serve the existing parcels (both developed and vacant tracts) along the new segment of Jefferson Terrace located between the subject parcel and Monroe Terrace. Curb cuts for adjacent developed properties may be necessary with the construction of the street extension.
   b) Easements will be required for any construction activity i.e. re-grading that occurs on adjacent properties not owned by this developer. Documentation of such agreements must be submitted.

9) When bio-filtration swales cross a residential property, the future property owners Lots 3, 4, and 5) need to be made aware of the limits of usage of the swale and the procedures for its care and maintenance.

10) Sheet 9: Update manhole cover detail to appropriate City of Dover detail (not DelDOT).

11) Sheet 17 – Tree Planting & Preservation Plan:
   a) The trees shown on the property line between Lot 1 and Lot 2 must be relocated to distinctly place each tree on a specific lot.
   b) Evaluate the option of clearing additional area at the rear of Lot 3 and Lot 4 to create an open rear yard space. The Zoning Ordinance allows limited clearing for the placement of the house to allow for daylight infiltration and ease of building maintenance. Revise woodland clearing area tallies and recheck tree planting requirement.
   c) You may wish to consider planting evergreen tree species in the rear yard areas of Lot 1 and Lot 2 as a screening element.
   d) Update this Site Data column with any changes made on similar columns.

12) If basements are proposed, then the seasonally high water table must be identified for each lot. Construction is subject to specific requirements. A lot specific study may be substituted. See *Zoning Ordinance*, Article 5 §11.23.

13) The applicant must submit the appraisal for determination and review of the cash-in-lieu donation to satisfy the Active Recreation requirement. A Review of the appraisal must occur to establish the required cash donation amount in lieu of recreation area development.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) With the extension and construction of this new street segment of Jefferson Terrace, appropriate water and sanitary sewer service connections (taps and laterals) should be established for all existing and proposed lots fronting on the street with this initial construction. This will avoid future disruption of the newly paved street to establish such services.

2) The proposal for sewer service to these five subdivision lots is unusual. The Department of Public Works is requiring/recommending submission of the agreements that establish this private force main system and has provided additional design review comments for such system and its connection to City utility infrastructure.

ADVISORY COMMENTS TO THE APPLICANT:

1) The Preliminary Plan is the second step in the major subdivision process. For this project, the next step is the submission of the Final Record Plat and associated Construction Plans through the Administrative process of Check Print Review in order to achieve Final Plan approvals.

2) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.

3) The developer shall be aware that Street Lights shall be required to be installed in conjunction with the construction of subdivision streets. The developer shall coordinate street light placement and electric utility routing and equipment with the City of Dover Electric Department.

4) In the event, that major changes and revisions to the Preliminary Subdivision Plan occur in the development of the plan contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other commissions making recommendations in regards to the plan.

5) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate pre-construction meetings, site inspections permits are required.

6) A Permit will be required for the proposed woodland clearing activities proposed within the Flood Hazard Area (100 year floodplain area) of the residual lands (Parcel 2).

7) The applicant shall be aware that Preliminary Subdivision approval does not represent a Building Permit, Sign Permit and other associated construction activity permits and fees. A Demolition Permit will be required for the existing structure to be demolished in the

northwest corner of the site. A separate application process is required for issuance of a Permit from the City of Dover for construction activities on each residential lot. Each Building Permit will be reviewed for compliance with the provisions of *Zoning Ordinance,* Article 5 §1.7 Uniformity of design in all one-family residence zones.

8) Each design professional (engineer and landscape architect) sealing the plan are 'doing work in the City' and are required to hold a City of Dover Business License as an individual professional. Contact the Permitting & Licensing Division for information at (302) 736-7010.

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: JANUARY 28, 2015

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Jefferson Terrace**

FILE #: **SB-13-06P**

REVIEWING AGENCY: **City of Dover Electric and Public Works Departments**

CONTACT PERSON: **Aren Wright - Electric**
Jason A. Lyon, P.E. – Public Works

CONTACT PHONE #: **Electric - 302-736-7070 Public Works – 302-736-7025**

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. The roadway and curbing must be in.
2. The right-of-way must be within 6" of final grade.
3. The property corners must be staked.
4. Owner is responsible for locating all water, sewer, and storm sewer lines.
5. Owner is responsible for installing all conduits and equipment pads per the City of Dover Engineering Department specifications.
6. All cable and electrical equipment will be installed along the right-of-way in front of the lots.
7. Owner is responsible for site and/or street lighting.
8. Meter locations will be determined by City of Dover Engineering Department.
9. Load sheets and AutoCAD compatible DXF or DWG diskettes of site plans, including driveways, are required prior to receiving approved electrical construction drawings.
10. Any relocation of existing electrical equipment will be engineered by the City of Dover Electric Department. Developer may be required to perform a quantity of the relocation. Any work performed by the City of Dover will be at the owner's expense.
11. Prior to construction, owner is responsible for granting an easement to the City of Dover Electric Department. Easement forms will be furnished and prepared by the City of Dover Electric Engineering Department.
12. Fees will be assessed upon final site plans. The owner will be responsible for fees assessed prior to construction. Owner is required to sign off plans prepared by the Electric Department.
13. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
14. Prior to the completion of any/all designs and estimates, the owner is responsible for providing the Electric Engineering Department with a physical address of the property.
15. All Engineering and design for Dover Electric will be engineered upon final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
    b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
4. All water mains within the proposed subdivision must be looped. No dead end mains are permitted. A waiver to this requirement may be granted with a proper technical infeasibility presented by the owner / developer.
5. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan. All water mains shall be cement lined Class 52 cement lined ductile iron pipe. The minimum size is eight-inches (8”). Division valves must be provided every 800 feet.
6. Water service lines shall be shown for each residential lot meeting the following requirements: The water services shall be one-inch (1”) diameter Type K copper tubing, and installed five feet (5’) to the right of the sewer lateral as viewed from the center line of the street. Curb stops shall be installed one foot (1’) outside of the right-of-way for each lot. A water meter and meter pit must be installed on the domestic water service, in a non-traffic bearing location just downstream of the curb stop.
7. Fire hydrants shall be spaced no greater than 600 feet as measured along the curb. Fire hydrants shall be placed between the curb and sidewalk at intersections or centered on lot lines. Fifteen feet (15’) separation must be provided between all hydrants and hydrant valves.
8. Water service lines, from the main to the meter pit, shall extend perpendicular to the main. Please remove all bends to the water services, if a technical infeasibility exists; please submit a waiver request to our office.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that “no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer”, this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as “…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage.” The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

3. The private force main shall terminate prior to the City owned right-of-way. A manhole shall be installed at or near the property line to delineate ownership. The City will maintain the remainder of the sewer infrastructure, which is to be gravity, within the right-of-way.
4. The location for sewer mains shall be under the street, if the main cannot be installed in the center of the road, a waiver request must be submitted. One-tenth of a foot (0.1') drop must be provided across all manholes. The minimum slope for eight-inch (8") sanitary sewer pipe is 0.004 feet/feet. Minimum cover is 3.0 feet.
5. Sanitary sewer manholes shall be spaced no more than 400 feet apart.
6. The minimum size of all sanitary sewer laterals shall be six-inch (6").
7. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures.
8. The minimum velocity shall not be less than two feet per second (2 fps) for force main design. In general force main velocities shall not exceed five and one-half feet per second (5-1/2 fps) for force main design.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District submitted to our office.
2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.
3. Submerged pipe inlets to ponds may only be permitted if they are so designed that the permanent pool elevation of the storm water management area doesn't surcharge back into the City of Dover's storm drain structures and system.
4. The City of Dover Department of Public Works specifications require all culverts to be designed for the 25-year storm frequency and all storm sewers to be designed for the 10-year storm frequency. The Manning's equation shall be utilized in design as applicable. Storm sewers are required to provide a minimum full flow velocity of 2 fps. Provide the calculations for each proposed pipe segment that, at a minimum, include: upstream and downstream inverts, upstream and downstream ground elevations, and ground cover provided; pipe slope, length, material, n value, and diameter; design flow, depth and velocity; and full flow and velocity.
5. The City of Dover Department of Public Works specifications require that all inlets (catch basins) be designed for the 10-year storm frequency (25-year storm frequency for sump conditions) and that the spread of water shall not exceed eight feet (8') from the flow line of the curb. The design must also meet the requirement that the hydraulic grade line may be no higher than one foot (1') below the top of the inlet. Provide the calculations for each proposed catch basin utilizing flows determined by each catch basin's contributory drainage area, for the appropriate storm frequency. Spread, depth of flow and hydraulic grade line data for each inlet must also be included. Any carryover should also be noted and included at appropriate downstream catch basins as applicable.
6. Provide all stormwater management calculations and erosion and sedimentation control plan as required by Article 5, Section 11.2 and 11.2 of the City of Dover Zoning Ordinance. Ensure that individual lot grading, house locations with finished floor elevations, and driveway locations and grades are provided on the plans in order to verify the adequacy of the design. The provided information should also show adequate conveyance of runoff from each lot.
7. All storm drainage located within the right-of-way shall be reinforced concrete pipe (RCP).

STREETS

1. The current City of Dover standard street section provides for a 3' grass strip between the curb and sidewalk. This standard was administratively revised to meet ADA and FHA compliance with cross slope requirements and to prevent cars from scrapping at driveways. The revised standard utilizes a five feet (5') wide public sidewalk with a five feet (5') wide grass strip behind the curb.
2. It shall be unlawful for any person to alter the curb of any street so as to create a curb depression for the purpose of permitting vehicles to enter onto or exit from the city streets, without a permit issued by the city manager.
3. When determined to be necessary, dead-end streets, designated to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end cul-de-sac with a turnaround having an outside roadway diameter of 80

feet and a street right-of-way diameter of 100 feet. In no instance shall more than 20 percent of the lots in a proposed development front on the turnaround section of a cul-de-sac.

4. Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90 degrees shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line and shall be parallel to said inner right-of-way line.
5. Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which, for the centerline of the right-of-way, shall not be less than 500 feet on arterial streets, 300 feet on collector streets and 150 feet on minor streets. The outer and inner right-of-way line shall be parallel to said center right-of-way line.
6. Street rights-of-way lines at intersections shall be connected with a curve, the radius of which shall be at least 25 feet. The required radius may be increased by the city engineer if the increased radius is necessary for public safety.
7. Street grades shall not exceed five percent.
8. Street grades shall not be less than one-half percent wherever feasible.

SANITATION

1. Every person occupying a residence or duplex and every owner of an apartment shall provide such premises with a sufficient number of solid waste containers to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers.

GROUNDS

1. An official street tree species list has been approved by the superintendent of grounds for tree plantings along streets and avenues of the city. (The official list will be kept on file in the office of the city clerk.) No species other than those included in this list may be planted as street trees without the written permission of the superintendent of grounds.
2. Spacing of trees shall be determined by the superintendent of grounds, but, generally, all large trees shall be planted no closer than 35 feet, medium trees no closer than 30 feet and small trees no closer than 25 feet, except in special plantings designed or approved by a landscape architect.
3. No street tree shall be planted closer than 30 feet to any street corner and no closer than ten feet to any fire hydrant.
4. Only trees listed as small to medium shall be planted under power lines; and no trees shall be planted within ten feet of any underground water line, sewer line, transmission line or other utility.
5. It shall be unlawful and a nuisance for any person to plant any vegetation in any public right-of-way. Upon receipt of notice from the city to remove any vegetation located in a public right-of-way, the owner of the abutting property shall remove such vegetation at his own expense within the time limit provided in such notice.
6. It shall be unlawful and a nuisance for any person to plant any tree, shrub or bush within 16 feet of the curbline. Upon receipt of notice from the city to remove any tree, shrub or bush which is located within 16 feet of the curbline, the owner of the property upon which such tree, shrub or bush is located shall remove the same at his own expense within the time limit fixed in such notice.

GENERAL

1. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).
2. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
3. Where applicable, please replace DelDOT details with City of Dover Department of Public Works specific details. Please contact the office for access to said details.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. Owner must give the City of Dover Electric Department three (3) months notice prior to construction. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: http://www.cityofdover.com/media/documents/2010%20Electric%20Service%20Handbook.pdf

WATER

1. Provide water services to the following lots: ED-05-077.17-06-13.00 and ED-05-077.17-06-10.00.
2. Provide greater detail on how the proposed water main will connect to the existing water main in Monroe Terrace.

WASTEWATER

1. Force main calculations shall be adjusted to include the possible effluent from the following lots that may connect in the future: ED-05-077.17-06-13.00 and ED-05-077.17-06-10.00.
2. Prior to the Department of Public Works approval, an agreement must be submitted for review and approval by our office to reflect maintenance and repair responsibility between all parties connected to the private force main.

STORMWATER

1. The City of Dover will not maintain any drainage or storm pipe not located within the right-of-way. Please clearly identify who the drainage easements will be between.
2. In addition to the drainage calculations required, please submit drainage calculations for the adjacent lots to this development to assure increased water volume will not occur.
3. Safety grates shall be installed on all pipes that are daylighted.

GROUNDS

1. Please remove the street trees that are located within ten-feet (10') of underground infrastructure.

STREETS / SANITATION

1. None.

GENERAL

1. Public infrastructure dedication table shall be revised to incorporate all comments in this report.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

1. The City of Dover water system is available to this site. The developer is responsible for all costs associated with extending and providing service to the proposed development.
2. Prior to plan approval, the water system plans must be submitted to the Division of Public Health, Office of Drinking Water for review and approval. The owner/developer will be responsible for providing all completed forms and plan sets to the City of Dover as required for submission to the Office of Drinking Water. Plans will not be submitted to the Office of Drinking Water until review has been completed by our office.
3. Hydrant flow testing is currently only performed two (2) times per year during system wide flushing operations. The applicant must call the Department of Public Works directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.
4. Water impact fees will be required for each residential lot.

WASTEWATER

1. The City of Dover sanitary sewer system is available to this site. The developer is responsible for all costs associated with extending and providing service and capacity to the proposed development.
2. Prior to plan approval, the sanitary sewer system plans must be submitted to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.
3. The existing manhole must be core drilled and an approved (by our office) pipe to manhole connector must be used to construct the connection for installation of the sewer main. The existing manhole flow channel must be reconstructed accordingly.
4. Wastewater impact fees will be required for each residential lot.

STORMWATER

1. Profiles of the storm sewer must be provided with the construction plans. All water, sanitary sewer and storm sewer crossings must be shown on the profiles.
2. This plan proposes grading on adjacent lots not associated with this development. Please provide proper documentation that the owners of said lots are in agreement with this activity.

STREETS

1. Street profiles must be provided with the construction plans.
2. All streets to be dedicated to the City must meet the City of Dover Department of Public Works specifications.
    a. Pavement sections must be designed based upon poor soil conditions unless soil boring data is provided showing otherwise. Structural number calculations must be submitted for review and a pavement cross section detail must be included within the plan set.
    b. All curbing within the right-of-way shall be DelDOT Type III curb and gutter. All curb radii must be labeled on the plan. In particular, a minimum radius of twenty-five feet (25') must be provided at all street intersections. A construction detail of the Type III curb and gutter must be provided on the plan.
    c. Sidewalk proposed within the right-of-way shall be constructed as per the City of Dover Standards and Specifications. All sidewalks must be poured by hand; curb machine slip formed sidewalks will not be permitted. The sidewalk must be scored in five feet (5') squares using hand tooled joints. All tool marks shall be removed as tool finished edges are not permitted. Expansion joints shall be installed at a spacing of twenty feet (20') and shall be precut, one-half inch (½ ") thick, four-inch (4") wide, cork sheets. All sidewalk proposed within the right-of-way shall consist of Class B concrete, without reinforcing material, in order to prevent future interference with utility locating. The proposed five feet (5') wide public sidewalk shall be installed 5 feet from the back of curb. The sidewalk cross slope shall not exceed 2% including across the driveways to ensure ADA and FHA compliance. A sidewalk construction detail containing the above information must be provided on the plan.
    d. All barrier free access ramps and driveway aprons constructed with the site improvements shall be in accordance with the most current ADA and DelDOT requirements and standards at the time of construction. To meet cross slope requirements a five feet (5') wide grass strip must be provided between a five feet (5') sidewalk and the curb.
    e. Signage and markings must be included with the site plan in accordance the Manual for Uniform Traffic Control Devices. Signage proposed for streets to be dedicated to the City of Dover must be included on the plan (no parking signs, speed limit signs, street blades, stops signs, watch children, etc.) All signs must be installed on two-inch (2") square break away sign posts.

SANITATION / GROUNDS

1. None.

GENERAL

1. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial

Plan Submission Checklist, which can be obtained from the following website: https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal_1.pdf, page 88.

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: 01/28/15

CITY OF DOVER FIRE MARSHAL

APPLICATION: Revised Jefferson Terrace Subdivision on Jefferson Terrace

FILE #: SB-13-06P REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika 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. Proposed building is residential.
2. Address numbers of at least 6 inches in height must be placed on the street side of the building visible from the street.
3. Project to be completed per approved Site Plan.
4. Please ensure proper turning radius for fire apparatus within the cul-de-sac as required/defined by the 2012 Delaware State Fire Prevention Regulations.
5. Per the 2012 Delaware State Fire Prevention Regulations, the cul-de-sac needs a minimum paved radius of 38 feet that is unobstructed. No parking signs will need to be installed to ensure that there is no on street parking.
6. There is a proposed fire hydrant in the cul-de-sac which is being required.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. N/A

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):
2012 NFPA Life Safety Code (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
2012 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.**

KENT CONSERVATION DISTRICT
800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 (302) 741-2600 EXT. 3 • FAX (302) 741-0347

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
February 2015

APPLICATION: *Jefferson Terrace*

FILE #: SB-13-06P

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *David C. Cahill* **PHONE #:** *741-2600 ext.3*

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:

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. As the disturbance for this site will exceed 5,000 square feet, a detailed sediment and stormwater management plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to our office. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.
2. The following notes must appear on the record plan:
    - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
    - The Kent Conservation District reserves the right to add, modify, of delete any erosion or sediment control measure, as it deems necessary.
    - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.
3. A soils investigation supporting the stormwater management facility design is required to determine impacts of the seasonal high groundwater level and soils for any basin design.

ADVISORY COMMENTS TO THE APPLICANT:

1. The plans are currently under review for the project.
2. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.