**CITY OF DOVER PLANNING COMMISSION**
**AGENDA**
**Tuesday, February 21, 2017– 7:00 P.M.**
**City Hall Council Chambers**
**15 Loockerman Plaza, Dover, Delaware**

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

1) Application S-17-02 Mitten Industrial Park at 141 Lafferty Lane will not be heard on February 21, 2016 due to lack of Public Notice. This application will be rescheduled for a future Planning Commission meeting and will be subject to Public Notice requirements.

ADOPTION OF MINUTES OF REGULAR MEETING of January 17, 2017

COMMUNICATIONS & REPORTS

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

2) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, March 20, 2017 at 7:00pm in the City Council Chambers.

3) Update on City Council Actions

4) Update from Planning Office

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW DEVELOPMENT APPLICATIONS

NEW BUSINESS

1) S-17-03 Dover International Speedway Parking & Event Area Master Plan – Public Hearing and Review of the Dover International Speedway Parking & Event Area Master Plan for events such as the Firefly Music Festival event. The Plan is being reviewed as a Site Development Master Plan consisting of temporary and proposed permanent structures on the main festival grounds as well as existing and new parking and camping areas on various lands belonging to the Dover International Speedway. The twenty-four (24) properties are located on the east and west sides of Leipsic Road, the east and west sides of State Route 1, and the west side of Persimmon Tree Lane, and total 737.72 acres. The properties are zoned RC (Recreation and Commercial Zone) and partially subject to the SWPOZ (Source Water Protection Overlay Zone: Tier 3 Excellent Recharge Area and Tier 2 Primary Wellhead Protection Area). The owner of record is Dover International Speedway, Inc. Property Addresses: 74 Pit Stop Lane,

599 Persimmon Tree Lane, 1229 Persimmon Tree Lane, and other addressed and unaddressed properties. Tax Parcels: LC-05-058.17-02-01.00-00001, LC-05-058.17-01-07.00-00001, ED-05-058.17-01-11.00-00001, LC-05-058.17-01-08.00-00001, ED-05-058.17-01-18.00-00001, LC-05-058.17-01-09.00-00001, ED-05-058.17-01-19.00-00001, ED-05-068.05-01-02.01-00001, LC-05-058.00-02-08.00-00001, ED-05-068.05-01-16.00-00001, LC-05-068.00-01-01.00-00001, LC-05-068.10-01-01.00-00001, LC-05-058.17-02-01.00-00001, LC-05-058.00-02-15.00-00001, LC-05-058.00-02-17.00-00001, LC-05-058.00-02-16.00-00001 (split between 3 properties), ED-05-057.00-01-32.01-00001, LC-05-058.00-01-10.00-00001, LC-05-058.17-01-06.00-00001, LC-05-058.17-01-07.00-00001, ED-05-058.17-01-05.00-00001, and ED-05-058.17-01-11.00-00001. Council District 3. *Waiver Requests: Reduction of Bicycle Parking, Elimination of Sidewalks, Elimination of Opaque Barrier – Fence Component, and Alternative for Opaque Barrier Landscaping Component.*

ADJOURN

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

Posted Agenda: posted February 10, 2017

**CITY OF DOVER PLANNING COMMISSION**
**January 17, 2017**

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, January 17, 2017 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Maucher and Mr. Tolbert. Mr. Holden, Mr. Roach and Mrs. Welsh were absent. (Mr. Holden arrived at 7:03 PM)

Staff members present were Mrs. Ann Marie Townshend, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Bill Cook, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present was Mr. David Kuklish, Mr. Raymond Thomas, Mr. Henry Meeks, Mrs. Bonnie Meeks, Mr. Vernon Ingram, Mrs. Alice Ingram, Mr. Jonathan Jordan and Mr. Jeff Nagorny. Speaking from the public was Ms. Ronda Oden.

## APPROVAL OF AGENDA

*Dr. Jones moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 5-0 with Mr. Holden, Mr. Roach and Mrs. Welsh absent.*

## APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF DECEMBER 19, 2016

*Mr. Holt moved to approve the Planning Commission Meeting minutes of December 19, 2016, seconded by Mr. Baldwin and the motion was unanimously carried 5-0 with Mr. Holden, Mr. Roach and Mrs. Welsh absent.*

## COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Tuesday, February 21, 2017 at 7:00pm in the City Council Chambers.

Mrs. Townshend stated that tonight's agenda notes that the Institute for Public Administration Planning Education Series: Planning 101 was held on January 13, 2017. We did have two members of the Commission, Dr. Jones and Ms. Maucher who attended that class. The next in that series is Planning 102 which is being held on February 10, 2017 at 9AM at the Paradee Center in Dover. If any Commissioners are interested in the remainder of the training and seeing the schedule for the Spring, you can look at the University of Delaware's website at www.ipa.udel.edu/events. That will give you the remainder of the training for the spring.

Mrs. Townshend provided an update on the regular City Council and various Committee meetings held on January 9 & 10, 2017.

## 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

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.*

**Representatives**: Mr. David Kuklish, Bohler Engineering; Mr. Raymond Thomas, Lemek LLC

Mrs. Melson-Williams stated that this application is a Site Plan. They have submitted some revisions to that plan and that is what's being presented to the Planning Commission this evening. The application S-16-23 was heard by the Planning Commission through the public hearing process for that Site Plan at the November 21, 2016 meeting. It was a proposal for a one-story restaurant building with a drive-through proposal including outdoor seating and to be located on the northern pad site of what is now the Burlington and Big Lots location at Capital Commons.

First, she wants to highlight the minor revisions to the Site Plan itself. While the building placement and its associated site improvements remains the same, there are some changes to the building form itself. Most particular is the movement of what is the drive-through pick-up window. It was originally proposed on the DuPont Highway or what is the west elevation of the building. That has been relocated to the north elevation of the building. As a result, there has been some reconfiguration of the outdoor seating areas associated with the building. They continue to be on the south face of the building which faces the large parking lot but also kind of wraps around that corner onto the west elevation as well. The parking lot specifically on the pad site area has been revised as well; however, it still provides the access to the drive-through lane that circles to the north of the building. In general, the elements have stayed the same in relation to the improvements but with some slight tweaks to their configuration. The Revised Plan has also started to address some of the DAC comments in that they are showing the sidewalk connection from the street frontage shared multi-use path on North DuPont Highway into the restaurant building. The plan at this point does not show that sidewalk continuing on to make the link to the main commercial building on the site as was requested for their initial plan by Staff and approved by Planning Commission.

Mrs. Melson-Williams showed a rendering of the general concept that was presented in November. As you can see, the parking lot also has a slightly different configuration in that initial plan that has been revised. The most significant changes to the project come with the architecture which is the real reason that Staff felt it needed to come back to the Planning Commission as an informational item. The building is now what she would call a building of two segments. The northern portion of the building is a masonry with kind of flat roof system building and the southern section of the

building is now clad in a horizontal siding and has a pitched metal roof to it. (Referring to the visual PowerPoint presentation.) The images that you see would be the west elevation that faces DuPont Highway and then the south elevation which is the main entry to the building which faces the parking lot.

Mrs. Melson-Williams showed a picture of the east elevation at the top of the screen and the north wall as it exists in the revision that includes now the drive-through pick-up window.

Mrs. Melson-Williams showed a picture of what the original architecture of those four elevations was presented as.

The Planning Staff felt that it was important to bring these revisions to the Commission as an informational item. They did in the memo in regards to these elements, note some Staff comments. The DAC Report that was previously issued and that the Commission's approval was conditioned upon would still remain in place. The applicant would need to address the comments that are in that review report. As she had noted, they have started to work on making the pedestrian circulation connections and have made the one from the street frontage to the restaurant but still need to work on the design of the sidewalk from the restaurant to the main commercial building on the site. For parking, they will need to re-evaluate the seat count and ensure that parking is provided adequately on the site. While they can include some on the pad site itself, they have the opportunity to share parking with the larger parking field that's to the south of this building. They will still continue to work on being in compliance with the Source Water Protection Overlay Zone (SWPOZ) as part of their project and also look to see if there's any tree plantings on the Landscape Plan that need to be adjusted because of the slight changes in the site improvement locations. Specifically, the architecture does create kind of two sections to the building and Staff does suggest that the applicant look at the material choices. If there is a way to better link the two sections of the building by perhaps utilizing some of the same materials in a watertable format on south elevation. They do have some concern about the north wall elevation in that it does give a very blank appearance if you take away the signage that is on that side of the building. The signage, in looking at what's presented in this package, they aren't sure that it will comply with the Sign Regulations for the City but that will be subject to a separate Sign Permit application.

Mr. Kuklish stated that they are working on the Site Plan to work towards those comments, specifically the sidewalk addition from the shared use path up front. On the architecture, the sloped roof has been incorporated from the last Planning Commission meeting. They are still working with Panera to address Mrs. Melson-Williams' comments about some of the materials so that's still a work in progress. On the site element, connecting the front of the Panera itself to the main shopping center that still needs to be designed and submitted to the City for a detailed review. The changes themselves are pretty minor in nature. The building square footage doesn't change. The number of seats is pretty consistent with what was before which is driving the parking calculation. The layout itself is consistent with what was submitted and approved before. They understand that they still have a process to go through.

Mr. Holden stated the architecture and the aesthetics of the building are different now. Are there comments from you or the owner on Staff's comments or a direction to consider bringing a brick veneer watertable around from the northern portion of the building or tying them in? It appears that it's a brick building with an addition built onto it. He would mirror Staff's comments to bring the

materials or the aesthetics of that to be tied together better. Responding to Mr. Holden, Mr. Kuklish stated that it's understood and they are working towards accommodating that.
Mr. Tolbert questioned if they would be able to work with Staff regarding their concerns about the application? Responding to Mr. Tolbert, Mr. Kuklish stated yes.

*Mr. Holden moved to approve the revisions to S-16-23 Panera Bread Restaurant at 545 North DuPont Highway and inclusive of Staff comments contingent upon the engineer and developer working with Staff to address the Staff raised concerns over the architecture and exterior finish of the building, seconded by Mr. Holt and the motion was carried 6-0 by roll call vote with Mr. Roach and Mrs. Welsh absent. Mr. Holden voting yes; for reasons previously stated. Mr. Holt voting yes; provided that the applicant follows through with all of the Staff recommendations. Mr. Baldwin voting yes; for the reasons previously stated. Dr. Jones voting yes; she is happy to see Panera Bread come to Dover and also for the aforementioned statements. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; for all of the reasons previously stated and the applicant has stated that they are willing to work cooperatively with Staff.*

## 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.*

**Representatives**: Mr. Harry Meeks Jr. and Mrs. Bonnie Meeks, Owners

Mrs. Townshend stated that this is a property that is currently zoned RG-1 (General Residence Zone). The *Comprehensive Plan* designates it as Medium Density Residential. It's the location of The Grocery Basket which is a corner market that has been at the location of the northeast corner of North Bradford Street and Mary Street for over 30 years. As you know from several previous applications that Staff has brought forward, they are in the process of cleaning up non-conforming uses in residential zones. That is what precipitated this application. For the C-1 (Neighborhood Commercial Zone) when looking at the Land Use Compatibility Table that's in the *Comprehensive Plan*, the C-1 (Neighborhood Commercial Zone) is consistent with the Medium Density Residential Zone. So that would be an appropriate zone for this location to allow the corner store to continue to thrive and then also to be in compliance with the *Zoning Ordinance*. Based on that information and the fact that this is an existing business, Staff would recommend in favor of the rezoning.

Mr. Meeks stated that he and his wife have been the owner and operators of this business for 31 years. They employ twelve (12) people. The economic impact that they provide to the City is over $1 million a year; sales are about $800,000 and then the salaries are about $200,000, In their opinion, they have been a beacon of light to their community. They have helped to solve two major crimes in Dover; one of which where they had seventy-five (75) windows broken out of businesses and/or car

windows. His wife was instrumental in solving that crime; she is a great detective. The second crime was a double homicide on Governors Avenue. They knew the perpetrators; they came into their business earlier that morning of the crime and they tried to sell some of the merchandise that they had stolen from that property. They hid the merchandise in the grate across the street from their business. They reported that fact and that gentleman is in jail at this time.

They are proactive in their community. He is the director of the community association. They have helped to make their community a better place to not only live but to do business. They protect their community and their friends as if they were their own. As far as donations to their community, they regularly donate over $3,000 a year to Dover High School and Wesley College. His son is now the general manager and he thinks that he will do a great job.

Mr. Holt stated that he thinks if the Grocery Basket closed then Wesley College would have to close. Responding to Mr. Holt, Mr. Meeks stated that Mr. Carper would not be very happy with him.

Mr. Holt further stated that he feels that The Grocery Basket is a big asset to Dover. Responding to Mr. Holt, Mr. Meeks stated that he and his wife have worked very hard. His wife has probably worked 65 hours a week for 30 years. He didn't really want to retire but for her welfare he rescinded and she is a much happier individual as a result of it.

Mr. Meeks stated that in 2015 they were awarded the State of Delaware Employers of the Year award. What they did was they took females that were on welfare with children and they gave them an opportunity for gainful employment. They mentored them and even today, one of these ladies is his night manager and she has done a wonderful job. They have another lady who has been with them for three (3) years who opens for them and she has done a wonderful job as well.

Ms. Maucher questioned if there have been any public opinions received? Responding to Ms. Maucher, Mrs. Townshend stated that they have not received any but there will be a public hearing this evening.

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

Dr. Jones stated that she hopes that they are still committed to helping to improve the lives of people who need just a boost. She was very pleased to hear that and she has been to their establishment. Mr. Meeks stated that they have gotten compliments because of their pricing. They try to make everything affordable for everybody in their community and they have had a lot of people thank them for that. They are really very good negotiators with their big firms and they try to pass on the savings to the customers.

Dr. Jones stated that she would suggest that it also has to do with the respect from your core customers.

*Dr. Jones moved to recommend approval to City Council for Z-17-01 Lands of Meeks at 301 North Bradford Street to rezone from RG-1 (General Residence Zone) to C-1 (Neighborhood Commercial Zone), seconded by Mr. Holt and the motion was unanimously carried 6-0 by roll call vote with Mr. Roach and Mrs. Welsh absent. Mr. Holden voting yes; he is a long time patron of this establishment.*

*They run a good business and he is happy to see them continue. Mr. Holt voting yes; they have done a great job and will continue to be an asset to the community. Mr. Baldwin voting yes; he has visited the establishment and he votes yes for the reasons previously stated. Dr. Jones voting yes; for the reasons stated prior to making the motion as well as all other comments. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; for all of the reasons previously stated and he has to further comment on Mr. Meeks' presentation because it was very impressive and he wishes that all employers would take his example and use it throughout Dover.*

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.*

**Representatives**: Mr. Vernon Ingram Jr. and Mrs. Alice Ingram, Owners

Mrs. Townshend stated that this is a similar circumstance just a few blocks away on North Queen Street just north of Division Street. The property is currently zoned RG-1 (General Residence Zone). It's located at 11-15 North Queen Street. It is Mixed Use in the *Comprehensive Plan*. It is a location for automobile service associated with the automobile shop on the corner of Queen Street and Division Street. The portion of the property that fronts Division Street is zoned commercial and then just north of that is an alley and the remainder of Mr. Ingram's property is zoned RG-1 (General Residence Zone) but is used in conjunction with that business. Again, this is part of Staff's attempt to clean up the non-conforming uses in the City as a whole within the residential zones. In this case, the requested zoning and the recommended zoning is C-3 (Service Commercial Zone). They have stated that if it were a vacant piece of land that may not be the most appropriate zone; however, the idea is that it is actively used in a classification that is allowable under C-3 (Service Commercial Zone) and is not allowable under the other commercial zones. If at some point, the use was to cease they could look at rezoning it during a Comprehensive Rezoning process. But at this point, they are trying to bring these uses into a classification that is consistent with the use of the land. So the C-3 (Service Commercial Zone) would allow the use and the *Comprehensive Plan* shows this area as Mixed Use which would allow for the C-3 (Service Commercial Zone). There is a business at this location that has been there for seventy (70) years. For both of tonight's applications, there are applicants in businesses that have been pillars in the community for many years. Staff really just wants to clean up the zoning.

Dr. Jones questioned if the business was only automobile repair now? Responding to Dr. Jones, Mr. Ingram stated no, it's both repair and sales.

Mrs. Townshend stated that the sale is on the front portion of the property.

Mr. Holt stated that he has known the Ingram's for almost his whole life and has bought a lot of vehicles from him. His business is a real asset to the community.

Mr. Ingram stated that he would like to give the Commission a little history of Delaware Auto. His father was licensed to sell and repair automobiles in 1932 and his family has continued through to this day. He has poured out his heart and soul into this business and this property. They employee ten (10) full time people that completely depend on their employment with them. As you can imagine, this would be a terrible hardship for everyone. This parcel of property is most unique and is so viable for the business. They need it for the purpose that it's used for and that's three shops. Over the past 70 years of running their business on Division Street, they have made it a high priority to keep a clean and neat friendly atmosphere and have had a great rapport with all of their neighbors. They hope that the Commission will make a good and fair decision concerning the importance of this matter. For years, he has put out an air pump for children during the summer and has been patching tires for all of the young people in the neighborhood. They have worked to keep it so that anybody and everybody could be happy there. His employees, one of them has been there for 44 years and two others have been there for 20 years. He thinks that with any business that you try to sell; you only have one thing to sell and that's yourself. He has worked for the City long and hard. He would really hope that you would grant us this variance and he will try to always do what he has been doing for years.

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

*Mr. Holden moved to recommend approval to City Council for Z-17-02 Lands of Ingram at 11-15 North Queen Street to rezone to property from RG-1 (General Residence Zone) to C-3 (Service Commercial Zone). He would add that in his estimation during his years here it has been a very well run business and it's an asset to the community; it's what we need in this area of Downtown Dover, seconded by Mr. Baldwin and the motion was carried 6-0 by roll call vote with Mr. Roach and Mrs. Welsh absent. Mr. Holden voting yes; for the reasons previously stated. Mr. Holt voting yes; he feels like it's real asset to the community and it's a proper thing to do at this time. Mr. Baldwin voting yes; it's a good business and this will bring it into compliance with the Comprehensive Plan. Dr. Jones voting yes; she thinks that it is commendable and the integrity that the Ingram's demonstrate in the running of the business. She has had contact with the business in recent months and the integrity and respect is certainly an asset to the community and she did not know about the air pumps. She thinks that they are serving in an area where we need to serve. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; for the reasons previously stated. They have a relatively small business which is an example of how important small businesses are not only to Dover but to this entire country. Most of the employees of small businesses are honest and are people of integrity and principal and are an asset to the community.*

3) <u>C-16-04 REVISED 90 Saulsbury Road Clubhouse and Pool, Associated with The Grande: Planned Neighborhood Design – Senior Citizen Housing Option</u> – 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.*

**Representatives**: Mr. Mark Prata, Developer's representative; Ms. Monika Sloan, Northpoint Engineering

Mr. Diaz stated that this project is to construct a 2,620 SF clubhouse, pool and a pickle ball court for the benefit of The Grande Apartments. Like the Panera Beard project from earlier tonight, this one is also coming back again before the Planning Commission for a second time. This one was originally heard in August 2016. Unlike that project, the degree of the changes made to the Site Plan is much greater in this case so that triggered a full re-review of the project and will require a new conditional approval.

The site is on Saulsbury Road just to the east of The Grande Apartment complex and it is zoned C-2A (Limited Central Commercial Zone). It's also coming forward to the Planning Commission as a Planned Neighborhood Design Senior Citizen Housing Option. However, despite this project's association of The Grande it is not intended to contribute to the active recreation requirements of that project. The biggest change between the plan that's here today and the one that came before the Commission in August is the location of the site access. Access was previously from Saulsbury Road but now it's from a network of access drives that connects The Grande and a few other properties to both Saulsbury Road and Forrest Avenue. Those other properties include the Walgreen's on the corner and the TD Bank. Taking this cross access is in line with recommendations that Staff made back in August and it also became a DelDOT requirement. The applicants have given us information indicating that they are working towards getting access to the easement that the properties use in common for those access drives. The relocation of the drive causes a few other changes in the layout of the site. The site will no longer be configured so that golf carts can use the sidewalks to get around because they can now just use the access drive without having to go out onto Saulsbury Road.

The architecture of the Clubhouse has also changes somewhat. The entrance used to be more towards the right side of the façade but now it's a bit more centered and we also have a floor plan for the building for the first time showing the great room, the exercise room and a few other rooms such as a pool equipment room and some restrooms.

Going back to the Site Plan, one other main change is that the parking lot has moved along with the access drive. It is going from the north side of the pool to the south side of the pool and accordingly, the stormwater from it is going to be handled differently. He believes that in the old version of the Site Plan the run-off from the parking lot was going to use the storm drains on Saulsbury Road but now it should be going to the main stormwater management area on the site. A curbing waiver was previously approved for the north side of the parking lot to assist stormwater management. Now that the parking lot has moved, action on that waiver will have to be reconsidered. The applicant is currently asking to waive all of the curbing on the drive aisle and parking lot except at the entrance where it connects to the existing drives. Staff recommendation is partial approval of the waiver because they don't yet have a Grading Plan for the site. They can't yet determine where would be the best places to eliminate curbing to help with stormwater. What they would ask is that the Planning Commission allow Staff to work with the applicant to determine how much curbing and

where curbing should be removed. They would handle that administratively before Final Plan approval.

Ms. Sloan stated that they came here in August and got conditional approval of the plan. They were all set to go and the met with DelDOT. They had two entrances to the site; there was actually a loop road in the front on Saulsbury Road. They were willing to give up one and then DelDOT said that they couldn't have any. The building is the same, the pool is the same, they still have the long face facing Saulsbury Road but in order to get access to the site they had to come off of the easement. Some of the things that they are doing are already in the process and she has sent things to Mr. Diaz on this. They have a first amendment to the reciprocal easement and the restrictive covenants which is for all of the easements that tie the properties together. The other thing that they have in the works is a Declaration of Restrictions which the Planning Commission recommended in order to be sure that the property was only used by the residents and their guests of The Grande since it will be associated with The Grande. Once the fourth building of The Grande is completed they will do a Record Plan and tie these two parcels together. They have had conversations with the Department and they can't do that now because it would hold up the Certificate of Occupancy's of The Grande. You are never sure how long it's going to take to get all of the approvals and then do the construction. They didn't want to hold off CO's for the apartment and will tie it to this until afterwards. They are definitely going to curb at the entrance because they have grade elevations and the way it looks right now, they are in the process of contracting a soils person to go out and do testing for infiltration for the bi-retention area. The site slopes now from left to right and top to bottom so they know they will end up with curbing along the left side of that access aisle there because there is going to be a drop down to where a swale goes and then they have a trench drain going under the drive. At this point, they are still working out the details on that but they are willing to work with the Department to do as much as they can.

Mr. Tolbert questioned if they would be able to work cooperatively with the Staff regarding their application? Responding to Mr. Tolbert, Ms. Sloan stated absolutely.

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

Mr. Holt stated that he had one question regarding the maintenance and upkeep of the pool. Is that going to be with the homeowner's association? Responding to Mr. Holt, Ms. Sloan stated no, it was going to be the responsibility of the owners of The Grande. The owners of the apartments will also take care of all of the maintenance for everything on-site. These two properties are going to become one property down the road.

*Ms. Maucher moved to approve C-16-04 REVISED 90 Saulsbury Road Clubhouse and Pool, Associated with The Grande: Planned Neighborhood Design – Senior Citizen Housing Option to include the partial elimination of upright curbing subject to the stormwater management needs of the site, seconded by Dr. Jones and the motion was carried 6-0 by roll call vote with Mr. Roach and Mrs. Welsh absent. Mr. Holden voting yes; due to Staff comments and a well-designed Site Plan. Mr. Holt voting yes; it's in line with all of Staff comments and with the plan itself. It looks like it's a win situation for senior citizens of Dover. Mr. Baldwin voting yes; for all of the reasons previously stated. Dr. Jones voting yes; in view of Staff's comments and in view of the fact that the owners are willing to work cooperatively with Staff to iron out any details that need to be worked out. Ms.*

*Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; for all of the reasons previously stated and he is always appreciative with applicants are willing to be cooperatively with Staff.*

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.*

**Representatives**: Mr. Jonathan Jordan, Riley, Riper, Hollin & Colagreco; Mr. Jeff Nagorny, Advantage Engineers

Mr. Cook stated that this is a Site Development Plan to permit construction of a 108 FT telecommunications monopole and associated fence equipment compound. The project is located on a portion of a parcel of land; the total parcel consisting of 10.73 acres and is zoned SC-2 (Community Shopping Center Zone). The site is outlined in the packet in the submitted Site Plan.

Mr. Cook showed a display of the site. The site is located near Kohl's and The Centre at Dover shopping center. The proposed site for the tower is in the grassy area which is in the corner of the property adjacent to existing asphalt parking and also adjacent to a stormwater management facility. The parcel is very odd shaped; it extends out to DuPont Highway. It's an odd shaped parcel that goes around the Kohl's parcel which is separate.

The fence compound area is approximately 2,500 square feet and there's an adjacent vehicle access or turnaround area connecting to that asphalt parking area which is approximately 500 square feet. There's a canopy structure to house equipment and this is not for human occupancy so a lot of the typical site considerations that we go through such as parking and curbing are not applicable in this case.

The Board of Adjustment granted a variance at its meeting of October 19, 2016 to permit the construction of the 108 FT monopole. The reason being that the maximum height in the SC-2 (Community Shopping Center Zone) zoning district is 75 feet so a variance was required to construct the tower. This is a common situation with the essence of telecommunications towers.

They have referred mainly to three different Site Plan sheets that showed the Site Plan, the location of the compound and some details of the compound. The Center Drive which is the internal street network throughout is curbed. There is also an internal sidewalk network that goes throughout the shopping center and also connects it to the DuPont Highway and White Oak Road frontages. In this case, there is no requirement for additional sidewalk or curbing. Parking doesn't really apply either as this is not a structure which is for human habitation or occupancy. There is one parking space which is proposed to be adjacent to the gate of the compound and this would be for maintenance

staff to utilize when they are servicing the site.

Bicycle parking and ADA parking is not required because parking is technically not required. Same with dumpsters and trash; there is no requirement for trash collection for utility uses of this type. Staff did make some comments about fencing. The compound is proposed to have an enclosed eight-foot-tall chain link fence topped with barbed wire. There is a provision in the *Zoning Ordinance* about barbed wire when it is adjacent to residential zones but in this case because this fence is actually between 75 feet and 135 feet from the property lines which are adjacent to the residential zones, Staff's determination was that barbed wire is permitted because it's not on the property line itself; it's well inside of the property.

There is a requirement for a Landscaping Plan as with a typical Site Plan. The number of trees required is eight and per the tree list, evergreen typed plants are permissible. This plan has thirteen trees proposed and these are evergreens planted outside of the fence perimeter of the compound. On the portions that are facing the residentially zoned areas there is an opaque barrier as part of the barrier and landscape buffer requirement. Typically, an opaque barrier would be a wooden fence which is specified in the *Zoning Ordinance*. In this case, the applicant has submitted a waiver request for the elimination of the opaque barrier requirement. In this case, the request is to permit the use of the chain link fence and in conjunction with the landscaping element of the barrier requirement. For the landscaping in this case, Staff believes that the additional trees as part of that perimeter buffer satisfy the requirement for the landscape buffer requirement when it's adjacent to residential property. Also, in the area adjacent to Towne Pointe Apartments and the area adjacent to the residential zone along Frear Drive there is existing vegetation. With that existing vegetation in conjunction with the tree plantings required around the fence compound, they thought that the buffer requirement was met in this case.

In regards to the motion, in addition to recommending approval or denial of the request the Commission would also take action on the waiver request. Staff does recommend approval of the waiver request to eliminate the opaque barrier requirement for the reasons that they've cited about the compound is inside of the boundaries, there's existing vegetation there and noise is not a concern for this particular use.

There were some comments from some of the other agencies that review. Typically, the Fire Marshal's Office will make the most comments about this type of use in regards to their access to the site, access through the gate as well as the width of the drive aisle. Those comments are provided in the DAC comments.

Dr. Jones questioned if this is one of the situations where there is notification? Responding to Dr. Jones, Mrs. Townshend stated yes, there would be a mailed notice to property owners within 200 FT of the property.

Mr. Cook stated that there was also public notice when the variance application went through the Board of Adjustment. In this particular case, the property owners within 200 FT range would have gotten public notice for both the Board of Adjustment hearing as well as the Planning Commission hearing tonight.

Dr. Jones questioned if there is a public notice mailed and if there is a sign posted on the property?

Responding to Dr. Jones, Mr. Cook stated yes and there is also newspaper ads.
Dr. Jones stated that the barbed wire fence that is going to surround the tower, is it normal procedure to have a posting on that fence or area that states danger? Responding to Dr. Jones, Mr. Nagorny stated that typically there is always signage on a telecommunication installation. There are mandated FCC signs that are required. In this case, it would basically identify the carrier that would be mounted on the facility as well as a FCC license number and a 1-800 phone number to call. In this case, there is not a physical hazard to anyone being on the ground or in the area because the antennas that omit the signal are up in the air but there would be some kind of warning sign.

Dr. Jones stated that she was talking about the barbed wire fence. Responding to Dr. Jones, Mr. Nagorny questioned if she meant a warning about the barbed wire being there?

Dr. Jones stated yes. Responding to Dr. Jones, Mr. Nagorny stated that it's not anything that he has ever come across or had to post signage about. Technically, he thinks that they work for most of the major carriers. There is some flexibility because some Ordinances don't permit it and Boards are not amiable to grant the variance. Anybody with a pair of wire cutters or something like that could probably just cut through the chain link fence if they wanted to. It's mainly to discourage vandals from getting inside.

Dr. Jones was thinking more of kids who might be in the area. It is really close to residential area. Responding to Dr. Jones, Mrs. Townshend stated that the property is adjacent to residential but this tower is over 100 FT from the residential property lines.

Dr. Jones questioned if they have had any input from those persons who were contacted? Responding to Dr. Jones, Mr. Cook stated that with regards to the Planning Commission hearing they have not. At the Board of Adjustment hearing they did have Ms. Rhonda Oden attend the meeting. She is also here tonight and if she wishes to speak later she can. They did not receive any comments either verbally or written in regards to tonight's hearing.

Mr. Holt stated that some places go through the trouble to actually disguise the towers so they look like a tree so they're not so noticeable. Have they thought to do something in that nature in this case? Responding to Mr. Holt, Mr. Nagorny stated that they have occasionally. They don't actually design the tower itself the manufacturer does. But yes, they have occasionally had applications where a mono-pine or a tree pole was either requested by the authority having jurisdiction or maybe it was something that was required in that zoning district. It's kind of unique as you watch the design evolve. When they first came out nobody in their right mind would think that it's a real tree. They are getting better. For example, if you drive on the northeast extension of the Pennsylvania Turnpike there is a silo in the middle of the woods. Anyone who knows anything about farming knows that they don't put a silo in the middle of the woods. But it's a stealth tower. There are sometimes limitations on those structures. One of the things with this particular application is that they originally had a total height of 128 FT. Verizon calculated the numbers and realized that they could actually meet the need with 108 FT height instead of 128 FT so they ended up reducing the height on the tower overall.

Mr. Jordan stated that one of the drawbacks of the camouflaged towers is that it's harder to locate multiple carriers. What they like to do is have a tower that you could put 4 or 5 sets of antennas on it and that lessens the demand for more towers. A lot of the stealth ones like the tower that looks like the silo; you usually can't put as many antennas in there. He had a hearing last week in New Castle County. There is a tower near the Christiana Mall that is a mono-pine that looks like a tree but it doesn't look like a tree as all; it looks

ridiculous. Personally, he feels like people are getting more and more used to the sight of a cell tower and if you try to camouflage it they look more noticeable. He thinks people are getting used to seeing these but that is just his opinion.

Mr. Jordan stated that they had a long hearing in front of the Zoning Board of Adjustment regarding why the tower is necessary. They had a radio frequency engineer at the hearing and he submitted a report because in order to get the zoning approval they had to justify the need for the tower. As part of the report, they talked about the coverage areas and the coverage gaps and how this tower fills a coverage gap. They talked about the other sites that they looked at. There were some hotel properties across the street but they weren't made available to them. At the Board of Adjustment hearing, they talked about why this particular tower needs to be on this particular spot at this particular height. As Mr. Nagorny mentioned, after they filed the application they did do their deeper dive into the radio frequency data and realized that they could drop the height by 25 FT which they did. If there are any more questions, Mr. Nagorny would be better to address them regarding the need for the tower.

Mr. Tolbert stated that he wants them to utilize their time to address the overview. Are you satisfied with it? Do you have any questions? Responding to Mr. Tolbert, Mr. Jordan stated no, they had an in depth report. They met with the Development Advisory Committee and there were some comments. This is the second time that they have gone through this process as Verizon Wireless so it was a little smoother in terms of interfacing with the different agencies. They think it's been really well run the way everything works around here. Staff is incredibly helpful and fair and the people from the agencies gave them good feedback. He thinks that right now they seem to be on the right track.

Mr. Nagorny stated that he wanted to touch on a couple of items that they discussed with the Development Advisory Committee a couple of weeks ago. One of the things that the Fire Marshal requested is that their gate which is normally a 12 FT wide double swing gate be 14 FT wide. They have revised the drawings for that. He also noted that the Fire Department would like either a Knox box or a Knox padlock which is basically a way to lock the gate so that the Fire Department can have access to open it. That has also been modified on the drawings to note that a Knox padlock is required. There was a comment from DelDOT from Jonathan Moore who did the review that they reach out to Josh Thomas who is with DelDOT's Aeronautical Division. He spoke with Mr. Thomas today and basically Mr. Thomas said that they are fine. They do have a clearance letter from the Dover Air Force Base for this particular location and tower stating that they do not conflict with the air space approach zones. Also, Kent Conservation District was at the DAC meeting and after making a submission to Kent Conservation District, he received a Standard Plan Approval letter. He would echo what Mr. Jordan said; it's a pleasure working with Staff who help walk you through the process to make sure that you cross your T's and dot your I's so that when they come in front of the Commission they actually look like they know what they are doing.

*Mr. Tolbert opened a public hearing.*

**Ms. Ronda Oden – 372 Frear Drive Dover DE 19901**

Ms. Oden stated that she is one of the residents located within 200 FT. Her residence is located on Frear Drive. Their backyard faces the drainage ditch and the back of AC Moore. She wants to thank the Planning Commission. She agrees that the Commission has done a lot of very hard work in terms of this proposal. She appreciates the fact that they have let her community know about this proposed cell phone tower. She wants to make a quote from an AT&T attorney who was involved in a litigation of a cell phone tower in a different area. One of the things that he said was that people want cell phones; people need cell phones but they don't want the towers. In her family's case and neighborhood's case, it's not that they don't want the cell phone tower because they do understand the need for enhanced communication. Their issue is integrity. Welcome to her Verizon nightmare. She is not going to go into detail about her Verizon nightmare just to say that her family and members of her community had dealings with Verizon corporate staff from May to October 2016.

Unfortunately, their dealings with the corporate staff demonstrated a lack of integrity, a lack of honesty and the practice of acceptable risk. Which basically means that you the consumer, the client, the patient, the customer are going to be placed at risk and the corporation is going to do whatever they want to do until they are forced either by the judicial entities or the legislative entities to resolve the problem. Her issue is not that they don't want a cell phone tower; it's when it comes to development and construction of a cell phone tower or a building people run into issues with construction and safety. Whether you think cell phone towers emit radiation or not, there are safety issues. Again, her family's dealings with Verizon corporate their unwillingness to be cooperative and to deal with their minor issues have lead them to believe that if they couldn't deal with the minor issues related to her family which put her family's health and safety at risk, what is going to happen when there is a construction issue or safety issue that's going to cost thousands of dollars? Are they going to sweep it under the rug or wait until they get sued? They don't live here; they don't have to worry about their children going to Towne Point Elementary, and they don't have to worry about what else is going to happen to the community or the neighbors. Her concern is the lack of integrity from Verizon. She talked with corporate staff who said that they report directly to the CEO. Her issue of the safety issue and the lack of cooperation that they have seen from corporate staff. She just really urges this body to make sure that there is a major amount of oversight on this project. She knows that the Planning Commission has worked so diligently on every phase and she really urges that there be oversight. If the neighbors have to sit at the construction site or whatever they have to do ensure that this process goes the way it should go and according to the FCC and everyone else's regulations that these things are followed the way they should be then that's what she would like to urge to protect the health and safety and welfare of their neighborhood. She is not this crazy women who is mad a Verizon. A cell phone tower is going to affect everybody in the area. It's not like they can just turn it off when they don't want to deal with it. Radio waves are emitted 24/7. The FTC says that there is a certain amount of radiation that is safe and that's fine as long as all of the safety measures are put in place. She would like to thank this body for giving her the opportunity to speak on behalf of her neighbors and she would like to urge that whatever needs to be done to make sure that this is a safe process for the community that it be done. If the neighbors of the community need to help, she volunteers her services. She has talked to several neighbors and they are all willing to do whatever they need to do to make sure that this process goes as safely as possible. So far, she has dealt with Verizon corporate staff from May to October and they had issues. It lead them to believe that corporate staff was practicing the theory of acceptable risk. Since that's how they demonstrated that the way they felt about the community, she really feels that the community needs to be involved as much as possible in making sure that this process goes according to the Planning Commission's plan.

*Mr. Tolbert closed the public hearing.*

Dr. Jones stated that in a situation like this, she knows that when there's a construction project going on for a building typically there's a construction manager who works and provides some degree of oversight with various aspects of the project. In this kind of situation, who provides the oversight? Responding to Dr. Jones, Mr. Nagorny stated that assuming that they are successful this evening, there would have to be a Building Permit application submitted to the City with construction drawings for the tower and equipment which would be reviewed by the City initially. Verizon employees do not build these sites; they hire contractors but they do have construction managers who typically have a service area that they cover. They visit the sites that are under construction to make sure that the contractors have what they need, they understand what they are during and also occasionally meet with inspectors from the jurisdictions. Obviously, these installations are very important. They are mandated when they purchase those FCC licenses there is a big legal document that goes with that. Once they purchase the license they are required then to continue to improve the service. As you all may remember when we first started with the whole cell phone thing, "Can you hear me now?" was funny because you would go through wide spots where you would have spotty service. Nowadays, it's much better but not perfect and everybody has a smart phone that's a much more powerful computer than a laptop but they have a big data demand for all of the downloads. That's why it's continually involving. His company, Advantage Engineers works directly for Verizon. They not only prepare the drawings that were

shown this evening they actually have a construction division with construction managers who work for Verizon that actually go around and visit the sites. This is a relatively small site with probably a fairly quick turnaround on construction. Some sites are more complex and may take longer but either way they have to make sure that the jobs are being done right and responding to any issues that may arise with the municipality that's involved.

Dr. Jones stated that was pretty much the system and the process with which she is familiar. Responding to Dr. Jones, Mr. Nagorny would point out that with Verizon, they have a reputation and really the contractors as well as the engineering firms would prefer to do business with Verizon because they are a big part of their business and they want to make sure that they get the job done right.

*Mr. Holt moved to approve S-17-01 Cellco Partnership d/b/a Verizon Wireless: Telecommunication Monopole at 277-293 North DuPont Highway to include the elimination of the opaque barrier, seconded by Dr. Jones and the motion was unanimously carried 6-0 by roll call vote with Mr. Roach and Mrs. Welsh absent. Mr. Holden voting yes; due to Staff comments. Mr. Holt voting yes; it looks like a very good plan and he thinks it's going to be a real asset to communications in this area. Mr. Baldwin voting yes; for the comments of Staff. Dr. Jones voting yes; she is reassured and confident that Staff has adequately imbedded this application. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; hopefully this tower will create a more appropriate and better use of our cell phones.*

Mrs. Townshend stated that this evening will be Mr. Cook's last Planning Commission meeting with us. He will be moving on starting next Monday to the City of Alexandria, Virginia to be part of their development review team. He has definitely been an asset and we wish him well.

NEW BUSINESS

**Meeting adjourned at 8:32 PM.**

**Sincerely,**

**Kristen Mullaney**
**Secretary**

City of Dover

DATA SHEET FOR SITE MASTER PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF February 8, 2017

PLANNING COMMISSION MEETING OF February 21, 2017

| | |
|---|---|
| Plan Title: | Dover International Speedway Parking & Event Area Master Plan<br>S-17-03 |
| Plan Type: | Site Development Master Plan |
| Location: | 24 Properties in the vicinity of Leipsic Road, State Route 1, and Persimmon Tree Lane including properties addressed as 74 Pit Stop Lane, 599 Persimmon Tree Lane, 1229 Persimmon Tree Lane and other unaddressed properties |
| Tax Parcels: | LC-05-058.17-02-01.00-00001, LC-05-058.17-01-07.00-00001, ED-05-058.17-01-11.00-00001, LC-05-058.17-01-08.00-00001, ED-05-058.17-01-18.00-00001, LC-05-058.17-01-09.00-00001, ED-05-058.17-01-19.00-00001, ED-05-068.05-01-02.01-00001, LC-05-058.00-02-08.00-00001, ED-05-068.05-01-16.00-00001, LC-05-068.00-01-01.00-00001, LC-05-068.10-01-01.00-00001, LC-05-058.17-02-01.00-00001, LC-05-058.00-02-15.00-00001, LC-05-058.00-02-17.00-00001, LC-05-058.00-02-16.00-00001 (split between 3 properties), ED-05-057.00-01-32.01-00001, LC-05-058.00-01-10.00-00001, LC-05-058.17-01-06.00-00001, LC-05-058.17-01-07.00-00001, ED-05-058.17-01-05.00-00001, and ED-05-058.17-01-11.00-00001. |
| Owner/Applicants: | Dover International Speedway |
| Site Area: | 737.72 acres +/- |
| Zoning: | RC (Recreational and Commercial Zone)<br>SWPOZ (Source Water Protection Overlay Zone) |
| Present Use:<br>Proposed Use: | Auto and Horse Racetracks, Parking Areas, Festival Areas<br>Same with Temporary Outdoor Activities and Temporary Camping Areas |
| Waivers Requested: | Reduction of Bicycle Parking Requirement<br>Elimination of Sidewalks<br>Elimination of Opaque Barrier – Fence Component<br>Alternative for the Opaque Barrier – Landscape Component |

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 8, 2017

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APPLICATION: Dover International Speedway Parking & Event Area Master Plan

FILE #: S-17-03 REVIEWING AGENCY: City of Dover Planning

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

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PLAN SUMMARY:

This Site Development Master Plan Review of the Dover International Speedway Parking & Event Area Master Plan for events such as the Firefly Music Festival event. The Plan is being reviewed as a Site Development Master Plan consisting of temporary and proposed permanent structures on the main festival grounds as well as existing and new parking and camping areas on various lands belonging to the Dover International Speedway. The twenty-four (24) properties are located on the east and west sides of Leipsic Road, the east and west sides of State Route 1, and the west side of Persimmon Tree Lane, and total 737.72 acres. The properties are zoned RC (Recreation and Commercial Zone) and partially subject to the SWPOZ (Source Water Protection Overlay Zone: Tier 3 Excellent Recharge Area and Tier 2 Primary Wellhead Protection Area). The owner of record is Dover International Speedway, Inc. Property Addresses: 74 Pit Stop Lane, 599 Persimmon Tree Lane, 1229 Persimmon Tree Lane, and other addressed and unaddressed properties. Tax Parcels: LC-05-058.17-02-01.00-00001, LC-05-058.17-01-07.00-00001, ED-05-058.17-01-11.00-00001, LC-05-058.17-01-08.00-00001, ED-05-058.17-01-18.00-00001, LC-05-058.17-01-09.00-00001, ED-05-058.17-01-19.00-00001, ED-05-068.05-01-02.01-00001, LC-05-058.00-02-08.00-00001, ED-05-068.05-01-16.00-00001, LC-05-068.00-01-01.00-00001, LC-05-068.10-01-01.00-00001, LC-05-058.17-02-01.00-00001, LC-05-058.00-02-15.00-00001, LC-05-058.00-02-17.00-00001, LC-05-058.00-02-16.00-00001 (split between 3 properties), ED-05-057.00-01-32.01-00001, LC-05-058.00-01-10.00-00001, LC-05-058.17-01-06.00-00001, LC-05-058.17-01-07.00-00001, ED-05-058.17-01-05.00-00001, and ED-05-058.17-01-11.00-00001. Council District 3.

Previous Applications

This application follows a process begun in March 2016 to bring lands owned by Dover International Speedway under the City's jurisdiction and under a single zoning classification. Associated applications include AX-16-03 (annexing 1229 Persimmon Tree Lane and 74 Pit Stop Lane) and Z-16-04 (rezoning 14 properties to the RC zoning classification). The Annexation Request for Lands of Dover International Speedway Inc. (PLUS #2016-03-09) was submitted to the Office of State Planning Coordination for PLUS review at the March 23, 2016 meeting in accordance with the requirement of the *2008 Comprehensive Plan*. The Planning Commission recommended approval of both of these applications to City Council on April 18,

2016 with City Council granting final approval for annexation and rezoning applications on May 9, 2016.

Previous Master Plans for the Dover International Speedway properties have focused on the development of the race track's associated facilities and its immediate environs with projects such as grandstand and skybox seating, Fan Care Center, plaza area with Miles sculpture, Maintenance Building, etc. (Master Plans S-96-26 and S-07-03)

PROJECT DESCRIPTION – Master Plan

This Site Development Master Plan presents the general concept for the properties. As a Site Development Plan is required for all permanent structures in the RC zone, Administrative Site Plans will be required for the conversion of any temporary structures to permanent structures. Most of the subject properties are undeveloped with no permanent buildings and used only in association with temporary events.

The land south of Leipsic Road consists of Lots 1, 2, 3, and 4. The property is used as camping area for large events such as the NASCAR races and the Festival events. A portion of this area is subject to the SWPOZ (Source Water Protection Overlay Zone) as an excellent recharge area. Lots 6, 7, 8, 9, and 12 located in the vicinity the intersection of Leipsic Road and Persimmon Tree Lane are used as parking, camping, and outdoor space associated with events. East of Leipsic Road and Persimmon Tree Lane is the area now known as "The Woodlands" where the Firefly Music Festival is held. Lot 18 (A-D) utilized for parking and camping is located farther to the northeast and accessed from a driveway off Persimmon Tree Lane.

RC Zoning District

The types of permitted uses for RC (Recreational and Commercial Zone) are outlined in *Zoning Ordinance*, Article 3 §18 and Article 4 Section 4.15. (See attachment for RC zoning district provisions and table below.)

| Minimum required: | RC |
|---|---|
| Lot Area | 5 acres |
| Lot width (ft.) | 250 feet |
| Lot depth (ft.) | 400 feet |
| Front yard (ft.) | 30 feet |
| Side yard (ft.) | 50 feet |
| Rear yard (ft.) | 50 feet |
| Side or rear yard which adjoin a residence zone (ft.) | 100 feet |
| Off-street parking<br>Per 300 Sq. ft. floor area | <br>1 |
| Maximum permitted:<br>Building Height:<br>Stories<br>Feet | <br><br>10 stories<br>130 feet |
| Floor Area Ratio | 4.0 |

In the RC zone, the setback for side yards and rear yards especially when adjacent to residential zones, must be adhered to with the construction of permanent structures and buildings.
The types of permitted uses in the RC (Recreational and Commercial Zone) include the

following: Public and private parks and playgrounds, athletic fields, sports stadiums and arenas, casinos, auto, horse, and motorcycle racetracks, hotels, motels, and restaurants, and a variety of other recreational uses. Temporary outdoor activities, such as fairs, music festivals, and other outdoor events, including temporary camping areas associated with such events are permitted subject to requirements. Conditional Uses subject to approval by the Planning Commission include livery stables and riding academies, aviation and facilities incident to aviation, and outdoor theaters and drive-in theaters.

The use of the properties for Temporary Outdoor Activity and Temporary Camping Area is subject to submission of a Permit review process for each calendar year. The specific requirements and conditions are outlined in the *Zoning Ordinance,* Article 3 §18.1(l) and 18.1(m).

SWPOZ (Source Water Protection Overlay Zone)

A portion of the site is located within the SWPOZ (Tier 3: Excellent Recharge Area) and subject to Article 3 Section 29.7 of the *Zoning Ordinance*. Another portion of the property is located within the Tier 2: Primary Wellhead Protection Area and subject to Article 3 Section 29.8. The use of the properties must be evaluated for compliance with the use prohibitions of the SWPOZ. For Tier 3: Excellent Recharge Areas, the amount of impervious surface coverage is limited with the maximum lot coverage for the portion of the site within the SWPOZ limited to 30% unless infiltration is utilized then the maximum lot coverage allowable is 60%. There are alternatives for redevelopment proposals. In the Tier 2: Primary Wellhead Protection Area there are limitations based on the proximity of the well location.

SITE DEVELOPMENT MASTER PLAN

The plan for this project is submitted for review under the Site Development Master Plan process (See *Zoning Ordinance,* Article 10 §2.44 listed below). This process allows for a series of construction phases to be outlined in a Master Plan for Planning Commission review and approval. Prior to each Phase of construction, a Site Plan specific to that phase is submitted for Administrative Site Plan review.

> Article 10 §2.44 Site development master plans. Conceptual site development master plans shall be reviewed by the planning commission in accordance with the provisions of subsection 2.43. Conceptual site development master plans shall depict a site development proposal that reflects general compliance with the provisions of the zoning ordinance and shall also reflect the following information on the plan:
>
> (A) Conceptual Master Plan. Conceptual Master Plan shall include the proposed general layout of building, streets, parking, open space, landscape concepts, and stormwater management areas.
>
> (1) Detailed site construction plans, details, and specifications are not required as part of a site development master plan submission.
>
> (2) The plan shall illustrate distinct phase boundaries for each proposed construction phase and shall depict proposed construction and site improvements planned for each phase. Bulk quantities and area totals for each construction phase, and for the total site, shall be tabulated in a data column on the plan.
>
> (3) Each construction phase shall be enumerated in sequential order on the site development master plan according to the order of construction contemplated by the plan. Phases shall be implemented in accordance with the approved site development master plan unless the city planner approves an alternate phasing.

(4) Each construction phase represented on the master plan shall be planned and designed to function independent of construction and site improvements contemplated in future construction phases in all respects, including but not limited to bulk area provisions of the zoning district in which the site is located, off-street parking requirements, site entrances, emergency access requirements, site utilities, and stormwater management improvements except where the requirements and needs of a later phase are met and remain met by a previous phase of completed construction.

(5) Any special agreements or conditions of approval relative to the overall development that have been specified by regulatory agencies shall be documented on the site development master plan.

(B) Phased site plan approval. Individual phased components of the Conceptual Master Plan are to be reviewed and approved as an Administrative Site Plan. Final site construction plans, including detailed site grading, paving, utilities, stormwater management, and tree planting and preservation plans shall be submitted for final approval by the city planner and/or authorized designee, and to other agencies having jurisdiction, on a phase by phase basis in accordance with the approved site development master plan, and all regulations of the City of Dover governing the approval of site plans as set forth in subsection 2.4 and 2.5.

This Plan submission did not specifically outline a series of phases for development.

BUILDING ARCHITECTURE

No specific architectural elevations were submitted with this Site Development Master Plan. Architecture of specific buildings is required if the building is visible from the public right-of-way (*Zoning Ordinance,* Article 10 §2.54(o)). Submission of building architecture may be required during the Administrative Site Plan process depending on the location of the permanent building.

SITE CONSIDERATIONS

The access to the various properties is from the existing streets of Leipsic Road, and Persimmon Tree Lane. A number of the properties have (or propose) gravel roads for internal circulation.

PARKING SUMMARY

The minimum off-street parking requirement for the RC (Recreational and Commercial Zone) is based upon the rate of at least one (1) parking space per 300 square feet of floor area (Article 4 §4.15) or by the specific use like race tracks which requires one (1) parking space per three (3) seats (Article 6 §3.1).

Temporary activities are to delineate the areas of parking with information on number of spaces, points of egress & ingress, etc. Temporary camping areas are also to be identified with the type of camping, location of drive aisles, etc.

Loading Spaces

There is not a specific loading space requirement for this type of activity. The event plan does note service areas where unloading/loading of equipment and materials is expected.

Waiver Requested: Elimination of Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) regular vehicle parking

spaces. The Site Plan does not indicate a designate location for bicycle parking spaces. The applicant has submitted a waiver request for the elimination of bicycle parking seeking to provide temporary bicycle parking racks at appropriate locations based on the layout and regulations for a festival event.

Waiver Requested: Elimination of Sidewalks

*Zoning Ordinance,* Article 5 §18 requires sidewalks to be installed along the public street frontages of the properties. The plan does not indicate sidewalks along the street frontages of Leipsic Road (south side) and Persimmon Tree Lane. The applicant has submitted a waiver request for the elimination of all sidewalks along street frontages citing the isolation of areas from an existing sidewalk network and the nature and time of use for events on the lands.

Curbing

*Zoning Ordinance,* Article 6 § 3.6(b) requires curbing for all parking areas which are fully improved with paved hard-surface (concrete or asphalt pavement). This plan does not indicate parking areas of this type.

Dumpsters

There is not a specific requirement for a number of Dumpsters with the use. A part of the yearly permit for temporary activities and temporary camping areas, the permit applications are to address sanitation (traffic collection and recycling) for the event area or camping area.

Flood Hazard Areas

Flood Hazard Areas (100-year floodplain) are to remain as natural open space per *Zoning Ordinance,* Article 5 §11.21. There are areas of Lot #3 that include a Flood Hazard Area per the FEMA FIRM Map Panels. The Flood Hazard Area must be depicted on the plan to determine if the proposed improvements to Lot #3 will impact the flood hazard area.

Wetlands

The *Zoning Ordinance,* Article 5 §11.22 includes provisions for wetlands to remain as natural open space and to establish setbacks from the wetland areas. A setback of 100 feet is required of buildings, structures and impervious surface when the wetland area is greater than 0.25 acre in size. The implementation of riparian buffers may be used to reduce the width of the required setback. The involved properties east of State Route 1 contain a significant number of wetland areas.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes depictions of woodland areas to remain. The clearing of woodland areas is limited by the *Zoning Ordinance.* When properties are proposed for development of permanent structures/buildings, a designated project area will need to comply with the tree density requirements of one tree per 3000 square feet of lot area.

Buffer for Camping Areas

Any temporary camping areas from adjoining residential areas are required to be buffered by a landscape buffer consisting of evergreen trees (*Zoning Ordinance*, Article 3 §18.1(m)(9)). The plan does not indicate these additional tree plantings that must be implemented with the

establishment of temporary camping areas. Such evergreen tree plantings are anticipated to be required for areas of Lot 1, Lot 3C, and Lot 12 when utilized for temporary camping activities.

Opaque Barrier

Waiver Requests: Opaque Barrier – Elimination of Fence Component and Alternative for Landscape Component

An opaque barrier is required when a non-residential use abuts a residential use (*Zoning Ordinance*, Article 5 §7.2). For this project, there are property lines that abut residential uses in the vicinity of Lot 1, Lot 3, Lot 12, potentially portions of the main festival area, and Lot 18. 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 portion of the buffer is required to be planted on the residential side of the opaque barrier. There may be existing non-opaque fencing and woodland in some of these areas that begin to address compliance with this requirement.

The applicant has submitted waiver requests pertaining to the opaque barrier. First, a request to eliminate the opaque barrier – fence component. Second, a request for an alternative format of the opaque barrier – landscape component to recognize the existing wooded areas and existing woods-lines as meeting this portion of the requirement.

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) Sidewalks shall be required along all public street frontages. A written waiver request was submitted for consideration by the Planning Commission to eliminate the sidewalk requirement.

2) Identify the location of the bicycle parking spaces. A written waiver request was submitted for consideration by the Planning Commission to reduce the bicycle parking requirement.

3) The site must comply with the opaque barrier requirements where the properties adjoin the residential uses. A written waiver request was submitted for consideration by the Planning Commission to eliminate the opaque barrier fence component and to consider acceptance of existing woodland areas/woods-lines as the landscape component.
    a. Review the locations where the opaque barrier requirement is required the vicinity of Lot 1, Lot 3, Lot 12, portions of the main festival area, and Lot 18. In some locations, landscape plantings will be required as existing woodland vegetation is not present.

4) Staff notes that need for review of building architecture can be evaluated during the Administrative Site Plan submission for each phase/permanent building proposal. The building architecture may be required to come before the Planning Commission for review if

building is visible from the public street.

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

6) Sheet C-001:
   a. Provide references to FEMA FIRM Map Panels for floodplains on project properties.
   b. Provide the required building setbacks as per the current bulk standards for RC.
   c. Clarify project area (Item #3).
   d. In Site Data column list uses by lot or property, zoning, woodland area tally, bulk quantities, phases, etc.
   e. Provide a summary of the parking and camping tallies.

7) In Tax Parcel Data Table:
   a. Update the tax parcel numbers for Vicinity Map Parcel numbers 15, 16, 17, and 18 as they have been annexed in the City.
   b. Total the land area for properties located within the City of Dover only.
   c. Identify the two properties located in the County in a different format (as they are for informational purposes only) in the Vicinity Map insert.

8) Add a listing of the requirements/conditions for Temporary Activities and Temporary Camping Areas as outlined in the *Zoning Ordinance.*

9) Add the location of all property lines of each parcel in the 200 Series plan sheets. Currently only the outside property lines are identified.

10) Add the location of the floodplain as per the FEMA FIRM Map Panels. As development activity is prohibited in the flood hazard area (100-year floodplain), this may impact the development of the Lot 3 area.

11) Identify the size of each wetland area and show required setback.

12) Identify any proposed phases of development.

13) Provide a list of the uses of the properties involved i.e. auto & horse racetrack, temporary outdoor activities, and temporary camping areas.

14) Show the location of the SWPOZ boundary. The project must comply with the SWPOZ (Source Water Protection Overlay Zone) provisions pertaining to impervious surface areas.

15) The Landscape Plan to implement the required tree plantings for the opaque barrier – landscape component and to implement the required tree plantings to buffer residential areas from temporary camping areas will need to be submitted in accordance with the specifications and requirements for such plans in *Zoning Ordinance,* Article 5 §16.81.

16) The woodland area indicated by this Master Plan to remain will establish the existing

woodland for this project area. Provide a tally of the existing woodland area. Any proposed clearing is limited by the provisions of the *Zoning Ordinance.*

17) Depending on the type of permanent improvement i.e. sidewalks, other paving areas, tree planting, etc., the Administrative Site Plans will need to include construction details.

18) 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.

19) Administrative Site Plan is required for development of the permanent structures/building. These Plans are to provide details including tree plantings to meet the tree density requirements for a specific project area.

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Recommendations on Waiver Requests: The Staff recommendations regarding each waiver is as follows:
    a. Elimination of Sidewalks: Staff recommends approval of the request to eliminate sidewalks along the street frontages of Leipsic Road and Persimmon Tree Lane finding that this Master Plan focuses on the use of these properties for Temporary Outdoor Activities and Temporary Camping Areas that are subject to specific special event planning that includes transportation planning. The transportation planning for special events often leads to designated road closures and detours, planning for pedestrian movement, etc. Staff notes that the north side of Leipsic Road (west of State Route 1) does include existing sidewalks and the streets east of State Route 1 are isolated from existing sidewalk networks. Approval of this sidewalk waiver does not preclude sidewalks being required for future redevelopment of these properties for other uses with permanent improvements.

    b. Reduction of Bicycle Parking: Staff recommends approval of the request to reduce the bicycle parking requirement finding that this Master Plan is related to temporary activities and does not include permanently improvement parking lots upon which to calculate bicycle parking based on the number of vehicle parking spaces. Staff accepts the proposal by the applicant to provide designated locations for temporary bicycle parking facilities during event activities. The location, type, and number of bicycle parking spaces is to be depicted in the yearly permit submission for Temporary Outdoor Activities and Temporary Camping Areas.

    c. Elimination of Opaque Barrier – Fence Component: Staff recommends approval of the request to eliminate the fence component of the opaque barrier. There is existing fencing at the boundary of a number of these properties already and the

implementation of fencing in other areas would require clearing of existing woodland and wetland areas. A significant amount of the properties is adjacent to lands zoned AR – Agricultural Residential Zone under the jurisdiction of Kent County.

d. Alternative Format of Opaque Barrier – Landscape Component: Staff recommends approval of the request for an alternative format of the opaque barrier – landscape component to recognize any existing woodland and woods-lines as satisfying the requirement in those areas. However, in the areas where woodland or woods-lines are not present then the evergreen tree plantings or hedge plantings in accordance with *Zoning Ordinance,* Article 5 §7.22 are required. Staff notes that approval of this waiver does not alleviate the tree planting requirement for the buffering of camping areas from residential uses.

2) The applicant may wish to pursue a parcel consolidation plan to combine some of the numerous parcels where appropriate. This will alter the areas needing to comply with setback requirements.

ADVISORY COMMENTS TO THE APPLICANT:

1) The Planning Commission should act upon the waiver requests as part of any motion to approve this Master 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 Master Plan contact the Planning Office. Examples include reorientation of the complex/buildings, relocation of site components like stormwater management areas, and uses. 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 proposed uses, building locations, or layout contact the Planning Office. These changes may require review by the Planning Commission.

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

5) Following Planning Commission approval of the Site Development Master Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted to create a Final Master Plan set. Prior to development of permanent improvements or create of new activity areas, the Site Plan of each construction phase/project area must be submitted for Administrative Site Plan Review by the Planning Office and other agencies. *Zoning Ordinance,* Article 10 §2.44 (D) sets forth the construction timing in relation to approvals.

> *Article 10 §2.44*
> (D) Expiration of planning commission approval. For projects which are reviewed and approved by the planning commission as conceptual master plans, approval of the conceptual master plan shall remain valid for a period not to exceed five years from the date of planning commission approval, provided that the authorized construction or use has commenced within two years of approval and is proceeding toward completion. In addition, the time between the completion of one phase and the initiation of the next phase shall not exceed a period of two years.

6) The review of this Master Plan does not substitute for the required annual Permits for Temporary Activities and for Temporary Camping Areas in the RC zone. A separate application and submission is required in accordance with *Zoning Ordinance*, Article 3 §18.1(l) and 18.1(m).

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) The applicant shall be aware that Master 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.

10) The applicant shall be aware that Master 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: FEBRUARY 1, 2017**

**CITY OF DOVER Electric & Public Works Departments**

**APPLICATION:** **Dover International Speedway Parking & Event Area Master Plan**

**FILE #:** **S-17-03**

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

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

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

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

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

## CITY AND STATE CODE REQUIREMENTS

### ELECTRIC

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

## WATER

1. Please provide the plan for providing water to this site during events. If water service is requested, items 2-6 below must be addressed.
2. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
3. The following notes must be added to the plans:
    a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
    b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
4. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
5. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
6. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.

## WASTEWATER

1. Please provide the plan for providing wastewater collection to this site during events. If wastewater service is requested, items 2-7 below must be addressed.
2. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
3. The following notes must be added to the plans:
    a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.
4. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.

5. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
6. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
7. The minimum size of all sanitary sewer laterals shall be six-inch (6").

### STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District is submitted to our office.
2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.

### STREETS

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

### GROUNDS / SANITATION

1. None

### GENERAL

1. Provide appropriate details for water and wastewater infrastructure, details are available within the Water / Wastewater Handbook.
2. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
3. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).

## RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

### ELECTRIC

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

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

1. None

## ADVISORY COMMENTS TO THE APPLICANT

### ELECTRIC

2. None

### WATER

1. The City of Dover water system is available to this site. If applicable, the developer is responsible for all costs associated with extending and providing service to the proposed development.
2. Prior to plan approval, the water system plans (if applicable) may need to be submitted to the Division of Public Health, Office of Drinking Water for review and approval. The owner/developer will be responsible for providing all completed forms and plan sets to the City of Dover as required for submission to the Office of Drinking Water. Plans will not be submitted to the Office of Drinking Water until review has been completed by our office.

3. Hydrant flow testing is currently only performed during the spring and fall. The applicant must call the Department of Public Works directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.
4. Water impact fees will apply to this project (if applicable).

**WASTEWATER**

1. The City of Dover sanitary sewer system is available to this site. If applicable, the developer is responsible for all costs associated with extending and providing service and capacity to the proposed development.
2. Prior to plan approval, the sanitary sewer system plans (if applicable) must be submitted to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.
3. Wastewater impact fees will apply to this project (if applicable).

**STORMWATER / STREETS / GROUNDS**

1. None

**SANITATION**

1. The solid waste on this property shall be served 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.

S-17-03

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 02/08/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: DIS Parking & Event Are Master Plan

FILE #: S-17-03 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal PHONE #: (302) 736-4457

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

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. Proposed is a master site plan. Primary fire lanes are required to be 24 feet wide and cover the side of the building that has the primary entrance and exit. Fire lanes can be no closer than 10 feet to the building and no farther than 50 feet from the building. Fire lanes shall cover TBD of the proposed building(s).

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

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

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

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

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

7. Perimeter access will be TBD and clearly shown on the plans. Perimeter Access minimum width shall be 15ft measured from the face of the building at grade with a maximum slope of 10%.

Plantings and utility services shall be permitted within the perimeter access and shall interfere with emergency services fire ground operations.

8. Please see City of Dover Ordinance 98-10 in reference to Speed Reduction Devices.

9. 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.

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

11. Full building and fire plan review is required.

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

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

14. As building is over 100,000 square feet, building shall meet the requirements of Large Area Buildings per Delaware State Fire Prevention Regulations 2009.

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

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

17. Fire Department Connection is to be a 5 inch stortz connection on a 30 degree elbow located within 50 feet of main entrance. Access to the Fire Department Connection must be clear unobstructed access as defined by the AHJ.

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

19. Fire Alarm System required per occupancy code requirements.

20. Knox Box required at all tenant spaces.

21. Standpipes required.

22. Smoke control required.

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

24. Buildings over 25,000 Sq. Ft are to have radio performance testing done by Delaware State Communications prior to Final CO.

25. Gates are to be operational with Fire Department Opti-Con Systems approved by Delaware Department of Transportation. All gates are required to have one manual and one automated means for opening. 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.

26. Project to be completed per approved Site Plan.

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

## ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. All of the above standard comments will be contingent on each structure/project.
2. All events will require a special events permit which will need to include a layout of the event.
3. Any/All changes must be approved and signed off on by the City of Dover Fire Marshal's Office.
4. Any newly constructed structures, stages…. will require an administrative site plan review and then a City of Dover permit.
5. Any temporary structures which are converted to permanent structures will require an administrative site plan review and then a City of Dover building permit.
6. All structures are to be code compliant.
7. There has been discussion in regards to the Brewery becoming a permanent structure. This will require an administrative site plan review and then a City of Dover permit. This building needs to be code compliant.
8. Please provide a list of current permanent structures.
9. Need to discuss natural/LPG tank protection.
10. Any/All gates need to be compliant with #25 above. This office is willing to discuss the use of Knox Pad Locks
11. The road to the Treehouse needs to be updated on the map (was added onto/lengthened last year).
12. Lot 3C needs to be 100% compliant before it is utilized.
13. Lot 18D needs to be 100% compliant before it is utilized.
14. As of 10/19/16 the following road (approved surfaces with proper width which will hold the weight of emergency apparatus) plan was agreed to with Red Frog:
    a. 2017: 1847, 1851, 1855, 1859, 4 roads will be brought into compliance.
    b. 2018: 1811, 1815, 1819, 1823, 4 roads will be brought into compliance.
    c. 2019: 1827, 1831, 1835, 1839, 1843, 5 roads will be brought into compliance.
    d. *The Center Road will be properly marked and monitored. We will continue discussions on how this works in regards to this roadway. If it is not working, this road will need to be made complaint.
    e. *Lot 18D will need to be discussed in more detail (It appears that this will now be utilized. This falls under the guideline f below).
    f. Any new/additional lots, such as 3C, will need proper approval. These lots will need to be 100% compliant prior to being authorized/utilized.
    g. Need to discuss for 2020: 18D, 2 areas, 1 in between 1803N and 1805 N and 1 in between 1805N and 1809N, 3 areas in Lot 3B.
    h. All lots need to be designated for a function (tents, campers, cars, food vendors…) there will be no intermingling.

i. All lots and roads must be properly named/labeled.

15. All generators will need an electrical inspection.
16. A plan on how trash will be properly picked up/collected needs to be in place.
17. Required accessibility for emergency apparatus will be defined by the Fire Marshal.
18. At the 02/08/17 DAC meeting, a new layout for lot 12 was submitted. This needs to be 100% compliant before it is utilized.

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: February 1, 2017

**D E L D O T**

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APPLICATION: Dover International Speedway Parking and Event Area Master Plan

FILE#: S-17-03 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:

Due to the nature of these uses, the applicant should contact Michael Rivera, DelDOT's Safety Program Technician. His group handles the special event planning and would be able to provide comment on the proposed layout. Mike's phone number is (302)659-4080 and his email is Michael.Rivera@state.de.us

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**
**February 2017**

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**APPLICATION:** *Firefly Master Plan*

**FILE #: S-17-03**

**REVIEWING AGENCY:** *Kent Conservation District*

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

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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:

Source:
2014 Delaware Sediment and Stormwater Regulations

## CITY AND STATE CODE REQUIREMENTS:

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

## ADVISORY COMMENTS TO THE APPLICANT:

1. The Kent Conservation District shall require the engineer show that Stormwater management will not be required for the improvements based on the current standards under Delaware Stormwater Regulations.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE:

**Dover/Kent County Metropolitan Planning Organization**

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APPLICATION: Dover International Speedway Parking & Event Area Master Plan

FILE #: S-17-03 REVIEWING AGENCY: Dover/Kent County MPO

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

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The Dover/Kent County MPO has participated in the State's Preliminary Land Use Services (PLUS) process for several months. The MPO requested the opportunity to bring the recommendations on issues of our concern to the City as well. The MPO will limit comments to projects to development proposals and applications that may lead to new development. Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

**City of Dover Planning Commission 9/20/2010**
Project Review
S-17-03 Dover International Speedway Parking & Event Area Master Plan

The Dover/Kent County MPO

This application is a Master Plan for virtually all temporary use parcels in the City owned by Dover International Speedway, Inc. (DIS, Inc). As such, it is difficult for the MPO to cite specific elements that add to the plan or that should be required. For this Master Plan, we do have a few suggestions to make the Master Plan stronger.

The access to the event grounds we have seen or experienced do not seem to be particularly accessible for persons requiring walking supports/aids or for persons in wheelchairs. DIS, Inc should look for opportunities to offer full access to the music venues and facilities. The timing and nature of the events lend themselves to attendees using bicycles to access the venue. Accommodations for the bikes belong on the site. The MPO sponsored a North Dover Study that ended up looking at diverting traffic from Route 13. It is available on our website at http://doverkentmpo.delaware.gov/north-dover-study/

A condition requested on the Master Plan sheets was that approval of the Master Plan gave approval for all permanent structures to be built on the site, whenever needed. That seems to be a problematic blanket approval for the property. I suggest the City require administrative review of all building placement to consider code requirements, such as set back, other dimensional requirements and basic city services locations.

**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.**

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# WAIVER REQUEST

## DOVER INTERNATIONAL SPEEDWAY / PARKING AND EVENTS AREA MASTER PLAN

BICYCLE PARKING REQUIREMENTS

**REQUEST:**

Reduction of the required bike parking spaces from the required 1 bicycle parking space per 20 vehicle parking spaces.

**EXTENT OF THE REQUEST:**

We would like to reduce the bicycle parking to a number and to locations to be determined as part of the permit process and that these would be temporary facilities in conjunction with the festival each year. The bicycle racks would be for the use of cyclists coming to the grounds from the community as bicycles are not allowed in the festival grounds.

**BASIS FOR REQUEST:**

Under Article 6, Section 3.10, Bicycle parking shall be provided for parking spaces at a rate of one bicycle parking space for every 20 parking spaces or a fraction thereof. The planning commission may waive the requirement for the bicycle parking if it is demonstrated that bicycle parking would not be appropriate for safety reasons or due to the nature of the use of the site.

We will provide multiple locations of temporary bike racks at the entrances to the festival. These locations will be detailed as part of the temporary permit process with the city. We believe the site meets the requirements for the Planning Commission to waive the requirements for permanent bicycle parking based on the following:

First, the Firefly Music Festival does not allow bicycle use in the festival grounds due to the safety issues involved with bicycle use and the large crowds that attend the festival. The combination of large crowds walking in all

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different directions around the festival grounds and the speed difference of cyclists is a major safety issue.

Second, the nature of the festival is that people walk between the various venues and support facilities. Bicycle use is impractical and virtually impossible due to the large crowds. However, we will be providing temporary bicycle parking at the entrances to the grounds as bike parking for cyclists coming to the festival grounds from the community.

Third, the bicycle parking rate at 1 bike space per 20 vehicle parking spaces would require an exorbitant number of bicycle parking spaces which is not feasible and which, again would not be used as bicycles are not allowed in the festival grounds.

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# WAIVER REQUEST

## DOVER INTERNATIONAL SPEEDWAY / PARKING AND EVENTS AREA MASTER PLAN

SIDEWALK REQUIREMENTS

**REQUEST:**

Elimination of sidewalk installation requirements for the frontage of the site due to the nature, location and use of site.

**EXTENT OF THE REQUEST:**

Under Article 5, Section 18.1, Standard City of Dover sidewalk shall be required to be installed along the public street frontage of a property by the property owner or developer whenever such property involves a development proposal which is subject to planning commission review and approval.

We would like to eliminate the requirement for sidewalks along the frontage of the site in its entirety.

**BASIS FOR REQUEST:**

Article 5, Section 18.4, states "the planning commission may modify or waive any of the stated requirements" and must determine whether or not an undue hardship exists, based on a finding that one or more of the following criteria have been met:

1) The property is isolated with respect to sidewalks with no existing sidewalk within the immediate vicinity of the property; or
2) The proposed use would not generate or attract additional pedestrian trips; or
3) Sidewalk construction to serve the property is planned as part of a state or municipal capital improvement project; or
4) Physical characteristics of the property are such that sidewalk installation is impractical or impossible.

During festival events the roadways adjacent to the festival grounds are closed by the Delaware Department of Transportation (DelDOT) for the

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purpose using the roadway as the pedestrian walkway and also to keep vehicular traffic away from the festival area due to the event size and the large volume of people that attend. For this reason, DelDOT has not requested additional sidewalks along the roads.

We believe the site meets item 1 above in that the parcels are completely isolated with no sidewalks in the vicinity of the site nor anywhere along Persimmon Tree Lane. The parcels are connected internally which allows for pedestrian traffic away from the road frontages thus eliminating the need for frontage sidewalk.

The project is for the construction of various buildings for the Firefly Music Festival and together with the two annual Nascar Races the parcels are only used for a total of 10 days per year between the three events.

Due to the isolation of the site and the nature and time of use of the parcels, the site does not generate or attract pedestrian trips 97.26 % of the year. Therefore, we feel that the project meets the criteria as set forth in the City of Dover zoning ordinance under Article 5, Section 18.4.

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# WAIVER REQUEST

## DOVER INTERNATIONAL SPEEDWAY / PARKING AND EVENTS AREA MASTER PLAN

OPAQUE BARRIER REQUIREMENTS

**REQUEST:**

We request that the opaque barrier be eliminated and that existing wooded areas and woods lines along the boundaries be considered as the required landscape portion of the barrier.

**EXTENT OF THE REQUEST:**

By code, visual and sound screening shall be provided on a non-residential use when abutting a residential use. The buffer shall include an opaque barrier and landscaping. We are requesting a waiver to eliminate all of the opaque barrier portion of the buffer and to require only the landscaping portion of the buffer.

**BASIS FOR REQUEST:**

Article 5, section 7.24 of the City of Dover Zoning Code states that The planning commission may waive the requirement for the opaque barrier (wood fence, masonry wall, or earthen berm) and require only a durable and continuous evergreen screen in cases where noise is not a concern and the vegetation alone is considered a desirable aesthetic alternative.

In this case we request elimination of the opaque barrier and request that the existing wooded/wetland areas and tree lines along the boundaries of the parcels be considered as the required landscape elements in place of the evergreen screen.

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