CITY OF DOVER PLANNING COMMISSION
AGENDA
Tuesday, January 17, 2017– 7:00 P.M.
City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

ADOPTION OF MINUTES OF REGULAR MEETING of December 19, 2016

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for TUESDAY, February 21, 2017 at 7:00pm in the City Council Chambers.

2) Reminder: The next Planning Commission Quarterly Workshop is tentatively scheduled for Wednesday, February 22, 2017 at 12 noon in the City Hall Conference Room.

3) Update on City Council Actions

4) Update from Planning Office

5) Education & Training Opportunities
    a. IPA Planning Education Series 2017
        i. Planning 101: Planning Your Community's Future to be held January 13, 2017, 9am to Noon at Paradee Center
        ii. Planning 102: Land-Use Law and Regulation to be held February 10, 2017, 9am to Noon at Paradee Center

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

2) Revised Plan Information:
    A. S-16-23 Panera Bread Restaurant at 545 North DuPont Highway – Information on Revisions to Site Development Plan application for construction of a 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 proposed Revisions consist of a revised building form & architecture and reconfiguration of parking area and drive-through access. 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. *The*

Planning Commission granted conditional approval of the Site Plan S-16-23 on November 21, 2016. 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.

NEW DEVELOPMENT APPLICATIONS

1) Z-17-01 Lands of Meeks at 301 North Bradford Street – Public Hearing and Review for Recommendation of a rezoning of a 11,362.5 S.F. parcel located at the northeast corner of North Bradford Street and Mary Street. The property is zoned RG-1 (General Residence Zone) and the proposed zoning is C-1 (Neighborhood Commercial Zone). The owners of record are Harry O. Meeks Jr. and Bonnie G. Meeks. Property Address: 301 North Bradford Street. Tax Parcel: ED05-068.17-02-34.00-000. Council District 3. Ordinance #2016-29. *This zoning map amendment completed First Reading on December 12, 2016. Public Hearing before the Planning Commission is scheduled for January 17, 2017 and Final Reading/Public Hearing is scheduled before City Council for February 13, 2017.*

2) Z-17-02 Lands of Ingram at 11-15 North Queen Street – Public Hearing and Review for Recommendation of a rezoning of a 9,020 S.F. parcel located on the east side of North Queen Street north of West Division Street. The property is zoned RG-1 (General Residence Zone) and the proposed zoning is C-3 (Service Commercial Zone). The owner of record is E. Vernon Ingram Jr. Property addresses: 11-15 North Queen Street. Tax Parcel: ED05-076.08-05-04.00-000. Council District 4. Ordinance #2016-30. *This zoning map amendment completed First Reading on December 12, 2016. Public Hearing before the Planning Commission is scheduled for January 17, 2017 and Final Reading/Public Hearing is scheduled before City Council for February 13, 2017.*

3) C-16-04 REVISED 90 Saulsbury Road Clubhouse and Pool, Associated with The Grande: Planned Neighborhood Design – Senior Citizen Housing Option – Public Hearing and Review of a REVISED Conditional Use Site Plan application to permit the construction of a 2,620 S.F. +/- clubhouse building, pool, pickle ball court, parking and access walkway connecting to The Grande apartment complex. Revisions are proposed to the overall layout of the site and the site access. The clubhouse property consists of 1.48 acres and is located on the west side Saulsbury Road near Carver Road. The property is zoned C-2A (Limited Central Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone), and will become part of The Grande PND-SCHO. The owner of record is 90 Saulsbury Associates, LLC. Property Address: 90 Saulsbury Road. Tax Parcel: ED-05-076.07-01-28.00-000. Council District 1. *Waiver Request: Partial Elimination of Upright Curbing. Application C-16-04 was granted conditional approval by the Planning Commission on August 15, 2016.*

4) S-17-01 Cellco Partnership d/b/a Verizon Wireless: Telecommunication Monopole at 277-293 North DuPont Highway - Review of a Site Development Plan application to permit installation of a 108 foot telecommunications monopole with associated 2,500 SF fenced compound area and consisting of a 38,424 SF project area (Site Name: DOV-Central Dover). The subject site is located on a 10.733-acre parcel developed as a shopping center known as the Centre at Dover. The subject site is located east of North DuPont Highway and northeast of Centre Drive (private drive). The property is zoned SC-2 (Community Shopping Center Zone). The owner of record is MDR Dover, LP. Property Address: 277-293 North DuPont

Highway. Tax Parcel: ED-05-068.14-01-03.01-0001. Council District 3. *Waiver Request: Elimination of Opaque Barrier (Fence Component). This application is associated with Application V-16-14, a height variance approved by the Board of Adjustment on October 19, 2016.*

NEW BUSINESS

ADJOURN

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

Posted Agenda: posted January 6, 2017

CITY OF DOVER PLANNING COMMISSION
December 19, 2016

The Regular Meeting of the City of Dover Planning Commission was held on Monday, December 19, 2016 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Roach, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert. Mr. Holden was absent.

Staff members present were Mrs. Ann Marie Townshend, Mrs. Dawn Melson-Williams, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present was Mr. Gregg Moore. Speaking from the public were Mr. Michael Pantsos, Mr. Mark Reaves, Mr. Dave Houghton & Ms. Barbara Kepner.

APPROVAL OF AGENDA

Mr. Holt moved to approve the agenda as submitted, seconded by Mr. Baldwin and the motion was unanimously carried 7-0 with Mr. Holden absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF NOVEMBER 21, 2016

Mr. Holt moved to approve the Planning Commission Meeting minutes of November 21, 2016, seconded by Ms. Maucher and the motion was unanimously carried 7-0 with Mr. Holden absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Tuesday, January 17, 2017 at 7:00pm in the City Council Chambers.

Mrs. Townshend provided an update on the regular City Council and various Committee meetings held on November 28 & 29, 2016 and December 12 & 13, 2016.

Mrs. Townshend stated that a list of filing deadlines and meeting dates was provided in the packet.

Mrs. Townshend stated that the IPA Planning Education Series 2017 begins in January. The first event is Planning 101: Planning Your Community's Future which will be held on January 13, 2017 at 9:00AM to noon at the Paradee Center. Commission members can let Staff know if they would like to attend.

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-16-07 Kays Property on McKee Road – Public Hearing and Review for Recommendation to City Council on rezoning of a 4.35 acre+/- parcel located on the west side of McKee Road north of College Road, between 1216 and 1282 McKee Road. The property is zoned CPO (Commercial and Professional Office Zone) and the proposed zoning is IO (Institutional and Office Zone). The

property is subject to the COZ-1 (Corridor Overlay Zone). The owner of record is George J. Kays & John J. Kays and the equitable owner is Medcore Partners c/o Michael Graham. Property is an unaddressed parcel on McKee Road. Tax Parcel: ED05-067.00-01-33.00-000. Council District 1. Ordinance #2016-28. *The First Reading of this Zoning Map Amendment was completed at the November 28, 2016 City Council Meeting. Public Hearing before the Planning Commission is scheduled for December 19, 2016 and Final Reading/Public Hearing is scheduled before City Council for January 9, 2017.*

Representatives: Mr. Gregg Moore, Becker Morgan Group

Mrs. Townshend stated that this a rezoning request for approximately 4.35 acres located on the west side of McKee Road north of College Road and just south of Emerald Pointe. It is currently a vacant parcel. The purpose of the rezoning is to allow for a physical rehabilitation hospital. The current zoning classification is CPO (Commercial and Professional Office Zone) with the COZ-1 (Corridor Overlay Zone). The proposed zoning is IO (Institutional and Office Zone) and it would still be subject to the COZ-1 (Corridor Overlay Zone). In looking at the surrounding properties, the properties southeast and west are zoned CPO (Commercial and Professional Office Zone). The southeast property is residential in character and seems to have been in existence for some time. There are also residential properties zoned R-8 (One Family Residence Zone) that abut the property that are located on Topaz Circle in Emerald Pointe and lands immediately across McKee Road include residential properties that are outside of the City limits and parcels associated with North Dover Elementary School which is zoned IO (Institutional and Office Zone). The property is designated as Office within the *Comprehensive Plan* and the IO (Institutional and Office Zone) is consistent with that land use classification.

The applicant had meeting that was held at City Hall Council Chambers last Wednesday. They sent a mailing to all of the property owners within Emerald Pointe to try to get dialogue going with the property owners at that time. The Commissioners do have the DAC agency comments. At this point, because it's a rezoning the agency comments are more advisory in nature. When it gets to the point of a development application is when you will see more detailed comments particularly as it relates to the transportation network. The DelDOT comments at this point simply state that they have no comments at this time, but they would have comments and requirements as it relates to development of the property. This is a recommendation to City Council; City Council has the ultimate vote on whether or not a rezoning application is approved.

Dr. Jones questioned if the proposed building would be a physical rehabilitation facility? Responding to Dr. Jones, Mrs. Townshend stated yes, it would be an in-patient rehabilitation hospital. Right now, there is no facility like that in Dover or Kent County at all. There is a rehabilitation hospital associated with the Bayhealth facility in Milford and then there is one in Middletown.

Mr. Roach questioned if there were any people who attended the meeting held last week and if so what were their comments in regards to the project? Responding to Mr. Roach, Mrs. Townshend stated that there were a number of people who came; she is thinking about 5-6 people. As they would expect, the biggest issue that is brought forward from the neighbors is the issue of traffic and how the transportation network is addressed in the development of the site.

Mr. Holt questioned if they approved a rehabilitation hospital a couple of months ago? Responding to Mr. Holt, Mr. Tolbert stated that it was a medical facility.

Mrs. Townshend stated that at Eden Hill there is a skilled nursing facility that's under construction. While there are some similarities, they are different in that this is an actual hospital and the other is a skilled nursing facility. It is a difference in how there are regulated by the State and funded.

Mr. Tolbert questioned even though this is a rehabilitation hospital, will they treat all kinds of illnesses there or will it be limited? Responding to Mr. Tolbert, Mr. Gregg Moore stated that it is a rehab facility; it is not drug rehab or behavioral rehab. It is physical rehab for either trauma victims or people that are being discharged from the hospital that need specific rehab. It could be from a stroke, surgery, head trauma or something similar to that. What happens is there are actual beds at this facility which is why it's called a small hospital. There are thirty-four (34) beds and the patient would be getting rehab in their facility and then staying overnight until they were able to live in normal confines.

Mr. Tolbert stated that usually there is a limited amount of time that a patient can stay there. Responding to Mr. Tolbert, Mr. Moore stated that he's sure that there are limitations through Medicare and payment issues with insurance companies as to how long certain treatments are to be, but they do vary depending upon the type of rehab that a person is getting and whatever the trauma might have been.

Ms. Maucher questioned if their property would still be subject to the two story maximum? She knows that they approved an ordinance that would grant a waiver if they were more than fifty (50) feet off of the roadway. Responding to Ms. Maucher, Mrs. Townshend stated that that ordinance was recommended for approval by the Planning Commission but at this point it has been tabled by City Council so it would still be subject to the two story limitation.

Ms. Maucher further questioned if that limitation would affect this project? Responding to Ms. Maucher, Mr. Moore stated no, they are proposing a two story building. It's a very small thirty-four (34) bed facility. It's not a very large facility and they can actually accomplish what they want in two stories. The developer has actually done two story buildings in other locations so that was their plan.

Mr. Tolbert questioned if the company had additional facilities in Delaware? Responding to Mr. Tolbert, Mr. Moore stated no, but they have other facilities in other parts of the country.

Dr. Jones questioned if this was a privately owned hospital? Responding to Dr. Jones, Mr. Moore stated yes.

Mr. Tolbert opened a public hearing.

Mr. Michael Pantsos – unknown

Mr. Pantsos stated that he heard about this project and he has lived in Dover his whole life and he thinks it's a good idea because Dover has grown immensely and we are going to need more medical facilities. That way people don't have to go out of town for rehab. He doesn't really see a reason of why it shouldn't be built. It's medical rehab so there's not going to be problems with different

situations. We never know when any of us will need it; we won't have to travel out of town. He has known people who go to Wilmington and it's hard for their families to visit them. He doesn't think there will be much traffic because it's not like a factory where there are people coming in and out at different hours. It's like a nursing home and he's never seen a nursing home with heavy traffic. He doesn't see anything negative and he thinks there's a need for it.

Mr. Mark Reaves – 10 Tanzanite Court Dover DE 19904

Mr. Reaves stated that he is the President of the Home Owners Association for Emerald Pointe. The HOA believes that this project is a good project and he believes that it will help the community out significantly. Their major concern is the traffic as was discussed. What they really want to have as part of this project is inclusion into the conversations with DelDOT because they have also pursued something with traffic in relation to their development and DelDOT has made promises of something to ease the traffic with a traffic light. They have had a few fatalities on McKee Road and although this project won't increase a large amount of traffic, a small amount of traffic entering or exiting the facility could cause a severe traffic incident as people would try to immediately turn left heading northbound on McKee Road. They would like to be included in that conversation with DelDOT as they move forward if granted the approval so that they can make sure there is a comprehensive solution to that traffic in the multiple locations; the Emerald Pointe development, the hospital's entrance and exit, and also the left turn and right turn at College Road.

Mr. Tolbert questioned if Emerald Pointe's HOA has had any meaningful contact with DelDOT? Responding to Mr. Tolbert, Mr. Reaves stated yes, in reference to this particular project he sent an email address out to their management company to this project's management company and they said that they have reached out and spoken to Emerald Pointe's management company which is IPS Management. He hasn't had a full conversation as to what was discussed; however, he knows that it's a concern for them to really be included in the conversation with DelDOT. If they move forward and plan everything out with DelDOT but certain issues aren't addressed, then it's going to be a difficult situation moving forward. A separate side conversation will then need to be had and DelDOT may say why weren't we aware of this. It's just much better if they are included in that discussion.

Mr. Tolbert stated that he would recommend that the HOA contact DelDOT themselves and find out exactly what's going on with the project. Responding to Mr. Tolbert, Mr. Reaves stated that they have he just isn't sure what the schedule is for this project.

Mr. Tolbert stated that in his opinion, they need the information first hand. Responding to Mr. Tolbert, Mr. Reaves stated that he didn't know if the City would put that stipulation in their approval to make sure that Emerald Pointe is included in the meetings with DelDOT. He is just asking if they can be included in the conversation. He's not sure if that's something that is within the Commission's purview or if it's just something that the HOA will have to pursue on their own.

Mr. Tolbert stated that in his opinion, it's appropriate for him as the President of the HOA to contact DelDOT personally. Responding to Mr. Tolbert, Mr. Reaves stated that DelDOT has no responsibility to discuss their business with us.

Mr. Tolbert stated that as a citizen in that development, it's your business.
Mrs. Townshend stated that the City can certainly help to facilitate those discussions.

Mr. David Houghton – 132 Carnoustie Road Dover DE 19904

Mr. Houghton stated that he lives in Fox Hall and he thinks it would be a great idea to have this facility. It will be professional people with good pay and benefits. He doesn't want to see another vape shop or tattoo shop opening up or another liquor store coming into town. He just thinks it's a great idea to have more professionals in their neighborhood.

Ms. Barbara Kepner – 142 Red Oak Drive Dover DE 19904

Ms. Kepner stated that she lives in Hidden Oaks and she thinks that the idea of this facility is a great idea. She's a nurse so it would be a great place to work. As far as the traffic is concerned, she does hope that there is a solution. She knows that living off of College Road, the traffic there gets backed up all of the time. As far as the facility itself goes, she would love to see that come into their neighborhood. Like Mr. Houghton said, it would be nicer than another liquor store or something like that.

Mr. Tolbert closed the public hearing.

Mr. Holt questioned that when this project comes up as a Site Plan, that would be a good time for the HOA to be here for the hearing as far as the traffic and so forth.

Mr. Moore stated that they have no problems with the DAC Report. They actually reached out to meet with the neighbors so that they were aware of any issues that they had. In the meeting last week, they heard that traffic was an issue and during the Site Plan phase would then be tasked with designing an entrance and figuring out turn lanes and intersections. They are prepared to do that and are prepared to make the information available so that the HOA knows that. They did reach out to the HOA to understand where they were headed in terms of the communications with DelDOT so they have already done the discussion with them. A rehabilitation hospital under this zoning as they are proposing would be a very low traffic creator because the people getting their rehabilitation are actually in this hospital in overnight stays. A similar size medical office building would actually generate a tremendously higher amount of traffic because people would be coming into their doctor's office and departing every hour and it creates a lot more traffic. So as traffic generators go, this is a very low traffic generator which hopefully they can mitigate some of the issues that they have heard from the neighbors.

Dr. Jones stated that she believes that she heard Mr. Moore say that they would be in the process of developing the Site Plan and working out the intersections and so forth and then they would make the information available to the homeowners. She is asking based upon what she is hearing, will there be some involvement prior to as you develop the roadways as opposed to after the fact? You have had this communication going on and as opposed to delivering it once it has been decided. Responding to Dr. Jones, Mr. Moore stated that they would be fine with having another meeting with the neighbors once they have developed their Site Plan and they have their more detailed plans. They showed the neighbors who came to the meeting their first layout plan but until they get through the zoning they really can't get too far into the design phase. Once they get the correct zoning they will be willing to come back to meet with the neighbors and show them what they do know, show them what they have from DelDOT and do that prior to coming back to the Planning Commission for a Site Plan.

Dr. Jones questioned if they would initiate that contact? Responding to Dr. Jones, Mr. Moore stated yes, they would do it the same way they did it last time by notifying the neighbors that they were having a meeting.

Dr. Jones moved to recommend approval to City Council for Z-16-07 Kays Property on McKee Road for a change in zoning form CPO (Commercial and Professional Office Zone) with COZ-1 (Corridor Overlay Zone) to the proposed zoning of IO (Institutional and Office Zone) with COZ-1 (Corridor Overlay Zone), seconded by Mr. Holt and the motion was unanimously carried 7-0 by roll call vote with Mr. Holden absent. Mr. Roach voting yes; in situations like this you have to pick your poison because you have facilities that need to be built but in the same sense you still deal with the issue of traffic but he appreciates the applicant letting them know that they are going to stay in constant communication with the HOA. He feels that important to the process. Mr. Holt voting yes; he thinks it's going to be an improvement for the whole area and this zoning is going to be a big change to make this possible. Mr. Baldwin voting yes; he thinks this is a much needed project for this area. Dr. Jones voting yes; she is especially impressed that the residents are in favor of this without any hesitation except with traffic and she is feeling reassured that the residents and all of those impacted by this facility will have some involvement. Mrs. Welsh voting yes; for the reasons stated by Dr. Jones because that is exactly where her mind was going. Ms. Maucher voting yes; they revised zoning is appropriate for the area. Mr. Tolbert voting yes; for all of the reasons previously stated. Also, from what he is reading lately people are living longer and they are in need of rehabilitation. For those reasons, we need a rehabilitation center closer than the ones available now. It's not only going to service the area but it's going to service this entire metropolitan area and perhaps even more.

2) MI-16-17 Text Amendment: Tractor Trailer Parking – Public Hearing and Review for Recommendation to City Council on a proposed text amendment that would prohibit the parking of tractor trailers, or any part of a tractor trailer, in all residential zones and in certain nonresidential zones (CPO, C-1, C-1A, C-2, C-2A, and SC-1). The amendment would also limit the parking of tractor trailers to designated loading zones or loading areas in certain nonresidential zones (C-3, C-4, IO, SC-2, and SC-3). Ordinance #2016-25. *This Zoning Text Amendment was introduced at the Council Committee of the Whole: Safety Advisory and Transportation Committee meeting of November 15, 2016 and the First Reading was completed at the November 28, 2016 City Council Meeting. Public Hearing before the Planning Commission is scheduled for December 19, 2016, and Final Reading/Public Hearing is scheduled before City Council for January 9, 2017.*

Representatives: None

Mrs. Townshend stated that this is a proposed amendment to the text of the *Zoning Ordinance,* specifically Article 6 Off-Street Parking. It would add a new Section 6 for tractor trailer parking. Specifically, it would prohibit the parking of tractor trailers or any part of a tractor trailer in all residential zones and the lower intensity non-residential zones which would be CPO, C-1, C1-A, C-2, C2-A and SC-1. It would also restrict the parking of tractor trailers within the C-3, C-4, IO, SC-2 and SC-3 zones to the designated loading areas. The last change is that it would add a definition of tractor trailer. This was brought forward due to Council sponsorship. This was drafted by Staff but as they got into the review they determined that there needed to be some improvements to it that would improve the understanding of it and the enforceability of it. There are two proposed Staff

amendments. Staff Amendment One would allow for normal loading and unloading. If you've got a convenient store and they are unloading merchandise that would not be considered parking; that would be considering loading and unloading type of operation. You have probably seen it in places like The Hamlet Shopping Center, where you will see tractor trailers parked for a day or two. We have received a number of complaints about that, which is one of the reasons for the proposed ordinance. The other amendment that Staff has is the definition. When she looked for definitions, Mrs. Townshend couldn't find anything great so she took what the dictionary had which is extremely simplistic and staff could end up getting us in arguments with people over what exactly a tractor trailer is. What they did was looked at some of the DMV definitions. Staff amendment Two would replace the definition of tractor trailer but also add a definition for tractor truck and semi-trailer which are out of the State Code definitions for that type of vehicle. The ordinance was distributed to the DAC and there were no comments from them. They did receive some comments from the Code Enforcement division, specifically their concerns about enforcement because it would be something on private property that is enforced by Code Enforcement not by the Police Department. Specifically, the Code Enforcement staff wanted to make it clear that their working hours are typically normal working business hours and they do have some scheduled evening and weekend hours but in the middle of the night if someone is upset about a tractor trailer being parked somewhere our Code Enforcement staff is unable to enforce for immediate response. They also wanted to put on the record that typically they site the property owner not the vehicle owner. For instance, if there is an abandoned vehicle on a property the Code Enforcement staff sites the property owner not the vehicle owner. If somebody gets a notice for this because they violated the Code it would be the property owner not the vehicle owner. So it's really on the property owners to not allow it if this ordinance passes.

Ms. Maucher questioned what the penalty was if there were a violation? Responding to Ms. Maucher, Mrs. Townshend stated that the Code is not specific with regard to penalties so typically when that's the case there is an administrative determination on penalties. Typically, on a commercial property they would issue a first notice with no fine, a second notice with no fine and then a third notice on a commercial property might be $50.00 and then it would escalate from there.

Ms. Maucher further questioned if it were the same for a private property? Responding to Ms. Maucher, Mrs. Townshend stated that for a residential property, for some violations they start fines at $25.00. For something like this which is specifically in a residential area that's really a nuisance, they may start the fines at $50.00 since it's a commercial vehicle.

Ms. Maucher questioned if that is spelled out in the Code? Responding to Ms. Maucher, Mrs. Townshend state no, the Code Enforcement Supervisor develops administrative procedures for fines.

Mr. Holt questioned what would be the time limit for this ordinance? Would it be overnight, 2-3 days or 2-3 hours? Responding to Mr. Holt, Mrs. Townshend stated that it would be anything that exceeds loading and unloading. She would say typically if it's 2-3 hours, Code Enforcement staff is probably not going to do anything. If it's there for more than a day, then Code Enforcement would then enforce. It will also be largely complaint driven. In terms of Code Enforcement priorities, it will probably be complaint driven or if we know that we are getting a lot of complaints about it then we would be more proactive in looking for it.

Mr. Holt stated that this gives them a little teeth to be able to take some kind of action with some back up.

Mr. Tolbert questioned if someone called the Police what would they do? Responding to Mr. Tolbert, Mrs. Townshend stated that the Police would not be able to give a ticket because it's not on a public roadway. If the Police got called, one of two things would happen. Either they would hand off the complaint to Code Enforcement or they would simply say that they weren't able to do anything. Typically, our staff and the Police Department work well together so she would expect that it would be handed off to our staff once they are aware that they can do that. If the ordinance is adopted they would work with the Police Department to work on information flow.

Ms. Maucher questioned if penalties are included in ordinances? Responding to Ms. Maucher, Mrs. Townshend stated no, the only ordinance that she can think of that is specific to the penalties that they enforce is grass. Everything else is administrative.

Mr. Baldwin questioned if this is limited to the description of a tractor trailer of a tractor and a 40-60 foot trailer? What about the single unit trucks that are basically the same size just not as long? Would they be included? Responding to Mr. Baldwin, Mrs. Townshend stated if it meets the definition of a semi-trailer based on the amendments. So that's every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rest upon or can be carried by another vehicle. There's two types of tractor trailers. There's the tractor trailer where it's truly just a trailer and then there's some where there's a little bit more on the tractor side that bares the weight. Those are the two types of vehicle that would be covered under this.

Mr. Baldwin questioned that if he's driving a forty (40) foot single unit box truck would that be covered under this ordinance? Responding to Mr. Baldwin, Mrs. Townshend stated no, that would not be covered under this. They are already not allowed in residential zones. Commercial vehicles that exceed a one ton carrying capacity are not permitted in residential zones. So really from that perspective it related more to the non-residential zones.

Dr. Jones questioned if there have been a lot of citations and fees paid for this violation? Responding to Dr. Jones, Mrs. Townshend stated that there has been nothing for this because it's not a code violation to have at this point.

Dr. Jones further questioned what about the other trucks that are not allowed in residential areas? Responding to Dr. Jones, Mrs. Townshend stated that there are fines issued for those but again typically it's after they have been given a couple chances.

Dr. Jones stated that she was looking for frequency. Responding to Dr. Jones, Mrs. Townshend stated that it's a frequent violation. She doesn't know if it gets to the point of frequent fines.

Dr. Jones stated that she is thinking if this is really enforceable and if it is enforceable is there a possibility that this ordinance be changed or amended. If a homeowner is going to be fined shouldn't there be something in writing that says how much the fine is? Responding to Dr. Jones, Mrs. Townshend stated yes, a letter is sent.

Dr. Jones questioned if that was an arbitrary number? Responding to Dr. Jones, Mrs. Townshend stated no. The Code Enforcement staff has a notebook of procedures.

Dr. Jones stated that she thought that the supervisor determines whether or not the fine is $25.00 or $50.00. Responding to Dr. Jones, Mrs. Townshend stated yes, in the procedures.

Mr. Holt stated that Code Enforcement would probably give a warning first before a fine. Responding to Mr. Holt, Mrs. Townshend stated yes, they give two warnings typically before a fine is issued.

Ms. Maucher questioned how many complaints have been received? Is it a huge issue or a select area? Responding to Ms. Maucher, Mrs. Townshend stated that this was brought forward by members of Council who were received complaints from their constituents. She doesn't receive these complaints but it was enough where Council members wanted to do something about it.

Ms. Maucher questioned if there are alternatives for parking a tractor trailer? These are obviously independent contractors so what options will they have? Responding to Ms. Maucher, Mrs. Townshend stated that this specific Ordinance does not affect the industrial zones. It does not affect the IPM, M and the IPM-2 zones.

Ms. Maucher stated that if you had a commercial business that leased space for parking such vehicles, would that be an issue? Responding to Ms. Maucher, Mrs. Townshend stated that if it was zoned industrial it would not be a problem. If it's some type of a trucking terminal it would have designated spaces. She thinks that there are places outside of the City like the Smyrna Rest Stop where there are areas for tractor trailer parking. The Royal Farms at Pearson's Corner has areas for that as well. There are locations outside of the City that actually are designed for that type of use. She thinks that the concern that she has heard through some members of Council is that there are a number of places in the City where they are parking in commercial parking lots, taking the parking spaces, and they are unattractive. More importantly she thinks is that if the truck driver is sleeping in the unit it's likely idling, especially in the hot and cold weather where you need the heater or air conditioning. Those are the concerns that have been relayed to her by members of Council. She does think that there is some State regulation but she is not sure. It may be under DNREC about the idling but she is not sure how well that's enforced.

Mr. Tolbert opened a public hearing.

Mr. Mark Reaves – 10 Tanzanite Court Dover DE 19904

Mr. Reaves stated that he understands this proposal for the amendment to the parking of tractor trailers. His main concern is as he is understanding it, the fees would be charged to the property owner and not necessarily the tractor trailer owner. He believes that there should probably be some charges associated to the tractor trailer owner in the event that someone does park a tractor trailer with the intent to unload it the next morning. They unhook their tractor and maybe come back at a later time and the owner of the property is not necessarily aware or having any responsibility until he sees the truck drive hours later. He thinks they bear some responsibility as the tractor trailer owner instead of burdening some of the City's business owners. He is not sure how the complaint may have come through but there should be some responsibility on the tractor trailer owner. If someone is continuously maybe establishing a parking lot for tractor trailers, then that is something

direct that the City can address to that particular business owner and secure a heavier fine for someone who is doing something like that. His only concern was to ensure that they didn't over burden the business owners and that we give some of the responsibility to the tractor trailer owners that maybe have been abandoning these trailers or using them for storage or something outside of what their purpose is in the City area.

Mr. Tolbert stated that he thinks that if a person parked on private property and the owner of that property didn't know it then it sounds like it would be trespassing. That can be handled by law. The property owner does have significant recourse.

Mr. Reaves stated that in some properties he is sure there are numerous properties that people may own and may not be physically in that presence and someone could be parking on that property without the owner being aware of the situation. As they get fines, they should probably know what's going on with their property but if this is a continuous thing then it may be something where the owner is not aware. The tractor trailer owners and operators should definitely get fined and have some responsibility instead of they move in and out and then we fine our own business owners or residents.

Mr. Tolbert closed the public hearing.

Mr. Holt stated that there may just be a lot of property that the property owner owns and he doesn't live there and the person could park the tractor trailer there for weeks or months without the owner knowing. Responding to Mr. Holt, Mrs. Townshend stated that she needs to find out if it's a practice or a Code reason of why the enforcement is with the property owner. They may be able to take enforcement action against the vehicle owner as well but she needs to have Staff look into that.

Mr. Tolbert stated that the property owner as he understands it is responsible for everything that goes on at their property. They have an obligation to know what's going on at the property that they own.

Mr. Holt stated that they could own a lot of properties and not realize that one of them is being abused by somebody parking there.

Mr. Roach stated that he thinks the one thing that they keep missing is the fact that the first time that the City sees a tractor trailer parked they don't send a fine. There are several warnings that are going to be sent out to a property owner; it's their responsibility to check their mail and see that there are several warnings being sent out for a tractor trailer being parked on their property. They would then take that time to see that there is an abandoned trailer and that's when they would call the Police Department. He doubts that the City would fine the property owner if they said they didn't know where the tractor trailer came from or who parked it there. He thinks that they are just skipping to the idea of a fine because he heard the same thing at first. They give out several warnings so even if you are a property owner, if you get 2-3 warnings that you have a tractor trailer parked on your property at some point in time you should either find out who it is, call the Police or reach the City and let them know that it's not your trailer. At some point in time the owner has to take some responsibility to figure out who is parking on their property.

Dr. Jones stated that she wants to extend Ms. Maucher's concern in terms of the Royal Farms and

the Smyrna Rest Stop. She thinks that the faces of the truck driver may have changed over the years. She has a friend whose son drives a tractor trailer and she doesn't know where he parks his truck but is there any place within the City that you know of where there could be some relief for a truck driver who lives in Emerald Pointe whose wife works and there is nobody there to come pick him up to take him home. She is trying to think of some kind of relief instead of an entrapment. Responding to Dr. Jones, Mrs. Townshend stated that there are locations that are zoned appropriately. We used to have a trucking terminal where the Royal Farms is located on Saulsbury Road. She is not aware of any other facilities.

Mr. Tolbert stated that he sees tractor trailers parked frequently at the Home Depot parking lot.

Mrs. Townshend stated that under this Ordinance they would have to be parked in the loading area.

Ms. Maucher stated she feels like there is no option for certain individuals who need an option. Presuming that the Planning Commission passes this and it goes to City Council, how soon after Council does it go into effect? Responding to Ms. Maucher, Mrs. Townshend stated that it goes into effect upon adoption. The Commission doesn't have to recommend approval.

Ms. Maucher questioned if it's published for written comments? Responding to Ms. Maucher, Mrs. Townshend stated that all Ordinances are available on the City's website. They are actually in the carousel in the Chambers and they are available through the Planning Office of the City Clerk's Office. They are available for public review.

Dr. Jones moved to not recommend approval to City Council for MI-16-17 Text Amendment: Tractor Trailer Parking at this time, pending some additional information, seconded by Ms. Maucher and the motion was unanimously carried 0-7 by roll call vote with Mr. Holden absent. Mr. Roach voting yes; in regards to the fines and the concerns brought up by Dr. Jones in regards to parking of people coming from outside of the City. He wants a better understanding of where people coming from outside of the City will be able to park. He would suggest that it's not just objective fines; that there will actually be set fines whether it's for the individual or the property owner. Mr. Holt voting yes; he thinks that they could look into this amendment a little bit deeper. Mr. Baldwin voting yes; we do need some additional information on where these trucks can and cannot park in the City. He is also concerned about the description of a tractor trailer. Dr. Jones voting yes; she is uncomfortable with anything else at this time because she thinks there needs to be some kind of conversation with people who are impacted by this amendment to perhaps give some additional information. Mrs. Welsh voting yes; for all of the reasons previously stated. Ms. Maucher voting yes; she thinks additional information is needed particularly by people who are impacted. Mr. Tolbert voting yes; he thinks there needs to be more work done with regards to tractor trailer parking in this area. As this town grows you are going to have an increasing number of tractor trailers coming into this town and there needs to be some kind of appropriate facilities for parking those vehicles except all over residential areas.

Meeting adjourned at 8:11 PM.

Sincerely,

Kristen Mullaney
Secretary

MEMORANDUM

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

DATE: January 6, 2017

TO: Planning Commission

FROM: Planning Office

SUBJECT: Revised Plan Information
S-16-23 Panera Bread Restaurant at 545 North DuPont Highway, Dover
Tax Parcel: ED-05-068.09-01-34.00-000

Revisions to Site Plan S-16-23 Panera Bread Restaurant are hereby presented to the Planning Commission as information regarding a series of proposed plan revisions including a revised building form & architecture and reconfiguration of parking area and drive-through access.

The Panera Bread Restaurant site is located on a 36,848 S.F. pad site at the northwest corner of the Capitol Commons development (S-16-02) on the east side of North DuPont Highway. Initially on November 21, 2016, the City of Dover Planning Commission granted conditional approval of the Use Site Plan for construction of a one-story restaurant building with drive-through in accordance with the conditions of approval including the Staff Recommendations outlined in the Development Advisory Committee (D.A.C.) Report dated November 9, 2016.

For the project, the applicant has provided copies of a Revised Site Plan and Revised Architectural Elevations. In general, the building placement versus the site improvements remains the same. The most significant change is to the building's architecture. A Summary of the Revisions is as follows:

- Revision to Building form (floor plan) which moves the drive-thru pick-up window to north elevation from the DuPont Highway frontage (west elevation).
- Reconfiguration of the layout of outdoor seating area on south and west elevations.
- Reconfiguration of the parking lot and access to the drive-through and Dumpsters on the east side of the building. The parking lot and parking row at the building front now consists of a total of thirty (30) parking spaces.
- Addition of sidewalk connection from shared-use path (along North DuPont Highway) to restaurant building is shown.
- Revised Building Architecture creating a masonry clad north building section with a southern section clad in horizontal siding, EIFS, & windows capped with a gray standing seam metal roof. Select windows on the east, north, and west elevation include awnings.

Staff Review Comments on Revised Plan S-16-23:

1. See Development Advisory Committee (D.A.C) report dated November 9, 2016 as referenced in the previous conditional approval for Site Plan S-16-23.

2. Pedestrian Circulation: A sidewalk connection from the restaurant to the main retail commercial building is required to be implemented to create an internal pedestrian network at the site. This is not yet shown on the plan.

3. Parking: The seat count for the restaurant (including outdoor seating) will need to be reconfirmed so that the parking requirement can be calculated. Parking is provided on the pad site but will also require shared parking usage of the main parking lot. The location of Bicycle parking will also need to be identified.

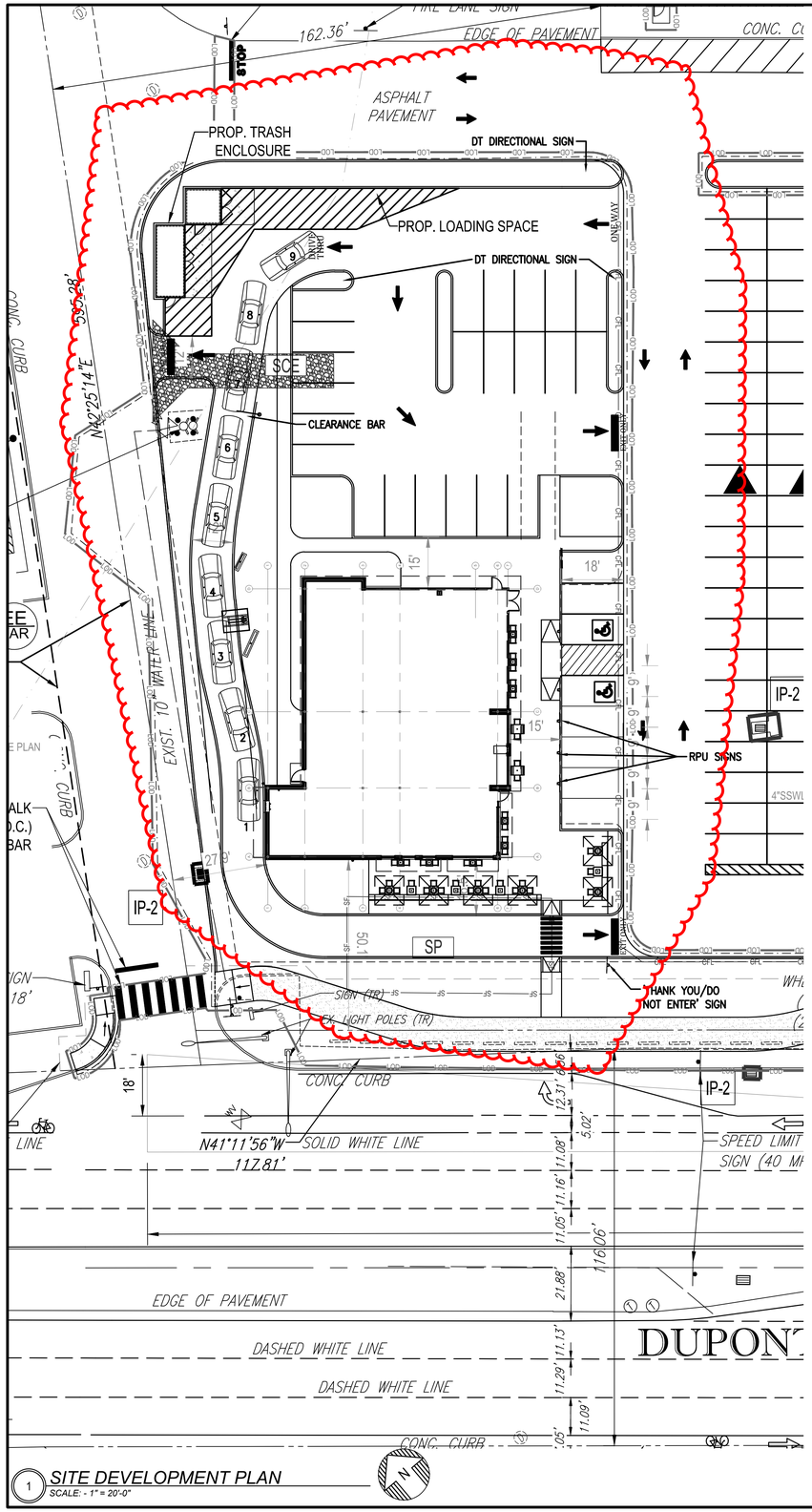
4. SWPOZ: The project must comply with the SWPOZ (Source Water Protection Overlay Zone) provisions pertaining to impervious surface areas. The Revised Plan includes changes to the impervious surface in the northern pad site area.

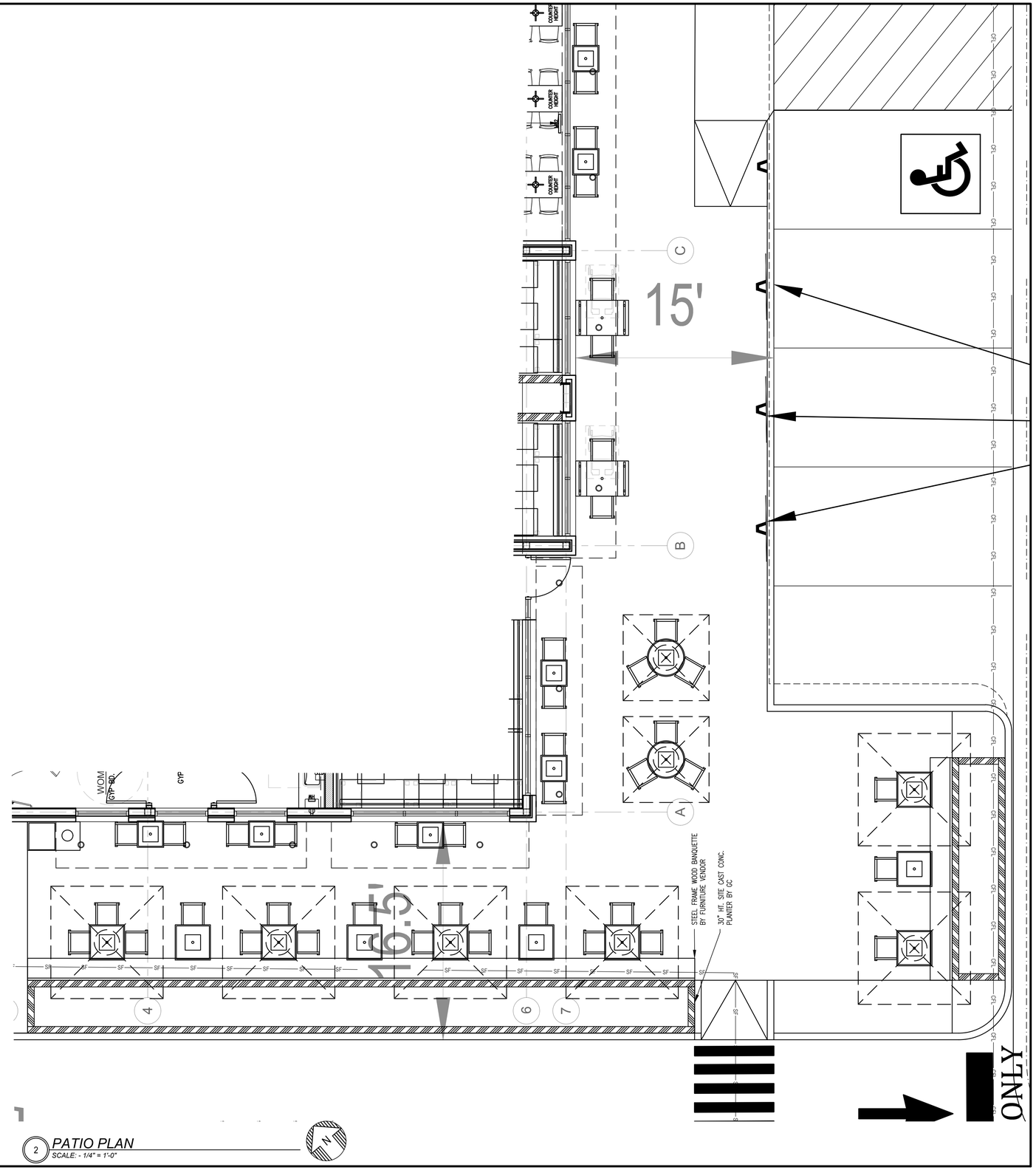
5. Tree Plantings: The Landscape Plan will need to be updated to show required tree plantings (13 trees) based on the reconfiguration of the site improvements.

6. Architecture: The Revised Architecture creates two sections to the building (masonry and siding) giving it the appearance of two separate buildings when viewing it from the west elevation (North DuPont Highway).
    a. Staff suggests looking at material choices to better link the two sections such as continuing the brick veneer watertable element around the southern section or as the material at the locations of the proposed EIFS sections.
    b. The north elevation wall relies on the presence of the wall sign to avoid the "large expanse of blank wall" appearance. The current colors selected for the watertable, wall, and cornice materials appear too similar in tone to show the three distinct architectural elements which may give the wall dimension and detail. A change in color could add the needed contrast to highlight the different architectural elements.
    c. The Panera Bread signage (letters) shown as a roof sign at the building's main entry may not be allowed under the Sign Regulations.

7. Signage: The Revised Architectural Elevations of the building show multiple wall signs, a roof sign, a window sign, and a projecting sign. All signage is subject to a separate Sign Permit Application process. However, Staff notes that the signage shown on the Revised Architectural Elevations appears to exceed the allowable number of signs for the building.

The Revisions are presented to the Planning Commission as information for review. The applicant will continue to work with Planning Staff and the other review agencies in the Check Print Review process to achieve Final Plan approval in order to commence construction.





BAKERY CAFE:
#3810
SYSTEM: G3 (CUSTOM)
PROTOTYPE UPDATE: 2016-1.03

DESIGN CONSULTANT:
NAME
ADDRESS #1
ADDRESS #2
CITY, STATE, ZIP
PHONE
FAX

CONSULTANT LOGO

M/E/P ENGINEER:
NAME
ADDRESS #1
ADDRESS #2
CITY, STATE, ZIP
PHONE
FAX

ARCHITECT:
NAME
ADDRESS #1
CITY, STATE, ZIP
PHONE
FAX

THIS DOCUMENT IS RELEASED FOR PURPOSE OF INTERIM ??% REVIEW. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES

BAKERY CAFE #3810
515 N. DUPONT HIGHWAY
DOVER, DE 19901

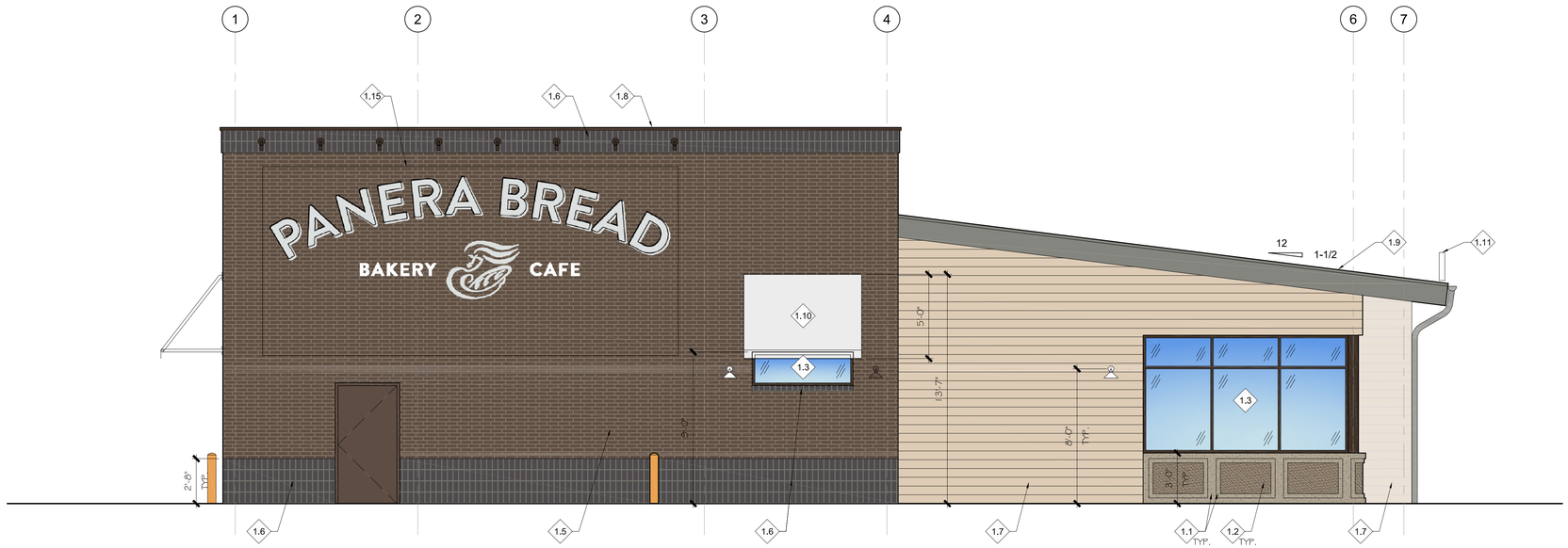
Panera BREAD

REVISION

#	REVISION	??/??/??
1		

ISSUE DATE: 10.21.2016
PROJECT NUMBER: 3810
DRAWN BY: MAN
DPM:
DM: MAN
CPM:

SHEET NO:



22 *WEST ELEVATION*
SCALE: 1/4"=1'-0"



24 *SOUTH ELEVATION*
SCALE: 1/4"=1'-0"

GENERAL NOTES:

A. ALL EXTERIOR SIGNAGE UNDER SEPARATE PERMIT.

B. SEE SPECIFICATIONS FOR TEMPERED GLAZING REQUIREMENTS PER SGCC – 16 CFR 1201.

KEYED NOTES: INDICATED BY ◇ SYMBOL

1.1 EIFS– DRYVIT WITH LIMESTONE FINISH (TYP.), COLOR: BENJAMIN MOORE 985 – INDIAN RIVER (P110)

1.2 EIFS– DRYVIT WITH LIMESTONE FINISH (TYP.), COLOR: BENJAMIN MOORE 998 – CABOT TRAIL (P98)

1.3 ALUMINUM STOREFRONT – DARK BRONZE ALUMINUM W/ 2" PROFILE & 1" INSULATED CLEAR GLAZING

1.4 ALUMINUM STOREFRONT – DARK BRONZE ALUMINUM W/ 2" PROFILE & 1" INSULATED SPANDREL GLAZING

1.5 BRICK VENEER – ENDICOTT: ARIOSTEA: MODULAR SMOOTH FACE COLOR: EXECUTIVE IRONSPOT (1/3 RUNNING BOND)

1.6 BRICK VENEER – ENDICOTT: ARIOSTEA: MODULAR SMOOTH FACE COLOR: DARK IRONSPOT SMOOTH (SAILOR COURSE AND ROWLOCK)

1.7 FIBER CEMENT LAP SIDING – ALLURA: CEDAR LAP: FINISH – SMOOTH, COLOR – LIGHT MAPLE, WIDTH 6-1/4" (5" EXPOSURE)

1.8 DARK BRONZE PRE-FINISHED METAL COPING. 4" MAXIMUM HEIGHT, TYP., U.N.O.

1.9 MBCI 'ULTRA-DEK' STANDING SEAM METAL ROOFING. COLOR 'SLATE GRAY' KYNAR 300 FINISH

1.10 SUNBRELLA FABRIC AWNING WITH OPEN ENDS. FABRIC COLOR WHITE. SEE DETAILS ON SHEET SG-4.1. AWNING UNDER SEPARATE PERMIT.

1.11 PIN MOUNTED INTERNALLY ILLUMINATED WHITE FACED CHANNEL LETTERS & BLACK RETURNS W/ REAR RACEWAY. MATCH RACEWAY WITH ROOFING COLOR. 20" 'P'. SIGNAGE UNDER SEPARATE PERMIT.

1.12 NON-ILLUMINATED BLADE SIGN. SEE SIGNAGE PLAN ON SHEET SG-2.1. SIGNAGE UNDER SEPARATE PERMIT.

1.13 INTERIOR MARKETING BANNER, SEE SIGNAGE PLAN ON SHEET SG-2.1.

1.14 VINYL GRAPHIC BY SIGN VENDOR. SIGNAGE UNDER SEPARATE PERMIT.

1.15 PAINTED SIGN, WHITE. SIGNAGE UNDER SEPARATE PERMIT.

BAKERY CAFE:
#3810
SYSTEM: G3 (CUSTOM)
PROTOTYPE UPDATE: 2016-1.03

L2M
811 Cromwell Park Drive, Suite 113
Cromwell Business Park at BWI
Glen Burnie, Maryland 21061

L2M@L2M.com

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Fax 410.863.1308

ARCHITECT OF RECORD:
Jeffrey D Mahler
architect
940 Burnett Ave.
Arnold, MD 21012
410-863-1302
Jeffrey D Mahler RA, AIA
Practicing as an Individual

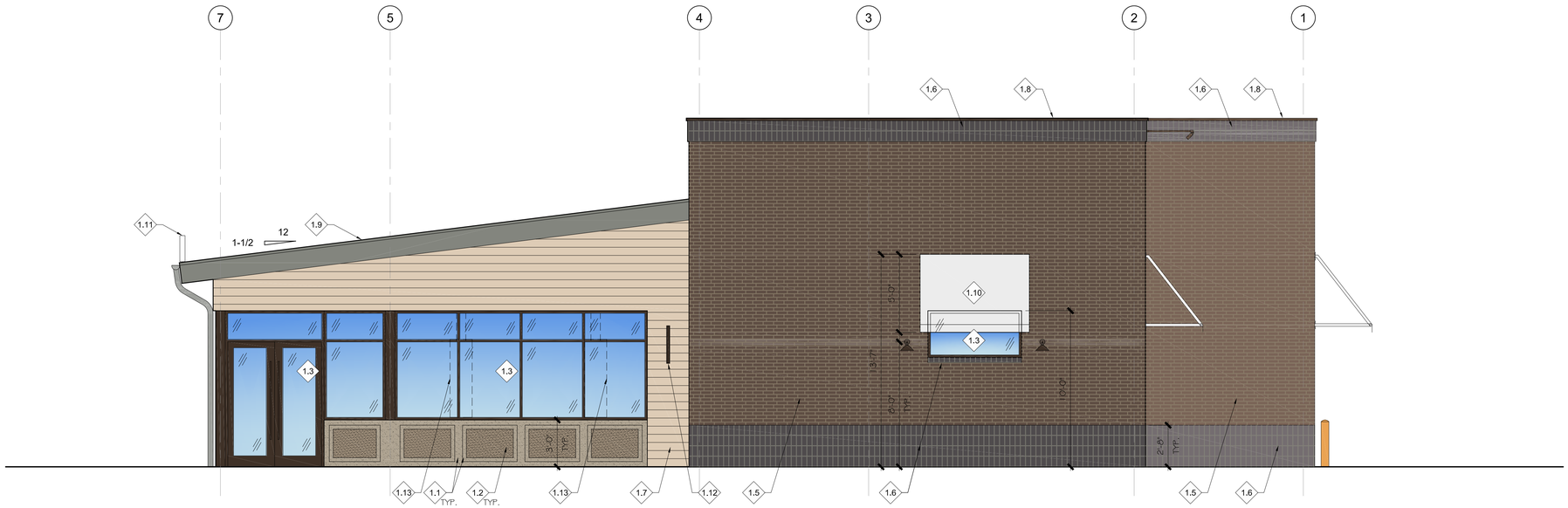
State # SS-0006538

BAKERY CAFE #3810
CAPITAL COMMONS
DOVER, DELAWARE

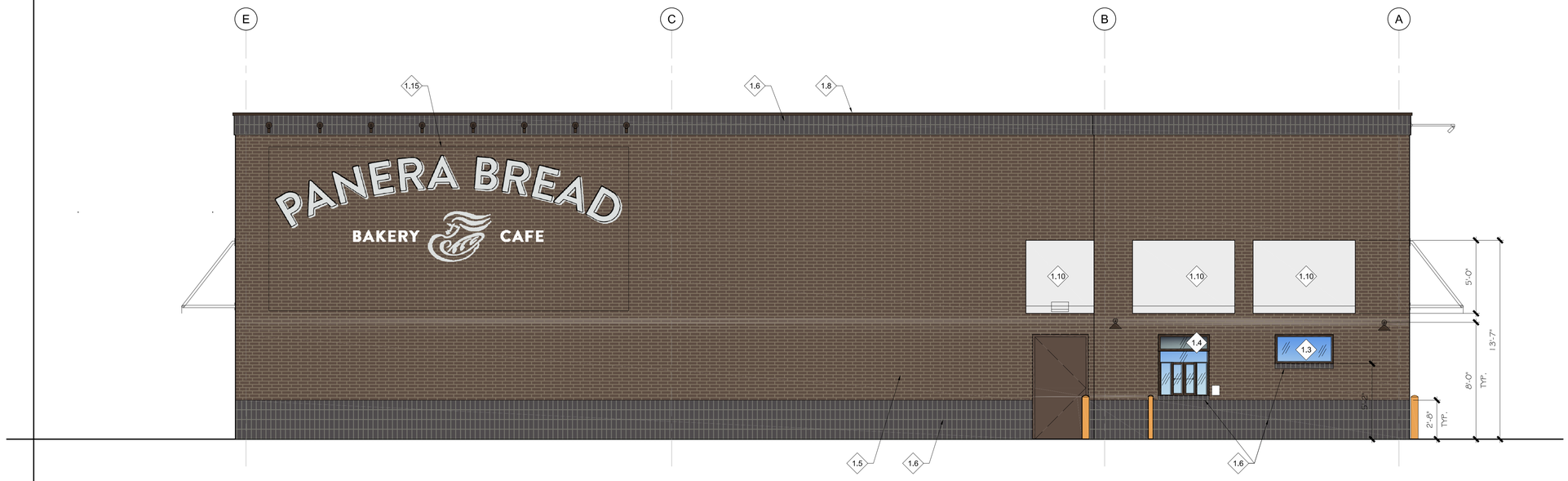
REVISION

ISSUE DATE: --
PROJECT NUMBER: 16.181
DRAWN BY: MIM

SHEET NO:
A-5.1
EXTERIOR ELEVATIONS
FILE: 16.181 - A-5.1.dwg



22 *EAST ELEVATION*
SCALE: 1/4"=1'-0"



24 *NORTH ELEVATION*
SCALE: 1/4"=1'-0"

GENERAL NOTES:

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B. SEE SPECIFICATIONS FOR TEMPERED GLAZING REQUIREMENTS PER SGCC – 16 CFR 1201.

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BAKERY CAFE:
#3810
SYSTEM: G3 (CUSTOM)
PROTOTYPE UPDATE: 2016-1.03

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ARCHITECT OF RECORD:
Jeffrey D Mahler
architect
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410-863-1302
Jeffrey D Mahler RA, AIA
Practicing as an Individual

State # 55-0006538

BAKERY CAFE #3810
CAPITAL COMMONS
DOVER, DELAWARE

REVISION

ISSUE DATE: --
PROJECT NUMBER: 16.181
DRAWN BY: MIM

SHEET NO:
A-5.2
EXTERIOR ELEVATIONS
FILE: 16.181 - A-5.1.dwg

PETITION TO AMEND THE ZONING DISTRICT
Public Hearing before the
City of Dover Planning Commission
January 17, 2017

Applicants/Owners:	Harry O. Meeks Jr. & Bonnie G. Meeks
Address:	301 North Bradford Street
Location:	Northeast corner of North Bradford Street and Mary Street
Tax Parcel ID #:	ED-05-068.17-02-34.00-000
Size:	11,362.5 S.F.
Present Use:	Restaurant/Retail Store with Apartment
Proposed Use:	Restaurant/Retail Store with Apartment
Comprehensive Plan Designation:	Medium Density Residential
Present Zoning:	RG-1 (General Residence Zone)
Proposed Zoning:	C-1 (Neighborhood Commercial Zone)
Reason for Request:	To allow the existing use to remain on site instead of sunset due to City Council action requiring the sunsetting of nonconforming uses in residential zones
File Number:	Z-17-01
Associated File Number:	MI-16-13 Nonconforming Uses in Residential Districts
Ordinance Number:	2016-29

Overview
The property is currently zoned RG-1 (General Residence Zone). This rezoning request would rezone the property from RG-1 to C-1 (Neighborhood Commercial 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 developed with a two-story commercial building. The building is occupied by an active restaurant/retail store business ("The Grocery Basket") with an apartment unit.

Surrounding Land Uses:
The property is entirely surrounded by properties zoned RG-1. These neighboring properties consist mostly of a mix of different kind of residential uses, including one-family residences, duplexes, and multifamily conversions. There is a Bed and Breakfast Inn to the southeast. Additionally, the subject property is less than a block away from the main campus of Wesley College, zoned IO (Institutional and 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 C-1 (Neighborhood Commercial Zone)
The uses permitted in the C-1 zoning district are listed in Article 3 §11 of the *Zoning Ordinance.* Permitted uses in the C-1 Zone include retail stores with some exclusions; personal service establishments; service establishments with some exclusions; restaurants; one-family residences including attached and semi-detached dwellings; apartments and multi-family dwellings. The size of stores or establishments in the zone is limited to 2,500 S.F. of floor space. The zone conditionally permits Planned Senior Housing Developments. The zone prohibits fuel pumps; motor vehicle storage, sales, or repairs; drive-throughs; liquor stores; firearm sales; and tobacco shops.

The existing and proposed use as a restaurant/retail store would be permitted in the C-1 Zone as a retail store and restaurant. The *Zoning Ordinance,* Article 12 defines *retail* as "the selling of goods, wares, or merchandise directly to the consumer" and *restaurant* as "an establishment in which the principal use is preparation and sale of food and beverages." The use as an apartment is also allowed in the C-1 Zone. The *Zoning Ordinance*, Article 12 defines *apartment* as "a dwelling unit, within a building with other uses and/or dwelling units, that is intended for use as a residence by an individual or a single family."

Recommendation of the Planning Staff:
Staff supports the rezoning request from RG-1 to C-1. The C-1 Zone is the only commercial zone permitted within the Residential Medium Density land use classification, and it is included to allow small, individual stores to serve residential neighborhoods from within the area. The business on the subject property has been doing this for many years and will readily continue to do so. The business 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 business to stay in operation, by voiding its 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 any 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: DECEMBER 28, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **LANDS OF MEEKS AT 301 NORTH BRADFORD STREET**

FILE #: **Z-17-01**

REVIEWING AGENCY: **City of Dover**

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

CONTACT PHONE #: **ELECTRIC - 302-736-7072 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-05-068.17-02-34.00-000

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-17-01

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 01/04/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: Lands of Meeks at 301 N Bradford St

FILE #: Z-17-01 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. Address numbers of at least 12 inches in height must be placed on the street side of the building visible from the street. Ensure all apartments are labeled properly as well.

2. Recommend that any natural or LP gas bottles, meters, values, regulators, etc., have impact protection per City of Dover Code of Ordinances.

3. Fire Alarm System recommended due to the mixed use/apartments on the second floor.

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: December 28, 2016

DELDOT

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APPLICATION: Lands of Meeks at 301 North Bradford Street

FILE#: Z-17-01 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:

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
January 2017

APPLICATION: Lands of Meeks 301 North Bradford Street

FILE #: Z-17-01

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.

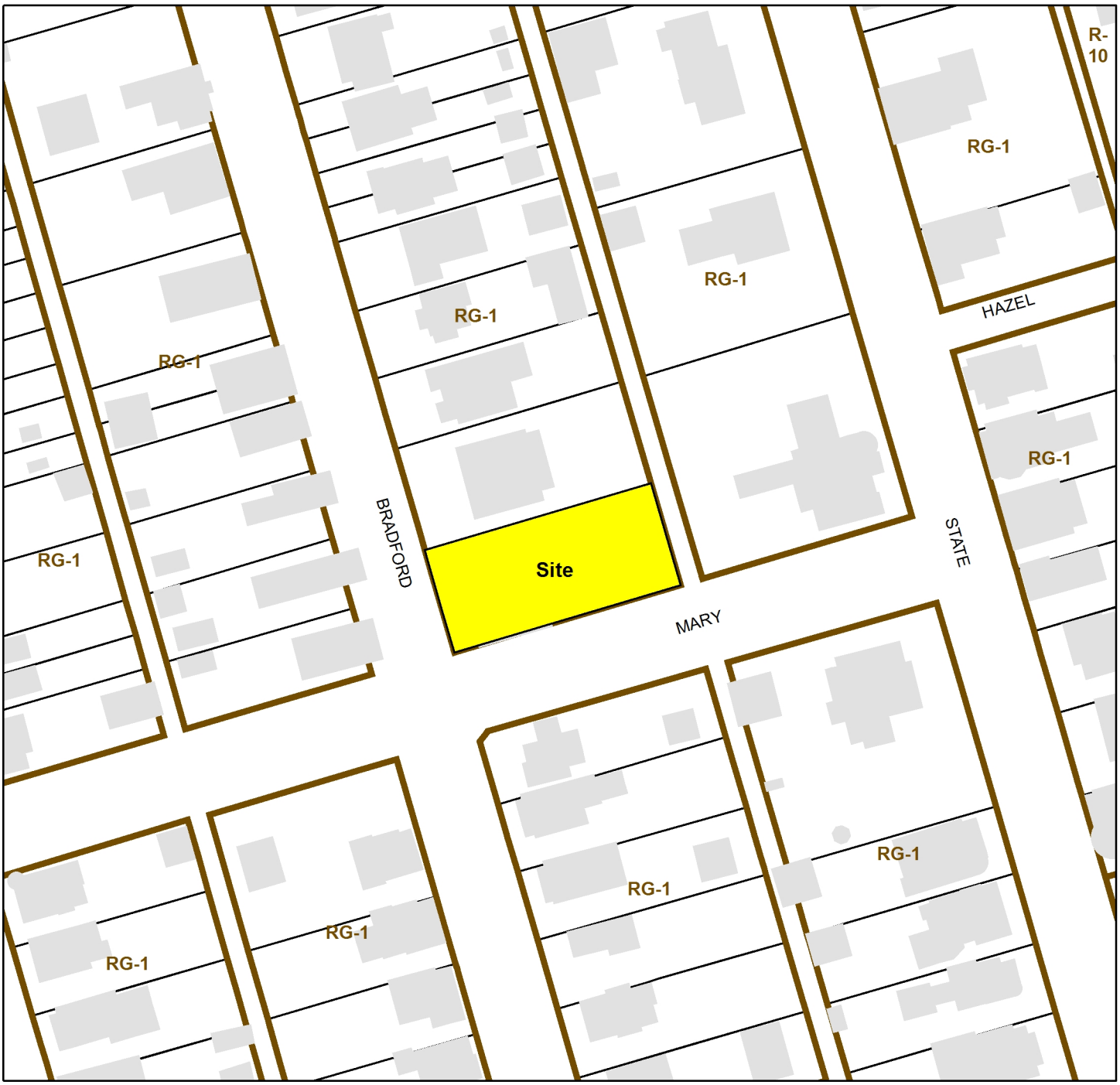
ADVISORY COMMENTS TO THE APPLICANT:

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-17-01



Title:	Lands of Harry & Bonnie Meeks
Ordinance #:	2016-29
Address:	301 North Bradford Street
Parcel ID:	ED-05-068.17-02-34.00-000
Existing Zoning:	RG-1 General Residence Zone
Proposed Zoning:	C-1 Neighborhood Commercial Zone
Owner:	Harry O. Meeks Jr. & Bonnie G. Meeks
Date:	11/30/2016

Legend

- 2012 Buildings
- Zoning
- Dover Parcels
- Subject Property

N W E S

0 62.5 125 250 Feet

PETITION TO AMEND THE ZONING DISTRICT
Public Hearing before the
City of Dover Planning Commission
January 17, 2017

Applicants/Owners:	E. Vernon Ingram Jr.
Address:	11-15 North Queen Street
Location:	East side of North Queen Street north of West Division Street
Tax Parcel ID #:	ED-05-076.08-05-04.00-000
Size:	9,020 S.F.
Present Use:	Automobile Repair Shop
Proposed Use:	Automobile Repair Shop
Comprehensive Plan Designation:	Mixed Use
Present Zoning:	RG-1 (General Residence Zone)
Proposed Zoning:	C-3 (Service Commercial Zone)
Reason for Request:	To allow the existing use to remain on site instead of sunset due to City Council action requiring the sunsetting of nonconforming uses in residential zones
File Number:	Z-17-02
Associated File Number:	MI-16-13 Nonconforming Uses in Residential Districts
Ordinance Number:	2016-30

Overview

The property is currently zoned RG-1 (General Residence Zone). This rezoning request would rezone the property from RG-1 to C-3 (Service Commercial 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 developed with a garage used for automobile repair work. The parcel is only one of three parcels associated with the business on site ("Delaware Auto Service and Sales"); the other two parcels addressed as 319-325 West Division Street are zoned C-1A (Limited Commercial Zone). Automobile service and repair is a nonconforming use in the C-1A Zone as well as the RG-1 Zone; however, a rezoning for the two commercially-zoned properties is not necessary at this time because nonconforming uses in commercial zones are not required to sunset.

Surrounding Land Uses:

The property is bordered to the north by lands of the Bethuel 7th Day Adventist Church, zoned RG-1. The Community Holy Tabernacle, Calvary Baptist Church and Mount Zion Church are all also located close by to the north and zoned RG-1. Remaining lands zoned RG-1 to the north include a mix of residential land uses, including one-family dwellings and residential conversions. Lands to the south fronting on West Division Street, including the other Delaware Auto Service and Sales parcels, are zoned C-1A. Though zoned commercially these properties (other than the auto service properties) are almost all also residential uses, with potentially a few unmarked office uses.

Comprehensive Plan:

The *2008 Comprehensive Plan* depicts the subject area with the Mixed Use 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:

- C-2 (Central Commercial) (Downtown Target Area Only)
- C-2A (Limited Central Commercial)
- TND (Traditional Neighborhood Design)

- C-1 (Neighborhood Commercial)
- C-1A (Limited Commercial)
- RGO (General Residence and Office) (Downtown Target Area Only)
- R-8 (One Family Residential)
- R-10 (One Family Residential)
- RG-1 (General Residential)
- RG-2 (General Residential)
- RG-4 (Multi-Story Apartments)
- C-3 (Service Commercial)
- CPO (Commercial/Professional Office)
- IO (Institutional and Office)

Request for C-3 (Service Commercial Zone)
The uses permitted in the C-3 zoning district are listed in Article 3 §15 of the *Zoning Ordinance.* Permitted uses in the C-3 Zone include service establishments; personal service establishments; business, professional, and government offices; retail uses accessory to a permitted use; drive-throughs accessory to a permitted use; wholesale, storage, and warehousing establishments; indoor recreation and amusement establishments; motor vehicle, boat or farm equipment sales or service subject to conditions; manufacturing with less than 25 employees; and mini-storage facilities. The C-3 Zone also conditionally permits Planned Senior Housing Developments; and crematories subject to conditions.

The existing and proposed use for motor vehicle service would be permitted in the C-3 Zone. The existing motor vehicle service use may not meet the specific requirements for such uses outlined in *Zoning Ordinance,* Article 3, Sections 15.1(h)(1-7). However, the business will not be required to come into compliance at this time as the property is not being redeveloped.

Recommendation of the Planning Staff:
Staff supports the rezoning request from RG-1 to C-3. It is noted that the C-3 Zone allows for higher-intensity uses than the C-1A zoned areas nearby; however, the lot is too small to be redeveloped by itself for any of the uses normally associated with the C-3 Zone. The C-3 Zoning classification should be considered a long-term, but ultimately temporary solution for the property, until such time the land is given over either to a residential use or a commercial use in keeping with the C-1A-zoned Division Street corridor. The property may be rezoned again, either through developer application or City-initiated Comprehensive Rezoning process, to support a new use. In the meantime, the business 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 business to stay in operation, by voiding its 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 any 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: DECEMBER 28, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **LANDS OF INGRAM AT 11-15 NORTH QUEEN STREET**

FILE #: **Z-17-02**

REVIEWING AGENCY: **City of Dover**

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

CONTACT PHONE #: ELECTRIC - 302-736-7072 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-05-076.08-05-04.00-000

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-17-02

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 01/04/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: Lands of Ingram at 11-15 N Queen St

FILE #: Z-17-02 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. 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.

2. Recommend that any natural or LP gas bottles, meters, values, regulators, etc., must have impact protection per City of Dover Code of Ordinances.

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: December 28, 2016

D E L D O T

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APPLICATION: Lands of Ingram at 11-15 North Queen Street

FILE#: Z-17-02 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:

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
January 2017

APPLICATION: Lands of Ingram 11-15 North Queen Street

FILE #: Z-17-02

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.

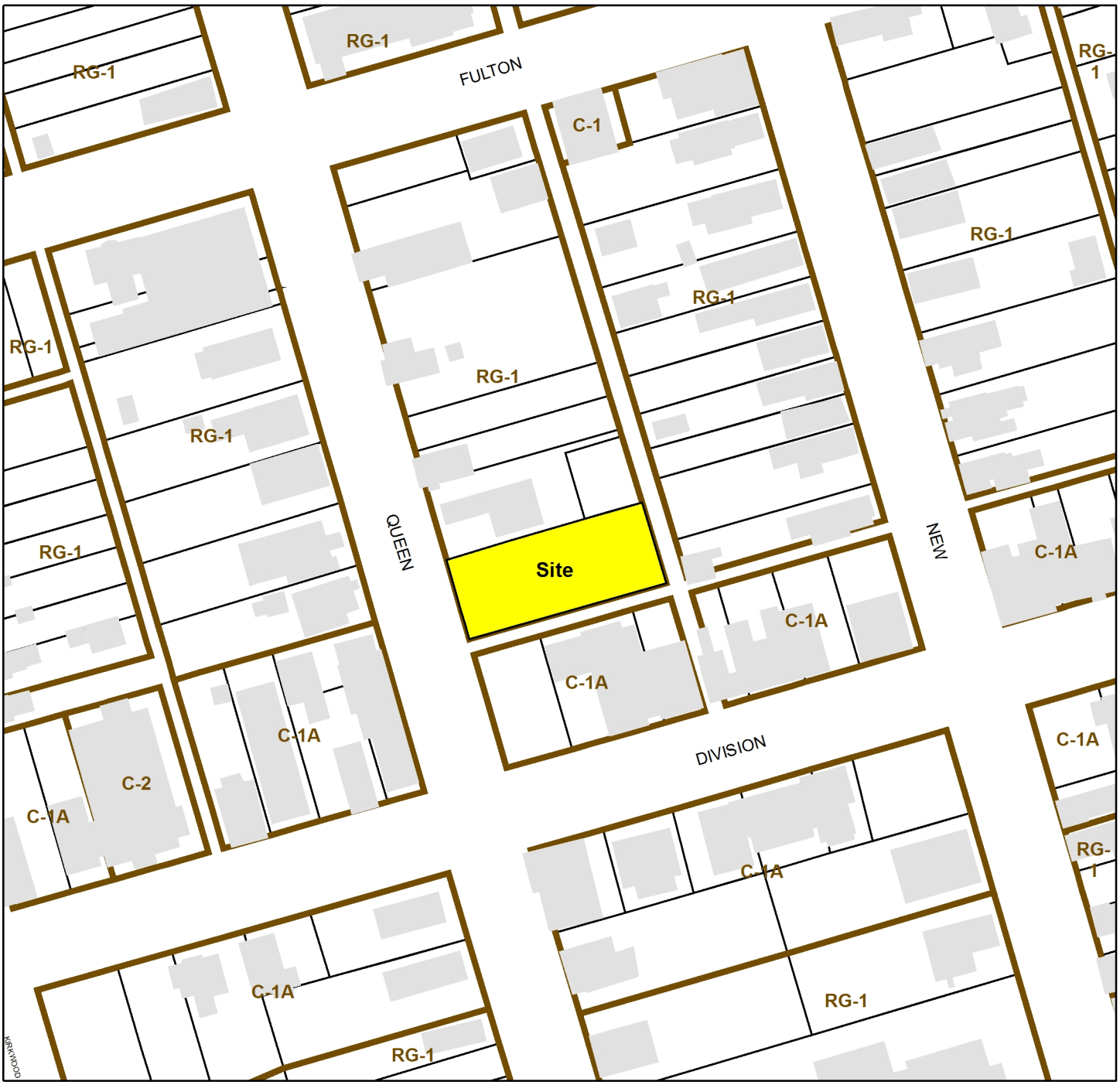
ADVISORY COMMENTS TO THE APPLICANT:

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-17-02



Title:	Lands of Vernon & Alice Ingram
Ordinance #:	2016-30
Address:	11 North Queen Street
Parcel ID:	ED-05-076.08-05-04.00-000
Existing Zoning:	RG-1 General Residence Zone
Proposed Zoning:	C-3 Service Commercial Zone
Owner:	E. Vernon Ingram Jr.
Date:	11/30/2016

Legend

- 2012 Buildings
- Zoning
- Dover Parcels
- Subject Property

N W E S

0 62.5 125 250 Feet

City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF January 4, 2017

PLANNING COMMISSION MEETING OF January 17, 2017

Plan Title:	90 Saulsbury Road Clubhouse and Pool, C-16-04 (Revised) Associated with The Grande: Planned Neighborhood Design – Senior Citizen Housing Option
Plan Type:	Conditional Use Site Plan for Planned Neighborhood Design
Property Location:	West side of Saulsbury Road near Carver Road
Property Address:	90 Saulsbury Road
Owner/Applicants:	90 Saulsbury Associates, LLC
Tax Parcel:	ED-05-076.07-01-28.00-000
Present Zoning:	C-2A (Limited Central Commercial Zone) COZ-1 (Corridor Overlay Zone)
Site Area:	1.48 ac. +/-
Present Use:	Vacant building (to be demolished)
Proposed Use:	Clubhouse and Pool
Building Area:	2,620 S.F.
Off Street Parking:	Required – 9 spaces Proposed – 9 spaces
Sewer & Water:	City of Dover
PND Considerations:	Permit a use not typically permitted in the C-2A Zone
Waiver Requested:	Partial Elimination of Upright Curbing

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: January 4, 2017

APPLICATION: 90 Saulsbury Road Clubhouse and Pool, Associated with The Grande: Planned Neighborhood Design – Senior Citizen Housing Option (Revised)

FILE #: C-16-04 REVIEWING AGENCY: City of Dover Planning

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

This DAC Report is for a Revision of the original C-16-04 project. The most recent version of the plan is dated November 25, 2016, and was submitted to the Planning Office on December 21, 2016.

PLAN SUMMARY:
Review of a REVISED Conditional Use Site Plan application to permit the construction of a 2,620 S.F. +/- clubhouse building, pool, pickleball court, parking, and access walkway connecting to The Grande apartment complex. Revisions are proposed to the overall layout of the site and the site access. The Clubhouse property consists of 1.48 acres and is located on the west side Saulsbury Road near Carver Road. The property is zoned C-2A (Limited Central Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone), and will become part of The Grande PND-SCHO. The owner of record is 90 Saulsbury Associates, LLC. Property Address: 90 Saulsbury Road. Tax Parcel: ED-05-076.07-01-28.00-000. Council District 1.

Previous Applications
This Conditional Use Site Plan is associated with previous developments at adjacent 101 Doveview Drive, location of The Grande Apartments. Development on this adjacent property was originally approved in 2006 as a Planned Neighborhood Design: Senior Citizen Housing Option known as DoveView Senior Apartments (C-06-02), featuring four (4) buildings with 192 dwelling units. Construction on two of the buildings began and then ceased after 2007, with the buildings remaining partially constructed on site. In August 2011 the Planning Commission reviewed and conditionally approved Site Development Plan S-11-12 Doveview Apartments (Buildings 1-3) to finish construction of the two buildings and construct a third, bringing the apartment complex to a total of 144 apartment units. S-11-12 was proposed for development under the provisions for mid-rise apartments in the RG-5 (General Residence for Mid Rise Apartment Zone) Zone, to which the property was rezoned from the IO (Institutional and Office Zone) in April 2011 (MI-11-01/Z-11-03).

On December 16, 2015, the Planning Commission conditionally approved Conditional Use Site Plan C-15-04 The Grande, Building 4: Planned Neighborhood Design - Senior Citizen Housing Option to construct the fourth building originally proposed in 2006, which will bring the total

number of dwelling units in the complex to 192. This Plan received Final Approval on July 13, 2016. Conditional to approval of C-15-04 was the requirement the development provide adequate on-site active recreation areas under the provisions of the *Zoning Ordinance,* Article 5, §10. The applicants proposed to meet this requirement in part with a cash-in-lieu payment. The current clubhouse and pool project at 90 Saulsbury Road will provide additional recreation areas for residents of The Grande beyond those required under the *Zoning Ordinance*.

On August 15, 2016, the Planning Commission conditionally approved Conditional Use Site Plan C-16-04, this current application in a prior incarnation. The prior incarnation of the plan featured the same recreational amenities, but had a parking area accessed from Saulsbury Road. The current version of the plan instead takes access from an existing access easement on the property of 40 Saulsbury Road to the south; this easement already serves 101 Doveview Drive. Under the *Zoning Ordinance,* Article 10, §2.44(D), the City Planner judged the change to be a substantial amendment to the conditionally approved plan, and therefore needing of review and approval by the Planning Commission.

CURRENT PROJECT

The current project proposes the development of a clubhouse, pool, and pickleball court to serve the residents of the apartment complex known as The Grande. The plan is seeking approval as a Planned Neighborhood Design – Senior Citizen Housing Option.

Review Process for Planned Neighborhood Design: Senior Citizen Housing Option:

The Planned Neighborhood Design for the Senior Citizen Housing Option (see *Zoning Ordinance*, Article 3, Section 24.1(b)) involves a two or three-step review and approval process. In the first step, the developer meets with the City Council and presents a general sketch plan to determine whether or not the proposed project is of such a design and type that warrants further review by the Planning Commission.

On June 13, 2016, City Council reviewed this project and determined that further review was warranted (MI-16-09). The second step is a more detailed Conditional Use Site Plan review and public hearing process before the Planning Commission. (Note: A third review step with the Planning Commission may be required depending on the type, physical size, and complexity of the project application. This is not required for this project.) The current application C-16-04 to the Planning Commission represents the second step in the review process for the 90 Saulsbury Road Clubhouse and Pool. The substantial plan amendment requires the second step to be retaken.

The PND: Senior Citizen Housing Option is permitted in all zoning classifications (with the exception of the M, IPM and C-4 zoning classifications) as a conditional use. Article 3 §24.1(b) notes that "preference shall be given to those projects which are within close proximity to public transit services and which are situated within one-quarter (1/4) mile of a grocery store, pharmacy, restaurant, physician offices, senior center or similar convenience service establishment." The PND: Senior Citizen Housing Option is intended to "…encourage the development of high quality housing opportunities design to accommodate the particular needs of senior citizens" by allowing the Planned Neighborhood Design Option through the Conditional Use process. The PND must present a community design that is in accordance with the goals and policies of the Comprehensive Plan.

It is important to keep in mind that a PND proposal does not involve a rezoning of the land. The

Planned Neighborhood Design – Senior Citizen Housing Option is plan specific. The land would remain zoned C-2A (Limited Central Commercial Zone). The PND option does allow however for uses that would not otherwise be allowed in the C-2A Zone, including private membership clubs.

Comprehensive Plan Recommendations

The City of Dover *2008 Comprehensive Plan as amended* recommends that this property be utilized for Commercial development. The property is just off of Route 8 on Route 15; Route 8 is described in the *Comprehensive Plan* as a "key commercial corridor within the City" (page 150).

The *Comprehensive Plan* also establishes stated goals for various types of land uses within the City limits. The stated goal for Commercial Land Uses is to "maintain and improve the City's position as a regional commercial center, while providing its citizens convenient access to needed goods and services through well designed and spaced community and neighborhood commercial centers" (page 151).

The *Comprehensive Plan* also acknowledges the fact that residents aged 65+ are a rapidly growing segment of the population that will require more specialized services (page 23). This trend was identified in previous Comprehensive Plans and in response, a previous Comprehensive Plan implementation strategy recommended the development of a Zoning Code amendment permitting Senior Citizen Housing developments near the community services and transit routes that senior citizens depend upon. As a result, the Planned Neighborhood Design: Senior Citizen Housing Option Ordinance was developed and adopted by City Council on July 14, 1997. Multiple projects have utilized these provisions.

Plan of The 90 Saulsbury Road Clubhouse and Pool PND-SCHO Site (As Revised, November 25, 2016)

This project proposes to develop 1.48 acres +/- with a 2,620 S.F. Clubhouse, a pool, a pickleball court, parking, and a pedestrian connection to the adjacent The Grande Apartments. These facilities are intended for private use by the residents of the apartment complex. The pedestrian connection was previously proposed to also be the route of a golf cart shuttle that can take residents from the apartments to the pool and clubhouse, but this is no longer the case. Golf carts will now use the vehicle drive aisles.

Site Layout:

The Clubhouse fronts onto Saulsbury Road. To the Clubhouse's rear toward the west side of the site is the pool. A fenced-off pool patio surrounds the pool and connects the pool to the Clubhouse. The pickleball court is just to the south of the pool. A shed for storage of pool furniture and golf carts is in the northwest corner of the site. To the west of the pickleball court is a nine-space parking area that exits south onto an existing access drive within an easement on the property of 40 Saulsbury Road. There is no direct vehicular connection from the project site to the site of The Grande; the only direct connection between the two properties is the proposed pedestrian connection, which extends from the pool patio west to The Grande's parking lot and sidewalk network. The pedestrian connection, which is proposed to be ADA accessible, will have to negotiate a steep grade difference between the two properties. The southern area of the project site is to be landscaped as a lawn and open space. The southern area of the site will also feature a stormwater management area.

COZ-1: Corridor Overlay Zone

The project site is located within the COZ-1 (Corridor Overlay Zone). The *Zoning Ordinance* details the requirements of the COZ-1 in Article 3 §27 and its subsections. The Corridor Overlay Zone as a planning and growth management tool is designed to foster an attractive, efficient, and economically vibrant urban corridor along Route 8/Forrest Avenue and Saulsbury/McKee Roads. To this end, more stringent standards are applied to development taking place in the corridor. A discussion of the provisions of the COZ-1 which apply to this application follows below.

The plan as presented is in compliance with the requirements listed below.

- The COZ-1 specifies a required front yard setback (40 ft. minimum and 50 ft. maximum) for nonresidential properties on the Saulsbury Road corridor. The Clubhouse is set back at a distance of 45 feet.
- The building must sit parallel to the road with the longest side facing the road; the design achieves this concept. The long side of the building is parallel to Saulsbury Road.
- No parking may be built in the front yard of the lot; the design achieves this concept.
- The parking lot and the clubhouse are not close enough together to require a 12-foot buffer between them.
- The parking lot is not close enough to the street to require low-profile screening between the road and road-way facing cars. Proposed trees on the Landscape Plan provide adequate screening.
- The site is not considered a commercial site; therefore, there is no required setback from side properties for the site entrance.
- The one-story Clubhouse meets the height restrictions of the COZ-1.
- The proposal meets the requirement that 25% of the lot consist of landscaped open space. As shown about 78% of the lot is open space.
- Frontages (front yards) are required to have landscaped open space of 25 feet, as measured from the curb, and to provide one tree per 50 (fifty) feet.
- Non-frontages (side and rear yards) are required to have landscaped open space of 15 feet when adjacent to residential uses, and landscaped open space of 5 feet when adjacent to non-residential uses, and to provide one tree per 75 (seventy-five) feet.
- The building shall have a corridor elevation with specific architectural features (See Building Architecture discussion).

The Corridor Overlay Zone also requires that cross access be provided among abutting uses of similar use categories, whenever possible, to provide linkage between properties as an alternative to re-entering the corridor to access neighboring properties. Pedestrian cross access is provided to the adjacent apartment complex, and vehicular cross access is provided to 40 Saulsbury Road. The access drive on 40 Saulsbury Road is part of an access drive network that connects multiple properties, including 1001 Forrest Avenue (Walgreens), 1035 Forrest Avenue (TD Bank), 101 Doveview Drive (The Grande Apartments), and 40 Saulsbury Road (a roofing supply company). Though none of these properties except The Grande is in a similar use category, cross access is still required because otherwise the property will be left without a vehicular site entrance.

BUILDING ARCHITECTURE

A rendering presenting the corridor elevation of the revised Clubhouse was submitted. The rendering appears to show the building will have tan vinyl siding with a brown stone base and an asphalt shingle roof. The front façade has three windows with shutters added for visual interest.

The other three sides of the building also have windows. The building is shown to have a projecting brown stone entryway and a concrete entrance walk. There is a second entrance to the building on the south side, as well as entrances specifically for a pool equipment room and restrooms inside the building on the west side.

The building is subject to the Architectural Review requirements found in Article 3 §27.69 for properties located within the Corridor Overlay Zone, with specific architectural elements for the corridor elevation of the building. As currently proposed, the corridor elevation (east facade) includes functioning windows, a primary entrance door, and a primary entrance feature (the entrance walk). The elevation also shows architectural relief through material changes on the east façade.

SITE CONSIDERATIONS

Delaware 8 Concept Plan and Operations Study

In 2007, the Dover/Kent County Metropolitan Planning Organization developed and approved the *Delaware 8 Concept Plan and Operations Study* to identify circulation improvements along the Route 8 corridor on the west side of Dover, from the railroad tracks to Artis Drive. The study identifies a number of north/south connector roads to relieve traffic conditions along the Route 8 corridor. The *Study* does not make specific recommendations for this site but may impact it.

Entrances

The site proposes one vehicular site entrance onto an existing access drive easement on the property of 40 Saulsbury Road. The applicant is currently in the process of getting permission to use the easement for 90 Saulsbury Road's use. The pedestrian entrance pathway to the west is proposed to be accessible to ADA users, and was previously proposed to be accessible to golf carts. There is some question as to whether the Grading Plan adequately supports the connection. The path was previously proposed to be 10 feet wide, wide enough for golf carts and pedestrians to pass each other on the path, but is now shown to be 6 feet wide because golf carts are no longer proposed to be using it.

PARKING SUMMARY

For the C-2A Zone, parking is required at a rate of one (1) parking space per 300 S.F. of floor area or one (1) parking space per employee, whichever is greater. The number of employees proposed to work at the Clubhouse is unknown. Based on the 300 S.F. ratio, the Clubhouse requires nine (9) parking spaces. The nine spaces are proposed to be located in one row adjacent to the drive aisle. It is currently unclear whether there are one or two ADA-accessible spaces.

The site's entrance walk, by connecting to the sidewalk network of The Grande, will remove two (2) parking spaces from 101 Doveview Drive. This will reduce the number of parking spaces on that property from 249 spaces to 247 spaces. The parking requirement on 101 Doveview Drive based on the approved parking ratio of 1.25 spaces per dwelling unit and 192 dwelling units is 240 spaces.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces. Based on nine parking spaces, one (1) bicycle parking space would be

required. The plan appears to propose a bike rack location near the secondary entrance to the building.

Sidewalks

The *Zoning Ordinance*, Article 5 §18 requires sidewalks to be installed along the public street frontages of a property, and also requires linkages between building entrances and frontage sidewalks. The site has an existing multi-use path approximately six feet wide along the frontage of Saulsbury Road; the applicant proposes to upgrade it to a seven-foot-wide multi-use path. The main pathway proposed by the project connects the frontage sidewalk, the clubhouse, and The Grande's parking lot. Another sidewalk/pathway leads from the main path to the pickleball court and the on-site parking area.

A dedicated entrance to the pool patio from the sidewalk network is proposed but does not yet appear on the plan. Golf carts are proposed to be stored in the shed, but will be removed infrequently enough that the shed does not have to be treated like a garage (with drivable surface to it in the form of sidewalk or vehicle drive aisle). The pickleball court does have independent access to the sidewalk network.

Dumpsters

A Clubhouse is not among the uses listed in the *Zoning Ordinance* to have specific dumpster requirements. Therefore, the Clubhouse must have dumpster capacity adequate to its needs. A reserved dumpster enclosure location is located at the end of the parking area. The applicant has stated that dumpsters nearby on 101 Doveview Drive would be used for trash from the Clubhouse.

Lighting

Lighting is specified on the plan to be 1.5 footcandles at grade. A Lighting Plan was included with the plan submission; however, it does not yet propose any new light poles. Four existing light poles on the eastern edge of the apartment complex parking lot, one existing street light at the northeast corner of the site, and one existing hanging light near the northwest corner of the site should play a role in lighting the site. The applicant would like to work with the City's Electric Department to locate additional light poles.

Waiver Request: Partial Elimination of Upright Curbing

Under the *Zoning Ordinance,* Article 6 §3.6(b), the requirement that all parking areas be enclosed by 6-inch upright curbing may be relaxed by the Planning Commission when there is a demonstrated need to convey stormwater to a stormwater management area. A waiver was previously requested and approved, but must now be re-evaluated because the parking area has moved. Currently, the only part of the new drive aisle and parking area proposed to have curbing is the drive aisle entrance; this is not yet delineated on the plan. The purpose of the waiver request is to allow stormwater to sheet flow across the grass area to the proposed stormwater management facility on site.

RECREATION/ OPEN SPACE:

As part of the Plan review process for C-15-04 to construct the fourth building of The Grande Apartments, the applicant prepared an Active Recreation Plan to illustrate how the overall development would provide recreation amenities. Based on a total of 192 dwelling units, 28,800

S.F. of active recreation area were required. The Active Recreation Plan indicated that 22,569 S.F. of land would be reserved as Active Recreation Area. That left a deficiency of 6,231 S.F. of active recreation area for The Grande PND-SCHO project; the applicant pursued a cash-in-lieu payment option to satisfy this deficiency.

The amenities proposed in the revised plan C-16-04 are not intended to count toward the active recreation area requirements for The Grande, or to reduce or eliminate the cash-in-lieu payment. However, the plan set submitted for August was still reviewed as an Active Recreation Plan. The Plan was reviewed by the Parks, Recreation and Community Enhancement Committee on August 9, 2016, and the recreational amenities on the plan were approved subject to the condition that the areas to be used for active recreation be expressly delineated, and an area total for them be provided.

10,420 S.F. of the lot area is anticipated to serve as active recreation area. The pool, clubhouse, and pickleball court together total 6,220 S.F. The pool patio appears to be 4,200 S.F. and may be counted toward the total. The entrance walk will not be appropriately developed to count as a walking or jogging trail and so cannot count toward the area total. Delineation of the recreation areas and confirmation of the total is expected to be added to the Site Plan.

As the property is to become part of a PND-SCHO, only the residents of The Grande and their guests may use the on-site recreational facilities.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a Landscape Plan. Based on the 64,379 S.F. property, a total of 22 trees are required. The plan shows 29 new trees located around the edges of the site and in locations conducive to screening. The proposed trees are a mixture of Green Mountain Sugar Maple (5), Dragon Lady Holly (10), Natchez White Crape Myrtle (5), Swamp White Oak (4), and Village Green Zelkova (5). All proposed tree planting locations must avoid conflicts with existing and proposed utility lines and paved areas.

COZ-1 Landscaping Requirements

The COZ-1 (Corridor Overlay Zone –1) requires that a minimum of 25% of the site be landscaped open space. For this site approximately 78% is open space. The COZ-1 also includes specific tree planting requirements along property lines: one tree per 75 feet on non-frontage perimeters, and one tree per 50 feet on frontage perimeters. The proposed landscape design meets these requirements.

Opaque Barrier (Not Required)

Article 5, Section 7.2 of the *Zoning Ordinance* states that visual and sound screening shall be provided on a non-residential use when abutting a residential use, and that such screening must consist of an opaque barrier at least six feet in height, accompanied by landscaping. The property line between 101 Doveview Drive and 90 Saulsbury Road is currently marked by a retaining wall topped by a non-opaque post and rail fence.

90 Saulsbury Road is zoned C-2A and there are to be no dwelling units located on it. However, the Planning Office determined that the Clubhouse can still be classified as a residential use, based on its intended association with The Grande. Therefore, an opaque barrier is not required.

To ensure this association with The Grande and the use of the property as a PND-SCHO element, the property at 90 Saulsbury Road must be deed restricted and/or the properties combined to become one parcel.

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) Staff understands that a Record Plan will be filed in the future to combine the properties of 90 Saulsbury Road and 101 Doveview Drive. However, staff understands that this Record Plan would not be filed until after construction on the property is complete. This application has therefore been reviewed based on the zoning requirements of 90 Saulsbury Road alone, with only minor reference to the requirements of 101 Doveview Drive where the proposed development directly impacts that property.

2) As a condition of the review of this project as a Planned Neighborhood Design – Senior Citizen Housing Option element, the property must be deed-restricted so that only residents of The Grande and their guests are entitled to use the Clubhouse, Pool, and other recreational facilities on site.

3) The project must comply with the requirements for upright curbing unless a waiver is granted. A written waiver request to relax these requirements was submitted to the Planning Commission for consideration.
    a. Areas to contain upright curbing must be shown on the Plan.

4) The Final Plan set must include updates identified in the Summary Report of the Active Recreation Plan (Report for 8/9/2016 Parks, Recreation and Community Enhancement Meeting) and related recommendations of the Planning Commission.

5) The Final Plan set must include notes indicating the action taken by the Planning Commission in regards to any waivers and listing any additional conditions of approval. The plan set must be revised to reflect all changes recommended by the Planning Commission.

6) Sidewalk Improvements:
    a. Ensure a barrier-free access ramp is installed at the intersection of the sidewalk with the parking lot of The Grande.
    b. Provide an exterior entrance to the pool area, so that residents and service personnel do not have to pass through the Clubhouse to access it.
    c. The sidewalk network should appear unbroken on the plan drawings so that it does not look like there are steps on the route.

7) ADA-accessible parking:
    a. The detail provided for ADA parking does not match the site plan. The detail should be adapted, or, if this is not possible, a note included saying the detail is to be adapted to site conditions.

b. The site requires one van-accessible space. For the provided ADA space to be van-accessible, it needs to either be 11 feet wide or have an 8-foot wide access aisle.

8) Cover Sheet F-100:
   a. General Notes Column:
      i) Add a note indicating whether the developer, or another agency will bear financial responsibility for construction of utilities and other public improvements.
   b. Site Data Column:
      i) Include the name and address of the equitable owner of the property, if any. The applicant must clarify who will bear ultimate responsibility for management of the recreation facilities.
      ii) Include an item indicating how much of the site area is to be used as Active Recreation Area.
      iii) Revise the parking spaces provided from 6 to 9.
      iv) Revise the setbacks. The rear setback for the C-2A Zone increases to 25 feet when adjacent to a residential zone. Side yards are not required because the side yards are not adjacent to residential. The building restriction lines shown on the plan drawing are correct.

9) Site Plan F-102:
   a. Use this sheet, or add another sheet, to delineate the areas of the site to be used as Active Recreation Area.
   b. The access easement must be labeled. Please provide confirmation that the property has permission to use the easement once it is acquired.
   c. The plan drawing shows the 25-foot frontage landscape buffer required by the Corridor Overlay Zone. Please also show the 15-foot landscape buffer required in the rear yard and the 5-foot landscape buffer required in the side yards.
   d. The gas line leading to the pool does not show up on the Utilities Plan. It appears this line serves the existing building on the site that is to be demolished. Please confirm whether this line is to be removed.
   e. On The Grande's property, indicate that the number of parking spaces in the western row of spaces affected by the new crosswalk is to be reduced from 18 spaces to 17 spaces.

10) Utilities Plan F-103:
   a. Document on this sheet which utilities, if any, are to be dedicated to the City of Dover.

11) Grading Plan F-104:
   a. Please provide this sheet with the next plan submission.
   b. Add more detail on the Grading Plan to show that the entrance walk from The Grande is appropriately sloped for ADA access.

12) Site Details F-105:
   a. Please provide this sheet with the next plan submission.
   b. Provide a detail for water service in addition to the one for sewer service.
   c. Although a dumpster is not currently proposed to be constructed, a dumpster enclosure detail is still required for the reserved location. Dumpsters for private trash collection require an enclosure at least seven feet in height.

13) Landscape Plan:
    a. Correct the zoning from "unlimited central commercial zone" to "Limited Central Commercial Zone."
    b. Under the rear and side property requirements of the COZ tree requirements, correct "tree replacement" to "tree requirement." The site currently does not have any trees and no trees are being replaced.
    c. Ensure all trees are at least ten feet away (as measured from the trunk) from all underground utilities.
    d. Ensure the shrub plantings in front of the building do not block access to the Fire Department Connection.
    e. Update the topography to reflect proposed conditions, especially in the bioretention area. Remove any existing site features that are to be demolished.
    f. Update the building restriction lines and required landscape buffers so they match those shown on the Site Plan.

14) Lighting Plan:
    a. The Lighting Plan does not yet show any new light fixtures. A light pole detail has however been provided. Staff notes that lighting is required at 1.5 footcandles at grade for commercial uses, but that the use of the property has been determined to be non-commercial.

15) All plan sheets:
    a. Mark gate locations on the fences for the pickleball court and pool area.
    b. Show pavement within the fenced pool area.

16) Architectural Submission:
    a. Provide information clarifying the materials to be used on the exterior of the building.

17) 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.

18) 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.

19) 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) Staff Recommendation on Waiver Request:

a) Partial Elimination of Curbing: Staff recommends **partial** approval of the waiver request. The applicant wants to waive nearly all of the required curbing; however, the benefit to stormwater management of some of the curbing that would be removed is unclear. Curbing is strongly recommended to be maintained along the side of the parking spaces, so that water does not flow over the sidewalk and into the pickleball court. It also does not appear water will sheet flow across the drive aisle south of the trench drain marked on the plan, so removing curbing on at least the west side of the aisle may be unnecessary.

   The final topography of the site has not yet been shown, and will affect where it will be appropriate to remove curbing. Staff recommends the Commission allow staff to work with the applicant during the Final Approval process to determine the most appropriate places for curbing removal. Staff will review the Grading Plan to be submitted by the applicant in order to make a determination.

2) Staff recommends that one or more seating areas be provided on site.

3) 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 request as part of any motion to approve this Site Plan, or as a separate motion if necessary. Note: The recommendation for this waiver is at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.

2) 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 building, relocation of site components, 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.

3) 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.

4) 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.

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

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 Plan approvals, Pre-Construction meetings, site inspections and permits are required.

9) 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.

10) The applicant shall be aware that Conditional Use 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 Conditional Use 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 DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF January 4, 2017

PLANNING COMMISSION MEETING OF January 17, 2017

Plan Title:	Cellco Partnership d/b/a Verizon Wireless (S-17-01)
Plan Type:	Site Development Plan
Property Location:	East of North DuPont Highway and northeast of Centre Drive (private drive)
Property Address:	277-293 North DuPont Highway
Tax Parcel Number:	ED-05-068.14-01-03.01-000
Owner:	MDR Dover, LP
Property Area:	10.733 Acres +/- (portion of)
Present Use:	Shopping Center
Proposed Use:	Telecommunications monopole and associated facilities
Building Area:	N/A
Off Street Parking:	Required – N/A Proposed – 1 space
Zoning Classification:	SC-2 (Community Shopping Center Zone)

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: January 4, 2017

City of Dover Planning Office

APPLICATION: Cellco Partnership d/b/a Verizon Wireless at 1255 College Park Drive

FILE #: S-17-01 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Bill Cook, Planner I PHONE #: (302) 736-7010

PLAN SUMMARY

This is a Site Development Plan to permit the construction of a 108 foot telecommunications monopole and associated fenced equipment compound. The project is located on a portion of a parcel of land consisting of 10.733 +/- acres and is zoned SC-2 (Community Shopping Center Zone).

The irregularly shaped parcel is one of multiple parcels comprising the site known as the Centre at Dover and addressed as 277-293 North DuPont Highway. The subject site for the compound is located east of North DuPont Highway and northeast of Centre Drive (a private right-of-way) and located in the northeast corner of the property between Kohl's and Jo-ann Fabrics and Crafts. The proposed site is an existing grass area adjacent to the parking lot, a storm water management area, and several retail structures. Northwest of the proposed compound is Towne Point Apartments, zoned RG-2 (General Residence Zone). Northeast of the proposed compound is the White Oak Farms subdivision, zoned R-8 (One-Family Residence Zone).

PROJECT DESCRIPTION

This Site Development Plan proposes construction of a 108 foot telecommunications monopole and associated equipment compound. Verizon's site reference name is "DOV-Central Dover." In addition to the monopole, a small 242 SF equipment canopy is proposed, as well as pads for meters, a generator, propane tank, and other equipment. The fenced compound area is 2,500 SF +/-, with an adjacent vehicle access and turnaround area totaling approximately 500 SF +/-. The canopy structure is to house equipment and is not for human occupancy and is thus exempt from certain zoning and building code provisions.

ZONING

Zoning Ordinance, Article 3 §17.32 outlines requirements for uses with the SC-2 (Community Shopping Center Zone). Pursuant to *Zoning Ordinance,* Article 5 §21.42 relating to Public Utility Infrastructure, the project consists of private utility infrastructure and is thus subject to all

zoning requirements for the zone in which it is sited.

There are no other *Zoning Ordinance* provisions related to communications towers and antennae. A previous zoning interpretation has held that such structures are within the definition of a "building" and therefore such structures must meet the bulk standards of the zone.1 The project complies with the bulk standards of the SC-2 zoning district related to setbacks.

At its meeting of October 19, 2016, the Board of Adjustment approved variance V-16-14 for a 33 foot increase in the maximum height permitted for the subject property to allow the construction of the 108 foot monopole. The maximum height for a structure in the SC-2 (Community Shopping Center Zone) is 75 feet.

SITE CONSIDERATIONS

The overall site plan, shown on Sheet Z-1 identifies the monopole and compound location placed in the northern corner of the parcel, and shows adjacent properties to provide context. The monopole and associated equipment comply with the 100 foot required setback from residential zones pertaining to structures in the SC-2 zone. The compound is accessed via a driveway proposed to connect with the existing paved parking lot. Sheet Z-2 shows and enlargement of the compound area to show the arrangement of the structures and equipment cabinets within the fenced compound. An elevation view of the compound and monopole height to scale is shown on Sheet Z-3.

Existing Condition
The project site is located on a flat grassy area on the subject parcel. There is existing vegetation consisting of trees and shrubs adjacent to the property lines as described in the Tree Planting and Landscape Plan section of this Report. A fenced stormwater retention area parallels the northeast property line, and separates the proposed site and existing retail structure from the backs of residences that front on Frear Drive in the White Oak Farms neighborhood.

Site Access
The subject site is proposed to be accessed from the existing paved parking areas and drive aisles associated with the shopping center, which are in turn accessed from Centre Drive, a private road, which connects with both North DuPont Highway and White Oak Road.

Sidewalks/Curbing
Centre Drive is curbed, and an internal sidewalk network connects most portions of the shopping center site to the public road network. There are some inconsistencies and discontinuities, but sidewalks are generally located on at least one side of the street along the internal private street network. Sidewalk is installed along the public North DuPont Highway and White Oak Road frontages.

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1 "Code Interpretation Memo: #4 Telecommunications Antennae- Permits and Review Procedure" January 26, 1999.

Parking
The parking regulations for the SC-2 zone (*Zoning Ordinance,* Article 3 §17) requires the greater of at least one (1) parking space per 300 S.F. of floor area, or one (1) per employee per largest working shift. One (1) parking/turnaround space is proposed adjacent to the gate to the fenced compound. Staff finds this sufficient since the structures are not for human habitation, and the nature of the use of the property is such that it will be unattended and not regularly staffed. Additionally, neither the monopole nor the equipment shed have characteristics that meet the criteria for "floor area" per the definition in Article 12, which exclude maintenance and operational areas:

> *Floor area:* The sum of the gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls, or from the center line of party walls separating two buildings. For purposes of calculating minimum parking and loading space requirements and calculation of floor area ratio, the "floor area" tabulation shall exclude cellar and basement areas used only for storage or for maintenance and operation of the building; shall exclude exterior stair towers; and shall exclude enclosed or partially enclosed garage parking and loading space areas, but shall include all outdoor storage and sales areas in use for more than 21 days in a calendar year.

Staff has determined that per the *Zoning Ordinance* parking is not required for the private utility use, and the proposed parking area is sufficient for servicing the property. This determination influences other requirements related to driveways, surfacing, curbing, bicycle parking, and ADA accessibility.

Access Drive, Surfacing, Curbing
A 12 foot wide access drive and parking/turnaround area is proposed that connects the compound site to an existing portion of the parking lot between the Kohl's store to the southwest, and the Jo-Ann Fabrics and Crafts store to the southeast. Plans note that this access area and the compound area are to be surfaced in ¾ inch gravel. Staff finds the surface appropriate for a utility access use, and *Zoning Ordinance* requirements for hard, paved surface do not apply because the provided areas are not parking areas per the Ordinance. Requirements for 6 inch upright curbing of all permanent parking areas is not applicable to this use.

Bicycle Parking/ADA Access
Provisions do not apply because the site is not for general public access, and the requirements are not invoked due to the lack of a parking requirement.

Dumpsters/Trash
Zoning Ordinance, Article 5 §6 does not specify trash and dumpster requirements for utility uses. Refer to Department of Public Works comments relating to trash service.

Fences
The compound area is proposed to be enclosed with 8-foot chain link fencing topped with barbed wire. *Zoning Ordinance* Article 5 §7.5 prohibits barbed wire or razor wire fence material "along property lines which adjoin residential zones." Staff has determined that since the barbed wire fencing is well inside the site and between 75 and 135 feet from the property lines with adjacent residentially-zoned properties, the barbed wire is permitted.

The appropriate access for emergency personnel must be provided per any Office of the Fire Marshal comments.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plans include details related to existing topography, soils, and tree planting. A tree density table is found on Sheet Z-1 and a Landscape Plan is found on Sheet LS-1. The 38,424 SF project area includes mixed trees and vegetation, and a portion (16,335 SF, 42.5%) of the project area qualifies as woodlands per Code definition. There is no clearing or change proposed to the existing woodlands area(s).

Based on the area of non-woodlands area of the project area (22,089 SF), eight (8) trees are required to be planted (1 per 3,000 SF of non-woodland area). Thirteen (13) trees are proposed. These are evergreens to be planted outside the fenced perimeter of the compound as shown on Sheet LS-1.

Opaque Barrier

An opaque barrier and landscape buffer is required when a non-residential use abuts a residential use (*Zoning Ordinance*, Article 5 §7.2). For this project area, the northeast and northwest property lines of the shopping center parcel abut residential uses. There is existing vegetation consisting of trees and shrubs on the parcel along the northwest property line which abuts Towne Point Apartments. There are a few trees along the northeast property line where the Garfield Drive cul-de-sac terminates, and some trees and vegetation farther south along the northeast property line.

An opaque barrier consists of an opaque component at least six (6) feet in height (a wooden fence, masonry wall or earthen berm) and the landscape component consisting of either a continuous evergreen planted screen at least six (6) feet in height when planted or a hedge that will grow to be at least six feet. The landscape buffer portion is required to be planted on the residential side of the opaque barrier.

The evergreens proposed on the Landscape Plan qualify as trees per the tree density requirement are noted to be 6 feet to 7 feet in height at the time of planting. The height satisfies the requirements of the landscape buffer component related to the opaque barrier requirement. However, per *Zoning Ordinance*, Article 5 §16.62 related to tree density requirements, "trees needed to meet buffer requirements shall not be counted towards tree density." The thirteen (13) proposed evergreens are spaced ten (10) feet apart on center and located outside the fenced area of the compound, and along the sides of the compound that are parallel to the property lines between the subject parcel and residentially zoned parcels. The fenced compound area is between 75 and 135 feet from the adjacent residentially-zoned properties. When the existing vegetation along the property lines is taken into account, Staff believes that the landscape buffer requirement is satisfied.

Waiver Request: Elimination of Opaque Barrier

The applicant has submitted a waiver request from the requirements of *Zoning Ordinance*,

Article 5 §7.21 requiring an opaque barrier in the form of a wooden fence, wall constructed of masonry materials, or earthen berm. The applicant proposes that the landscape screen proposed is sufficient to screen the fenced compound from adjacent residential uses, and additionally cites the distance of the fenced compound from the property lines that are adjacent to residential properties.

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:

The following corrections, revisions, and clarifications are required prior to Final Plan approval.

1) Sheet Z-1:
   a) Improve the delineation of the "Proposed Project Area" on the plan.
      i) Staff notes that the total number of required trees could change depending on how the total project area is delineated on the Final Plan.
   b) Relocate the Tree Density Worksheet to sheet LS-1.
   c) Clarify the Impervious Coverage table.

2) Sheet LS-1
   a) Consider consolidating the Tree Density Worksheet from Sheet Z-1
   b) Consider reducing the size and content of the landscape notes, and the size/enlargement of the plan view in order to make space for the Tree Density Worksheet
   c) Clarify and delineate the Woodland and Non-Woodland Areas as they relate to the project area. If this cannot be accomplished on Sheet LS-1, do it on Z-1.
   d) Per the requirements of *Zoning Ordinance,* Article 5 §16.8 the tree preservation, clearing and planting plan must include details of the design professional responsible for preparation of the plan (See §16.2, Definitions). The term "design professional" shall be any person licensed as a landscape architect or architect, or Delaware certified nursery professional.
   e) Include a separate certification statement and signature line for the Landscape Plan:
      i) "I _____ hereby certify that I am a (registered /certified) (Engineer / Surveyor / Architect / Landscape Architect / nursery professional) in the State of Delaware, that the information shown heron has been prepared under my supervision and to the best of my knowledge and belief represents good (engineering / surveying/ architectureal/ landscape) practices as required by the applicable laws of the State of Delaware."
   f) Note that all design professionals require City of Dover Business Licenses, contact 302-736-7010 for more information or visit the Department of Inspections front counter at 15 Loockerman Plaza, City Hall.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Recommendations on Waiver Requested: Elimination of Opaque Barrier Staff recommends approval of the Waiver Request to eliminate the Opaque Barrier requirement for the following reasons:
   a) As cited by the applicant, the fenced compound is distant from the adjacent residential property lines, and staff believes that the intent of the barrier and landscape screen is met.
   b) Noise is not a concern related to the use.
   c) Staff finds that the total number of evergreen trees proposed for the landscape screen is sufficient, and that additional vegetation adjacent to the property lines satisfies the landscape screen requirement.

ADVISORY COMMENTS TO THE APPLICANT:

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

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 the structure /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.

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

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

5) Construction may have an effect on the adjacent property owners and nearby streets. Any work requiring the closing or rerouting of potential employees, residents, or visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners.

6) 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: DECEMBER 28, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Cellco Partnership d/b/a Verizon Wireless: Telecommunication Monopole at 277-293 North Dupont Highway**

FILE #: **S-17-01**

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 - 302-736-7072 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 / WASTEWATER / STREETS / SANITATION / GROUNDS

1. None

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. If the Kent Conservation District does not require a plan, an erosion and sediment control plan shall be submitted to our office for review and approval. This is required for the City of Dover to maintain compliance with our MS4 permit.
2. Provide stormwater management calculations that prove that the runoff created by this stoned addition can be adequately handled by the existing storm sewer system.

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. 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 / GROUNDS / GENERAL / SANITATION / STREETS

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER / STORMWATER / STREETS / GROUNDS

1. None.

SANITATION

1. If this site requires solid waste removal, it shall be accomplished by a private contractor.

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.

AS POSSIBLE.

S-17-01

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 01/04/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: Cellco Partnership d/b/a Verizon Wireless: Telecommunication Monopole at 277-293 N DuPont Hwy

FILE #: S-17-01 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. Any natural or LP gas bottles, meters, values, regulators, etc., must have impact protection per City of Dover Code of Ordinances.

2. Knox Box or Knox Padlock required.

3. For the gate to be considered accessible for fire department apparatus the actual clear openings shall be not less than 14ft, the paved surface through the gate shall be not less than 12ft and the gate shall be setback from the perpendicular street by at least 50ft.

4. Project to be completed per approved Site Plan.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Further discussion is needed in reference to the type of drivable surface which will be installed as well as turn arounds for fire apparatus.

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 Ordinance
***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: December 28, 2016

D E L D O T

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APPLICATION: Cellco Partnership d/b/a Verizon Wireless: Telecommunication Monopole at 277-293 North DuPont Highway

FILE#: S-17-01 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:

Given the height of this structure, the applicant should reach out to Joshua Thomas, a project planner in DelDOT's aeronautical program and see if he has any comments on the proposed project. Josh's email is Joshua.Thomas@state.de.us and his phone number is 302-760-4834.

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
January 2017

APPLICATION: *Cellco Partnership 277-293 DuPont Highway*

FILE #: S-17-01

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. If the disturbance exceeds 5000 square feet; a Standard Plan Application and fee must be submitted and approved to the Kent Conversation District prior to any land disturbance activity.

ADVISORY COMMENTS TO THE APPLICANT:

2. It must be clarified the amount of earth disturbance activity being proposed on the site (clearing, grubbing tree clearing etc.) exceeds 5000 square feet.
3. Please contact the Kent Conversation District for information concerning the Standard Plan requirements