CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, November 21, 2016 – 7:00 P.M.
City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

1) Application C-16-05 Residence at 955 Forest Street will not be heard on November 21, 2016 due to lack of Public Notice. This application will be rescheduled for a future Planning Commission meeting and will be subject to Public Notice requirements.

ADOPTION OF MINUTES OF REGULAR MEETING of October 17, 2016

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, December 19, 2016 at 7:00pm in the City Council Chambers.

2) Update on City Council Actions

3) Update from Planning Office
    a. Report on Delaware APA Chapter Annual Meeting & Mini-Conference: November 3, 2016 in Milford, Delaware

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW BUSINESS Regarding APPLICATIONS

1) S-16-21 Lands of Michael Braun at 834 South State Street– Review and Consideration of Waiver Requests for the Elimination of the Curbing Requirement and the Partial Elimination of the Opaque Barrier Requirement associated with the Administrative Site Plan for conversion of a 1,600 +/- sq. ft. residence to office use. The Plan consists of adding a new five-space parking lot and other site improvements necessary to make the property suitable for the change in use. The property is located on the west side of South State Street north of Wyoming Avenue and is zoned C-PO (Commercial and Professional Office Zone). The owner of record is Michael W. & Winifred M. Braun. Tax Parcel: ED-05-077.17-03-45.00-000. Council District 2. *This project is associated with Rezoning Application Z-16-03 that rezoned the property from R-8 to C-PO with Ordinance #2016-04 as approved by City Council on March 14, 2016*.

NEW DEVELOPMENT APPLICATIONS

1) Z-16-06 Lands of Capital Grange on South Bradford Street – Public Hearing and Review for

Recommendation to City Council on rezoning of a 0.32-acre parcel located on the west side of South Bradford Street south of Waples Avenue, and to the rear of 911 South Governors Avenue. The property is zoned R-8 (One Family Residence Zone) and the proposed zoning is RG-1 (General Residence Zone). The owner of record is Capital Grange No. 18 Inc. Property is an unaddressed parcel on South Bradford Street. Tax Parcel: ED-05-077.17-03-15.00-000. Council District 2. Ordinance #2016-23. *This application is associated with item MI-16-13: Nonconforming Uses in Residential Districts. The Rezoning is proposed in order to comply with City Council action requiring the sunsetting of nonconforming uses in residential zones.*

2) S-16-13 Revised Dunkin Donuts at 1116-1128 Forrest Avenue – Public Hearing and Review of a Site Development Plan application to permit the construction of approximately 34,813 S.F. of retail and office space in four buildings and other site improvements. The project is to include a Parcel Consolidation Plan to merge the six parcels on site. The project's initial phase consists of one 7,389 S.F. building with three tenant spaces, one of which will be occupied by a Dunkin Donuts, and one 3,712 S.F. building with one tenant space. Construction would involve demolition of all existing buildings on site. The property consists of 7.7 acres and is located on the south side of Forrest Avenue west of Saulsbury Road. The property is zoned C-2A (Limited Central Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Ennis Business Associates. LLC. And developer/purchaser is Franchise Management Services, Inc. Property Address: 1116-1128 Forrest Avenue. Tax Parcels: ED-05-076.11-02-22.00-000, ED-05-076.11-02-59.00-000, ED-05-076.11-02-20.00-000, ED-05-076.11-02-21.00-000, ED-05-076.11-02-23.00-000 and ED-05-076.11-02-20.01-000. Council District 1. *Waivers Requested: Partial Elimination of Curbing, and Opaque Barrier Requirements – Fence Component (Material & Location); and Consideration for Determination of Superior Urban Design. This application was originally to be heard at the July 2016 meeting of the Planning Commission but was withdrawn. The applicant has requested to rejoin the review process utilizing the previous plan submission.*

3) S-16-22 Redevelopment of Liberty Court Apartments - Public Hearing and Review of a Site Development Plan application proposing to demolish the fourteen apartment buildings at Liberty Court Apartments and to construct thirteen new buildings on the existing foundations, leaving one building not reconstructed. The redevelopment would reduce the number of dwelling units on site from 108 to 100 dwelling units. The properties consist of a total of 7.92 acres and are located on the north side of Walker Road opposite the end of Independence Boulevard. The property is zoned RM-2 (Medium Density Residence Zone). The owner of record is the Delaware State Housing Authority and project redeveloper is Liberty Court Preservation Corporation. Property Address: 1289 Walker Road. Tax Parcels: ED-05-067.18-01-72.01-000 and ED-05-067.18-01-72.00-000. Council District 4. *Waiver Requested: Elimination of Rear Emergency Access Requirement*

4) S-16-23 Panera Bread Restaurant at 545 North DuPont Highway – Public Hearing and Review of a Site Development Plan application to permit construction of a 4,986 S.F. restaurant and related site improvements on a 36,848 S.F. pad site at the Capitol Commons development as part of the 8.417-acre parcel. The property is located on the east side of North DuPont Highway north of Townsend Boulevard. The property is zoned C-4 (Highway Commercial Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 3: Excellent Recharge Area). The owner of record is Dover, DE Retail LLC c/o TLM Realty Corp. and project developer is Lemek, LLC. Project Address: 545 North DuPont Highway.

Property Address: 515 North DuPont Highway. Tax Parcel: ED-05-068.09-01-34.00-0001. Council District 3. *This application is associated with Site Development Plan S-16-02 Capital Commons that was granted conditional approval by the Planning Commission in February 2016 and Final Plan approval in May 2016.*

5) S-16-24 Advantech at 151 Garrison Oak Drive, Garrison Oak Technical Park Lot #13 – Public Hearing and Review of a Site Development Plan application to permit construction of a 15,945 S.F. office building and light manufacturing facility, together with outdoor loading areas and other site improvements. Review of the Performance Standards Review Application associated with the Site Plan to determine if the proposed use will conform to the applicable performance standards as outlined in Zoning Ordinance, Article 5 §8 Performance Standards. The subject property consists of 10.06 acres and is located on the east side of Garrison Oak Drive north of White Oak Road; also known as Lot 13 of the Garrison Oak Technical Park. The property is zoned IPM-2 (Industrial Park Manufacturing Zone - Technology Center). The owner of record is Protective Properties, LLC. Property Address: 151 Garrison Oak Drive. Tax Parcel: LC-05-068.00-02-13.00-000. Council District 3. *Waiver Request: Partial Elimination of Upright Curbing*.

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 November 10, 2016

CITY OF DOVER PLANNING COMMISSION
October 17, 2016

The Regular Meeting of the City of Dover Planning Commission was held on Monday, October 17, 2016 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert.

Staff members present were Mrs. Ann Marie Townshend, Mrs. Dawn Melson-Williams, Mr. Jason Lyon, Mr. Bill Cook, Mr. Eddie Diaz and Mrs. Kristen Mullaney. Also present were Mrs. Carla Russum, Mr. John Russum and Mr. Joseph Petrosky.

APPROVAL OF AGENDA

Mrs. Welsh moved to approve the agenda as submitted, seconded by Mr. Baldwin and the motion was unanimously carried 8-0.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF SEPTEMBER 19, 2016

Mr. Holden moved to approve the Planning Commission Meeting minutes of September 19, 2016, seconded by Mr. Holt and the motion was unanimously carried 8-0.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, November 21, 2016 at 7:00pm in the City Council Chambers.

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop that is scheduled for Wednesday, November 23, 2016 will be cancelled.

Mrs. Townshend provided an update on the regular City Council and various Committee meetings held on September 26 & 27, 2016 and October 10 & 11, 2016.

Mrs. Townshend stated that a training opportunity is coming up. The Delaware Chapter of the American Planning Association will have its annual meeting and mini conference on Thursday, November 3, 2016 in Milford, DE at the Rookery North Country Club. If anyone is interested in attending, please let Staff know by Thursday so that they can get the paperwork in to get a check cut from the Finance Department. The topics on the agenda are Ethics, Law, and Plan for Health. There was a Plan for Health Workshop held here so Dover is one of the communities that they are focusing the Plan For Health Grant on. The Downtown Development District is one of several of the presentations will directly address some of the things going on in Dover.

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) Z-16-05 Lands of John and Carla Russum at 51 Roosevelt Avenue – Public Heating and Review for Recommendation to City Council on rezoning of a 7,675 SF Parcel located on the north side of Roosevelt Avenue west of South DuPont Highway. The property is zoned R-8 (One Family Residence Zone) and the proposed zoning is C-1 (Neighborhood Commercial Zone). The owner of record is John W. and Carla M. Russum. Property Address: 51 Roosevelt Avenue. Tax Parcel: ED-05-077.17-05-72.00-000. Council District 2. *This application is associated with item MI-16-13: Nonconforming Uses in Residential Districts. The Rezoning is proposed in order to comply with City Council action requiring the sunsetting of nonconforming uses in residential zones.*

Representatives: Mr. John Russum & Mrs. Carla Russum

Mr. Diaz stated that application Z-16-05 is a petition to rezone 51 Roosevelt Avenue from R-8 (One Family Residence Zone) to C-1 (Neighborhood Commercial Zone). The property is located on the north side of Roosevelt Avenue a little to the west of South DuPont Highway. It's occupied by the Cuts R Us beauty shop. There are no plans to change the current use. The reason for this rezoning is that the beauty shop is right now a commercial use in a residential zone which makes it subject to the City's ongoing project to sunset non-conforming uses. The Commission should be familiar with this project but just to recap, this started in the summer of 2015 when City Council asked the Planning & Inspection Department to begin enforcing the provisions of the *Zoning Ordinance* Article 7 Section 1.53 which states that any non-conforming use in a residential zone may be continued for twenty (20) years after the effective date of the ordinance or forty (40) years after the building was originally constructed or added to by more than 50%. The effective date of the current *Zoning Ordinance* is April 21, 1975 so all of the non-conforming uses that Staff has found during this project are well past the expiration date set by that provision of the Ordinance. There are a number of options available by Code for the non-conforming uses that would rather come into conformance with the *Zoning Ordinance* rather than sunset. An application for Rezoning is available to some of them. This property is the first of at least two (2) and probably more properties that Staff expects to see coming forward to the Planning Commission with an application for Rezoning that's connected to this project.

For this Rezoning, there are a number of reasons why Staff supports the change to C-1 (Neighborhood Commercial Zone) which would permit the beauty shop as a personal service establishment. One is the Residential Median Density land use classification of the property in the City's Comprehensive Plan which supports a C-1 (Neighborhood Commercial Zone) designation. Another is the zoning of neighboring properties; it's between other areas that are zoned R-8 (One Family Residence Zone) to the west and areas that are zoned C-4 (Highway Commercial Zone) to the east. So a C-1 (Neighborhood Commercial Zone) would be a good one for a buffer between those two zones. Finally, they can recommend a rezoning because it will allow the current use to come into conformance with the *Zoning Ordinance*.

Mrs. Russum stated that she thinks it has only been nineteen (19) years that she has been grandfathered in. Responding to Mrs. Russum, Mrs. Townshend stated that they have had the property for nineteen (19) years but it was twenty (20) years from 1975 was when the expiration of the non-conforming use was supposed to happen. Because that didn't happen, the City is getting to it about twenty (20) years later.

Mrs. Russum stated that they have been a very quiet, no problem shop and she doesn't think that they have had any complaints. Since commercial is in front of them and beside them and they also have a nice neighbor that is just residential. They haven't seemed to disturb the community.

Mr. Tolbert questioned if after hearing the review of the application they had any comments or concerns regarding it? Responding to Mr. Tolbert, Mrs. Russum stated that Staff wanted C-4 (Highway Commercial Zone) and she wanted C-1 (Neighborhood Commercial Zone).

Mrs. Townshend stated that in the discussion with the applicant, C-1 (Neighborhood Commercial Zone) would also allow her to occupy it in the future as a residence if they choose. It provides a good buffer between the Highway Commercial and the residential for the flexibility to in the future use it residentially.

Mr. Tolbert opened a public hearing and after seeing no one wishing to speak, closed the public hearing.

Dr. Jones recommended approval to City Council for Z-16-05 Lands of John and Carla Russum at 51 Roosevelt Avenue to change the zoning from R-8 (One Family Residence Zone) to C-1 (Neighborhood Commercial Zone), seconded by Mr. Holt and the motion was carried 8-0 by roll call vote. Mr. Holden voting yes; it's compliant with the Comprehensive Plan and it follows decades of non-conforming use that hasn't been problematic to the community. Mr. Roach voting yes; he agrees with the Comprehensive Plan and he wishes them success with the shop and the residence as they move toward that day. Mr. Holt voting yes; it is part of the Comprehensive Plan. Mr. Baldwin voting yes; for the reasons previously stated. Dr. Jones voting yes; for reasons previously stated. Mrs. Welsh voting yes; the motion allows us to comply with the sunsetting regulations. Ms. Maucher voting yes; for reasons previously stated as well as supporting small businesses. Mr. Tolbert voting yes; the application is compliant with the Comprehensive Plan and it doesn't breach the integrity of the Plan.

2) US-16-04 Creekstone Development Unified Comprehensive Sign Plan – Public Hearing and Review of a Unified Comprehensive Sign Plan for the Creekstone Center, including wall signage on one existing building and three future buildings and a series of freestanding signs to identify the complex and its tenants. The property consists of 7.64 acres and is located on the west side of South Governors Avenue south of Lynnhaven Drive. The property is zoned C-2A (Limited Central Commercial Zone). The owner of record is Creekstone Development LLC. Property Addresses: 1198 and 1234 South Governors Avenue. Tax Parcels: ED-05-086.05-01-12.00-000 and ED-05-086.05-01-12.01-000. Council District 2. *This application is associated with application S-15-14 for development of the Creekstone Center, granted Conditional Approval by the Planning Commission on November 16, 2015 and Final Plan Approval on May 12, 2016.*

Representative: Mr. Joseph Petrosky, Creekstone Development LLC

Mr. Cook stated that this application is US-16-04 Creekstone Development Unified Comprehensive Sign Plan. This plan is a Sign Plan for the Creekstone Center to include wall signage on one existing building and three future buildings as well as a system of freestanding signs to identify the complex and its tenants. The property consists of 7.64 acres and is located on the west side of South

Governors Avenue south of Lynnhaven Drive. The property is zoned C-2A (Limited Central Commercial Zone).

As they normally do with Comprehensive Sign Plans, he will just give a brief overview of the highlights from the Staff Report. The Planning Commission approved the Site Development Master Plan S-15-14 in November 2015 to propose the construction of the commercial complex in four (4) phases. That construction is ongoing so this Sign Plan supports the entirety of the complex. What's proposed is two identical pylon signs; one is to be located north of the complex entrance and one is to be located south. They are identical in their dimensions. There is a slight error in Table 1 regarding Sign D in terms of the width. Each one has a center name and the address at the top as well as the tenant panels. They are internally illuminated; the center name is illuminated at the top and they have their address numbering on the base. It's got a stone base to match the architecture of the building and the columns and the framing materials are painted in a matching color that matches the building. The proposed height of the sign is eighteen (18) feet, setback fifteen (15) feet from the road with a total sign area of one hundred forty-five (145) feet. This was all outlined in Table 1.

The other components of the plan are the entry wall which is located as you come in the driveway which will direct the visitors amongst the four (4) buildings, where they need to go. The wall is going to be constructed of a foam masonry or stucco material. The total sign area is calculated based on a wall sign because it is actually a wall; it's not a fence and it's not a monument sign according to the regulations. The other features of this signage on the property would be wall signs on the buildings which are allowed by the standard Sign Regulations so really this isn't really under consideration in terms of the Comprehensive Sign Plan but this is just provided for information. They are going to go by Code on the wall signs. The other signage or directional signs for each of the four (4) buildings will be placed in front of each of the buildings at different places which were shown on the Site Plan that has been provided. This will identify Building A-D as well as the different tenants in the buildings.

A Code comparison was provided of the standard Sign Regulations for this property. The property is located on an Urban Minor Arterial; it's a non-residential use and not adjacent to residential by the terms of the *Zoning Ordinance* and how it considers roadway frontage. Staff did a summary of the standard Sign Regulations under the *Zoning Ordinance* in Table 2. Typically for this location, the property would be permitted to have one monument sign per entrance. The functional difference between a monument sign and a pylon sign relates to height. A monument sign is limited to seven (7) feet in height and a pylon sign is taller and would typically not be permitted on an Urban Minor Arterial street. A little bit a background was provided on what they are allowed for wall signage based on the Code.

The important thing with Comprehensive Sign Plans is there are some design guidelines that the Planning Commission has obligation to follow. One is that unified campuses or complexes that have multiple buildings and qualify for a Unified Comprehensive Sign Plan do not necessarily need to be held to the height, size, number and area regulations of the regular sign regulations. There is the flexibility to increase that if desired. However, the number, type and size of signs proposed may not be excessive and must be in proportion to the scale of the buildings and the uses on the site. This information is outlined on Page 5. There are design guidelines for the standard sign guidelines for other parts of the Ordinance. They don't really cover that but some of the other general things are that the signs should be in harmony with the overall architectural concept of the site and that

freestanding signs identifying shopping centers or other unified campuses shall identify the name of the campus or complex and no more than three (3) separate tenants within the campus or complex unless otherwise approved by the Planning Commission. That is something that the Commission has flexibility in too. Typically, on taller signs the guidelines don't like to have more than three (3) tenants but the Commission has the flexibility to consider that. Table 3 is a Code analysis just to sort of compare what's proposed, the different dimensional characteristics of it versus the standard Ordinance.

In terms of Staff recommendations, they recommended approval of the entry wall sign even though the total area of that was over what the Standard Sign Ordinance would recommend for a wall sign. They thought that the size of it, the placement of it and everything about it was appropriate to the way that it's intended to be used. They really didn't have any issues with that at all; they thought that it was complimentary to the project. They also recommended approval the directional signs as they were proposed. They did have comments in the DAC meeting about possibly re-orienting those for visibility but they thought that the size and everything of those was appropriate and not excessive for the use. The one area where they did not recommend approval of the proposed signage was related to the pylon signs. They laid that out in terms of the comparison that was given in Table 3 against the Standard Code. The main concern that they have was the Commission's input as to whether or not the proposed signage was "excessive". Staff knows that the applicant is going to have more graphics to show the Commission tonight so that's where they wanted to get the Commission's feedback on whether or not this would be appropriate for an Urban Minor Arterial such as South Governors Avenue. There really hasn't been anything else quite like this project in this part of town so they wanted to have a little more discussion about whether or not the proposed signage was excessive or not. The two main criteria that would be different from the Standard Code would be that two signs are being requested whereas under the Standard Ordinance they would only be permitted one. Then they would only be permitted the lower monument signs and not the taller pylon signs under the Standard Ordinance. The proposed height of this is eighteen (18) feet. The standard monument sign would be limited to seven (7) feet. The proposed sign is eleven (11) feet taller which is a bit of an increase over what would be allowed. The sign area is also a bit greater too. If it were a monument sign permitted by Code, they would be looking at sixty-four (64) square feet in area whereas this proposes one hundred forty-five (145) square feet total. There were changes made and he believes it was mentioned in the Report. It initially came in larger; it was 22.5 feet tall and a bit bigger in area. They did come down in size but Staff still felt that there might be a little bit of a scale issue.

Mr. Petrosky stated that he has a few comments. They need to determine what "excessive" is and what it is not. This project was annexed into the City of Dover almost ten (10) years ago and got in under C-2A (Limited Central Commercial Zone). The complex has three (3) 18,000 square foot office buildings in Phase 1 through 3 and then a large five (5) story building which is Building 4 with a combination of commercial/retail on the first floor and offices on floors 2 through 5. The complex has one entrance so it's a pretty large commercial entrance as dictated by the amount of traffic expected at this location. On Governors Avenue, although it's designated as a Minor Arterial, that section of Governors Avenue is a lot of commercial uses with similar size and height signage presently there. Some of it is older and in disrepair but they are commercial signs. In fact, there is a sign right across from the entrance that is twenty-five (25) feet tall. He would argue that what he has requested and actually reduced in size is by no means "excessive" for this size project. He thinks Mr. Cook correctly said that they are not aware of any project of this size in magnitude in that area

that's been approved, proposed or developed in the City of Dover. They have one hundred thirty-two thousand (132,000) square feet of commercial space in this complex. The signage that they propose is not only non-excessive, it's needed. It's needed for the tenants that they are trying to attract to this complex. It's needed for the customers to be able to find their doctor's offices or whatever other uses they might have in the complex. If you notice in the Site Plan, two of the buildings don't have any frontage on Governors Avenue. They need these directional signs and perpendicular signs so that people know where to go. In addition to that, Mr. Cook quoted the Code as stating that sixty-four (64) square feet is what the Code permits for this complex which to him is completely inadequate. His neighbor to the north had a one-acre parcel and a five thousand (5,000) square foot office building would be permitted sixty-four (64) square foot sign. With this size complex, there is obviously more signage needed than sixty-four (64) square feet. The panels of each sign currently are four (4) feet by ten (10) feet. The intention is in this three (3) unit complex, those signs will potentially have up to six (6) major tenants. It could possibly be one major tenant that occupies the whole building but each of those panels per building is representing forty (40) square feet. His neighbor to the north or south who gets sixty-four (64) square feet, a one-acre parcel and a 5,000 square foot building or less. They thought that forty (40) square feet per building, possibly divided into twenty (20) square feet per tenant was not excessive.

The first floor of the five (5) story building will hopefully house some comparable retail that could accommodate the office tenants and the general public and the upper floors would be office. The signage that they are proposing are eighteen (18) feet tall in order to accommodate the tenant requirements for who might locate there. As far as scale, they feel that eighteen (18) feet is very much in scale and proportioned to this size building and this size complex.

His sign person attempted to show the location and best of a perspective that could be made by computer to show the size comparative to the roadway and how it will look in real life. The picture shows that right across the street there is an existing sign that's taller than what they are proposing. To him, the signs are appropriate and to scale.

They believe that their request is a well designed sign package, not excessive and quite frankly needed for the type of business that they would hope to attract to this location for the square footage of the complex. They would also ask the Planning Commission to approve up to potentially six tenant panels on each of those signs rather than the three. It's his understanding that it's the Planning Commission's authority in order to permit that or not permit that.

Mr. Holden stated that on first reading and the differences from Code for an Urban Minor Arterial maybe excessive but it seems reasonable but when you look at images of the adjacent signage. He is curious to know the speed limit of Governors Avenue in this area. Responding to Mr. Holden, Mr. Petrosky stated that the speed limit is 35 MPH.

Mr. Holden stated that he recognizes that it's in an area that is merging with Route 13 so it's certainly of a more commercial and speedy environment. He thinks that the comments from the applicant relative to the scale of the sign and the scale of the development of buildings is appropriate.

Mr. Holt questioned if there were going to be anymore buildings in the complex? Responding to Mr. Holt, Mr. Petrosky stated no.

Dr. Jones stated that the applicant is suggesting six (6) panels versus three (3) panels, is that correct? Responding to Dr. Jones, Mr. Petrosky stated that the intention is to have the panel which is 4'x10' which is forty (40) square feet available for each of the buildings. The first building is currently occupied by the VA Clinic and ReMax so it would be split in two. Building B actually has two tenants. Building C could potentially be one major tenant taking the whole building so the sign could be one panel but he would like to get approval for up to six (6) individual panels in order to split the large panel to two (2) major tenants.

Dr. Jones questioned if the existing building has a directory on the inside already? Responding to Dr. Jones, Mr. Petrosky stated that they do not. There's two (2) tenants; one on the first floor and one on the second floor.

Dr. Jones further questioned if Mr. Petrosky foresees that the larger building will have a directory? Responding to Dr. Jones, Mr. Petrosky stated that he would expect it to.

Mr. Tolbert questioned if Mr. Petrosky had any idea what businesses would be coming to this building? Responding to Mr. Tolbert, Mr. Petrosky stated that Building B is two medical users within the appropriate zoning. It could be any type of professional office or medical office.

Mr. Tolbert opened a public hearing and after seeing no one wishing to speak, closed the public hearing.

Mr. Holden moved to approve US-16-04 Creekstone Development Unified Comprehensive Sign Plan inclusive of his request to have up to six panels on the pylon signs due to the fact that they are in harmony of the overall architectural concept for the site and they are in harmony with the overall development within the area, seconded by Mr. Holt and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes; for the reasons previously stated. Mr. Roach voting yes; he feels that it's very necessary. It's the worst when you are trying to see where the buildings are and he thinks that it's beautiful and will bring more business to the City of Dover and it's necessary as far as the visibility of the signs. Mr. Holt voting yes; he feels like the signs are necessary as far as direction to tenants that come into the area. Mr. Baldwin voting yes; for the reasons previously stated. Dr. Jones voting yes; she thinks that visibility from a distance is really important for seniors. Mrs. Welsh voting yes; for the reasons previously stated. Ms. Maucher voting yes; for visibility needs. Mr. Tolbert voting yes; he is not a person that really likes signs and sometimes a City this size can be overwhelmed with signs. But sometimes signs are needed to help people find what they are looking for.

NEW BUSINESS - None

Meeting adjourned at 7:45 PM.

Sincerely,

Kristen Mullaney
Secretary

MEMORANDUM

Department of Planning & Inspections
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7196 Fax: 302.736.4217

DATE: November 8, 2016
TO: Planning Commission
FROM: Planning Office
SUBJECT: S-16-21 Lands of Michael Braun at 834 South State Street
Waiver Request: Elimination of Curbing Requirement
Waiver Request: Partial Elimination of Opaque Barrier Requirement

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Background

Application S-16-21 was submitted to the Planning & Inspections Department on September 19, 2016 for administrative review. The project proposes conversion of a 1,600 +/- sq. ft. residence to office use. A new five-space parking lot adjacent to a City alley and other site improvements necessary to make the property suitable for office use are also proposed. Under the *Zoning Ordinance,* Article 10 §2.14 this project qualified for Administrative Site Plan Review due to the small amount of site area disturbed.

The *Zoning Ordinance,* Article 6 §3.6(b) requires that all permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The Planning Commission may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. The applicant is requesting that the requirement for curbing around the five-space parking lot adjacent to the alley be waived.

The *Zoning Ordinance,* Article 5 §7.2 requires that visual and sound screening shall be provided on a non-residential use when abutting a residential use. Screening shall consist of an opaque barrier at least six feet in height, accompanied by landscaping. The Planning Commission may waive the requirement for an opaque barrier when noise is not a concern and vegetation alone is considered a desirable aesthetic alternative. The property's northern property line abuts a residential use; partial screening exists along this property line in the form of mature deciduous trees and thick vegetation along approximately 75% of the property line. The applicant is requesting that the requirement for a six-foot opaque barrier be waived. The applicant has also stated a willingness to plant more trees if necessary.

Recommendation

Staff recommends the Planning Commission waive the requirement for curbing around the parking spaces. The site is sloped so that water that falls on the parking lot will run off into the alley, and not into the open space on site. As such curbing is not required to prevent runoff from entering open space areas and causing erosion problems. The applicant has noted that absence of curbing on the site will help maintain the residential feel of the area along South State Street, and Planning Staff agrees with this assessment. As is standard for curbing waivers, Staff recommends in lieu of curbing that parking bumpers be required to prevent cars from driving out of the paved area.

Staff recommends the Planning Commission waive the requirement for an opaque barrier. Applying the ordinance as written would require a six-foot fence in the front yard of the property, a condition typically considered undesirable for residential areas. The 25% of the northern property line not currently vegetated must be planted with an evergreen screen or hedge at least six feet in height.

PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the
City of Dover Planning Commission
November 21, 2016

Applicants/Owners:	Capital Grange No. 18 Inc.
Address:	Unaddressed South Bradford Street parcel
Location:	West side of South Bradford Street south of Waples Avenue, and to the rear of 911 South Governors Avenue
Tax Parcel ID #:	ED-05-077.17-03-15.00-000
Size:	0.32 acres
Present Use:	Parking Lot
Proposed Use:	Parking Lot
Comprehensive Plan Designation:	Residential Medium Density
Present Zoning:	R-8 (One Family Residence Zone)
Proposed Zoning:	RG-1 (General Residence Zone)
File Number:	Z-16-06
Associated File Number:	MI-16-13 Nonconforming Uses in Residential Districts
Ordinance Number:	2015-23

Overview
The property is currently zoned R-8 (One Family Residence Zone). This rezoning request would rezone the property from R-8 to RG-1 (General Residence Zone).

The rezoning request is necessary due to the Planning Office's ongoing project, assigned by City Council in December 2015, to sunset nonresidential, nonconforming uses in the City's residential zones. This sunsetting is required under the *Zoning Ordinance,* Article 7 §1.53:

> Article 7 Section 1. Nonconforming buildings and uses.
> 1.53 In any residence zone, any non-conforming use of buildings which is not permitted under the provisions of this ordinance may be continued for a period of:
>
> a) Twenty years after the effective date of this ordinance, or
> b) Forty years after the initial construction of the building containing such use or of any addition thereto adding 50 percent or more to the floor area occupied by such use,
>
> Whichever is the longer period, provided that, after the expiration of that period, such nonconforming use shall be terminated. However, no such nonconforming use shall be permitted to continue for a period exceeding two years, unless such use shall be operated in conformance with performance standards established in article 5, section 8.

The effective date of the current *Zoning Ordinance* is April 21, 1975. As such sufficient time has passed that most remaining nonconforming uses in the City's residence zones must now be discontinued or brought into compliance with the *Zoning Ordinance*.

The parcel is currently being used as a parking lot for the Capital Grange building at 911 Governors Avenue. However, because the parking lot is on a separate parcel from the building, it cannot be classified as an accessory parking lot. Standalone parking lots are not a permitted use in the R-8 Zone, but are a conditional use in the RG-1 Zone.

Surrounding Land Uses:
The properties to the north and south of the subject property are one-family residences zoned R-8 and characteristic of that zone. Properties across the street to the east are also mostly one-family residences zoned R-8, with the exception of a medical office building to the southeast zoned RG-O (General Residence and Office Zone). The Capital Grange building is to the west and is zoned C-2A (Limited Central Commercial Zone). To the northwest is another office building fronting on Governors Avenue and zoned C-1A (Limited Commercial Zone). Additional commercial and office uses are located to the southwest, also fronting on Governors Avenue, and zoned CPO (Commercial and Professional Office Zone).

Comprehensive Plan:
The *2008 Comprehensive Plan* depicts the subject area with the Residential Medium Density land use classification on Map 12-1: Land Development Plan Map. Table 12-1: Land Use and Zoning Matrix specifies that the following zones are compatible with this land use classification:

- R-8 (One Family Residential)
- R-7 (One Family Residential)
- RM-1 (Medium Density Residential)
- RM-2 (Medium Density Residential)
- RG-1 (General Residential)

- RG-2 (General Residential)
- RG-3 (Group Housing)
- RGO (General Residence and Office)
- C-1 (Neighborhood Commercial)
- MH (Manufactured Housing)

Request for RG-1 (General Residence Zone)
The uses permitted in the RG-1 zoning district are listed in Article 3 §2 of the *Zoning Ordinance.* The uses permitted include certain agricultural uses; one family detached dwellings on 6,000 square foot lots; and public buildings. In addition, uses permitted conditionally include: Planned Senior Housing Developments; churches, schools, day care facilities, hospitals, funeral homes, philanthropic and charitable organizations; public utility rights of ways and structures; membership clubs; townhouses; duplex dwellings; bed & breakfast inns; student homes; professional offices on Governors Avenue between Water Street and Mary Street and on Route 8; preferred commercial uses accessory to principal dwellings within the historic district zone or areas listed on the National Register of Historic Places; and off-street parking.

The existing and proposed use as off-street parking would be permitted in the RG-1 Zone as a conditional use. However, the Planning Office is not currently requiring nonconforming uses to also obtain a conditional use permit to avoid sunsetting requirements.

Recommendation of the Planning Staff:
Staff supports the rezoning request from R-8 to RG-1. The immediate area is mixed use in both uses and zoning (R-8, RGO, CPO, C-1A, etc.), and so staff believes the area would support the RG-1 Zone as well as any of the uses permitted in it if the property were to be redeveloped in the future. In addition, the parking lot on the property is currently a non-residential, nonconforming use in a residential zone. Rezoning the property will restore it to a conforming use. The restoration to conformity will allow the Capital Grange to keep its parking lot, by voiding the property's need to comply with sunsetting requirements.

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 comments made in it consideration.

ADVISORY COMMENTS TO THE APPLICANT:

1) Formal Notice of Decision will indicate actions taken on this rezoning by the Planning Commission and City Council, and will indicate the resolution (or lack thereof) of the property's nonconforming use status.

2) 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 new 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.

3) 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

new 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

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: NOVEMBER 2, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **LANDS OF CAPITAL GRANGE ON SOUTH BRADFORD STREET**

FILE #: **Z-16-06**

REVIEWING AGENCY: **City of Dover**

CONTACT PERSON: **Paul Waddell - 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 / WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

Our office has no objection to the rezoning of:

ED-05-077.17-03-15.00-000

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / WASTEWATER / SANITATION / STORMWATER / STREETS / GROUNDS

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service / main to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of electric, water and sewer services and meters will be assessed at that time. (Please note that each water meter registered with the City of Dover must have a separate service line.) Should the existing water and sanitary sewer services no longer be required based upon the proposed use, they must be properly abandoned at the mains in accordance with all City of Dover Department of Public Works standards and specifications.
2. Any redevelopment shall adhere to the City of Dover Water/Wastewater Handbook, the Specifications, Standards & Procedures for City of Dover Public Works requirements, and the City of Dover's Electric Service Handbook.
3. Please note that renovations and or change of use projects must ensure that the water and wastewater service is brought up to current requirements. This may include relocating the water meter outside or changing service line sizes. Please ensure you schedule a meeting with the Department of Public Works during the planning phase for this site. Additional impact fees may apply for future development.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

Z-16-06

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 11/09/16

CITY OF DOVER FIRE MARSHAL

APPLICATION: Lands of Capital Grange on South Bradford St

FILE #: Z-16-06 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal 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:

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. This office has no objections.

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):
2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
2015NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)
2013 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)
2013 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)
2009 IBC (International Building Code)
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
2015 Delaware State Fire Prevention Regulations
City of Dover Code of Ordinances

***If you have any questions or need to discuss any of the above comments, please call the above contact person listed.**

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 2, 2016

DELDOT

==========

APPLICATION: Lands of Capital Grange on South Bradford Street

FILE#: Z-16-06 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Jonathan T. Moore PHONE#: 760-2145

==========

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 & STATE CODE REQUIREMENTS:

DelDOT has no comments regarding city & state code at this time.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

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.

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
November 2016

APPLICATION: Lands of Capital Grange South Bradford

FILE #: Z-16-06

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. Kent Conservation District has no objection to the re-zoning plan for the above referenced site.

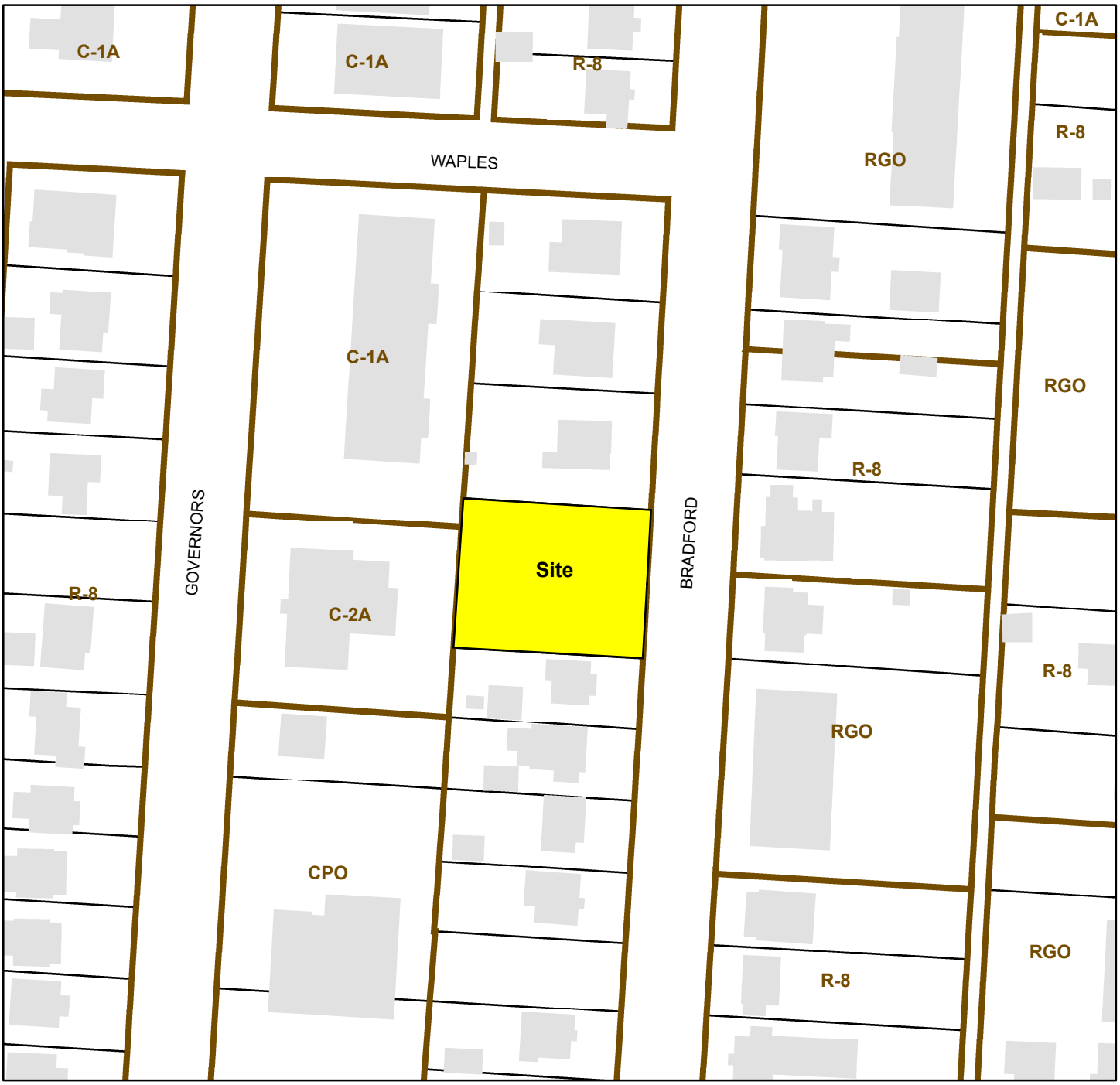
ADVISORY COMMENTS TO THE APPLICANT:

1. If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing etc.) takes place and exceeds 5000 square feet; a detailed Sediment and Stormwater Management Plan must be submitted and approved to the Kent Conversation District.

City of Dover

Department of Planning & Inspections

Application No.: Z-16-06



Title: Lands of Capital Grange
Ordinance #: 2016-23
Address: Unaddressed South Bradford Street parcel
Parcel ID: ED-05-077.17-03-15.00-000
Existing Zoning: R-8 One Family Residence Zone
Proposed Zoning: RG-1 General Residence Zone
Owner: Capital Grange No. 18 Inc.
Date: 10/13/2016

Legend

- 2012 Buildings
- Zoning
- Dover Parcels
- Subject Property

N
W E
S

0 62.5 125 250 Feet

MEMORANDUM

Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903
Phone: (302) 736-7196 Fax (302) 736-4217

DATE: November 4, 2016

TO: Planning Commission
Applicants to Planning Commission

FROM: Eddie Diaz, Planning Office

SUBJECT: Project Reaccepted for Planning Commission Review
S-16-13 Dunkin Donuts at 1116-1128 Forrest Avenue

The following project, originally accepted for review at the July 18, 2016 meeting of the Planning Commission, has been reaccepted into the Site Development Plan review process and will receive a public hearing and consideration at the November 21, 2016 meeting of the Planning Commission.

S-16-13 Dunkin Donuts at 1116-1128 Forrest Avenue– Review of a Site Development Plan application to permit the construction of approximately 34,813 S.F. of retail and office space in four buildings and other site improvements. The project is to include a Parcel Consolidation Plan to merge the six parcels on site. The project's initial phase consists of one 7,389 S.F. building with three tenant spaces, one of which will be occupied by a Dunkin Donuts, and one 3,712 S.F. building with one tenant space. Construction would involve demolition of all existing buildings on site. The property consists of 7.7 acres and is located on the south side of Forrest Avenue west of Saulsbury Road. The property is zoned C-2A (Limited Central Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Ennis Business Associates. LLC. And developer/purchaser is Franchise Management Services, Inc. Property Address: 1116-1128 Forrest Avenue. Tax Parcels: ED-05-076.11-02-22.00-000, ED-05-076.11-02-59.00-000, ED-05-076.11-02-20.00-000, ED-05-076.11-02-21.00-000, ED-05-076.11-02-23.00-000 and ED-05-076.11-02-20.01-000. Council District 1. *Waivers Requested: Partial Elimination of Curbing, and Opaque Barrier Requirements – Fence Component (Material & Location); and Consideration for Determination of Superior Urban Design. This application was originally to be heard at the July 2016 meeting of the Planning Commission but was withdrawn. The applicant has requested to rejoin the review process for the November meeting utilizing the previous plan submission.*

Please find attached the applicant's written request to rejoin the review process and the Final Development Advisory Committee Report (including all agency comments) prepared for the project's hearing at the July meeting of the Planning Commission. No changes to the project have been made since July and no updates to the DAC Report are necessary to use it at the November meeting. Please send any questions to my attention (ediaz@dover.de.us) at the Planning Office. Thank you.

Nistazos Holdings LLC
9919 Golf Course Rd
Ocean City, MD 21842
Tel: 410-520-0176
Fax: 410-520-0199

October 4, 2016

City Of Dover
Department of Planning and Inspections

To whom it may concern,

I would like to formally request that the Dunkin Donuts development plan on Forrest Ave. be placed on the Planning Commission agenda for November 21st 2016. There have been no changes to the previously submitted plan from July 18, 2016. We have accepted the comments and recommendations of the Development Advisory Committee that were previously prepared. As we discussed in our meeting earlier this week there were significant unexpected costs associated with the project and we were previously unable to agree with the seller on an appropriate price reduction in order to allow the project to move forward. That obstacle has since been removed and with the cooperating of the City of Dover and DelDot we anticipate that this project can remain viable and move forward.

Thank you,

Nick Nistazos

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF July 6, 2016

PLANNING COMMISSION MEETING OF July 18, 2016

Plan Title:	Dunkin Donuts at 1116-1128 Forrest Avenue, S-16-13	
Plan Type:	Site Development Plan	
Location:	South side of Forrest Avenue west of Saulsbury Road	
Tax Map #:	ED-05-076.11-02-22.00-000 ED-05-076.11-02-59.00-000 ED-05-076.11-02-20.00-000 ED-05-076.11-02-21.00-000 ED-05-076.11-02-23.00-000 ED-05-076.11-02-20.01-000	
Owner: Applicant:	Ennis Business Associates, LLC Franchise Management Services, Inc.	
Site Area:	7.7 acres +/-	
Zoning:	C-2A (Limited Central Commercial Zone) and COZ-1 (Corridor Overlay Zone)	
Prior Use: Proposed Use:	Two (2) one-family dwellings (demolished) Retail and Office	
Building Areas:	Building A Building B Building C Building D TOTAL	7,389 S.F. 3,712 S.F. 3,712 S.F. 20,000 S.F. 34,813 S.F.
Off Street Parking:	Required – 124 spaces (maximum 155 by Code) Proposed – 125 spaces	
Sewer & Water:	City of Dover	
Waivers Requested:	Partial Elimination of Curbing Opaque Barrier Requirement - Fence Component (Materials & Format)	

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 6, 2016

APPLICATION: Dunkin Donuts at 1116-1128 Forrest Avenue

FILE #: S-16-13 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Eddie Diaz, Planner I PHONE #: (302) 736-7196

PLAN SUMMARY

Review of a Site Plan application to permit the construction of approximately 34,813 S.F. of retail and office space in four buildings and other site improvements. The project is to include a Parcel Consolidation Plan to merge the six parcels on site. The project's initial phase consists of one 7,389 S.F. building with three tenant spaces, one of which will be occupied by a Dunkin Donuts, and one 3,712 S.F. building with one tenant space. Construction would involve demolition of all existing buildings on site. The property consists of 7.7 acres and is located on the south side of Forrest Avenue west of Saulsbury Road. The property is zoned C-2A (Limited Central Commercial Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Ennis Business Associates, LLC, and the developer/purchaser is Franchise Management Services, Inc. Property Addresses: 1116-1128 Forrest Avenue. Tax Parcels: ED-05-076.11-02-22.00-000, ED-05-076.11-02-59.00-000, ED-05-076.11-02-20.00-000, ED-05-076.11-02-21.00-000, ED-05-076.11-02-23.00-000 and ED-05-076.11-02-20.01-000. Council District 1.

Existing Property and Surrounding Area

On October 29, 2002, Application S-02-28 Cardiology Consultants went before the Planning Commission requesting approval to develop 1100 Forrest Avenue and 1110 Forrest Avenue, the two lots adjacent to the subject property on the east. As a condition of approval, the Planning Commission required per the requirements of the Corridor Overlay Zone that a cross-access easement be recorded in the development. This cross-access easement is located on the southern border of 1110 Forrest Avenue.

The current development application S-16-13 is subject to the same requirements of the Corridor Overlay Zone as its neighbor, and must record a similar cross-access easement on its southern border to connect to the existing neighboring easement. The purpose of these cross-access easements is to facilitate the eventual creation of a road connecting Commerce Way to the south and Gateway Boulevard to the east, per the recommendations of the Dover/Kent County Metropolitan Planning Organization's 2008 *Delaware 8 Concept Plan and Operations Study*. The current development must also record a cross-access easement connecting the first easement to Forrest Avenue.

The current Site Plan application was originally submitted on May 6, 2016. The Planning Office determined that the application required sufficient revisions to postpone a hearing of the project before the Planning Commission. The application has been revised and resubmitted, with a Plan Revision date of June 20, 2016.

PROJECT DESCRIPTION

The Site Plan proposes four (4) buildings and associated site improvements. Building A is to be divided into three tenant spaces, the street-facing one of which is to be occupied by a Dunkin Donuts with a drive-thru. The applicant is anticipating that the Dunkin Donuts will have 53 seats, and that there will be an additional 70 seats between the two other tenants if they are developed as restaurant uses. Building B will have only one tenant space and if developed as a restaurant use will have 53 seats. The applicant has provided architectural elevations for Building A and renderings for all the buildings on site.

The plan divides the site into two areas indicating a first phase and "future phases," with Buildings A and B in the first phase and Buildings C and D in the future phases. Respective site improvements are included in each phase. Nothing is yet known about the occupants of Buildings B, C, and D; Buildings B and C may be developed as office, retail, or drive-thru, while Building D has been specified for office use. For information on phasing see Exhibit Plan sheet: Phase 1 Parking Exhibit.

Other proposed site improvements include an outdoor eating area adjacent to the Dunkin Donuts, a pocket park in between Buildings C and D, and bioretention facilities to supplement the main stormwater infiltration pond planned for the site.

C-2A Zoning District

The project's proposed restaurant, retail, and office uses are permitted in the C-2A zoning district. Any future tenants of the buildings must comply with the allowable uses of C-2A.

COZ-1: CORRIDOR OVERLAY ZONE

The purpose of the Corridor Overlay Zone (Article 3 §27) is to promote superior development and a high quality built environment along the City of Dover's urban corridors. Because of this it sets standards for landscaping and architectural design in excess of those required by underlying zoning districts, and sets bulk standards which supersede those outlined in the *Zoning Ordinance,* Article 4. Route 8 (Forrest Avenue) is the corridor adjacent to this site.

The requirements of the Corridor Overlay Zone are laid out in Article 3, §27 of the *Zoning Ordinance*. The following requirements of the COZ have been met:

- §27.63(c)(i): The number of parking spaces versus islands and medians, and the sizing thereof, meet the requirements of the COZ.

- §27.63(c)(ii): Landscaped buffer areas of at least 12 feet in width are provided between all buildings and adjacent parking lot and drive areas, except the drive-thru areas. In most cases a 6-foot sidewalk is also provided.

- §27.64(d): Cross access has been provided, through (a) a cross-access easement to be recorded at the rear of the property, and (b) an inter-parcel drive aisle connection location to the south of Building A. Both cross-access locations connect to the properties to the east.

- §27.64(e): The site entrance is 26 feet away from adjacent residential property to the west. The minimum required distance of a commercial entrance from residential property is 25 feet.

- §27.66: The buildings comply with the allowable number of stories in the COZ. It is unproven but anticipated that the buildings also comply with the 35-foot height limit.

- §27.67(a): The proposal meets the requirement that 25% of the lot consist of landscaped open space. As shown 59.42% of the lot is open space.

- §27.67(b): Street frontages (Forrest Avenue frontage) are required to have a landscaped open space 25 feet in depth, measured from the curb line, and to provide one tree per fifty (50) feet of frontage. Because of Forrest Avenue's wide right-of-way, the applicant has fulfilled this requirement by planting in the right-of-way. (See Landscape discussion).

- §27.69: The buildings have architectural features meeting the requirements of the COZ (See Building Architecture discussion).

COZ-1 Compliance and Determination of Superior Urban Design

A number of other COZ-1 requirements are not met or fully met and may affect the site layout if the Planning Commission chooses not to relax these requirements. The applicant is seeking consideration of Superior Urban Design for the project as outlined in *Zoning Ordinance,* Article 3 Section 27 to address certain requirements. The Planning Commission must determine if the project plan is "Superior Urban Design" based a specific criteria outlined in the code and with reference to the policy guidance "COZ-1 Superior Urban Design Goals and Policies" (see Attachment). See also the applicant's narrative.

- §27.61(a): The maximum setback for nonresidential properties on Route 8 between Mifflin Road and Saulsbury Road is 60 feet. This may be extended to a maximum setback of 90 feet if the applicant can demonstrate to the satisfaction of the Planning Commission that the plan exhibits Superior Urban Design as defined in §27.2. Building A, the closest building to Forrest Avenue, is set back 90 feet from the front property line.

- §27.62: Buildings must be situated on the property so that the longest side of the building is arranged parallel and square to the roadway. Building A does not meet this requirement. If the applicant can demonstrate to the satisfaction of the Planning Commission that, due to specific constraints related to lot configuration, alternative building placement is needed, such an alternative placement may be approved by the Commission.

- §27.63(a): Parking is not permitted between the building and the street in the COZ unless the applicant can demonstrate to the satisfaction of the Planning Commission that the plan exhibits Superior Urban Design as defined in §27.2.

PARKING SUMMARY

Off-street parking in the C-2A zone must be provided at a rate of one (1) space per 300 square feet of floor area or one (1) space per employee, whichever is greater. The number of employees to be employed on site is unknown. In addition, for eating and drinking places parking must be provided at a rate of one (1) space for every four (4) seats plus one space for every three (3) bar seats, if this yields a higher parking requirement than the square footage calculation or the employee calculation.

For Building A, the applicant has indicated that there will be 123 regular seats serving the building, yielding a parking requirement of 31 spaces. The site plan indicates that 53 seats will serve the Dunkin Donuts, while 70 are reserved for future restaurant tenants in the other two tenant spaces. For Building B, the applicant has indicated that there will be 53 seats serving the building if developed as a restaurant use, yielding a parking requirement of 14 spaces. Parking requirements based on floor area for these buildings would yield a 25 space requirement (Building A) and a 13 space requirement (Building B); therefore, the calculations based on seats prevail.

Buildings C and D total 23,712 S.F. of floor area, and using the 300 S.F. ratio require 80 spaces between them. The total parking required on site is therefore 124 spaces. 125 spaces are proposed.

When construction is built in phases, parking provided must be proportional to each phase. The parking requirement for Phase 1 (Buildings A and B) is 45 spaces. The parking provided in Phase 1 as identified on the Phase 1 Parking Exhibit submitted to the Planning Office on July 8, 2016, appears to be 58 spaces. The maximum parking allowed for any site development is 125% of the minimum required (*Zoning Ordinance*, Article 6 §3.11). Therefore, the maximum parking allowed for Phase 1 is 56 spaces. All parking spaces may be built in the locations specified on the plan (other restrictions on placement notwithstanding) but two (2) of the 58 spaces planned for Phase 1 must instead be provided in a future phase.

Loading Spaces

The size of the southernmost office building (Building D) requires it to be served by a loading berth of at least 12 feet by 60 feet, with adequate truck maneuvering space (*Zoning Ordinance,* Article 6 §4). This loading space has been provided on the west side of the building.

Bicycle Parking

Bicycle parking is required at a ratio of one space for every twenty parking spaces. If the site is to be served by 125 parking spaces, seven (7) bicycle parking spaces are required. The applicant is proposing ten (10) bicycle parking spaces: five (5) in a bike rack located in the pocket park and five in a bike rack located on one of the parking islands.

SITE CONSIDERATIONS

Easements

The subject property is the site of two proposed new streets under the Dover/Kent County MPO's 2008 *Delaware 8 Concept Plan and Operations Study*. One of these is an east-west route connecting Commerce Way and Gateway Boulevard running along the south edge of the site. The other is a north-south route connecting the first route and Forrest Avenue, at the signalized intersection at the Modern Maturity Center entrance. The applicant has accommodated both of these routes in the resubmitted Site Plan by identifying 50-foot wide access easements along the southern and western borders of the site. The easements will allow for the future development of a street system.

Traffic Circulation

The way traffic is intended to circulate on the site is not fully clear at this time. A 28-foot drive aisle runs the length of the developed area of the site from north to south. Building D is easily accessible at the end of this entrance drive aisle. The entrances of Buildings B and C can be reached from the first and second left turns from the entrance aisle, respectively, and their drive-thrus can be reached from the second and third left turns, respectively. Building A is the farthest building from the entrance drive. While Building A can be accessed from any of the left turns, traffic entering its parking area from three different possible entrances may interfere with its drive-thru traffic.

The overall entrance to the site is not yet finalized. The signalized intersection with the Modern Maturity Center will have to be redesigned to create this site's entrance, pending the results of a Traffic Impact Study being conducted by the developer and DelDOT.

Sidewalks/Pedestrian Circulation

The site is served by frontage sidewalk along Forrest Avenue. Forrest Avenue is the planned route of the Senator Bikeway, and the Planning Office is working with DelDOT to determine if the applicant will be required to upgrade the frontage sidewalk to an 8-foot multi-use trail at this time. The Site Plan currently makes accommodations for such a trail.

There are two pedestrian routes into the site from the street frontage. The eastern one crosses a drive aisle to Building A, goes past the building, crosses another drive aisle, and follows the perimeter of the parking adjacent to the pocket park before arriving at Building D. The western one crosses a drive aisle to a parking median, then another drive aisle to another parking median, before almost but not quite reaching the pocket park. Crosswalks from the two medians allow access to Buildings B and C. There is also a connection between the two routes using another crosswalk from the second median.

Lighting

Light poles and wall-mounted lights are proposed in appropriate locations around the site. The applicant has provided specifications on the lights indicating their power use and the direction of their illumination. The applicant has also specified that the lights will be sensor-activated. Sign lights are proposed to be on "from 4 AM to 7 AM & dusk till 11AM." 11 PM may be meant.

Dumpsters

Dumpster requirements for the site are based on use. At present, the uses of most of the tenant spaces on site are uncertain. But taking into account a maximum restaurant area of 10,389 S.F. between Buildings A and B, and assuming retail or office uses totaling 23,712 S.F. between Buildings C and D, the site requires seven (7) dumpsters. Dumpster enclosures are proposed southeast of Building A, northeast of the pocket park, and southeast of Building D. The applicant has indicated that each of the three dumpster enclosures is able to hold two (2) dumpsters, for a total of six (6) provided. A reserved spot for a seventh dumpster is required. The City Planner may require in the future that the site's owner of record construct a dumpster pad and enclosure in this reserved spot, upon determining there is need for additional trash holding capacity on site.

The method of trash collection appears to be front load. This must be confirmed.

Waiver Request: Partial Elimination of Curbing

Article 6 § 3.6 (b) of the *Zoning Ordinance* requires upright, 6-inch curbing for all parking areas. Flush curbing is located on the eastern and western edges of the easternmost and westernmost drive aisles, respectively, in a position to convey stormwater from parking and drive areas to the bioretention facilities. The applicant has requested a waiver to relax the curbing requirement for these areas.

BUILDING ARCHITECTURE

The applicant has provided elevation drawings of Building A and renderings for the site as a whole. Buildings A and B front on Forrest Avenue, one of the primary corridors in the Corridor Overlay Zone, and because of this their front elevations, known as "corridor elevations," are subject to special requirements under the zoning. Corridor elevations are typically required to include several features, including functioning windows; a primary entrance door; a primary entrance feature; and either landscaping integrated into the building design concept, architectural or urban design elements linking adjacent structures, or architectural relief.

The architectural requirements of the Corridor Overlay Zone have been satisfactorily met. Buildings A and B both have functioning windows on the front facades for the tenant spaces, taking up proportionately appropriate amounts of wall space. Both buildings also have primary entrances on these facades. Awnings and Building A's outdoor seating area serve as primary entrance features. All the buildings on site exhibit strong architectural relief, with articulated bases, column-like elements, and cornices.

The applicant is advised that the maximum height in the COZ-1 is 35 feet. It is anticipated that a two-story commercial building will be able to meet this requirement.

Signs

The Planning Office notes that pylon signs are prohibited along Urban Minor Arterials such as Forrest Avenue, according to the Supplementary Sign Regulations of the *Zoning Ordinance*, Article 5, §4.7. The one depicted on the plan next to Building A must be removed.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a concept for the Landscaping Plan. The total lot area is 7.70

acres; based on this area, 112 trees are required to meet the tree density requirements of the site. The applicant proposes to meet this requirement with new tree plantings of Crepe Myrtle (10), Flowering Cherry (12), Dogwood (65), Red Oak (50), and Arborvitae (121) for a total of 258 trees. The trees are proposed to be distributed around all four property lines of the site as well as adjacent to buildings, within the parking lot islands, and within the pocket park.

Article 3, §27.67(a) specifies that lots in the Corridor Overlay Zone must have a landscaped open space of at least 25 feet in width at the front of the lot, measured from the back of the street curb. This space has been landscaped as required. However, this space is also entirely within the street right-of-way. An agreement will have to be worked out between the property owner and DelDOT to ensure the property owner maintains the trees in the right-of-way in front of the property.

The COZ requires at least one tree per 50 linear feet of frontage and at least one tree per 75 feet on nonfrontage perimeters. To the direct east of Building A, trees are provided at a rate of one tree per 90 feet and one tree per 110 feet.

There is an existing area of trees fronting on Forrest Avenue that is proposed to be completely cleared to make way for Building A and its parking areas. A landscape architect or tree specialist must certify that this area is not woodland (as defined by the *Zoning Ordinance,* Article 6 §16.2) for it to be cleared.

Waiver Request: Opaque Barrier - Fence Component (Materials & Format)

Screening is required wherever a non-residential use abuts a residential use. This screening must consist of an opaque barrier (a fence, wall, or berm) at least six feet in height, accompanied by landscaping, with the landscaping on the residential side of the barrier. This requirement applies to the west side of the property. The applicant has proposed a 6-foot vinyl fence accompanied by landscaping to meet this requirement.

Because vinyl fencing is not along the list of approved opaque barrier options given in the *Zoning Ordinance*, the Planning Commission will have to specifically approve the proposed vinyl fencing.

The landscaping is currently proposed on the subject property side of the barrier, instead of the residential side. To permit the use of this format, the applicant has requested a waiver from the Planning Commission regarding the opaque barrier requirements of the *Zoning Ordinance*.

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:

1) All comments provided by Planning Staff in this report are predicated on the site consisting of one parcel of land. The applicant must submit a Record Plan sheet for review in order to

complete a Parcel Consolidation process.

2) The Planning Office received on July 8, 2016 a "Phase 1 Parking Exhibit" that depicts project phasing, building uses, and specific site improvements updated from the last full Site Plan submission. Other agencies of the Development Advisory Committee have not reviewed these project changes. The changes will have to be integrated into the next full Site Plan submission and be reviewed by all agencies prior to Final Plan Approval.

3) The Planning Commission must determine if the project is Superior Urban Design per the requirements of the *Zoning Ordinance* as defined in Article 3, §27.2. The applicant has summited a written request for such designation. If such designation is not achieved, there are required site design changes.

4) Upright curbing shall be provided around all parking and drive areas in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request was received for consideration by the Planning Commission.

5) The opaque barrier requirement shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request was received for consideration by the Planning Commission.

6) Ensure that all sidewalks within the minimum twelve-foot-wide buffer between parking and drive areas and buildings are at least 6 feet wide and no more than 8 feet wide. The sidewalks adjacent to Building D are still shown as only 4 feet wide.

7) Ensure that no more than 56 parking spaces are provided for Phase 1. Currently, 58 are provided. One way to reserve two parking spaces for a future phase would be to stripe them as a no-parking zone, and then remove that striping after future construction.

8) The Planning Office recommends against locating ADA-accessible parking spaces adjacent to parking medians. These spaces should be located so an accessible route to a building does not cross a drive aisle. At least one ADA space must be located in each of the two space groups immediately adjacent to Buildings B and C.

9) Reserve a space on site for an additional dumpster enclosure. A note must be included on the plan specifying that future construction of the enclosure may be required by the City Planner in the event of inadequate dumpster capacity on the site.

10) Remove the pylon sign proposed to the northwest of Building A.

11) To meet COZ perimeter planting requirements, two additional trees are needed to the east of Building A, equidistant between the existing proposed trees, so that trees are provided at a rate of at least one tree per 75 feet of nonfrontage perimeter. The trees may be moved from elsewhere on site. The shrubs in the bioretention facilities cannot count toward the nonfrontage perimeter tree planting requirement.

12) The crosswalks must use the City's standard striping ("piano keys") type.

13) Sheet 1/Site and Utility Plan:
    a. Add a note under "General Notes" indicating that all new utilities to be constructed on site will be constructed at the developer's expense.
    b. Under "Site Data" add "COZ-1" to the zoning of this property.
    c. Under "Site Data" change "front setback" to "90' max by COZ"
    d. Under "Site Data" change "max building height" to "35 feet or 2 stories by COZ"
    e. Add notations indicating how many parking spaces are in each row of spaces.
    f. Document the method of trash collection to be used on site (side load or front load).

14) Sheet 2/Existing Conditions Plan:
    a. Add on this sheet a landscape architect or certified nursery professional's certification that the existing trees on site do not constitute Woodland as defined in the *Zoning Ordinance,* Article 5 §16.2.
    b. Add a note indicating that the two houses depicted on the Existing Conditions Plan have already been demolished.

15) Sheet 4/Landscape Plan:
    a. The Landscape Plan includes a bench detail. The locations of these benches should be documented on at least one plan sheet.
    b. Document both the calculation indicating the minimum number of trees to be planted on site (335,412 S.F. site area / 1 tree per 3,000 S.F. of site area = 112 trees) and the total number of trees to be planted (258).
    c. Clarify the hours the sign lights are intended to be turned on.
    d. Add a note referencing any established agreements with DelDOT regarding maintenance of the landscape plantings within the street right-of-way.
    e. The Landscape Plan must be certified by a landscape architect, architect, or Delaware-certified nursery professional.

16) Clean up notations on all sheets to ensure they all point to their intended plan elements.

17) Signs are subject to a separate review and approval process in the City of Dover. However, the Planning Office is at present requesting that a traffic control signage and striping sheet be added to the plan set, to help identify the traffic flow (of both vehicles and pedestrians) on site.

18) Any Erosion & Sediment Control Plans and Stormwater Management Plans granted approval by the Kent Conservation District must reflect the Site Plan layout and design conditionally approved by the Planning Commission and be in compliance with the *Zoning Ordinance* and technical review requirements of other agencies.

19) The Final Plan set must include notes documenting any action taken by the Planning Commission with regard to requested waivers, and must list any additional conditions of approval.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Superior Urban Design: Staff recommends the Planning Commission affirm the Site Plan exhibits Superior Urban Design according to the definition outlined in Article 3, §27.2 of the *Zoning Ordinance,* by exceeding the requirements of the *Zoning Ordinance* in the following areas:
    a. Transportation amenities for bicycles, pedestrians, and transit. The site makes provisions for a new bus stop shelter.
    b. Landscaping. The trees provided well exceed the minimum tree density requirements of the site, and robust foundation and shrubbery plantings are also provided.
    c. Public spaces and art. The pocket park represents a desirable amenity to visitors and tenants of the site.

2) Building Orientation: Staff recommends the Planning Commission approve building placements alternative to the Corridor Overlay Zone's requirements. The COZ requires that all buildings be arranged so the longest edge of the building is parallel to the roadway. However, the large parcel is deep enough that enforcing this requirement would limit the development potential of the site. If Building A were arranged so its long edge is parallel to the street, access and visibility to Building D at the rear would be limited.

3) Waiver Request: Partial Elimination of Curbing: Staff recommends approval of the waiver request to relax curbing requirements on the easternmost and westernmost drive aisles. Relaxation of this requirement will allow sheet flow of stormwater to the bioretention facilities on site.

4) Waiver Request: Opaque Barrier- Fence Component (Format): Staff recommends approval of the waiver request to relax the barrier fence requirement on the property's western edge. Fence waivers are typically granted to eliminate the fence entirely, in cases where noise is not a concern and the vegetation component of the barrier is considered a desirable aesthetic alternative. Given the existing conditions including existing vegetation on properties adjacent to the western property line, the positioning (format location) of the fence closest to the residences is appropriate. With the required landscaping/tree planting, there will still be a considerable amount of landscaping on the property's western edge. Being located on the development side of the fence it will be clearly visible to site visitors. It is a desirable alternative.

5) Opaque Barrier – Fence Component (Material): Staff recommends the Planning Commission affirm that vinyl fencing is an appropriate material for the opaque barrier. Options given for the opaque barrier in the Zoning Ordinance include opaque wooden fencing, a masonry wall, an earthen berm, or a combination thereof. Staff concurs with the applicant that opaque vinyl fencing is an appropriate substitute for wooden fencing with greater longevity and greater ease of maintenance.

6) Cross Access: Staff recommends the Planning Commission require a direct drive aisle

connection between the parking areas on site and parking areas on the properties to the east at 1110 and 1100 Forrest Avenue. To meet this requirement, the applicant has located an inter-parcel connection location to the south of Building A as shown on Exhibit Plan: Phase 1 Parking Exhibit.

7) Bicycle Parking: Staff recommends the bike racks on site be moved so they are adjacent to building entrances. Dividing the bicycle parking spaces into smaller racks, so that each building has its own associated spaces, may be appropriate.

8) Sidewalks: Staff recommends a number of improvements to the sidewalk network. A crosswalk should be provided between the northern end of the northern parking median and Building A. Another crosswalk should be provided between the southern end of the southern parking median and the pocket park. The sidewalk within the pocket park itself should be realigned to meet this crosswalk. This crosswalk and the realignment will allow a continuous path from the street to Building D. Because of the importance of this path it should be six feet wide along its entire length, landscaping allowing.

9) Staff recommends that any outside HVAC Equipment be designed to minimize the impact on adjacent property owners, adequately screened from public view and the overall visible impact. Consideration must also be given to equipment placement in proximity to loading areas and public facades of the buildings.

ADVISORY COMMENTS TO THE APPLICANT:

1) A Traffic Impact Study is currently being conducted for this Site Plan as required by DelDOT, and may result in changes to the vehicular entrance to the site.

2) The Dover/Kent County Metropolitan Planning Organization's 2008 *Delaware 8 Concept Plan and Operations Study,* which directly impacts this site, can be found at http://doverkentmpo.delaware.gov/rt-8-study/

3) A copy of Dover's Superior Urban Design policy is being attached to this report to assist in consideration of the determination on if the Site Plan meets the City's Superior Urban Design criteria.

4) The Planning Commission should act upon the waiver requests as part of any motion to approve this Site Plan, or as a separate motion if necessary. Note: The recommendations for these waivers are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.

5) In the event that major changes and revisions to the Site Development Plan occur in the finalization of the Plan, contact the Planning Office. Examples include reorientation of the complex/buildings, relocation of site components like stormwater management areas, and increases in floor area count. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

6) In the event that there are changes to the architecture, building footprints, layout or square footage of the buildings contact the Planning Office. These changes may require review by the Planning Commission.

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

8) Following Planning Commission approval of the Site Development Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted.

9) For building new construction, the requirements of the building code and the fire code must be complied with. Consult with the Chief Building Inspector and City of Dover Fire Marshal for these requirements. The resolution of these items may impact the site design including such items as building dimensions and height, building openings, and fire protection needs, etc.

10) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate Site Plan approvals, Pre-Construction meetings, site inspections and permits are required.

11) Construction may have an effect on the adjacent property owners and visitors to existing facilities on the property. Any work requiring the closing or rerouting of residents or visitors should be coordinated as to offer the least amount of inconvenience.

12) The applicant shall be aware that Site Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign may require a Sign Permit from the City of Dover prior to placement of any such sign in accordance with *Zoning Ordinance* Article 5 §4.

13) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from 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 Department as soon as possible.

COZ-1 Superior Urban Design Goals and Policies

Goal 1: - Creating a Superior Urban Design
Define the parameters for meeting the 'Superior Urban Design' criteria.

Policy 1: - Ensure the creation of an urban environment.
To qualify as a 'Superior Urban Design', building sites in the Corridor Overlay Zone must meet or exceed the requirements of at least 2 of the provisions established in the 'Superior Urban Design' Definition (Policy 2 states these requirements and establishes the criteria for meeting them) as well as providing superior fire protection through the employment of a building sprinkler system. Additionally, applicants must provide a written report which assumes the burden of proof concerning why the site design constitutes a 'Superior Urban Design'.

Recommendation:
Applications seeking a 'Superior Urban Design' designation must be evaluated by the Planning Office with strict scrutiny. In a manner similar to which other city agencies review applications (e.g. Public Utilities, DelDOT, Department of Parks and Recreation), issues of urban design should be identified as a specialization specific to the Department of Planning. Planning Commission should place an emphasis on the report comments of the Planning Staff when evaluating applications seeking a 'Superior Urban Design' designation.

Policy 2: - Criteria for meeting the 'Superior Urban Design' merit.
To qualify as a 'Superior Urban Design', applications must meet or exceed the criteria of at least 2 of the following categories. Partial fulfillment of one or more categories will not constitute a qualifying application. A minimum of two criteria must be addressed entirely as per the specifics of the requirements.

- **Multi-modal Transportation:** will be evaluated by the following elements.
  - Display an emphasis on pedestrian safety
  - Ensure safe, barrier free pedestrian access
  - Arrange for public transit stops where available
  - The potential for the site to reduce car-trips and drive times through providing an attractive, safe, inviting environment for bicyclists and pedestrians.

- Create interconnections with adjoining sites, if such interconnections have been previously implemented, improve or enhance those interconnections. This requirement is not limited to vehicular traffic; it also pertains to pedestrians, cyclists, and other means of non-vehicular traffic.

- **Architectural Features:** will be evaluated by the following elements.
  - Unique architecture is specifically encouraged. Commercial establishments should seek to present buildings and facades which improve the character of the area. Buildings should be specifically tailored to the site and general character of the location.
  - Elements which constitute 'unique architecture' include, but are not limited to items such as: entry porticos, colonnades, cornices, porch columns and balusters, band courses, water tables, decorative trimming and signage

- **Landscaping**
  - A robust use of trees, shrubbery, and flowering plants. Specifically when referring to trees, this requirement seeks trees of at least twice the minimum caliper required by code
  - Integration of pervious paved material for sidewalks
  - Tree preservation measures
  - Water gardens and ponds

- **Improvements to Public Space**
  - Sidewalk improvements and beautification
  - Art, including but not limited to sculpture, memorials, and murals
  - Open space, including but not limited to court yards, pocket parks, and fountains,
  - Special consideration will be given to buildings which demonstrate unique integration of street elements into their design (e.g. sidewalks which enter and join walkways on site, placement of street furniture on site)

- **Green Technologies**
  - Use of certified green technologies pertaining to stormwater management.
  - Geothermal, solar, or other alternative energy supplies.
  - Implementation of rain gardens, use of rain barrels, or other means of pro-active non-point stormwater runoff management.

Ann Marie Townshend 9-10-2008

Ann Marie Townshend, AICP Date
City Planner

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 29, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Dunkin Donuts at 1116-1128 Forrest Avenue**

FILE #: **S-16-13**

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

CONTACT PERSON: **Paul Waddell - 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. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each buildings. A valve must be installed at the tee to isolate combined fire and domestic water service to the buildings from the water loop. Typically this valve is installed at the tee or an acceptable distance from the buildings. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the buildings. The domestic water tap and valve should be as close to the buildings as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the buildings. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.
7. All water mains not located in the right-of-way shall be located within five feet (5') of the center of a twenty feet (20') wide public utility easement.
8. 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 feasibility of the proposed connection to existing service will be based on the size and material of the existing service, upgrades may be necessary.
9. 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.

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 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.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for all sanitary sewer mains showing that velocity and all other requirements are met. Any projected future flow requirement must be clearly identified.
6. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
7. The minimum size of all sanitary sewer laterals shall be six-inch (6").
8. The sanitary sewer proposed for this project is only serving this property; therefore, it shall be privately maintained. The infrastructure shall not be installed within an easement.
9. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.

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.

STREETS

1. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DelDOT is submitted to our office.
2. 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.

SANITATION / GROUNDS

1. None.

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. Please clearly indicate the water easement for the property to the east.

WASTEWATER

1. Please clearly indicate the sanitary sewer easement for the property to the west.

STORMWATER

1. The City of Dover will not maintain any drainage or storm pipe not located within the property. 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.

GROUNDS

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

STREETS

1. After meeting with staff, it has been decided to record a fifty-foot (50') wide easement for future development on the west side of the property. Staff will need to review and approve the language that is proposed for this easement.

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. Proposed changes to entrance off of Forrest Avenue are encroaching on existing utility pole. This could require additional expense for relocation of pole to meet DelDot and Planning requirements.

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 may be required for each building.

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 may 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.

STREETS

1. None.

SANITATION

1. Nonresidential buildings shall have their solid waste collected by a private hauler.

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.

S-16-13

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 07/06/16

CITY OF DOVER FIRE MARSHAL

APPLICATION: S-16-13 Dunkin Donuts at 1116-1128 Forrest Ave Revised

FILE #: S-16-13 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Deputy Fire Marshal 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 see below. Primary fire lanes are required to be 24 feet wide and cover the side of the building that has the primary entrance and exit. Fire lanes can be no closer than 10 feet to the building and no farther than 50 feet from the building. Fire lanes shall cover see below of the proposed building.
    a. Building A, Dunkin Donuts, business, need additional information on future restaurant tenant as well as remaining building tenants, 25%
    b. Building B, need additional information
    c. Building C, need additional information
    d. Building D, business, 25%

2. Emergency access to rear building areas compliant with City of Dover Code (Article 5-Supplementary Regulations, Section 17); all four stories and greater buildings require 24ft fire lane at the rear. All two to three story apartment structures require an 18ft Secondary Fire Lane at the rear. All townhouses (3-8 units) with no fire protection require a 16ft alley at the rear.

3. The closest edge of fire lanes shall not be located further than 50ft from the exterior wall if one or two stories in height; 40ft if three or four stories in height; or 30ft if over four stories in height.

4. Building Access shall be no further than 50 feet from a primary entrance. Where buildings are provided with an automatic sprinkler system installed in accordance with NFPA 13, access shall be no further than 100 feet from the primary entrance.

5. Fire Lanes shall have an unobstructed vertical clearance of not less than 13ft 6in.

6. All Fire Lanes shall be marked in accordance with the adopted Delaware State Fire Prevention Regulations. All fire lane markings shall be in the color of "yellow".

7. Perimeter access will be see below and clearly shown on the plans. Perimeter Access minimum width shall be 15ft measured from the face of the building at grade with a maximum slope of 10%. Plantings and utility services shall be permitted within the perimeter access and shall interfere with emergency services fire ground operations.

    a. Building A, Dunkin Donuts, business, need additional information on future restaurant tenant as well as remaining building tenants, 30%
    b. Building B, need additional information
    c. Building C, need additional information
    d. Building D, business, N/A

8. Address numbers of at least 12 inches in height must be placed on the street side of the building visible from the street. Label all suites if applicable.

9. Any natural or LP gas bottles, meters, values, regulators, etc., must have impact protection per City of Dover Code of Ordinances.

10. Full building and fire plan review is required.

11. Building cannot be occupied or construction or renovations started until completion of building and fire plan review.

12. All required means of egress shall have an exit discharge consisting of a non slip surface, and leading to and terminating at a public way.

13. Sprinkler system required. System is to be monitored by an approved Fire Alarm System.

    a. This is for Building D. Other buildings may need to be sprinklered as well pending additional information.
    b. Building A may need a sprinkler system, more information on future restaurant needed

14. Sprinklers required in basements over 2500 sq. ft.

15. Fire Department Connection is to be located within 50 feet of main entrance. Access to the Fire Department Connection must be clear unobstructed access as defined by the AHJ.

16. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.

17. Fire Alarm System required per occupancy code requirements.

18. Knox Box required at all tenant spaces.

19. Elevator cars to meet the interior dimensions set forth in the Delaware State Fire Prevention Code.

20. Project to be completed per approved Site Plan.

21. Multiple Access Roads shall be provided when a fire department access road (fire lane) is determined by the Fire Marshal to be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access such as placement of fire hose from fire equipment.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

- This office recommends a meeting take place to discuss the details of the project
- Discussion on hydrant locations needs to take place
- As the rear road dead ends at longer than 300', a cul-de-sac is required for proper apparatus turn around
- Any cooking equipment must follow the manufacturer's specifications in regards to ventilation and protection
- The phases of the project need to be specific. It appears that in phase 1 the roadway will dead end at more than 300'. The roadway will need to continue back out to the entrance or a cul-de-sac will need to be installed for proper apparatus turn around
-Picture shows two exits onto Forrest Ave, Site Plan shows one
-Phase 1 road dead ends, road needs to continue back out to the entrance/exit

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.**

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 29, 2016

D E L D O T

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APPLICATION: Revised Dunkin Donuts at 1116-1128 Forrest Avenue

FILE#: S-16-13 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Jonathan T. Moore PHONE#: 760-2145

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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 & STATE CODE REQUIREMENTS:

DelDOT has no comments regarding city & state code at this time.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

- Once the TIS process is complete, this project should submit a pre-submittal meeting request through the PDCA in order to discuss how to proceed through the process of getting entrance approvals. For more information on the pre-submittal meetings or our formal review process, please visit our webpage at: http://www.deldot.gov/information/business/subdivisions/

- As per the email conversation between Betty Tustin, Troy Brestel and Mark Galipo on 6/23/2016, follow the direction of Mark on the signal design. It would behoove you to go through one round of entrance plan review before finalizing the signal design so comments that come up in the review can be addressed in the signal design as well. However, please note that the signal design will need to be complete before the project can receive approval for entrance construction.

- After reviewing the provided site plan, the first internal left turn in the site appears like it could be too close to the intersection. Please be prepared to provide

proof that the que at the light internally to your site does not create a conflict point here and or that cars turning into your site do not back up on Route 8.

- Please be advised that the crosswalk details shown are not a design accepted by DelDOT. The standard 24 inch wide by 24 inch on center piano key style crosswalk should be used within State ROW.

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.

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
July 2016

APPLICATION: *Dunkin Donuts*

FILE #: S-16-13 (revised)

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.
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 in the proposed stormwater facility area(s) is required to determine impacts of the seasonal high groundwater level and soils for any Best Management Practice (BMP) design.
4. A SAS (Stormwater Assessment Study) submittal is required for review and approval. An SAS meeting will be scheduled after the submittal has been approved.

ADVISORY COMMENTS TO THE APPLICANT:

1. Green Technologies (infiltration, bio retention, bio swales, filter strips etc.) must be implemented to comply with the 2014 Delaware Sediment and Stormwater Regulations.
2. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
3. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
4. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 6/29/2016

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Dunkin Donuts at 1116-1128 Forrest Avenue

FILE #: S-16-13 REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Jim Galvin, AICP PHONE #: (302) 387-6030

The MPO requested the opportunity to bring the recommendations on issues of our concern to the City as well. The MPO will limit comments to projects to development proposals and applications that may lead to new development. Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. **The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.**

City of Dover Planning Commission 7/18/2016
Project Review
S-16-13_Dunkin Donuts at 1116-1128 Forrest Avenue

The project is in the center of the Dover/Kent County MPO's Route 8 Plan, adopted by the MPO Council in March, 2008 and presented to the City of Dover's Safety Advisory and Transportation Committee on December 1, 2008. The DE8 Plan can be found on the MPO's website at http://doverkentmpo.delaware.gov/rt-8-study/. A major element of the Plan was to offer alternative connections between properties that keep traffic from re-entering Route 8. One of the major proposals was to create a Right of Way (ROW) immediately opposite the entrance to Modern Maturity Center that offered full use of the existing signal. The ROW would continue through the subject west-most parcel on an alignment similar to the drive aisle presented on the 3/30/2016 plan signed by the Engineer on May 4th and those with ownership interest on May 5th. That proposed drive aisle serves the small front portion, approximately 4.5 acres of the 7.7 acres combined. There is the possibility of further development on the rear of the site.

The MPO recommends the City require the drive aisle be built on an adequate ROW so that a future purchase of the access is possible as development continues further South or funds become available to develop the roads proposed in the Plan. The drive should be constructed to City street standards and proposed buildings should abide by required set-back/bulk standards.

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.

PARKER & ASSOCIATES INC.
ESTABLISHED 1977 SALISBURY, MARYLAND 410-749-1023

528 RIVERSIDE DRIVE
SALISBURY, MD 21801
PHONE: 410-749-1023
FAX: 410-749-1012
WWW.PARKERANDASSOCIATES.ORG

LAND SURVEYING CIVIL ENGINEERING • LAND PLANNING FORESTRY SERVICES

July 6, 2016

City of Dover Delaware
Office of Planning and Inspections
15 Loockerman Plaza
Dover, De 19901

Re: Dunkin Donuts – Forrest Avenue
Waiver Request for the use of Vinyl fence and change to the landscape buffer

Dear Mrs. Townsend:

On behalf of Franchise Management, developer for the above reference project we respectfully request a waiver for the use of Vinyl fence as an opaque barrier along the property line as part of the residential landscape buffer. In the City zoning ordinance, the use of vinyl is not an option however, wood is an acceptable option. We feel that vinyl would not only provide for a more appealing appearance between the residential community and our site, but the life of the product is a lot longer than that of wood and it would require a lot less maintenance than wood, stone or brick in the long term. We are also asking for the fence to be allowed along the residential side of the buffer as opposed to the proposed trees. The design we have presented has included stormwater elements along with an assortment of plantings to make the buffer more appealing. We feel that if the trees were to butt up to the property line instead of the fence, it would make for maintenance issues trying to clean up tree limbs and maintaining the trees health. Further, much of the residential has existing trees along the property line. We felt that the presence of trees along the commercial side would make a greater impact to the community by softening the project.

The project is also requesting a waiver on the use of upright curbing around all parking and drive areas. The project has primarily placed curbing in all areas to protect pedestrian traffic and circulation. Areas that have not been curbed are done so with stormwater drainage in mind so that runoff can sheet flow off the paving and be effectively treated.

Please accept these requests as a part of the commission's approval of the project.

Sincerely,

Will L Kernodle

Will Kernodle – Project Manager.

PARKER & ASSOCIATES INC.
ESTABLISHED 1977 SALISBURY, MARYLAND 410-749-1023

528 RIVERSIDE DRIVE
SALISBURY, MD 21801
PHONE: 410-749-1023
FAX: 410-749-1012
WWW.PARKERANDASSOCIATES.ORG

July 6, 2016

City of Dover Delaware
Office of Planning and Inspections
15 Loockerman Plaza
Dover, De 19901

Re: Dunkin Donuts – Forrest Avenue
Superior Urban Design

Dear Mrs. Townsend:

On behalf of Franchise Management we would like to request that the above reference project be accepted as a Superior Urban Design for the COZ overlay zoning. Our project centers around the Dunkin Donuts building. In order to provide the restaurant with exceptional views and customer service, we have proposed the following on our plans:

1. 90' setback from the property line. This is done so that parking can be in front of the restaurant.
2. The project is providing multiple pedestrian connection points to the future State multi model path system along Forrest Avenue.
3. The City requires 25% of the site be in open space. This project is providing 59.42%.
4. Park Benches, in addition to any future bus stop benches will be provided in a manner that interacts with the landscaping.
5. Intense landscaping with an elaborate amount of bushes and shrubs, including roses, will be planted along the front, in addition to the required plantings per the zoning code.
6. The buildings have been designed with an upgraded architectural look and appeal. Special details went into making the buildings have multiple textures and bump outs. The buildings will be of similar color patterns and materials on the outside that will blend it together.
7. In addition to the connection points along the front to the State path system, the project is designed with multiple points of connection throughout. Walking trails leading to all areas of the site, including a heavily landscaped/green spaced gazebo area center in the site.
8. The site supplies buffers along the front and the residential district to the West. These buffers will be heavily landscaped with a multitude of plants, bushes, shrubs, fences and trees. The buffers will create an eye appealing separating between Forrest Avenue and the Residential district. The buffers, will allow for a smooth transitional flow as one observes riding down Forrest Avenue through the different zonings.

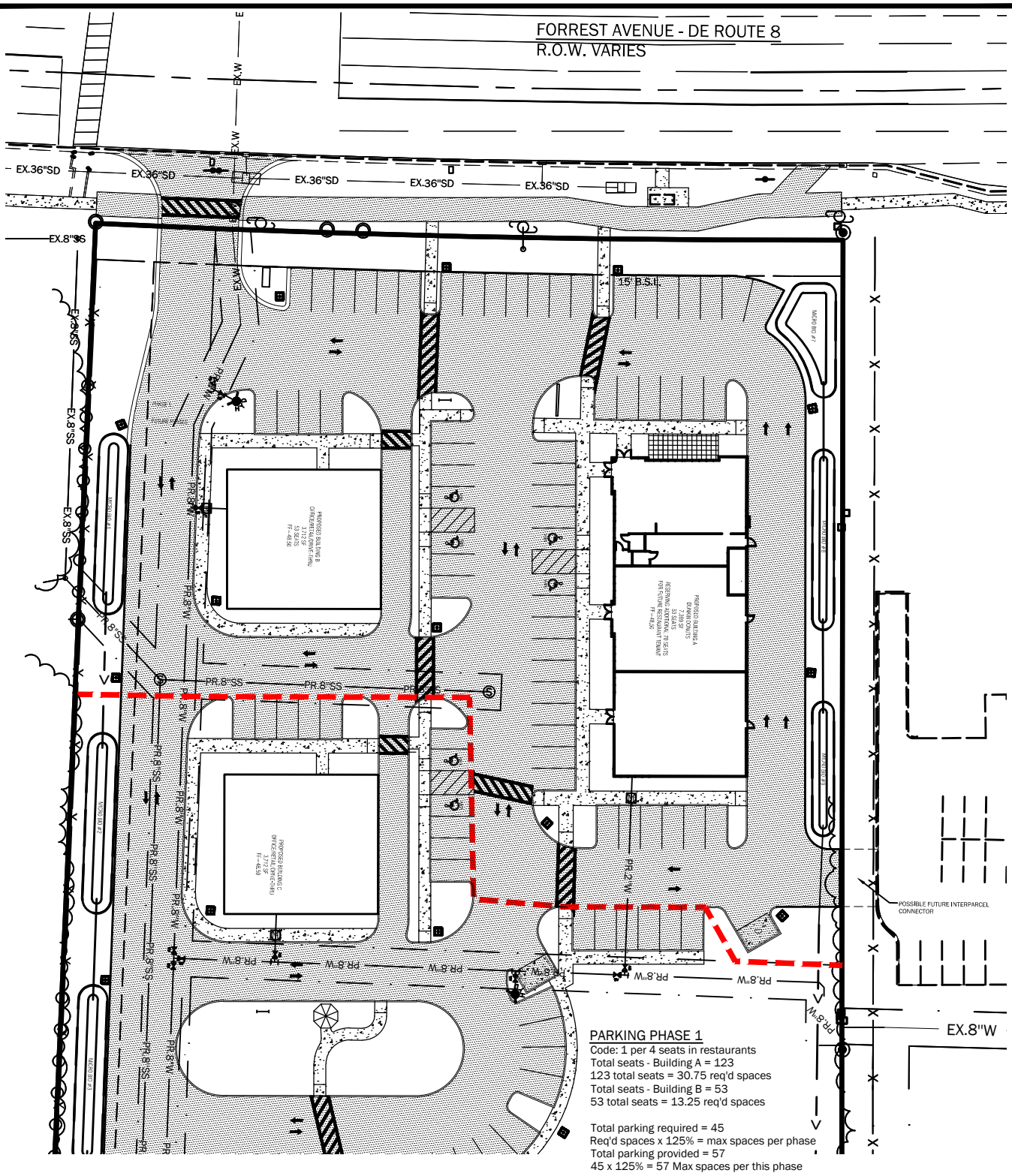
9. The site design has also included a plentitude of trees well beyond the required amount. The site design is taking an existing field with many dilapidated old buildings and converting it into a class A commercial development with lots of extras including green space that will appeal to the area and a place people can come and enjoy.

Please accept this assessment as a part of the commission's approval of the project.

Sincerely,

Will L Kernodle

Will Kernodle – Project Manager.



PHASE 1 PARKING EXHIBIT

DUNKIN DONUTS

FOR:
CITY OF DOVER, DELAWARE

1" = 60'	DATE 07/07/16		
JOB NO. S2095	DRAWN BY WLK		

SURVEYING FORESTRY

PARKER & ASSOCIATES

ESTABLISHED 1977

SALISBURY, MARYLAND 410-749-1023

CIVIL ENGINEERING INC. SITE PLANNING

Jul 07, 2016-2:50pm

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

May 3, 2016

Ms. Ann Marie Townshend, AICP
Director
Department of Planning and Inspections
City of Dover
P.O. Box 475
Dover, DE 19903

Dear Ms. Townshend:

This letter is to advise you regarding the status of the Traffic Impact Study (TIS) for a proposed commercial development. The development, known to us as Dunkin' Donuts, would consist of 33,996 square feet of commercial uses proposed for a 6.68-acre assemblage of parcels (Tax Parcels Nos. 2-05-076.11-02-20.00-00001, 201.01-00001, 21.00-00001, 22.00-00001, 23.00-00001 and 59.00-00001) on the south side of Forrest Avenue (Delaware Route 8) across from the Modern Maturity Center.

On March 30, DelDOT staff met with the developer's engineers to discuss the scope of work for the TIS. The minutes of that meeting are available on request. On May 2, we received, from the developer's traffic engineer, a copy of the traffic counts they had conducted in accordance with that scope.

Traffic counts are the first of three work product submissions that an engineer makes in the TIS process, the other two submissions being the preliminary and final TIS. We would expect the remainder of that process, including our review of the completed TIS, to take several months. However, the traffic count submission does show that the developer's traffic engineer is making substantive progress toward completing the TIS.

DelDOT

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

RECEIVED
JUN 24 2016
CITY OF DOVER
PLANNING & INSPECTIONS

June 20, 2016

Ms. Ann Marie Townshend, AICP
Director
Department of Planning and Inspections
City of Dover
P.O. Box 475
Dover, DE 19903

Dear Ms. Townshend:

This letter is to advise you regarding the status of the Traffic Impact Study (TIS) for a proposed commercial development. The development, known to us as Dunkin' Donuts, would consist of 33,996 square feet of commercial uses proposed for a 6.68-acre assemblage of parcels (Tax Parcels Nos. 2-05-076.11-02-20.00-00001, 201.01-00001, 21.00-00001, 22.00-00001, 23.00-00001 and 59.00-00001) on the south side of Forrest Avenue (Delaware Route 8) across from the Modern Maturity Center.

On June 17, we received, from the developer's traffic engineer, a copy of their completed TIS. We still need to review their results and respond to them with our findings, a process which typically takes about 60 working days. Following that there is typically a period of several weeks, sometimes months, in which we reach agreement with the developer on the off-site improvements they will need to build or fund, before we consider our review complete.

Because the TIS for this development is a relatively small one, we expect to complete our initial review in less than 60 working days but it is difficult to know now how long the review will take as we have just begun to look at the report. We will consult you before completing our review.

You may contact me at (302) 760-2109 if you have any questions concerning this correspondence.

Sincerely,

T. William Brockenbrough, Jr., P.E., AICP
County Coordinator

TWB:km
cc: Ms. Betty Tustin, P.E., PTOE, The Traffic Group, Inc.
Mr. J. Marc Coté, P.E., Assistant Director, Development Coordination
Mr. Troy Brestel, Project Engineer, Development Coordination
Mr. Claudy Joinville, Project Engineer, Development Coordination

City of Dover

DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF November 9, 2016

PLANNING COMMISSION MEETING OF November 21, 2016

Plan Title:	Redevelopment of Liberty Court Apartments
Plan Type:	Site Development Plan with Parcel Consolidation Plan
Property Location:	On the north side of Walker Road opposite the end of Independence Boulevard
Property Addresses:	1289 Walker Road
Owner/Applicant:	Delaware State Housing Authority/ Liberty Court Preservation Corporation
Tax Parcels:	ED-05-067.18-01-72.01-000 and ED-05-067.18-01-72.00-000
Present Zoning:	RM-2 (Medium Density Residence Zone)
Site Area:	7.93 ac. +/-
Present Use:	14 Apartment Buildings (Total 108 units) and Community Facilities
Proposed Use:	13 Apartment Buildings (Total 100 units) and Community Facilities

Building Areas:

Proposed Building A	13,914 S.F.
Proposed Building B	6,180 S.F.
Proposed Building C	9,272 S.F.
Proposed Building D	6,144 S.F.
Proposed Building E	13,700 S.F.
Proposed Building F	4,796 S.F.
Proposed Building G	9,194 S.F.
Proposed Building H	4,752 S.F.
Existing Building I to be demolished	
Proposed Building J	9,236 S.F.
Proposed Building K	9,154 S.F.
Proposed Building L	9,158 S.F.
Proposed Building M	4,770 S.F.

	Proposed Building N	6,152 S.F.
	Existing Community Building	5,379 S.F.
	Existing Maintenance Building	1,007 S.F.
	TOTAL	112,808 S.F.

Off Street Parking: Required – 225 spaces (2 spaces/DU, 0.25 spaces/DU for visitor spaces, 1 space per 200 SF of office)
Existing – 181 spaces
Proposed – 177 spaces (Removal of four spaces)

Sewer & Water: City of Dover

Waiver Requested: Elimination of Rear Emergency Access Requirement

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 9, 2016

APPLICATION: Redevelopment of Liberty Court Apartments

FILE #: S-16-22 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Eddie Diaz, Planner I PHONE #: (302) 736-7196

PLAN SUMMARY:

Review of a Site Development Plan application proposing to demolish the fourteen apartment buildings at Liberty Court Apartments and construct thirteen new buildings on the existing foundations, leaving one building not reconstructed. The redevelopment would reduce the number of dwelling units on site from 108 to 100 dwelling units. The two properties on site are to be consolidated into one. The properties consist of a total of 7.93 acres and are located on the north side of Walker Road opposite the end of Independence Boulevard. The property is zoned RM-2 (Medium Density Residence Zone). The owner of record is the Delaware State Housing Authority and project redeveloper is Liberty Court Preservation Corporation. Property Address: 1289 Walker Road. Tax Parcels: ED-05-067.18-01-72.01-000 and ED-05-067.18-01-72.00-000. Council District 4.

Previous Applications

A previous application for this site is C-10-03, a request approved by the Planning Commission in July 2010 to establish a 4-H After School Program in the community building on site. The community building is not to be demolished under the current site plan, so it is currently presumed that the program will continue uninterrupted during construction.

The applicant has stated that the overall complex was constructed prior to the adoption of the current *Zoning Ordinance* in 1975, and that therefore a number of nonconformities are expected in the design of the existing complex. The site may be able to maintain some of these nonconformities in the new design provided that the degree of them is not increased. The applicant has stated that no increase in nonconformities is intended.

CURRENT PROJECT

The current project proposes demolition of the fourteen apartment buildings on site and reconstruction of thirteen of them. The buildings have been given letter designations A through N. Building I is to be demolished entirely. Building L will be relocated to the current location of Building I. All the other buildings are to be rebuilt on their original foundations; however, the new dwelling units are slightly larger than the old ones (see building architecture), requiring corresponding construction of new foundation segments to square-off the footprint. The reduction in the number of buildings results in a reduction of the number of dwelling units, from

108 to 100 apartment units.

Other improvements planned for the site include a new fire lane to serve Buildings K, M, and N, and realignment and curbing of the existing main fire lane. New stormwater management areas and landscaping are also proposed.

Site Layout

The two-story apartment buildings are generally oriented inward, facing each other across shared sidewalks or the main fire lane rather than facing the street frontage or the parking lot. The buildings are divided into two to six sections, each of which has two dwelling units, one on each floor. Each section is proposed to have its own entrance walk leading either to the site's sidewalk network or the main fire lane. The main fire lane and the parking lot together make a loop traversable by vehicles around the interior and eastern edge of the site, but the fire lane is closed to use by non-emergency vehicles.

Common areas of the complex include the community building located east of the center of the site, a playground to the south of the community building, a basketball court to the south of the playground, and common open space to the west of the community building. There is also a pavilion on the Walker Road frontage that serves among other functions as seating area for a nearby bus stop.

Zoning and Density

The 7.92-acre property is zoned RM-2 (Medium Density Residence Zone). The RM-2 Zone permits garden apartments and other residence types at a maximum density of eight (8) dwelling units per acre. Currently, the 108-unit apartment complex has a density of 13.6 units per acre. When redeveloped with 100 units, the complex will have a density of 12.6 units per acre. The redevelopment is permitted because the complex's degree of nonconformity with regard to the zone's density provisions will be reduced.

The RM-2 Zone also requires for garden apartments a minimum lot area of one (1) acre per building. Under the proposed conditions, the property will have 0.71 acres of lot area per building. However, since there will be fewer buildings on the site post-redevelopment, the provided lot area per building is also a reduction of current nonconformity.

BUILDING ARCHITECTURE

Floor plans, photographs, and front and side elevation drawings were submitted comparing the existing apartment buildings to the proposed ones that will replace them. The floor plans show an existing two-bedroom unit of 893 SF compared with a proposed two-bedroom unit of 1,069 SF, an increase of 176 SF. It is unlikely that all units in the complex will match the provided plans, but the plans seem to indicate the typical increase in dwelling unit size.

The proposed elevations show a variety of materials present on the exterior, including a stone veneer on the first floor, yellow and blue siding on the second floor, standing seam metal roofing, and shingle roofing. The buildings feature gable roofs with secondary gables facing the front, compared to the single gables of the existing apartments. Each apartment unit is to have its own entry door on the first floor. Based on the floor plans it is likely that there are more windows on the bottom floor than depicted in the submitted front elevation. The side elevation submitted

does not have any windows, though the same variety of exterior materials are present.

No rear elevation drawings were submitted. Though the appearance of this elevation is not currently known, it is known that the existing dwelling units feature rear balconies and patios, while the proposed new units do not. The rear elevation of Building A faces out onto Walker Road; this is not typically permitted under the *Zoning Ordinance's* architectural guidelines, Article 5 §19, but may be permissible here as an existing condition.

SITE CONSIDERATIONS

Entrances

There are two entrances to the site. The eastern one is a typical parking lot entrance and is not proposed to change with the redevelopment. The narrower western one; however, leading into the main fire lane, more closely resembles a residential driveway. Street view imagery shows a chain across this entrance preventing entry. Though the fire lane is to be upgraded it will remain closed to use by non-emergency vehicles.

PARKING SUMMARY

According to the *Zoning Ordinance* Article 6 §3.1, the parking requirement for apartments is two parking spaces per dwelling unit plus 0.25 spaces per dwelling unit for visitor space plus one parking space per 200 square feet of office. There are currently 181 parking spaces on site; the addition of the new fire lane would remove four (4) spaces for a total of 177 spaces. Under the existing condition of 108 units and 181 parking spaces, 243 parking spaces would be required, meaning 74.5% of the required parking is now provided. Under the proposed condition of 100 units and 177 parking spaces, 225 parking spaces would be required, meaning 78.7% of the required parking would be provided. The increase from 74.5% parking provided to 78.7% represents a reduction in the degree of nonconformity of the site with regard to parking requirements. Therefore, the project will not be required to construct new parking spaces.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one for every twenty (20) parking spaces. Based on 177 parking spaces, nine (9) bicycle parking spaces are required. No existing or proposed bicycle parking spaces were found on the submitted plans. The applicant has stated however that bicycle parking will be provided.

Sidewalks

The *Zoning Ordinance*, Article 5 §18 requires sidewalks to be installed along the public street frontage of a property, and from parking areas to building entrances. The site development plan proposes many reconfigurations of the complex's existing sidewalk network. The existing frontage sidewalk along Walker Road is to remain unchanged. Internal to the site, Buildings A, B, J, K, M, and N will be attached to sidewalk networks that connect to the parking lot. The entrance walks of the other apartment buildings are proposed to terminate in the main fire lane; however, the fire lane is acceptable as part of the pedestrian network because it is not to be used by vehicles except in an emergency. It should be noted that the existing conditions feature a significant number of sidewalk connections to the network that are proposed to be removed. Some, but not all of these appear to be removed because the first floor units will no longer have rear patios.

Dumpsters

Dumpsters for trash collection are required for the redevelopment of the site. Based on the number of apartment units, five (5) dumpster pads are required. There are five existing dumpster pads on the site. One of them is to be reconfigured to accommodate the new fire lane. New dumpster enclosures are also proposed to be constructed on the existing pads.

Lighting

No demolition of existing lighting or construction of new lighting is proposed as part of the redevelopment.

Waiver Request: Elimination of Emergency Rear Access Requirements

The *Zoning Ordinance* requires an 18-foot secondary fire lane to provide emergency access to the rear of the two story apartment buildings (Article 5 §17.5(a)). The Ordinance provides for consideration of a waiver of the emergency access requirements; see Code citation as follows:

> **Article 5 Section 17. - Emergency access requirements.**
> (1) *General purpose.* The purpose of this section is to establish standards and requirements for the fire protection of structures and inhabitants by providing emergency vehicle access to structures that enable the City of Dover Bureau of Fire to approach and attack fires in such a way that there is a reduced threat to the lives and safety of citizens.
>
> (2) *Waiver.* Should the planning commission determine, after demonstration by an applicant, that alternative means of fire protection can be provided which are equivalent to or greater than the public safety protection provided by this ordinance, then the planning commission may recommend to [the] city council to waive certain provisions of this ordinance that are not required under other city or state laws.

The plan currently does not provide rear emergency access to most of the buildings on site. The proposed buildings do have fire protection provisions under the Fire Code including the following: sprinkler systems (wet and dry fire protection systems), fire alarms in the building and partial fire lane coverage of the building. As previously mentioned a new 24-foot-wide primary fire lane will be constructed between buildings K, M, and N. The applicant has requested a waiver from the requirement for rear emergency access; the waiver request will be considered by the Planning Commission, the Safety Advisory and Transportation Committee, and City Council, who has the final authority to grant the request.

RECREATION/ OPEN SPACE

Due to the property size and unit density, this project qualifies for Active Recreation Area exemption for small developments under the *Zoning Ordinance*, Article 5 §10.514. This project is required to provide 150 square feet of Active Recreation Area per dwelling unit or 10,000 SF of Active Recreation Area, whichever is greater. Based on a total of 100 dwelling units, 15,000 SF of Active Recreation Area are required. The applicant has provided an exhibit showing that the existing amenities on site, including the community building, playground area, basketball court, and walking trails around the community center and playground total 19,754 SF. No new recreational amenities are required or proposed.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes three sheets for Landscaping: an existing trees/tree removal plan, a new planting plan, and a details sheet. Based on a 345,372 SF non-woodland area for the property, a total of 116 trees are required. There are 68 existing trees on the property, 17 of which are proposed to be removed either due to poor health or proximity to construction. 119 new tree plantings are proposed, including plantings of Kentucky Coffeetree (10), Black Gum (9), Little Leaf Linden (8), Green Vase Zelkova (18), Paperbark Maple (17), Redbud (16), Winter King Hawthorn (22), Cornelian Dogwood (13), Norway Spruce (5), and Blue Spruce (2). Considering both new plantings and trees to preserved results in a total of 188 trees planted on site.

Some proposed trees may have to be relocated due to proximity to underground utilities. The plan also does not currently propose a scheme for protecting existing trees on site using silt fencing or some other method.

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:

1) The project must comply with requirements for emergency rear access to the apartment units unless a waiver is granted. Significant redesign of the redevelopment project will be required if this waiver is not granted. A written waiver request was submitted for consideration. The waiver request is to demonstrate that alternative means of fire protection will be provided that are equivalent to or greater than the public safety protection provided by the requirements of the *Zoning Ordinance*.

2) Architectural Submission:
   a. Staff notes that architecture for the building will be evaluated at time of Building Permit application for compliance with architecture as approved by the Planning Commission. The building architecture may be required to come before the Planning Commission for additional review if significant design changes to the buildings' exterior finishes in form and materials.

3) The project must comply with requirements for bicycle parking unless a waiver is granted. Because no waiver is to be requested, nine (9) bicycle parking spaces are required.

4) Please ensure all building entrance walks terminating in the fire lane have barrier-free access ramps.

5) Please ensure pedestrians and bicyclists have access routes to both site exits unobstructed by any devices used to prevent vehicle entry, and that such devices also do not restrict their interior movement around the site.

6) Please ensure the pavilion on the south edge of the site and the shed on the east edge of the site are depicted on sheets SP-3 and LS-2, unless these structures are to be demolished.

7) Please provide a construction details sheet for items including but not limited to the following: barrier free sidewalk, curbing, paving section, bicycle racks, lighting fixtures, etc.

8) Cover Sheet SP-1:
   a. The minimum lot width for garden apartments in the RM-2 Zone is 100 ft. Please include this information and the actual lot width (approx. 370 ft. at the McKee Road frontage) in the bulk regulations table.
   b. In the bulk regulations table, please include density figures for the site. The maximum permitted is eight (8) DU/acre and the amount provided is 12.6 DU/acre.
   c. Under parking rationale, please update the figure to indicate that 225 parking spaces are required and 177 parking spaces are furnished. Update the parking rationale to include the requirements for 1 space/200 SF of office space and 0.25 spaces/DU for visitor space. Further update the figure for parking spaces required if any office space is present on site.

9) Landscape Sheet LS-1:
   a. There do not appear to be trees on the plan associated with tree T-58 or trees T-69 through T-73. Please confirm whether there are 68, 69, or 73 existing trees on site.
   b. Please delineate any existing woodland on the site, if any.

10) Landscape Sheet LS-2:
   a. Please ensure that the new trees presented on the plan match the quantities given in the landscape tabulations and plant material tables.
   b. Please ensure all trees are a minimum of ten feet away from underground utilities.
   c. The Landscape Plan must be signed by a Design Professional as defined by the *Zoning Ordinance,* Article 5 Section 16.2.

11) Please include on one of the plan sheets a delineation of the existing recreational open space areas and their total area (19,754 SF).

12) The plan must at a minimum provide a fencing or staking detail showing how existing trees on site are to be protected during construction. An Erosion and Sediment Control Plan is preferred.

13) Any Erosion & Sediment Control Plans and the Stormwater Management Plans granted approval by the Kent Conservation District must reflect the Site Plan layout and design conditionally approved by the Planning Commission and be in compliance with the *Zoning Ordinance* and technical review requirements of other agencies.

14) Any proposed signage is subject to the Sign Regulations of the *Zoning Ordinance*.

<u>RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:</u>

1) <u>Waiver Request: Elimination of Rear Emergency Access Requirement-</u> Staff recommends approval of the Waiver Request to eliminate the 18-foot rear fire lane requirement. The proposed new buildings are proposed to be sprinklered and include fire alarm systems to give

them public safety protections in excess of those provided by the *Zoning Ordinance*. The applicant has worked closely with the Fire Marshal's Office to provide an appropriate fire protection strategy for the existing site, including a new fire lane and perimeter access around all buildings greater than the minimum required. The Fire Marshal has provided attached comments regarding compliance with fire protection regulations.

2) Staff recommends that any outside HVAC Equipment be designed to minimize the impact on adjacent property owners and adjacent buildings, adequately screened from public view and the overall visible impact. Consideration must also be given to equipment placement in proximity to public facades of the buildings.

ADVISORY COMMENTS TO THE APPLICANT:

1) The Planning Commission should act upon the waiver requests as part of any motion to approve this Site Plan, or as a separate motion if necessary. Note: The recommendation for the waivers are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.

2) The Planning Commission should provide recommendations to City Council in regards to the elimination of the rear emergency rear access. The City Council and associated Committee meeting will be scheduled to review this request.

3) In the event that major changes and revisions to the Site Plan occur in the finalization of the Plan, contact the Planning Office. Examples include reorientation of the complex/buildings, relocation of site components, and increases in floor area or unit count. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

4) In the event that there are changes to the architecture, building footprints, layout or square footage of the buildings, contact the Planning Office. These changes may require review by the Planning Commission.

5) In the event that additional recreation area is required, the applicant is reminded of the requirements for construction phasing of the recreation area as associated with the development of the residential units.

> Article 5 §10.6 Construction Phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that one hundred (100) percent of the recreation and open space areas shall be completed prior to issuing building permits for the final twenty (20) percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

6) There shall be provisions which insure that the common open space land shall continue as such and be properly managed and maintained. The developer shall either retain ownership and responsibility for maintenance of such open land; or provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space i.e. a Homeowners Association. The organization shall be responsible for maintenance, insurance and taxes on the common open space.

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

8) Following Planning Commission approval of the Site Development Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted.

9) For building new construction, the requirements of the building code and the fire code must be complied with. Consult with the Chief Building Inspector and City of Dover Fire Marshal for these requirements. The resolution of these items may impact the site design including such items as building dimensions and height, building openings, building material selection, and fire protection needs, etc.

10) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate Site Plan approvals, Pre-Construction meetings, site inspections and permits are required.

11) Construction will have an effect on the adjacent buildings on the site and site access. Any work requiring the closing or rerouting of residents or visitors to the adjacent buildings, and site access shall be coordinated as to offer the least amount of inconvenience.

12) The applicant should be aware of the potential for environmental concerns. Wetland is present on the site and adjacent sites, and care should be taken during demolition and construction that no material is deliberately or inadvertently dumped in the wetland.

13) The applicant shall be aware that Site Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign may require a Sign Permit from the City of Dover prior to placement of any such sign in accordance with Zoning Ordinance Article 5 §4.

14) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from 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 Department as soon as possible.

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF November 9, 2016

PLANNING COMMISSION MEETING OF November 21, 2016

Plan Title:	Panera Bread Restaurant at 545 North DuPont Highway, S-16-23
Associated Plan:	Capital Commons, S-16-02 Redevelopment of the former Kmart site at 515 North DuPont Highway
Plan Type:	Site Plan
Property Location:	East side of North DuPont Highway, north of Townsend Boulevard
Property Address: Project Address:	515 North DuPont Highway 545 North DuPont Highway
Tax Parcel:	ED-05-068.09-01-34.00-000
Property Area: Project Area:	8.417 acres 36,848 SF
Owner: Project Developer:	Dover, DE Retail LLC c/o TLM Realty Corp. Lemek LLC
Building Areas:	Proposed Pad Site (north site) 4,986 SF Restaurant with Drive-through
Existing Property Use: Proposed Property Use:	Multi-tenant Retail Building and two vacant pad sites Retail building with multiple tenants and two pad site buildings
Off Street Parking:	Required – 37 spaces based on restaurant seat count Proposed – 34 spaces on pad site and spaces in shared main parking area
Sewer & Water:	City of Dover
Zoning Classification:	C-4 (Highway Commercial Zone) SWPOZ (Source Water Protection Overlay Zone)
Waivers Approved with S-16-02:	Reduction in Arterial Street Buffer Partial Elimination of Curbing Opaque Barrier Alternative Format

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 9, 2016

APPLICATION: Panera Bread Restaurant at 545 North DuPont Highway: North Pad Site at Capital Commons at 515 North DuPont Highway, Dover

FILE #: S-16-23 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

This is a Site Development Plan Review to permit construction of a 4,986 S.F. restaurant (Panera Bread Restaurant) and related site improvements on a 36,848 S.F. pad site at the Capitol Commons development as part of the 8.417-acre parcel. The property is located on the east side of North DuPont Highway north of Townsend Boulevard. The property is zoned C-4 (Highway Commercial Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 3: Excellent Recharge Area). The owner of record is Dover, DE Retail LLC c/o TLM Realty Corp. and project developer is Lemek, LLC. Project Address: 545 North DuPont Highway. Property Address: 515 North DuPont Highway. Tax Parcel: ED-05-068.09-01-34.00-0001. Council District 3.

Previous Applications

This application is located on the same parcel redeveloped with the Site Development Plan S-16-02 Capital Commons; S-16-02 was granted conditional approval by the Planning Commission in February 2016 with Final Plan approval in May 2016. The Site Development Plan S-16-02 outlined the site improvements associated with the retrofitting of a previous vacant main commercial building (former Kmart location) into two tenant spaces. The project included reconfiguration of the site entrance from Townsend Boulevard and improvements to the existing parking lot areas. The Site Plan also established the basic areas of two future restaurant/retail pad sites that would be subject to future Site Plan application filings. S-16-23 is for the development of the north pad site area.

PROJECT DESCRIPTION

This Plan proposes the development of north pad site area located in the northwest corner of the main parcel. This places the second building on the property that functions as a shopping center known as Capital Commons. It is proposed as a Panera Bread Restaurant to consist of one restaurant building with outdoor seating and a drive-through.

C-4 Zoning District

The property is zoned C-4 (Highway Commercial Zone) and subject to the regulations of *Zoning*

Ordinance, Article 3 Section 16 and Article 4 Section 4.15. The placement of multiple buildings on the same property is permitted within the C-4 (Highway Commercial Zone) Zoning District. The use as a restaurant with drive-through is allowed in C-4.

SWPOZ (Source Water Protection Overlay Zone)

A portion of the subject pad site area is located within the SWPOZ (Tier 3: Excellent Recharge Area) and subject to Article 3 Section 29.7 of the *Zoning Ordinance*. The proposed use as a restaurant is not prohibited in the SWPOZ.

For Tier 3: Excellent Recharge Areas, the maximum lot coverage for the portion of the site within the SWPOZ is 30% unless infiltration is utilized then the maximum lot coverage allowable is 60%. The Site Plan submittal (Sheet 7) lists the amounts of existing impervious coverage and proposed impervious coverage within the SWPOZ area. In redevelopment proposals a 15% reduction of impervious surface coverage is required; however, there are provisions to alter this reduction requirement. See *Zoning Ordinance,* Article 3, §29.73. As currently shown, the impervious area in the SWPOZ area of the pad site increases with this restaurant development; however, the applicant proposed other improvements to make use of infiltration.

BUILDING ARCHITECTURE

Architecture

The development of the north pad site area consists of a one-story restaurant building and the building's architecture is subject to the *Zoning Ordinance,* Article 5 Section 19. The main building entry is at the southeast corner of the building and is adjacent to the outdoor seating area on the south elevation of the building (facing the parking lot rather than the street frontage). The drive-through ordering (with menu board) is on the north side of the building and the drive-through pick-up window is on the west elevation (North DuPont Highway elevation) of the building. The building includes the exterior finishes of a masonry watertable feature and corner entry feature with the upper portions of the wall in EIFS for the east, south, and west elevations. The north elevation wall is masonry and painted a graphite color resulting in a large expanse of blank wall. The front elevation (south elevation) that faces the parking lot includes an aluminum storefront glass system with a continuous awning system while the east and west elevations include series of individual windows with awnings.

SITE CONSIDERATIONS

The overall Capital Commons site consists of an existing renovated commercial building and its associated parking lot (existing 393 parking spaces) and a pad site in the northwest corner. Another vacant pad site (previous bank with drive-thru building demolished) at located on its own parcel at the corner of Townsend Boulevard and North DuPont Highway. The property to the north of the subject property includes a hotel building. To the south across Townsend Boulevard, there are several commercial buildings including multi-tenant retail /office buildings and a motor vehicle gas and service station. To the west, across North DuPont Highway are multiple commercial and office buildings.

The main access to the property is by turning off of North DuPont Highway onto Townshend Boulevard then into the site. This access was reconfigured to create the right-angle alignment of

the entrance with the Townsend Boulevard with the initial phase of redevelopment. The access to the property is also provided by an entrance drive directly from North DuPont Highway which is shared with the adjoining hotel property. These entrances will provide the access to the Panera Bread Restaurant; the north pad site area will not have direct access to North DuPont Highway.

PARKING SUMMARY

The parking for a restaurant use is based on seat count rather than floor area with a parking rate of one parking space per four (4) regular seats and one parking space per three (3) bar seats. Based on the listed seat count of 146 seats, a minimum of thirty-seven (37) are required. The pad site has 34 spaces and the remaining parking is provided through sharing the large parking area in front of the main commercial building.

With this pad site development as a restaurant then the parking requirements must be re-evaluated for the property overall. The *Zoning Ordinance* includes provisions for joint facilities for parking allowing for parking to serve more than one establishment. The minimum parking requirement for the C-4 (Highway Commercial Zone) is one (1) parking space for every three hundred square feet of building area. Based on the overall total size of 84,993 SF for the main multi-tenant commercial building (as renovated), a minimum of 284 parking spaces is required. Thus the parking requirement for the site is 321 parking spaces and the proposed Site Plan shows 336 parking space in the main parking lot and 34 parking spaces at the pad site are proposed. The overall site exceeds the overall parking requirement but is within the maximum allowable.

Loading Spaces

There is not a specific loading space requirement for restaurants. The main commercial building required three loading spaces which are provided at the rear (east side) of the main building in two loading dock areas.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) regular vehicle parking spaces. Based on the thirty-four (34) parking spaces provided at the pad site, at least two (2) bicycle parking spaces are required for the restaurant. There is also an existing bicycle rack at the front of the main retail building.

Sidewalks

Zoning Ordinance, Article 5 §18 requires sidewalks to be installed along the public street frontages of a property. The property includes a new ten (10) foot shard use path along North DuPont Highway and a sidewalk along Townsend Boulevard. In the southern portion of the property, there is a sidewalk connection leading into the site from the shared use path on the North DuPont Highway frontage leading to the west-east pedestrian path to cross the parking lot to the main multi-tenant commercial. Currently for the north pad site, there is not a sidewalks link from the multi-use path to the restaurant building or a sidewalk connection between the restaurant and the main commercial building.

Waiver Previously Granted: Partial Elimination of Curbing

A waiver was previously granted with Site Plan S-16-02 Capital Commons for the partial elimination of curbing in parts of the existing parking lot. The north pad site is not seeking this waiver as all parking areas of to be curbed as well as the pad site. However, there are several points of depressed curb in short segments related to stormwater management systems.

Dumpsters

For the building's use as a restaurant, then two (2) Dumpsters are required for the first 3000 S.F. floor area and one additional Dumpster per 3000 S.F. of floor area. Three dumpsters are shown at the northeast corner of the pad site. If all the Dumpster pads required by Code are not needed a Dumpster pad may be reserved and shown on the plan as reserved. The dumpster pad and enclosure would only be constructed if it was determined to be necessary by the Planning Director.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a Landscaping Plan Sheet showing the tree plantings specific to this pad site area. Based on the project site area of 36,848 S.F. a total of 13 trees are required. The proposed plan currently shows 14 trees as new tree plantings of a mix of deciduous shade trees and ornamental trees. They are located predominately to the east of the restaurant building surrounding the parking lot. There are also shrub and grass plantings immediately adjacent to the building.

Waiver Previously Granted: Reduction of Arterial Street Buffer

North DuPont Highway (U.S Route 13) is considered as a principal arterial street and requires a thirty (30) foot landscape buffer along the road frontage known as an Arterial Street Buffer. The plan provides thirty (30) feet in some segments but reduces to a width of twenty (20) feet in the areas adjacent to the main parking lot. The new landscape area of this buffer involves grass areas, tree plantings, and a portion of the shared use path. Along the north pad site area, the Arterial Street Buffer is provided at a width of over thirty (30) feet which will be planted with trees and shrubs.

Opaque Barrier

Waiver Previously Granted: Alternative Format of Opaque Component

An opaque barrier is required when a non-residential use abuts a residential use (*Zoning Ordinance*, Article 5 §7.2). For this project, the east property line abuts residential uses. A waiver was granted with Site Plan S-16-02 to recognize the existing chain-link fence with slats and its current location to allow the location of the landscape plantings on the non-residential (project) side of the fence. The subject project area for the development of the north pad site is not subject to opaque barrier requirements.

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:

1) The project must comply with the SWPOZ (Source Water Protection Overlay Zone)

provisions pertaining to impervious surface areas. The project has proposed the use of infiltration methods to comply with the requirements for reduction in impervious surface areas.

2) The Capital Commons overall site previously was granted waivers as follows:
   a. Approval of the partial elimination of upright curbing in specific areas of the existing parking lot. It is noted that portions of the north pad site area previously left un-curbed will receive curbing during the its redevelopment.
   b. Approval of waiver of the opaque barrier requirements where the property adjoins the residential uses to accept the existing chain-link fencing and its alternative placemen of landscaping on the non-residential. The north pad site area is not affected by this requirement.
   c. Approval of a waiver to reduce the Arterial Street Buffer to twenty (20) feet in certain areas along the frontage of North DuPont Highway. The North DuPont Highway frontage in the north pad site area will comply with the requirement for a thirty (30) foot Arterial Street Buffer.

3) Cover Sheet, Sheet 1, General Notes:
   a. List Site Address at 515 North DuPont Highway and Project Address as 545 North DuPont Highway. Update multiple instances; the direction of "North" is part of the street name.
   b. In Item #7, clarify that Parcel B is the general location of the pad site to be developed in the future.
   c. In Item #20, clarify these waivers were granted with Site Plan S-16-02; they are not proposed. Update text. Also on Sheet 7 – Notes.
   d. Update Site Plan number.

4) Site Plan, Sheet 7:
   a. Data Column:
      i) List number of inside seats and number of outside seats for parking calculation.
      ii) List that 34 parking spaces are provided at the pad site and number of spaces in shared main parking lot.
      iii) Update loading spaces; none are required for the restaurant and none are provided.
      iv) Clarify the number of bicycle parking spaces at the restaurant site.
      v) Items P and Q: Clarify if this the pad site only.
      vi) Recheck parking calculations and number of parking spaces shown on plan. Provide details of calculations i.e. floor area, seat counts.
   b. SWPOZ Calculations:
      i) List site area of Pad Site.
      ii) List overall site (Parcel A) calculations for SWPOZ resulting from this pad site development.
      iii) Ensure this information coincides with information on Sheet 11. For the Impervious Area Calculation information on Sheet 11, does it pertain to Parcel A area only or Parcels A and B?

c. Adjust the location of bike rack to ensure parked bicycles do not encroach into building entry sidewalk area.
d. Clarify door swing/exit detail at door to patio and rear exit door on north wall. Line work seems off.
e. Identify type of fencing around outdoor seating area and location of any egress gates.
f. One of the parking lot islands is shown as concrete but has a tree placement on the Landscape Plan. Address potential conflict.
g. Add sidewalk connections from street frontage shared use path leading into the restaurant.

5) Clarify if building is proposed to be sprinklered. Identify location of Fire Department Connection. *The Applicant has confirmed that the restaurant will be sprinklered.*

6) Sheet 12: Clarify the limit of disturbance versus the size of the north pad site.

7) Sheet 14 Landscape Plan:
   a. Be consistent with the area of the pad site size (36,848 SF).
   b. A total of 13 trees are required to meet the tree density requirements for the pad site area. Update calculation listings.
   c. Ensure planting locations maintain the required spacing distance from utility lines and fire hydrant. Check shrubs near utility service area on the east building elevation. Check the Willow Oak planting location in the sidewalk island.

8) The Plan set will need to be updated to reflect any changes recommended or approvals or waivers granted by the Planning Commission.

9) Ensure barrier free access ramps are installed at all intersections of sidewalks with the roadways and parking areas including access to the sidewalk areas at the front of the building.

10) Provide details of Dumpster enclosures.

11) Any Sediment & Stormwater Management Plans granted approval by the Kent Conservation District must reflect the Site Plan layout and design conditionally approved by the Planning Commission and be in compliance with the *Zoning Ordinance* and technical review requirements of other agencies.

12) Staff notes that the site development design and architecture for the other pad site building area (at 505 North DuPont Highway) will require a separate Site Plan application for Planning Commission review as it is not included with this application S-16-23 or Site Plan S-16-02.

13) The property at 515 North DuPont Highway qualifies for consideration of a Unified Comprehensive Sign Plan to address signage on the site.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Pedestrian Circulation: Staff recommends evaluation of the site design in order to accommodate the addition of sidewalk connections leading into the restaurant pad site from the street frontage multi-use path to the restaurant building and also from the restaurant building to the main retail commercial building in order to create an internal pedestrian network. While a designated pedestrian paths/sidewalks creates a west-east system through the parking lot at the south end of the main parking lot, it does not interconnect with this restaurant building.

2) Building Architecture:
    a. Staff recommends material and/or detailing improvements to the north elevation wall of the restaurant building. Due to the position of the building, this elevation will be visible from the adjacent property and visible from southbound travelers on North DuPont Highway. As proposed, it reads as a 'rear' of the building and is a large blank wall. Suggestions for improvements include: utilizing the same materials and color scheme as the main elevation, adding dimension to the wall surface with architectural features or simulated window openings, etc.
    b. Overall, the restaurant building can be improved by a heavier cornice line or the use of parapet walls of various heights in sections. Brick wall features could also be incorporated.
    c. While potential wall signage is shown on the building elevations, it is subject to a separate Sign Permit application process and will be limited in number and size as per the City's Sign Regulations.

3) Staff recommends that any outside HVAC Equipment be designed to minimize the impact on adjacent property owners, adequately screened from public view and the overall visible impact.

ADVISORY COMMENTS TO THE APPLICANT:

1) The overall site improvements for Capital Commons S-16-02 remain to be completed through Administrative Building Permit #16- 779. The outstanding items as of September 8, 2016 where identified in an email and included items such as landscaping, construction clean-up, bollards, and bicycle rack. If items are complete, contact Department of Planning & Inspections to schedule Final inspection.

2) In the event, that major changes and revisions to the Site Plan occur in the finalization of the Site Plan contact the Planning Office. Examples include reorientation of building, and relocation of site components like dumpster pads, utilities, changes in building size, etc. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

3) Following Planning Commission approval of the Site Plan, the Plan must be revised to

meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.

4) In the event, that there are changes to the architecture, building footprints, layout or square footage contact the Planning Office. These changes may require review by the Planning Commission.

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

6) This commercial site will need to provide recycling based statewide universal recycling provisions.

7) For building new construction, the requirements of the building code and the fire code must be complied with. Consult with the Chief Building Inspector and City of Dover Fire Marshal for these requirements. The resolution of these items may impact the site design including such items as building dimensions and height, building openings, and fire protection needs, etc.

8) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections and permits are required.

9) Construction may have an effect on the adjacent property owners and other areas of the existing site. Any work requiring the closing or rerouting of residents or visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners.

10) The applicant shall be aware that Site Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign may require a Sign Permit from the City of Dover prior to placement of any such sign in accordance with Zoning Ordinance Article 5 §4.

11) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from 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 Department as soon as possible.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: NOVEMBER 2, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Panera Bread Restaurant at 545 North DuPont Highway**

FILE #: **S-16-23**

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

CONTACT PERSON: **Paul Waddell - 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. Owner is responsible for site and/or street lighting.
7. Meter locations will be determined by City of Dover Engineering Department.
8. Load sheets and AutoCAD compatible DXF or DWG diskettes of site plans, including driveways, are required prior to receiving approved electrical construction drawings.
9. 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.
10. 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.
11. 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.
12. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
13. 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.
14. 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) 736-7070 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. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.
7. The shopping center shall be served by one single water service (which includes domestic and fire), specifically one (1) curb stop and one (1) water meter. The owner has the option to sub-meter the properties downstream of the initial meter. The two individual buildings may have separate water services, since they are a set aside principle structure. If a technical infeasibility exists, a waiver may be granted from this requirement.
8. The tapping sleeve and valve for this service shall be 10"x8". It shall also be a Powerseal 3490AS, no substitution.

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 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, including cleanouts.

4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.

5. Sizing (flow) calculations must be submitted for the proposed force main (other than for single-family dwellings) showing that velocity and all other requirements are met.

6. The minimum size of all sanitary sewer laterals shall be six-inch (6").

7. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.

8. The proposed force main shall have at least eighteen inches (18") of horizontal clearance from all electric, gas and telephone lines.

9. Calculations shall be provided for the proposed grinder pump for this building. The calculations shall show that velocity and all other requirements are met.

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 is 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.

STREETS

1. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DelDOT is submitted to our office.

SANITATION / GROUNDS

1. None

GENERAL

1. 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.

2. Please replace the trench pavement width detail on sheet 5 with the City of Dover trench detail. Contact our office for more information.

3. The final site plan must be submitted in the following compatible digital formats:

   a. AutoCAD 2004 (.dwg format).

   b. Adobe Reader (.pdf format).

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/departments/electric/documents/.

WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS / GENERAL

1. None.

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 during the spring and fall. 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 may be required for this proposed site plan.

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 may be required to 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. Wastewater impact fees may be required for this proposed site plan.

STORMWATER / GROUNDS / STREETS

1. None.

SANITATION

1. This site shall be served by a private solid waste removal company.

GENERAL

1. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.
2. 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.

S-16-23

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 11/09/16

CITY OF DOVER FIRE MARSHAL

APPLICATION: Panera Bread Restaurant at 545 N DuPont Hwy

FILE #: S-16-23 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal 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 business.
2. Building Access shall be no further than 50 feet from a primary entrance. Where buildings are provided with an automatic sprinkler system installed in accordance with NFPA 13, access shall be no further than 100 feet from the primary entrance.
3. Perimeter access will be 30% and clearly shown on the plans. Perimeter Access minimum width shall be 15ft measured from the face of the building at grade with a maximum slope of 10%. Plantings and utility services shall be permitted within the perimeter access and shall interfere with emergency services fire ground operations.
4. Please see City of Dover Ordinance 98-10 in reference to Speed Reduction Devices.
5. Address numbers of at least 12 inches in height must be placed on the street side of the building visible from the street. Label all suites if applicable.
6. Any natural or LP gas bottles, meters, values, regulators, etc., must have impact protection per City of Dover Code of Ordinances.
7. Full building and fire plan review is required.
8. Building cannot be occupied or construction or renovations started until completion of building and fire plan review.

9. All required means of egress shall have an exit discharge consisting of a non slip surface, and leading to and terminating at a public way.

10. Project to be completed per approved Site Plan.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. If the door from the restaurant to the patio is an exit, then the patio will need an exit/gate as well.
2. This office needs to know if the building is sprinklered. The plan refers to fire service to the building. If the building is sprinklered, additional comments will be supplied.
3. This office needs to know if the building has a fire alarm. If the building has a fire alarm, additional comments will be supplied
4. This office needs to know if the building has a hood/ansul system. If so, additional comments will be supplied
5. Knox Box is recommended, may be required depending on the information provided from #2, #3, and #4.

The following items have been added due to comments at the applicant DAC meeting:

1. Per our discussion, the patio needs to have a clear opening the size of the exit door to ensure a clear path of egress to the public way.
2. The applicant has advised that the building will be sprinklered. Please see the following comments in regards to the sprinkler.
    a. System is to be monitored by an approved Fire Alarm System.
    b. Fire Department Connection is to be located within 50 feet of main entrance. Access to the Fire Department Connection must be clear unobstructed access as defined by the AHJ.
    c. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.
3. Fire alarm required due to a sprinkler system being installed.
4. The applicant has advised that exhaust hoods will be installed; however, an ansul system will not be installed due to no grease laden vapors being produced.
5. Knox Box is required due to the Fire Alarm and Sprinkler installation.

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):
2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
2015NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)
2013 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)
2013 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)
2009 IBC (International Building Code)
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
2015 Delaware State Fire Prevention Regulations
City of Dover Code of Ordinances

***If you have any questions or need to discuss any of the above comments, please call the above contact person listed.**

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 2, 2016

D E L D O T

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APPLICATION: Panera Bread Restaurant at 545 North DuPont Highway

FILE#: S-16-23 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Jonathan T. Moore PHONE#: 760-2145

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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 & STATE CODE REQUIREMENTS:

DelDOT has no comments regarding city & state code at this time.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

The pad site that the Panera will be on was approved under the Capital Commons plans. DelDOT sees no additional impact created by the proposed restaurant past what the pad site was previously approved for. DelDOT anticipates issuing a Letter of No Contention for this project. The plans were submitted to DelDOT on October 25, 2016 and the applicant should anticipate a response from the Department no later than November 8, 2016.

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.

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
November 2016

APPLICATION: Panera Bread Restaurant

FILE #: S-16-23

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. The project is located within a previously approved plan. The approved plan require that a designed square foot of pervious area remain as undisturbed. The approved plan did not include a drive thru for the restaurant; the additional impervious may need to be accounted for by using additional treatment.
2. Verify the amount of impervious being proposed and verify that it does not exceed the allowable impervious on the approved plans.

ADVISORY COMMENTS TO THE APPLICANT:

1. If the land disturbing activities are greater than 5,000 square feet in land disturbance. The project is required to be reviewed and approved under the Delaware Sediment Stormwater Regulations.
2. Projects that are one acre of land disturbance or less and the Stormwater management requirements are covered under an existing Stormwater facility are required to submit a non-residential standard plan. The plan must be approved prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The application and requirements' can be found on the KCD web site WWW.KENTCD.ORG

STAFF REVIEW REPORT
Of November 10, 2016 for
Review of *Performance Standards Review Application*
Before the City of Dover Planning Commission on November 21, 2016

Application for Review:	Performance Standards Review Application Advantech at Lot 13 Garrison Oak Technical Park
Plan Title:	Advantech at Lot 13 Garrison Oak Technical Park S-16-24
Applicants:	Protective Properties, LLC
Location:	East side of Garrison Oak Drive, located northwest side of White Oak Road, east of Route 1
Address:	151 Garrison Oak Drive
Tax Parcel:	LC05-068.00-01-13.00-000
Site Area:	Lot 13: 10.06 acres +/-
Zoning:	IPM-2 (Industrial Park/Manufacturing Technology Center)

INTRODUCTION

The Protective Properties, LLC (Advantech) has submitted its *Performance Standards Review Application* for review by the City of Dover Planning Commission in accordance with the provisions of the *Zoning Ordinance,* Article 5 §8. Performance Standards. The following Staff Review Report will provide a narrative of the project background, the next steps for the project, and the procedures for the review of the *Performance Standards Review Application*.

PROJECT LOCATION: Garrison Oak Technical Park

Within the Garrison Oak Technical Park, Lot #13 is proposed as the location of Advantech.

Garrison Oak Technical Park

The Subdivision Plan for the Garrison Oak Technical Park (Application SB-09-06) outlined the layout the lots, street network, and other infrastructure to establish fifteen (15) individual lots and residual open space from two parcels totaling 381.84 acres +/- on a tract known as Garrison Oak. The Planning Commission reviewed and granted conditional approval of this proposed Subdivision Plan for the Technical Park in January 2010 and September 2010 with the Record Plan recorded in May 2012. Construction of infrastructure and the road network of Garrison Oak Drive then commenced.

PROJECT DESCRIPTION: Advantech

The Advantech project construction of a combination office building and light manufacturing facility. The building is a one story building with a front office portion and a rear manufacturing and storage portion. A parking lot (for staff) is proposed on the northwest side of the building facility. The east side of the building consists of a loading area and work fleet parking areas that is enclosed by fencing. Between the building and Garrison Oak Drive is the entrance drive loop and a series of angled parking spaces (for visitors) at the building entrance. The eastern and southern portion of the property includes areas of lawn and tree plantings. A total of 147 trees will be planted on the property to meet the tree planting requirements. The facility is to be served by City of Dover utilities (water and sewer) and private trash collection.

PROJECT REVIEW AND NEXT STEPS

The City of Dover Planning Commission will review Site Development Plan (S-16-24) for the Advantech project on November 21, 2016 and conduct a Public Hearing on the project. The applicant is seeking the following waiver request as part of the Site Plan review process: the partial elimination the required upright curbing in designated areas of the parking lots address stormwater management practices.

If the Planning Commission grants conditional approval of the Site Development Plan (Application S-16-24 Advantech) for this facility, the applicant is requirement revise the Site Plan for final plan approval to achieve all agency approvals and then commence authorized construction upon receipt of appropriate permits.

A Performance Standards Review is required to be completed as part of the Site Plan process for Advantech project. This Performance Standards Review is being completed in conjunction with the Site Plan Review.

PERFORMANCE STANDARDS REVIEW

Uses in the IPM-2 (Industrial Park Manufacturing zone – Technology Center) are subject to the performance standards as set forth in *Zoning Ordinance,* Article 5 §8.1 and as more specifically outlined in Article 5 §8.5.

> *Article 5 §8.1 Dangerous and objectionable elements.* No land or building in any zone shall be used or occupied in any manner so as to cause any one or more of the following conditions to exist and to be dangerous, injurious, noxious or offensive beyond the boundaries of such premises in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises: Fire, explosive or other hazard; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness or electromagnetic disturbance; glare, liquid or solid refuse or waste; traffic congestion causing roadways or intersections in the surrounding highway network to fall below acceptable levels of comfort and convenience; or other substance, condition or element (referred to hereinafter as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

As part of the Site Plan review process, the Performance Standards Review begins with submission of a *Performance Standards Review Application* which the Building Inspector refers

to the Planning Commission. The specific procedure is outlined in *Zoning Ordinance,* Article 5 §8.6 (see excerpt below). The Planning Commission may refer the Application to expert consultants for review if deemed necessary. The Planning Commission is charged with determining if the proposed use of the Advantech facility conforms to the applicable performance standards.

Article 5 §8.6 Performance standard procedure.

8.61 *Application.* An application for a site plan approval shall be accompanied with a performance standard review application when a use or occupancy is required, and shall be referred by the building inspector to the planning commission. The applicant shall also submit, in an amount equal to the required number of site plan submissions, a plan of the proposed construction or development, including a description of the proposed machinery, operations, and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectional elements referred to in article 5, section 8.1, in accordance with rules prescribed by the planning commission specifying the type of information required in such plans and specifications, and an affidavit by the applicant acknowledging his understanding of the applicable performance standards and agreement to conform with same at all times.
No applicant will be required to reveal any secret processes, and any information submitted will be treated as confidential if requested. The fee for such application shall include the cost of the special reports required to process it, described below.

8.62 *Report by expert consultants.* The planning commission, if there is any reasonable doubt as to the likelihood of conformance, shall refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified herein. Such consultant or consultants shall make such report within 30 days after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

8.63 *Decision of the planning commission.* At the next regular meeting of the planning commission, but in no event more than 30 days after the board has received the aforesaid report, or within such further period as agreed to by the applicant, the board shall decide whether the proposed use will conform to the applicable performance standards and, on such basis, shall authorize or refuse to authorize the issuance of a building permit or certificate of occupancy, or require a modification of the proposed plan of construction. Such decision of the commission shall be in the form of a written report. Any building permit or certificate of occupancy so authorized and issued shall be conditioned on, among other things:

(i) The applicant's completed buildings and installations in operation conforming to the applicable performance standards, and
(ii) The applicant's paying the fees for services of the expert consultant or consultants deemed reasonable and necessary by the planning commission for advice as to whether or not the applicant's completed buildings and installations will, in operation, conform to the applicable performance standards.

<u>Performance Standards Regulations</u>

The Performance Standards Regulations are found with *Zoning Ordinance,* Article 5 §8.5. (See Attachment for full text of code.) The project's compliance with a series of performance

standards for the "dangerous and objectionable elements" is to be considered. The "dangerous and objectionable elements" are as follows:

- Fire and explosion hazards (activities with and storage of)
- Radioactivity or electromagnetic disturbance
- Noise (sound pressure level)
- Vibration
- Smoke
- Odors (Odorous gases or odorous matter)
- Fly ash, dust, fumes, vapors, gases and other forms of air pollution
- Glare (from lighting or high temperature processes)
- Liquid or solid wastes
- Traffic congestion (Level of Service E)

The project cannot cause the above conditions to exist so that they adversely affect the surrounding areas or adjoining properties. The specific limits of each performance standard are described in the *Zoning Ordinance.* Where the performance standards conflict with regulations established by other state or local agencies such as the Delaware Department of Natural Resources and Environmental Control (DNREC), the more restrictive regulations apply.

Performance Standards Review Application for Advantech.
The project engineer Century Engineering on behalf of applicant Protective Properties, LLC (Advantech) has submitted the *Performance Standards Review Application* (Letter dated 11/8/2016) in the format of a two-page narrative letter which addresses each of the performance standards noting activities and actions such as design considerations and plans for the facility at 151 Garrison Oak Drive on Lot #13 in the Garrison Oak Technical Park.

Staff Review of the Performance Standards Review Application submission:
The Planning Office has reviewed the *Performance Standards Review Application* submitted for Advantech. (Application S-16-24).

Staff finds that the *Performance Standards Review Application* for the Advantech facility contains adequate information to confirm the project's compliance with the performance standards of *Zoning Ordinance*, Article 5 §8.5. It is an office operation and the light manufacturing process including production of items, the storage of materials and finished product (warehousing) occurs within the enclosed building at the facility.

For a number of the performance standards that are related to air quality, there are state or federal level permitting requirements that ensure the compliance both during construction and operation of certain types of facilities, thus limiting impacts to air quality resources. Some of the performance standards are governed by regulations and policies adopted and enforced by various City Departments such by fire protection regulations administered by the City of Dover Fire Marshal and liquid and solid waste disposal which are subject to the City's Water/Wastewater Regulations administered by the Department of Public Works in conjunction with other agencies.

The following review comments are provided by the City of Dover Planning Office. This listing also includes advisory comments related to the continuing plan review process and construction.

1) *Performance Standards Review Application*: Staff recommends the Commission affirm that the site's proposed use as an office building and light manufacturing facility conforms to all the applicable performance standards of the *Zoning Ordinance,* Article 5, Section 8. The proposed use is not expected to generate excessive dangerous or objectionable elements or emissions.

2) The Site Plan for the project must be in compliance with the comments and conditions outlined in the Development Advisory Committee Report and the adopted conditions of the Planning Commission for the Site Plan (S-16-24).

3) The fire protection needs for the facility will be reviewed as part of the Site Plan and Building Permit application processes. The current plan shows designated fire lanes, fire hydrants, fire department connections as well as planning for sprinklering of the building.

4) In reference to glare from lighting, the Site Plan for the facility is required to show the lighting plan for the site. Lighting has additional compliance measures to adequately light the subject area while ensuring light does not reflect on adjacent properties and streets.

5) The design of water service and wastewater service components to serve the Advantech facility is subject to the review and approval of the City of Dover Department of Public Works.

6) In regards to the surrounding transportation network, the facility is to take access from Garrison Oak Drive, a proposed City street within the Garrison Oak Technical Park. Garrison Oak Drive has two points of intersection with White Oak Road, a State maintained road. Design of the facilities access to Garrison Oak Drive is subject to review and approval by the City of Dover Department of Public Works as part of the Site Plan review process. The design review and approval of the intersections of Garrison Oak Drive with White Oak Road is by DelDOT through the entrance plan/permit process and previously completed prior to their construction. A Traffic Impact Study is not required for the development of this facility on Lot #13, but could be required for future development within the Garrison Oak Technical Park.

7) In the event, that major changes and revisions to the Site Development Plan occur contact the Planning Office. Examples include, but are not limited to, reorientation of the complex/building, relocation of site components like stormwater management areas, and increases in floor area. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

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

9) Following the Planning Commission's action on the Site Development Plan, the Plan if approved must be revised to meet all conditions of approval from the Development Advisory Committee and as otherwise noted by the Planning Commission. These revisions are to be depicted as part of the Site Plan submissions which are required to progress to construction.

10) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate plan approvals, site inspections, a Pre-Construction meeting, and permits/licenses are required.

11) The applicant shall be aware that approval of the Performance Standards Review Application does not represent a Building Permit and other associated construction activity permits. A separate application process is required for issuance of a Building Permit and other permits from the City of Dover.

Attachments:

- Advantech Performance Standards Report submission
- Excerpt of *Zoning Ordinance,* Article 5 §8

CENTURY ENGINEERING
CONSULTING ENGINEERS

November 8, 2016

City of Dover
Attn: Planning and Zoning Comission
P.O. Box 475
Dover, DE 19901

RE: T.P. LC-05-068-00-02-13.00 Garrison Oak Technology Park
Protective Properties, LLC
Performance Standards Application

Members of the Commission:

As part of the application for the above referenced property a performance standards application addressing the performance standards outlined in Article 5 must be provided. The intent of this letter is to demonstrate compliance with Article 5 as required by City of Dover Code.

The proposed project consists of construction of a new operations building for Advantech Incorporated, a security services company. The building will include spaces for offices, storage, and assembly/manufacturing. Manufacturing processes performed in the facility include manufacturing electronic panels from parts delivered to the facility. All manufacturing relies on physical connections and does not include processes such as welding, plastic production or extrusion, or raw material refinement. Based on discussion with the applicant and review of the applicant's current facility we do not anticipate any of the operations that will occur on the property to be in violation of the hazards listed in Article 5, Section 8.1 and 8.5. Each listed hazard is addressed in detail below:

- **Fire and explosion hazards:** No activities involving storage of inflammable or explosive materials will occur on the site. The site will contain work vehicles and an emergency power generator which will contain diesel or petroleum fuel. Small fuel storage tanks (5 gallons or less) may be utilized to store fuel for lawn maintenance equipment or the emergency power generator. All fuel will be stored in approved containers.
- **Radioactivity or electromagnetic disturbance:** No radioactive material will be stored or utilized on the site. No operations creating electromagnetic disturbances will occur on the site.
- **Noise:** The site will have levels of noise consistent with an office and warehousing area. Noise generated by the site will consist of load and unloading vehicles, use of a forklift, opening of overhead doors and gates, and other general operations. No operations generating unusual or excessive noise are anticipated. The highest noise generators will

be back-up alarms (including those on work vehicles and vehicles providing services to the site, such as garbage trucks), forklifts, loading/unloading of work vehicles, and an emergency power generator. If required, the applicant will provide post construction noise readings on the site during each of these activities.

- **Vibration:** No activities producing detectable levels of vibration are expected to occur on the site. Stationary engines, such as the engine in the emergency power generator, will be equipped with vibration dampening equipment as part of the emergency power generator.
- **Smoke:** No activities producing smoke will be performed at the facility with the exception of smoke produced by: natural gas combustion utilized in heating the facility; the emergency power generator; and exhaust emissions of vehicles entering, exiting, and operating at the facility.
- **Odors:** No processes creating or emitting offensive odors will be performed on the site.
- **Fly ash, dust, fumes, vapors, gases, and other forms of air pollution:** No processes will be performed on the site that generate forms of air pollution. Air pollution generated will be a minimal amount generated by: natural gas combustion utilized in heating the facility; the emergency power generator; and exhaust emissions of vehicles entering, exiting, and operating at the facility. Fly ash and vapors will not be produced at the facility. Unusual quantities of airborne dust will not be created.
- **Glare:** No regular processes within the facility will produce glare. Infrequent welding, such as for repair of work equipment, may occur and will be performed inside of the facility whenever feasible. All lighting on the site shall be reflected downward.
- **Liquid or solid wastes:** All facility generated discharges will be into the sewer system. No processes within the facility will create any discharge that is not permitted to be discharged to the sewer. Any chemical or fuel spills within the facility are expected to be minor in nature and will be addressed with a chemical or fuel spill kit and will be disposed of appropriately. A chemical and fuel spill kit will be on site at all times.
- **Traffic Congestion:** The surrounding roadway network has not been identified as being at or near design capacity.

I hope this detailed response satisfies any concerns regarding compliance of the proposed project with Article 5 of the City of Dover Code.

Respectfully,

Century Engineering, Inc.



Alex Schmidt, P.E.

Zoning Ordinance, Article 5

Section 8. - Performance standards.

8.1 *Dangerous and objectionable elements.* No land or building in any zone shall be used or occupied in any manner so as to cause any one or more of the following conditions to exist and to be dangerous, injurious, noxious or offensive beyond the boundaries of such premises in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises: Fire, explosive or other hazard; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness or electromagnetic disturbance; glare, liquid or solid refuse or waste; traffic congestion causing roadways or intersections in the surrounding highway network to fall below acceptable levels of comfort and convenience; or other substance, condition or element (referred to hereinafter as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

8.2 *Uses requiring performance standards review procedure.* Those uses in the C-3, IPM and M zones and uses accessory thereto, which are specified as being subject to performance standards procedure, are subject to the procedure specified in article 5, section 8.6 in obtaining a site plan approval. The city planner may require other uses, whether existing or proposed and regardless of the particular zoning district, to submit to the performance standards review procedure when there exists reasonable grounds to believe that a proposed use is in violation, or is likely to violate, the performance standards, in which event, the property owner shall comply with [the] performance standards review procedure.

8.3 *Enforcement provisions applicable to other uses.* Even though compliance with the performance standards procedure in obtaining a site plan approval is not required for some proposed uses, initial and continuing compliance with the performance standards themselves is required of every use, and provisions for enforcement to ensure continued compliance with the performance standards shall be invoked by the city planner against the property owner, tenant, or other responsible party if there are reasonable grounds to believe that performance standards are being violated by a particular activity or use.

8.4 *Nonconforming uses.* Certain uses established before the effective date of this ordinance and nonconforming as to performance standards shall be given a reasonable time in which to conform therewith, as provided in article 7, section 1.53.

8.5 *Performance standards regulations.* Where the following regulations overlap regulations of the Delaware Department of Natural Resources and Environmental Control or other state or local agencies, the more restrictive regulations shall apply in case of a conflict:

8.51 *Fire and explosion hazards.* All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of the state and local laws and regulations shall also apply.

8.52 *Radioactivity or electromagnetic disturbance.* No activities shall be permitted which emit dangerous radioactivity at any point, or electromagnetic disturbance

adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

8.53 *Noise.* The maximum sound pressure level radiated by any use or facility (other than transportation facilities) at the property line shall not exceed the values in the designated octave bands given in [the following] table I, after applying the corrections shown in [the following] table II. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z243-1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, N.Y., shall be used).

Table I

Octave Band Range In Cycles per Second	Sound Pressure Level in Decibels re 0.0002 dyne/cm^2
30— 300	60
301—2,400	40
Above 2,400	30

If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. and 7:00 a.m., one or more of the corrections in table II shall be applied to the decibel levels given in table I.

Table II

	Type of Location of Operation or Character of Noise		Correction in Decibels
1.	Daytime operation only		
2.	Noise source operates less than*		
	a.	20 percent of any one-hour period	5
	b.	05 percent [sic] of any one-hour period	10
3.	Noise of impulsive character (hammering, etc.)		-5
4.	Noise of periodic character (hum, screech, etc.)		-5
5.	Property is located in one of the following zones and is not within 500 feet of any residential district*:		
	a.	Central commercial C-2 zone	5
	b.	Service commercial C-3 zone Manufacturing M zone	10
6.	Property is located in industrial park manufacturing zone IPM		10

*Apply one of these corrections only.

8.54 [*Vibration.*] No vibration shall be permitted which is discernible without instruments at the property line.

8.55 *Smoke.* No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyrighted 1954 (being a direct facsimile reduction of the standard Ringlemann chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 2 on said chart may be emitted for four minutes in any 30 minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color, but with an apparently equivalent opacity. Any emission shall be in conformance with air pollution regulations of the Delaware Department of Natural Resources and Environmental Control.

8.56 *Odors.* No emission shall be permitted of odorous gases or other offensive odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any offensive odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, Odor Thresholds, in chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington D.C., and said manual and/or table as subsequently amended.

8.57 *Fly ash, dust, fumes, vapors, gases, and other forms of air pollution.* No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point, and/or which does not conform to air pollution regulations of the Delaware Department of Natural Resources and Environmental Control, and, in no event, any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grain per cu. ft. of the conveying gas resulting from combustion. Standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air.

8.58 [*Glare.*] No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted. This restriction shall not apply to signs otherwise permitted by the provisions of this ordinance.

8.59 *Liquid or solid wastes.* No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in accord with standards approved by the Delaware Department of Natural Resources and Environmental Control, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.

8.60 *Traffic congestion.* When, in the surrounding highway network, operating conditions are at or near the design capacity level beyond which would result in functional failure of the surrounding highway network. All speeds are reduced to a low, but relatively uniform value. Freedom to maneuver within the traffic stream is extremely difficult, and it is generally accomplished by forcing a vehicle or pedestrian to "give way" to accommodate such maneuvers. Comfort and convenience levels are extremely poor, and driver or pedestrian frustration is generally high. Operations at this level are usually unstable, because small increases in flow or minor perturbations within the traffic stream will cause functional failures beyond acceptable levels. (The conditions described in this [sub]section are also used to describe "level of service E" as defined by the highway capacity manual developed by the transportation research board, dated 1985.)

8.6 *Performance standard procedure.*

8.61 *Application.* An application for a site plan approval shall be accompanied with a performance standard review application when a use or occupancy is required, and shall be referred by the building inspector to the planning commission. The applicant shall also submit, in an amount equal to the required number of site plan submissions, a plan of the proposed construction or development, including a description of the proposed machinery, operations, and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectional elements referred to in article 5, section 8.1, in accordance with rules prescribed by the planning commission specifying the type of information required in such plans and specifications, and an affidavit by the applicant acknowledging his understanding of the applicable performance standards and agreement to conform with same at all times.

No applicant will be required to reveal any secret processes, and any information

submitted will be treated as confidential if requested. The fee for such application shall include the cost of the special reports required to process it, described below.

8.62 *Report by expert consultants.* The planning commission, if there is any reasonable doubt as to the likelihood of conformance, shall refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified herein. Such consultant or consultants shall make such report within 30 days after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

8.63 *Decision of the planning commission.* At the next regular meeting of the planning commission, but in no event more than 30 days after the board has received the aforesaid report, or within such further period as agreed to by the applicant, the board shall decide whether the proposed use will conform to the applicable performance standards and, on such basis, shall authorize or refuse to authorize the issuance of a building permit or certificate of occupancy, or require a modification of the proposed plan of construction. Such decision of the commission shall be in the form of a written report. Any building permit or certificate of occupancy so authorized and issued shall be conditioned on, among other things:

(i) The applicant's completed buildings and installations in operation conforming to the applicable performance standards, and

(ii) The applicant's paying the fees for services of the expert consultant or consultants deemed reasonable and necessary by the planning commission for advice as to whether or not the applicant's completed buildings and installations will, in operation, conform to the applicable performance standards.

(Ord. of 4-25-1994; Ord. of 4-28-2008(2))