CITY OF DOVER PLANNING COMMISSION
REVISED AGENDA
Monday, March 20, 2017– 7:00 P.M.
City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

*Revised Agenda Updates the project proposal for S-17-06 Secure Storage Revised Site Plan, Phase 2 & 3 and clarifies applications requiring Public Hearings.

ADOPTION OF MINUTES OF REGULAR MEETING of February 21, 2017
ADOPTION OF MINUTES OF QUARTERLY WORKSHOP of February 22, 2017

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, April 17, 2017 at 7:00pm in the City Council Chambers.

2) Update on City Council Actions

3) Update from Planning Office
    a. IPA Planning Education Series 2017
        i. Planning 203: Advanced Land-Use and Development Administration to be held March 24, 2017, 9am to Noon at the Paradee Center

4) Notice of Public Forum Event
    a. Public Forum on Delaware's 2018-2022 State Historic Preservation Plan to be held on March 22, 2017, 6:00pm at the Dover Public Library, 35 Loockerman Plaza

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

2) Consideration of Waiver Request for Development Application:
    A. S-17-03 Dover International Speedway Parking & Event Area Master Plan – Consideration of Waiver Request for the Elimination of Sidewalks as associated with the Dover International Speedway Parking & Event Area Master Plan for events such as the Firefly Music Festival event. The Planning Commission on February 21, 2017 granted conditional approval of the 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. *The Planning Commission deferred action on the Waiver Request for the Elimination of Sidewalks seeking additional information.*

NEW DEVELOPMENT APPLICATIONS

1) S-17-02 Mitten Industrial Park at 141 Lafferty Lane (Revised 2/28/2017) – Public Hearing and Review of a Site Development Plan application to permit construction of a 9,600 S.F. building, an equipment processing & storage area, and associated site improvements. The 40.09 acre+/- subject site is located on the east side of Lafferty Lane north of the Kings Cliffe Manufactured Home Park. The property is zoned IPM (Industrial Park Manufacturing Zone) and MH (Manufactured Housing Zone) and is partly subject to the AEOZ (Airport Environs Overlay Zone: Accident Potential Zone I and Noise Zone A). The project is subject to *Performance Standards Review Application*. The owner of record is Matthew E. Mitten. Property Address: 141 Lafferty Lane. Tax Parcels: part of ED-05-077.00-01-26.00-000, ED-05-077.00-01-27.00-000, and part of ED-05-086.00-01-08.00-000. Council District 2. *Waivers Requested: Elimination of Curbing, Elimination of Sidewalk, Elimination of Opaque Barrier-Fence Component, Recognition of Woodland as Part of Opaque Barrier-Landscape Component.*

2) C-17-01 The Little People's Daycare at 118 Roosevelt Avenue – Public Hearing and Review of a Conditional Use Site Plan application to permit a large family day care facility in an existing 1,080 S.F. building at 118 Roosevelt Avenue, to be known as The Little People's Day Care. The 0.33-acre subject site is located on the south side of Roosevelt Avenue east of South DuPont Highway. The property is zoned R-8 (One-Family Residence Zone). The owners of record are Waynenicka Johnson and Jessica D. Cooper. Property Address: 118 Roosevelt Avenue. Tax Parcel: ED05-077.18-02-840.00-000. Council District 2. *Waiver Requested: Elimination of Sidewalk*

3) S-17-05 Medcore Partners Physical Rehabilitation Hospital on McKee Road – Public Hearing and Review of a Site Development Plan application to permit construction of a 42,000 S.F. in-patient physical rehabilitation hospital and associated site improvements. The 4.07-acre subject site is located on the west side of McKee Road north of College Road. The property is zoned IO (Institutional and Office Zone) and subject to the COZ (Corridor Overlay Zone). The owners of record are George J. Kays and John J. Kays and the equitable

owner is Medcore Partners c/o Michael Graham. Property is an unaddressed parcel on McKee Road. Tax Parcel: ED05-067.00-01-33.00-000. Council District 1. *Waivers Requested: Consideration of Superior Urban Design, Reduction of Parking Requirement, Reduction of Loading Spaces, and Partial Elimination of Curbing. This property is the subject of Rezoning Application Z-16-07, recommended for approval by the Planning Commission on December 19, 2016 and approved by City Council on January 9, 2017.*

4) S-17-06 Secure Storage Revised Site Plan, Phases 2 & 3 – Public Hearing and Review of a Site Development Plan application to permit construction of Phases 2 & 3 of a mini-storage facility consisting of five (5) storage buildings, on a site already containing 14 storage buildings (Phase 1), for a total of 19 buildings. The new buildings total 94,500 S.F. Associated improvements including a boat and RV parking area and a second site entrance are also proposed. The project is subject to *Performance Standards Review Application*. The 18.68-acre subject site is located on the north side of Lafferty Lane, east of South Bay Road. The property is zoned IPM (Industrial Park Manufacturing Zone). The owner of record is Secure Storage LLC. Property address: 640 Lafferty Lane. Tax Parcel: ED05-077.00-01-25.00-000. Council District 2. *Waivers Requested: Elimination of Sidewalks and Partial Elimination of Curbing. This property is the subject of Site Development Plan Application S-02-23, granted conditional approval by the Planning Commission on August 19, 2002 and granted administrative approval for a revision on April 25, 2005. The portion of the plan known as Phase 1 and one building from Phase 2 were constructed but the rest of the plan lapsed.*

NEW BUSINESS

ADJOURN

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

Posted Agenda: posted March 9, 2017
Posted Revised Agenda: Posted March 13, 2017

CITY OF DOVER PLANNING COMMISSION
February 21, 2017

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, February 21, 2017 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Roach, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Maucher and Mr. Tolbert. Mr. Holden and Mrs. Welsh were absent. New Planning Commissioner Ms. Deborah Edwards observed in the audience.

Staff members present were Mrs. Ann Marie Townshend, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present was Mr. Gregory Moore. Speaking from the public were Mr. Lee Moran and Ms. Debra Handel.

APPROVAL OF AGENDA

Mrs. Townshend stated that application S-17-02 Mitten Industrial Park at 141 Lafferty Lane will not be heard tonight. Partial public notice was completed for this application but not the full public notice; therefore, it is not on the agenda for this evening.

Ms. Maucher moved to approve the agenda as submitted, seconded by Mr. Baldwin and the motion was unanimously carried 6-0 with Mr. Holden and Mrs. Welsh absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JANUARY 17, 2017

Mr. Holt moved to approve the Planning Commission Meeting minutes of January 17, 2017, seconded by Mr. Baldwin and the motion was unanimously carried 6-0 with Mr. Holden and Mrs. Welsh absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that tomorrow at noon the Planning Commission Quarterly Workshop will be held in the City Hall Conference Room. There will be two speakers coming in to talk briefly. Mr. David Edgell will be there to talk about the Comprehensive Plan Update which they are looking to being shortly. Mr. Rich Vetter will also be there to talk about the West Capital Gateway Plan which eventually staff will be bringing forward for endorsement by the Commission.

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, March 20, 2017 at 7:00pm in the City Council Chambers.

Mrs. Townshend provided an update on the regular City Council and various Committee meetings held on January 23 & 24, 2017 and February 13 & 14, 2017.

Mrs. Townshend stated that City Council confirmed the appointment of the new Planning Commission member, Ms. Deborah Edwards, for the 1st District. (She is here this evening to observe the meeting.)

Mrs. Townshend stated that in the packet there is a listing of the training offered by the Institute for Public Administration. She knows that Mrs. Maucher has been to two classes held in January and February. There are two classes in March, one in April and one in May. If anyone is interested in attending those, they will pay for the registration fees so just let Staff know.

Mrs. Townshend stated that they have purchased the ability to view a webinar that is put on by the American Planning Association. It's a half hour webinar and there is another piece of it that is also a half hour and will be available in March. Both of them relate specifically to the Planning Commission and the functioning of the Planning Commission and running the meetings. They want to make that available to the Commission but they didn't think it made sense to have two different half hour sessions because sometimes you spend a lot more time getting ready for a half hour session. They want to coordinate with Kent County to have both of them available at the same time, probably in the Kent County building. They would be able to invite their Planning Commission to attend as well. Hopefully they can coordinate that sometime in late March or early April. They will keep the Commission posted.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW DEVELOPMENT APPLICATIONS

1) 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.*

Representatives: Mr. Gregory Moore, Becker Morgan Group

Mrs. Melson-Williams stated that this is a Site Development Master Plan. This is for the Dover International Speedway Parking and Event Area Master Plan. What's highlighted in yellow on the screen is the extent of the properties that are involved in this subject application. There are a total of twenty-four (24) of them mainly focused on the Speedway's holdings in the vicinity of Leipsic Road and Persimmon Tree Lane located on both sides of State Route 1. The collection of properties are zoned RC (Recreation and Commercial Zone). There are some portions of the properties that are subject to the SWPOZ (Source Water Protection Overlay Zone). The present use of these areas includes the auto and horse race track area, parking areas and festival areas. The same uses are proposed in the future along with the opportunities for what is deemed by the *Ordinance* as temporary activities and camping areas. Tonight, this is a Site Development Master Plan that proposes a series of what could be temporary and proposed potentially permanent structures on the main festival grounds which are primarily located to the east of State Route 1 as well as existing and new parking and camping areas which tend to be focused more in the Leipsic Road area and the immediate initial area of Persimmon Tree Lane. A number of these properties look familiar to the Commission as several of them were annexed into the City of Dover in the Spring of 2016 and then there was another application that rezoned a collection of properties to the RC (Recreation and Commercial Zone).

The Report includes information on the RC (Recreation and Commercial Zone) district. It has established setback requirements and parking requirements like any other zone; however, it does allow for properties to conduct temporary outdoor activities and temporary camping area activities subject to what would be an Annual Permit for each calendar year for those activities.

Tonight, we are looking at a Master Plan which will setup an overall concept for these areas. The Master Plan presents a concept for all of the different activity areas and should any of the particular areas become a permanent structure or include permanent activities then those areas would be subject to an Administrative Site Plan review process.

A number of things in the Code that they do take a look at even with a project of this type will be the compliance with the Source Water Protection Overlay Zone for the areas that fall within that zone. There are some limitations on how much can be covered by impervious surfaces. That would be reviewed more closely should each of those areas develop in a more permanent fashion. With this project, there is no specific architecture that's being presented this evening. If the building ultimately would be visible from the public right-of-way, it would require some additional review of that architecture. Looking at site considerations for the project, the RC (Recreation and Commercial Zone) does have a parking requirement that's based on the floor area of buildings or in the case of the race track based on seat count. Because we are looking at a project for temporary activities, there is not a specific overall parking count that will be established this evening. The temporary activities or temporary camping areas as part of their Annual Permit have to identify specifically the locations of parking and camping areas.

There are a number of waivers that need to be considered tonight because this is a project that has come before the Planning Commission. The first waiver request is regarding bicycle parking. Bicycle parking is typically required based on the number of regular permanent spaces that you have. The applicant is seeking a waiver request to eliminate the bicycle parking and provide bicycle parking as a temporary nature in conjunction with a layout and regulations of the event. So as part of the annual temporary outdoor activity or camping area permit, they would seek to establish bicycle parking on a temporary measure based on those activities. The second waiver request deals with sidewalks. The

Zoning Ordinance requires sidewalks to be established along all public street frontages. In looking at the project area on the Speedway lands, there is very limited areas that include existing sidewalk. There is some sidewalk that is on the north side of Leipsic Road but the other areas are currently unimproved when it comes to sidewalk areas. The applicant is seeking a waiver from the construction of sidewalks, citing that for the most part these project areas are temporary in nature and those temporary activities have their own means of transportation planning which includes pedestrian travel as well. So often the pedestrian travel occurs on roads that are closed to vehicles and that kind of traffic pattern.

There are portions of these properties that are located in the 100-year flood plain and also wetland areas. These areas are required to remain as natural and open space areas, meaning that they can't be developed. There are significant wetland areas in the woods that are located to the east of State Route 1; they have been delineated on the plan. No improvement, permanent or temporary can happen in the wetland areas. There are also requirements for setbacks from the wetland areas when it comes to any permanent structures that might be planned. With this project there is significant woodland areas on the property and this plan serves to document the baseline of what that woodland area is. Specifically, to meet their tree planting requirements, any project area that's going to involve permanent structures or buildings would then be subject to the tree planting requirement that the Code entails of one tree per 3,000 SF of area. Specifically related to camping areas, there are requirements for buffering from residential areas in the format of evergreen trees. There are several areas along what is Lots 1, 3 and 12 that back up to residential areas. Lots 1 and 3 back up to some of the residences that are in the northern reaches of the Towne Pointe neighborhood on Bacon Avenue.

The other two waiver requests that the applicant is seeking tonight are related to the opaque barrier. An opaque barrier is required when a non-residential use is adjacent to a residential use. It has two components: a fence component and a landscape component. The applicant is seeking relief from the fence component citing that there are a number of existing fences that already exist but they may not be opaque and in order to fully establish a fence component, it would involve clearing of trees. They are hoping that existing conditions and satisfy that requirement. The second request is for the landscape component. In this case, the applicant is seeking for the Commission to recognize that existing woodland areas or existing wood lines in these areas adjacent to residential can suffice for that screening requirement.

The DAC Report goes on to give some general plan corrections that would need to be made as well as Staff recommendations on each of the waiver requests. Staff is supporting all of the waiver requests. In particular, for the elimination of sidewalks, they are recommending approval noting that because this is a special event type activity there is extensive transportation related planning for each event that would deal with the pedestrian movement and the safety thereof. They also support a reduction in the bicycle parking requirement finding that the applicant's proposal for a temporary bicycle parking based on the regulations for the event would satisfy that parking requirement. Staff is also recommending approval of the elimination of the opaque barrier for the fence component noting that clearing of woodland areas and/or intrusion into wetland areas is best left as is and not subject to installing a fence just to meet the intent of the Code. Also, they are supporting the landscape component to recognize the existing woodlands that would already be on the site. There may be areas that they still need to do some planting but for the most part there are existing trees that could satisfy that component. The DAC Report does include the comments from the other regulatory agencies. The Departments of Public Works notes that if they intend to seek water and sewer services to these areas

there is a number of other reviews and plan items that would need to be addressed in order to supply water or sewer services to these areas on a permanent basis. The Fire Marshal's Office has provided comments and is very involved in the pre-event planning process and has a list of specific requirements in how they have been addressing emergency response for the event area in general and some of the series of improvement agreements that they have come to with the event activity managers to date. They also have comments from the DelDOT noting that this goes through a special event planning process with their agency. The Kent Conservation District notes that if they move into ground disturbance of a certain level then there is a need for sediment and stormwater management planning. The MPO also provided some comments noting some particular concerns about access for handicapped people coming to the event as well as dealing with bicycle parking options for visitors.

Tonight the Commission is looking at a Site Development Master Plan; it's an overall concept. If there are questions on a particular area they can move to focus on that. This would grant approval to the overall concept as a plan for the parking and event area on these site locations. The Commission does need to address the four waivers that have been requested which are the reduction in bicycle parking, the elimination of sidewalks, the elimination of the fence component of the opaque barrier and to accept the landscaping alternative for the opaque barrier.

Mr. Moore stated that he is representing both Dover International Speedway and Red Frog who is the event operator on Dover Downs. What you are seeing in the plans that they have compiled is basically the 2017 plan for the temporary event. What they have shown the Commission is the location of all of the various temporary facilities. What they are trying to do is seek the ability to turn some of these temporary facilities into permanent facilities. For this year, they don't believe that they are going to be changing anything; they are going to be using tents and so on. He's not coming here tonight saying that they are ready to build a specific structure or a specific component of the event. He can tell them that one of the things that has been talked about is a permanent structure for the Dogfish Head Brewery area. That is one of the things that they have spoken to Staff about. That may be something in the future that they submit. There is also discussion about possibly making some of these restrooms and/or shower facilities permanent. Now these things come in with trucks and they are temporary facilities to serve the few days. For this year, they don't plan to build those types of structures. They want to go through another year before they decide what permanent structures they build. The only structure that they are aware of is that there may be some structure to hold some of the equipment in front of the actual event areas where the performers are. These would be things that would hold computer equipment and other equipment so that it would be stationery which is better than a temporary thing that might move.

What is being displayed is the 2017 event layout. The whole purpose of the Master Plan is to allow Red Frog to come in and convert any one of these temporary structures in the future to a permanent facility. Basically, it's going to be in the same configuration that they have submitted tonight because they have run this event for multiple years and it has tended to be the same thing over and over. It's a very unique submission. He is not sure that he has ever done one like this but it seems appropriate if they plan to change over any of their tents to a permanent building because it's better for the festival and better for the operation then they would be pursuing Administrative Site Plans to do that. They would then be addressing codes like fire lanes and sprinklers and all of the other codes for permanent structures. Now when these tents come in, they are erected and then taken down.

For the parking waiver as it relates to bicycle parking, Red Frog does not allow bicycles into the

festival area. Once you get to the festival gates you have to walk. That's a safety issue for the biking and the walkers with that many people is a safety concern. They have not prohibited biking from the various camping areas but they are considering doing that. They haven't prohibited it because there are not that many people that are actually staying on the site that are using bikes. Bikes are being used by people in the community who don't stay overnight who attend the event and perhaps bring their bikes to avoid traffic and are not staying in a camping area. They believe that it's perfectly appropriate for there to be bike facilities for those people to come in and have a location. What Red Frog is proposing is to put around 40-50 temporary bike racks at the southwest entrance to the facility so that the community would have a place to put their bikes. The bike racks would be removed once the event was over. Secondly is the sidewalks. What happens for this festival is that DelDOT actually controls pedestrian and the closures of roadways for safety? These closures of roadways then direct pedestrian into the roadways to get them across Route 1 and to get them up and down to this event area. DelDOT typically is asking for sidewalks along the roads but they don't want them in this case because of the closure of the roads and trying to keep the pedestrians in the center of the roads for safety. He thinks that's a very important factor to consider when we talk about the sidewalks because a five-foot sidewalk on the side of the road isn't even close to the ability to handle the volumes of people who are walking up and down the streets. They think it is actually a little bit counterproductive and they don't think DelDOT wants them to do that. They want the containment into the street. Each year there are meetings with DelDOT and the City to coordinate how the transportation is going to happen; both vehicular and pedestrian and this is all part of that plan. The last waiver is the buffering. They agree to put up opaque barriers where there are actually houses and they need the separation. There are a few of those areas that they don't want waivers from; they will put the barriers up and landscaping. There are many more areas where there are forested areas that they don't think it's appropriate to do anything. He knows that back by Lot 10 and over by Towne Point there is a big forested area that doesn't make sense to put a fence up to a forested area for a temporary event so that's why they are asking for a waiver. There are other sections where they want to do landscaping to create a separation. The one thing that Red Frog has committed to is that they will be using temporary fencing. If they use landscaping, they will put temporary fencing up so that there is some containment. There has been some concern in the past where there wasn't temporary fencing and people got further away from the camping areas. They are now coming in with temporary chain link fencing to keep all of the people in their camping areas so that they don't move out to neighborhoods or residential areas.

Mr. Tolbert questioned if some of the area involved was in Kent County's jurisdiction? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that it is all Dover. The yellow area on the display is what is being considered tonight. All of those areas are now part of the City of Dover. The Speedway does own several other parcels along Persimmon Tree Lane that are not within the corporate limits of the City. They are shown in some of the information drawings in the plan set but it's not subject to this review tonight.

Mr. Moore stated that the whole festival area is in Dover limits.

Mr. Holt questioned if they are going to be able to eliminate some of the mud problem? Responding to Mr. Holt, Mr. Moore stated yes and no. The beauty and what Red Frog likes about this event is that it's very natural. There is protection of the wetlands and trees. It's keeping that separation and that natural area is the ambiance of what they want and what they believe draws both kids and adults there. It's just so unique and different. They are fully supportive of not clearing any trees and they are

supportive of the protection of the wetlands. They are fully supportive of trying to keep that more natural approach; and the more that they pave, the more that they create roads and the more that they make it a hardscape area they more that they take away what they were going for. That's what made this festival so unique and different. It's kind of a balance. He will tell the Commission that's why they are not going to be building all of the permanent buildings this year. They want to know that when they build something that it makes sense to them from a budget standpoint and it doesn't break down the naturalness of what made this event so great for people to come from all over.

Mr. Holt stated that he was kind of hoping that they would bring in gravel or sand or something like that to try to eliminate the mud. Responding to Mr. Holt, Mr. Moore stated that they have done that in certain areas as the event goes. Of course every event is different because sometimes it rains a lot and other times it just rains and then goes away. He thinks that they are prepared to be doing that as the event happens and as they can predict the weather.

Dr. Jones questioned if this was a contractual period between Red Frog and Speedway? If it is, if Red Frog is no longer in the picture does anything change? Responding to Dr. Jones, Mr. Moore stated that there is a 20-year contract between Dover International Speedway, who is the land owner and Red Frog who is the operator. He is actually here tonight being paid for by Red Frog because the actual construction of permanent facilities will be constructed by Red Frog but on Dover International Speedway's property. If Red Frog is not there, those facilities would be reverting back to Dover International Speedway's ownership.

Dr. Jones stated that in Mr. Moore's presentation he made reference to the permanent structures that might go on some of the parcels. That's not what the Commission is responding to tonight because that's going to be administrative. Responding to Dr. Jones, Mrs. Townshend stated that's correct but an approval of what they are presenting tonight would allow administrative approvals of those. Absent this, we would not be able to administratively approve those things.

Mr. Moore stated that's why they have included the entire area and shown the entirety of both camping and the event itself. One other comment that was in the DAC Report was consolidating these properties. Their response would be that they will consolidate properties when necessary because if you don't consolidate properties and you build a structure on top of a property line then you have a problem. They don't believe that they are going to do that so as a result of that they don't want to consolidate properties; they want to leave them the same. If they do go to build a structure somewhere that's in conflict with a property line, they will consolidate as needed. They just want to do that as it's necessary not in total.

Mr. Tolbert questioned if any structures that would be built would be owned by Red Frog? Responding to Mr. Tolbert, Mr. Moore stated that they would be constructed and paid for by Red Frog but they would be on Dover International Speedway's land so it goes back to that contract. If that 20-year contract is up and Red Frog is no longer the provider, they would be owned by Dover International Speedway. Honestly, he doesn't know if that means that Red Frog could actually take them and remove them. To date there have been a couple of things that have been built last year. They built a warehouse on lands in Kent County. He and Mrs. Townshend coordinated that with Kent County as this thing was coming in. That warehouse was simply to store event materials so that it could be inside. They also built what they called a treehouse which is a venue where people can sit for specialty sitting area and it was more of a deck than it was a structure. There has been talk of perhaps

building some permanents to the actual event areas where people perform. Any of these things could come back to be a permanent structure when Red Frog say they are ready to build one or two permanent events that way they don't have to bring this material in from Chicago and San Francisco. The platform where these performers would be could actually then be permanent.

Mr. Tolbert stated that Red Frog only comes here once a year. Do they anticipate coming more than once a year? Responding to Mr. Tolbert, Mr. Moore stated that he does not know. He can say that they were excited to bring the Big Barrel Festival which did not do well. He personally hopes that they would bring that or another event back but there has not been discussion for a second event but there is a 20-year life to their agreement. Over that period of time as the market changes as the music genre changes, there may be different types of music that they bring but at this point there is no new event for this year. It is simply the Firefly event that has been announced and there is no secondary event or date.

Mr. Tolbert questioned if other even operators would be allowed to use that property? Responding to Mr. Tolbert, Mr. Moore stated that the only other event operators that we know of now would be NASCAR and there is really no use for what was built for Red Frog. He would imagine that it would be a negotiation between Dover International Speedway and Red Frog. He would say no, there wouldn't be use of these things for other purposes.

Mr. Tolbert stated that he was asking that because we are talking about building structures at some time in the future. Responding to Mr. Tolbert, Mr. Moore stated that he mentioned the one facility that would be built that's like a structure and that would be replacing the tent that was the Dogfish Head tent. The plan that he saw and that has been shared with Mrs. Townshend that they chose not to go ahead with was simply a roof structure that was all open to the outside with poles to allow people to come in. It's just like a tent but it looked better. It was big. It actually had some architectural flavor to it and it allowed permanent protection of the ground. Whereas the tent comes in and it moves a little bit when the wind blows it. It wasn't a building but it was something like a tent that was a little more substantial. As it turns out, it required sprinklers and some other things that were Code and it didn't fit into this year's budget because they didn't prepare for that and perhaps they will do it next year. That's the type of flexibility that they are looking for.

Mr. Holt questioned if the Punkin Chunkin was no longer in the picture? Responding to Mr. Holt, Mr. Moore stated not at Dover Downs. There's no discussion for that to be here and he hasn't heard anything about that. That event has nothing to do with Red Frog. This is a specific Red Frog application here today. One of the reasons that he is not here with Dover Downs is because Mr. Jerry Dunning who had been with Dover Downs for 45 years, retired last year. He chatted with Mr. Dunning and asked him to come tonight but he was vacation. There is another gentleman from Dover International Speedway that he has had Staff meet, Mr. Terry Harmason who is actually at the race in Florida and didn't get back in time for tonight's meeting.

Ms. Maucher stated that under the Fire Marshal's Report it mentions plans to bring some roads into compliance. Responding to Ms. Maucher, Mr. Moore stated that what that means is that they are always tweaking our safety to the actual camping area roads and there's a few of these locations where they are going to in addition to the stone road that is the main road, there is going to be a little stone alley that gives extra emergency access. That's something that they have been working with the City Fire Marshal on since the last event. Those are in this plan, meaning that they have actually

depicted where those things are and those are for emergencies, safety and access.

Mr. Tolbert opened a public hearing.

Mr. Lee Moran – Persimmon Tree Lane Dover DE 19901

Mr. Moran stated that he is here tonight representing Persimmon Tree properties and himself. For a little background, if you notice on the maps there is an area in white in front of the camping area and to the side of the camping area. There's ninety (90) acres that Persimmon Tree Properties owns. For the last several years with Firefly they have had a lot of problems with people going through the crops because there are no barriers to stop them. They have talked to security several times, he has had to pull out a car from the corn field, he has had to try to get security there, he has been threatened by people trespassing on the property, he has had people sneaking through the woods and they seem to have this problem each year. He has tried to work with Dover Downs. They are very friendly and they have an agreement that they are using some of the woodland because they had to go around some wetlands and they needed a road. He has a short agreement with Dover Downs for a few years to allow them to use some of his land. But they have been unable to stop people from going through the fields. He has caught people going to the bathroom. His nephew was going along the wood line and found some naked people on their property. They would like this stopped and he thinks the only way is to put a barrier around the farm. They have notified security and he is not interested in having security from Dover Downs patrolling his farm. The people are not just cutting down Moores Lane and across; there is a thin tree barrier between the farm and that back camping area that they are coming through.

Mrs. Townshend stated that just for clarity, his property is the property adjacent to Lot 18.

Mr. Moran stated that was correct. It is ninety (90) acres of land that they want to keep people out of. They have tried to work with Dover Downs but each year they have the same problem. He has told people that they are on private property and they have told him where to go and kept walking. At this point, it's nice to talk about the barriers in the woodlands but he is tired of the people coming through and some of them are inebriated.

Mrs. Townshend questioned if this was an area where they don't put up temporary fencing? Responding to Mrs. Townshend, Mr. Moran stated that was correct.

Mr. Tolbert stated that there are police in the area. Do they not address the problem? Responding to Mr. Tolbert, Mr. Moran stated that it's not in the City of Dover, it's in Kent County. He has notified the State but they are manning the check point and a lot of people are coming through. They are not going to chase the people through the soy beans. This year they are going to plant corn in the field because they just don't want the people trampling the field. When he had to pull the car out one year, the driver had gone through part of the corn field.

Mr. Tolbert questioned how many homes were in that area? Responding to Mr. Tolbert, Mr. Moran stated that along the front, he has a rental home and his sister in law lives next to that home, his sister lives in the farm in the middle of the field and then there is the farm house that they rent out.

Mr. Tolbert questioned if it was all family in that area? Responding to Mr. Tolbert, Mr. Moran stated no, two of the properties are rentals but they are family owned.

Ms. Deborah Handel – 1160 Persimmon Tree Lane Dover, DE 19901

Ms. Handel stated that her property is almost diagonally across from the entrance. It used to be Moore's Farm Lane but now it has a street number. They have made the road part of the City of Dover. She was really surprised to hear about the sidewalks. She didn't know that the City of Dover required sidewalks for things. One of the biggest concerns for them in addition to what Mr. Moran was saying about his crops is the number of people that use Persimmon Tree Lane as their sidewalk. They have asked for years for the Speedway or Red Frog or somebody to figure out some sort of access to get the people from that eastern campground over towards the Monster area without walking on Persimmon Tree Lane. They have asked them to access roads behind the stages. If they can move their equipment and supplies on these access roads, why can't they move their people onto these access roads and then no one would have to use Persimmon Tree Lane. No one would have to be in her front yard doing what Mr. Moran said where you try calling the cops and there are cops literally right there who don't really care because they are only doing traffic. The only time that she has been able to get a State Trooper out to her house is when she threatened the dispatcher with her badge number that she was going to file a complaint. That's a County issue and she knows that we are not discussing that. If they can put some sort of transportation access road or sidewalk on the City of Dover property and keep the City of Dover residents in the campers off of their County road, then why would you waive that requirement? Why would you put the burden on the County and on the residents on that street when you can contain these people on your property?

Mr. Tolbert questioned if she had talked to Kent County at all about her concerns? Responding to Mr. Tolbert, Ms. Handel stated that she was actually here last year when the property was being annexed and rezoned and she has expressed these concerns every year. She has talked to the Speedway about it and she has talked to Mr. Jim Hosfelt who is in charge of security. A couple of years ago he actually parked his truck at the end of her driveway and watched the people walking around and using her driveway for a turnaround or drop-off point. She actually asked people to not use their driveway because they had to go to work and they flicked us off and told us where to stick it. They told the people that this was private property and they were told to chill and calm down. It didn't matter that they had to go to work and had their own bills to pay. They weren't supposed to inconvenience these people by having them not use their driveway. She has pictures of people sleeping in her trees, doing whatever in her trees and relieving themselves in her trees. She had two girls who just sat that the end of her driveway and took selfies of each other. It's all of the pedestrian traffic. She saw a lady in a pickup truck that must have made $3,000 one day just charging kids so much per head to give them a ride in the back of her truck. She would pick up in front of the Monster and dropping them off either at her road or at the entrance of 1299 and picking up another load of kids there and taking the kids back to the Monster. There is no way for them to get through the festival grounds. You can't go into the concert, walk past all of the concerts and then get out. They don't want to do that they just want to walk around. All of that pedestrian traffic is on our road and if there is a sidewalk requirement for City of Dover properties then why can't you put some sort of access road on that property? Like she said, there is an access road that goes behind the stages; it's on those maps. It's already there and they use it for emergency equipment, the supplies and to get the artists around the venue. Why can't they use that road, widen it and somehow designate that to get these campers from that one lot back to the Monster?

Mr. Tolbert questioned if she has had a conversation with the Mr. Dunning from the Speedway?

Responding to Mr. Tolbert, Ms. Handel stated yes but Mr. Dunning is not there anymore. All he did was fenced in the lot next to her which worked out very well. She even told Ms. Lauren King from Red Frog that that part worked out very well but it still does relieve all of the pedestrians that chose not to use the transportation that was provided. Some of that is because the transportation takes so long to come. The year before, there were people who signed up to park off of Lewis Drive. You were supposed to get a free drink and something else and ride for signing up and they decided not to use those buses so all those people were out walking on the County road.

Mr. Tolbert questioned if she what she is saying is that she wants more crowd control? Responding to Mr. Tolbert, Ms. Handel stated yes, but she has always said now that it's City of Dover property why can't you have them travel that property without going through Mr. Moran's fields? She has watched people go through his fields. Her neighbor has seen girls relieving themselves. They have seen the people who cut right across to get from Point A to Point B. Why should they walk out Moores Lane and come across Persimmon Tree Lane when they can just walk through the field? Somehow you have to stop those pedestrians from getting out on Moores Lane onto Persimmon Tree Lane. Once they get into the campground then take City of Dover property and get back to the other side. They need to stay on their own property. She was really surprised to hear that the sidewalks are a requirement and that the Commission is waiving sidewalks.

Mr. Lee Moran – Persimmon Tree Lane Dover DE 19901

Mr. Moran questioned if the City of Dover can put sidewalks on property that does not belong in the City of Dover? Responding to Mr. Moran, Mrs. Townshend stated that the frontage sidewalk that the Code would require would be along the frontage of property owned by the applicant. So even if the sidewalk were required, much of the property in that area is not owned by the Speedway so there would be gaps in whatever sidewalk was constructed.

Mr. Moran stated that's why he asked because he owns most of that frontage. Responding to Mr. Moran, Mrs. Townshend stated that the sidewalk would not be required along his frontage.

Mr. Moran stated that actually he can answer part of Ms. Handel's question. One of the problems that Dover Downs had going through the back part instead of down Persimmon Tree Lane is that it's a lot of wetlands back there. That's why Dover Downs had to come to him. That access road going between the woods only has 2 more years lease and then it's out.

Mr. Tolbert closed the public hearing.

Mr. Holt stated that they have a real problem with the crowd control during this thing. He doesn't know if there is anything that they can do about except maybe require some large fences. Responding to Mr. Holt, Mr. Moore stated that what he can do is facilitate a meeting with each of the neighbors with both Red Frog and Dover International Speedway. Temporary fencing is something that is an easy solution to some of these issues and they are using more of it as the event has progressed. Mrs. Townshend had identified an area over by Towne Point; that's an area that they have targeted. He would recommend that they be allowed to have meetings with the property owners to talk about temporary fencing and other crowd control issues with both Red Frog and Dover International Speedway. The Red Frog representative now Mr. Brian Seacrest. He is aware that I'm here tonight and he is a different person but Mr. Seacrest is the designee for this project and he would be willing to get the neighbors and him together to work on temporary fencing to keep the crowds down.

Mrs. Townshend stated that just for clarification, when you see the 8-foot tall chain link fence that is up around the festival area, that's what they are using for temporary fencing. We are not talking about snow fencing or something that's going to collapse easily. They are using real fence materials it just comes down after the festival.

Mr. Moore stated that the fencing is real chain link. He is not going to say that you can't get through it because kids get through a lot of things. It's not like a plastic fence where you can just push it over and go through it. His offer is to meet with the two neighbors and talk about where they can actually do that and try to solve the issues.

Mr. Tolbert stated that it sounds like it would be a big help to diminish the problem if not solving it altogether. Responding to Mr. Tolbert, Mr. Moore stated that the issue of the sidewalk is a different issue. It's a containment issue and yes it would be great if they could run this event and not get on any of the State roads but the event could not be run without using these State roads to get these people back and forth. Certainly, they can add some internal roads to help but these roads are necessary to accommodate this many people from these two directions. The problem with the sidewalk is that some of this area is in the County and some of this property they don't own. They don't want a situation where they have sidewalk, it stops and then people go into private property and then we have more of these people coming in saying that they are directing people onto their property because your sidewalk stops. They are unable and DelDOT doesn't want them to be creating that problem to make problems worse.

Mrs. Townshend stated that she wants to add just a little bit of context in terms of the planning that goes into this event on the part of the transportation and emergency services. She believes that the Speedway has monthly meetings throughout the year where the law enforcement agencies and emergency services are a part of that. In addition, DelDOT has monthly meetings with the Speedway, emergency services and the traffic management and DelDOT safety staff, and work on these issues throughout the year. Her concern would be doing something that's inconsistent with what the experts have laid out. She would want to see if there is an inclination to say no waiver for the sidewalk, she would want to defer that decision to next month so that they can get more informed feedback because again the DelDOT personnel that are involved in that people movement aspect of it are certainly the experts. She does not claim to have the expertise that they have on that matter. At this point she believes that DelDOT is aware that they are requesting no sidewalks and DelDOT has not said that's a problem. She thinks that if there is an inclination to say no to the waiver request, she would prefer that it be deferred so that we can get input from DelDOT. Again, what she wouldn't want it to end up thinking that we are solving a problem and creating something because we don't have the depth of expertise that the transportation people have.

Dr. Jones stated that in light of what Mrs. Townshend just indicated and in light of the offer that Mr. Moore just made about meeting with the residents, it would seem to her that she would be comfortable deferring action on the entire application until next month. She doesn't see any problems but we defer one thing and then there are other issues that need to come back to the Commission. Mr. Moran and Ms. Handel have some issues and maybe some others. So rather than piecemeal, maybe they can just get a plan and move forward. Responding to Dr. Jones, Mr. Moore stated that the problem with that is that there's other emergency access roads internal that are part of the plan that they need to be working on to get for the event. His request would be to approve the plan as

presented, let them have an opportunity to meet with the residents in terms of crowd control and temporary fencing and if the sidewalk is the issue, separate that piece from it. He hates to ask that but if they don't do that then they are not going to be able to do the other safety improvements that the Fire Marshal has asked for inside the event.

Ms. Maucher questioned if the Fire Marshal improvements would help internal movements of pedestrians? Responding to Ms. Maucher, Mr. Moore stated that whenever they do access ways it will help. Will it solve all of the issues that were brought up by the two neighbors, probably not.

Mrs. Townshend stated that it's not going to keep people from walking on Persimmon Tree Lane.

Mr. Moore stated that it won't keep people from doing things that they shouldn't be doing. Some of that crowd control issue is a separate issue that needs to be dealt with by the Staff that are part of both Dover International Speedway and Red Frog. Fencing will certainly help them be able to do that.

Dr. Jones stated that one of the waivers requested is the elimination of the opaque barrier fence component. Is this addressing Mr. Moran's concern? Responding to Dr. Jones, Mrs. Melson-Williams stated that the opaque barrier fence would be in any situation where the parcel is adjacent to residential uses. It's our standard for when commercial backs up to residential and it has two components; the fence which is a solid element and the Planning Commission can waive in its entirety and then the landscape component. In this area where Mr. Moran is referring to its wooded so in order to build the fence on their property it would mean clearing of woodland.

Mrs. Townshend stated that the other thing is that the area that it backs up to on Mr. Moran's property is the agricultural portion; the residential portion fronts the road. She thinks that the waiver doesn't come into play but she thinks that it's reasonable to request that the applicant work with the neighbors on appropriate fencing.

Dr. Jones stated that the Commission could approve that and the other issue is being addressed. Responding to Dr. Jones, Mr. Moore stated that they are going to increase the temporary fencing this year from last year which was increased from the year before. As they know of issues like this so that they get better crowd control and containment. That is separate from the opaque barrier. He doesn't believe that it conflicts with helping these neighbors with temporary fencing. Most of the residential areas require a separate fence like that would be from that neighborhood which is Persimmon Park Place and Towne Point. There's some areas in Towne Point that need the separate fence because they are residential uses.

Mrs. Townshend stated that there are other places where the property is adjacent to residential areas on the other side but there's such dense wetlands separating them that it doesn't provide a practical benefit.

Mr. Roach questioned if there were any incentive based things that go along with the people who are on these properties that are inconvenienced for these four days? He goes to Firefly every year and he thinks it's a great event. They bring so much revenue to our city. He would hate for at any point in time to see it go but he can definitely understand because he is one of the people that rides by and thinks "Wow, they are really using the bathroom is someone's yard." He definitely sees both sides of the issue. Responding to Mr. Roach, Mr. Moore stated that he doesn't know the answer to that.

Ms. Maucher questioned if they meet with residents in the area every year before or after the event? Responding to Ms. Maucher, Mr. Moore stated that Dover International Speedway has done that in the past and that's what he is facilitating for the neighbors here tonight for both Red Frog and Dover International Speedway because it will be Red Frog's responsibility to put up the temporary fencing. He is going to go back to their representative and let him know that they need to get together with Mr. Moran and Ms. Handel and talk about temporary fencing to put a plan in place to help address the issue.

Dr. Jones moved to approve S-17-03 Dover International Speedway Parking & Event Area Master Plan to include the waivers for reduction of the bicycle parking requirement, elimination of the opaque barrier fence component and the alternative for the opaque barrier landscape component and inclusive of DAC comments.

Mr. Holt questioned if the sidewalk waiver needs to be included in the motion? Responding to Mr. Holt, Mrs. Townshend stated that Dr. Jones did not add it into the motion so there can be a separate motion to defer that after the Commission acts on this motion.

The motion was seconded by Mr. Holt and the motion was carried 6-0 by roll call vote. Mr. Roach voting yes; he thinks that it's a great event that he goes to every year to support his city. As long as Mr. Moore actually has communication with the residents in that area and they actually get the temporary barriers. Mr. Holt voting yes; he feels like it's a much need thing and this master plan will be a big improvement for the Firefly Festival and other festivals that come after it. Mr. Baldwin voting yes; he agrees with everything that has been said except he wants to make sure that the temporary fencing is included as part of this motion. Dr. Jones voting yes; she thinks that it looks like a good plan based upon her assessment of the situation and the discussion. She is especially pleased that there is such willingness to work with the residents. We don't always see it come together so quickly. Ms. Maucher voting yes; Red Frog has communicated their willingness to invest in the property and to address the resident's concerns. Mr. Tolbert voting yes; for the reasons previously stated. He recognizes what the Firefly people are doing is something that needs to be done in that area and it is being done. It's going to make it a more reasonable and decent event and not so problematical while it still produces income for the City of Dover.

Dr. Jones moved to table action on S-17-03 Dover International Speedway Parking & Event Area Master Plan for the waiver for the elimination of the sidewalk requirement for further information until next month's meeting, seconded by Mr. Holt and the motion was carried 4-2 by voice vote.

NEW BUSINESS

Meeting adjourned at 8:18 PM.

Sincerely,

Kristen Mullaney
Secretary

Professional Development and Training Opportunities for Local Government

offered through the

Institute for Public Administration at the University of Delaware

PLANNING 203

Advanced Land-Use and Development Administration

March 24, 2017

9 a.m. to noon

Check-in begins at 8:30 a.m.

University of Delaware
Paradee Center

69 Transportation Circle
Dover, DE 19901

$50 Registration Fee
Includes refreshments

Registration Deadline
March 23, 2017

Planning 203 is a new hands-on course designed to apply skills discussed in Planning 103 for administering and interpreting land-use (zoning and subdivision) regulations. This course features in-class exercises that will provide an opportunity for participants to analyze and interpret a land-use and development code, to formulate answers to typical land-use administration questions, and to review development plans.

This session qualifies for certificate credit in the Academy for Excellence in Local Government Leadership, and the Delaware Planning Education Program.

COURSE INSTRUCTORS



Ann Marie Townshend, AICP
Director, Planning & Community Development
City of Dover



Linda Raab, AICP
Senior Land-Use Planner, IPA
University of Delaware

Dare to be first.

UNIVERSITY OF DELAWARE

Register for this and other training events online at

www.ipa.udel.edu/events.html

Note: Registration for this event can only be done online.

MINUTES OF

PLANNING COMMISSION QUARTERLY WORKSHOP MEETING

OF February 22, 2017

- The Meeting Minutes of February 22, 2017 are still being prepared. These Meeting Minutes will be distributed to the Planning Commission via email or hand delivered.
- Adoption of the Meeting Minutes will be considered at the March 20, 2017 meeting of the Planning Commission.

City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 8, 2017

PLANNING COMMISSION MEETING OF March 20, 2017

Plan Title:	The Little People's Daycare C-17-01
Plan Type:	Conditional Use Site Plan
Property Location:	118 Roosevelt Avenue
Tax Parcel:	ED-05-077.18-02-84.00-000
Owners:	Waynenicka Johnson Jessica D. Cooper
Site Area:	0.33 Acres
Proposed Use:	Large Family Day Care
Building Area:	Existing 2 story frame building
Off Street Parking:	Required – 1 space per 10 children + 1 per adult attendant Proposed – 4 spaces
Sewer & Water:	City of Dover
Zoning Classification:	R-8 (One-Family Residence Zone)
Waivers to be Requested:	Elimination of sidewalk

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER PLANNING

APPLICATION: Day Care: 118 Roosevelt Avenue

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

CONTACT PERSON: Tracey Harvey PHONE #: (302) 736-7196

PLAN SUMMARY:

This Conditional Use Site Plan Review is to permit a large family day care facility in an existing 1,080 S.F. building at 118 Roosevelt Avenue to be known as The Little People's Day Care. The project area consists of one parcel of land totaling 0.33 acres ±. The property for the proposed development is zoned R-8 (One Family Residence Zone). The property is located on the south side of Roosevelt Avenue. The owners of record are Waynenicka Johnson and Jessica D. Cooper Property Address: 118 Roosevelt Avenue. Tax Parcel: ED-05-077.18-02-840.000-000.

The Day Care facilities type of land use requires Conditional Use approval by the Planning Commission based on the requirements (Large Family Daycare Home or Day Care Center) noted in Article 5 §14 and Article 10 §1. The requirements for Day care facilities are given below:

Section 14. Day care facilities.

14.1 General. In order to promote the development of quality child care outside of the home (day care facilities), the following two basic assumptions have been made:

14.11 The establishment of day care services and facilities, wherever there is a need, is a necessary public objective; and

14.12 Day care programs shall be treated as community facilities and shall be permitted to locate in any zoning district, provided that need has been demonstrated, state licensing requirements have been met and no physical hazard to children can be reasonably anticipated.

14.2 Definitions.

Day care facility. For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by a parent or guardian, for periods of less than 24 hours per day shall be defined as follows:

14.21 *Day care center*.

(a) Any place, other than an occupied residence, which receives children for compensation for day care or large family day care home; and

(b) Any occupied residence which receives 13 or more children for compensation for day care.

Day care centers shall be required to obtain conditional use approval by the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10 and to any specified requirement set forth in subsection 14.3 below, except in zoning districts where listed as a permitted use.

14.22 *Family day care home.* An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives for compensation. Such care in a family day care home is limited to that care given to six or fewer children. Such child care facility shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit and site plan approval.

14.23 *Large family day care home.* A facility which provides child care for more than six, but less than 13 children. This care may be offered in a private home or in a property converted to the purpose of providing child day care. This form of day care facility requires the submission of a site plan application in accordance with the procedures and subject to article 10, section 2 of the zoning ordinance. If a large family day care home is not to be located in an occupied residence, then a conditional use site plan application shall be required in accordance with article 10 section 1 of the zoning ordinance.

14.3 Zoning criteria.

14.31 *Number of children.* Day care centers shall be limited to a maximum of 50 children in all residential zones.

14.32 *Outdoor play area.* Must meet the state requirement for day care centers.

14.33 *Off-street parking/loading.* One space per each adult attendant, plus one space for every ten children.

14.34 *Signs in all residential zones.* Signage shall be limited as follows:

(a) *Family day care homes and large family day care homes.* One wall-mounted sign limited to two square feet.

(b) *Day care center.* One sign, wall-mounted or freestanding, limited in area to 12 square feet. The planning commission shall consider the location of such sign as part of the conditional use review and may approve a lesser amount of sign area if deemed necessary by the commission to protect the general health, safety and welfare of the public in general and the residents of the immediate neighborhood in particular.

Signs in nonresidential zones. Day care centers within nonresidential zoning districts shall be governed by the sign regulations in effect for the particular nonresidential zoning district in which the day care center is located.

14.35 *Licensing requirements.* Day care facilities must meet state standards, and a license from the state shall be submitted to the department of planning and inspections prior to the issuance of a City of Dover Business License.

(Ord. of 5-14-1990; Ord. of 4-25-1994; Ord. of 4-23-2007(3))

This Conditional Use is subject to the requirements of Article 10 §1 further discussed below. With Conditional Use applications, the Planning Commission reviews the proposed project to determine whether or not the intended use is appropriate in type and scale for the immediate neighborhood. The Commission must also consider whether or not the proposed use will have an adverse impact on the future orderly development of the surrounding area. The Planning Commission may prescribe appropriate conditions and safeguards to the use if determined to be

necessary. The following sections of the *Zoning Ordinanc*e which relate to the role of the Commission in reviewing Conditional Use applications are particularly relevant when reviewing this application:

Article 10 §1:

1.1 *Accessibility for emergency response.* That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;

1.2 *Harmony of location, size and character.* That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

1.3 *Residential zones.* That, in addition to the above, in the case of any use located in, or adjacent to, a residential zone:

1.31 The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

1.32 The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of landscaping, and other improvements on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

1.4 *Conditional use permits.*

1.41 *Conditional use approval.* Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

(A) The provision in this article under which such permit was issued is still in effect;
(B) Such permit was issued in conformity with the provisions of this article; and
(C) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

1.42 *Periodic renewal of conditional use permit.* The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing in accordance with subsection 1.53. The commission may withhold approval of the renewal upon a determination by the city planner to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with.

PROJECT PROPOSAL

The existing building on the property is proposed to be occupied by the Day Care only with no residential use. The Application submission states that twelve (12) children will be attending the Day Care with two adult attendants.

The project proposal for twelve (12) children at The Little People's Day Care would be classified

as a "Large Family Day Care Home" by the *Zoning Ordinance* as it provides care for more than six children but less than 13 children. If the number of children increases to 13 or greater, then it would be considered a "Day Care Center."

Day Care facilities also require licensing through the State of Delaware. The number of children permitted in a Day Care facility is determined by State of Delaware along with mandated child to attendant ratios.

The Plan shows an outdoor play area on the south end of the site in the rear of the existing building. There are State requirements which dictate the size of this area based on the number of children. The applicant has provided documentation that the size of the play area is adequate to suit the needs of the children it serves. Fencing for the play area is identified on the plan. Access/egress into the playground area appears to be directly from the building.

PREVIOUS APPLICATION:
On March 10, 2016, the Administrative Site Plan Application S-16-09 Day Care of Waynenicka Johnson was approved by Planning Staff to permit a Large Family Day Care as an occupied residence in an existing 2 story framed building located on the south side of Roosevelt Avenue. An inspection conducted by Child Care Licensing on December 15, 2016 and the City of Dover Fire Marshal's office on December 27, 2016 indicated that the owners of the property did not reside at the residence. Under Article 5 Section 14.23 of the *Zoning Ordinance*, if a Large Family Day Care home is not to be located in an occupied residence, then a conditional use site plan application shall be required in accordance with Article 10 Section 1 of the *Zoning Ordinance*.

R-8 Zoning
The property is zoned R-8 (One Family Residence Zone). The existing building footprint is not changing or enlarging. For the Day Care use, the existing building placement appears to be legal nonconforming as to the setbacks of *Zoning Ordinance* Article 3 Section1.14 (a) iv. The building covers 8% of the lot.

PARKING SUMMARY
The plan shows a total of four (4) parking spaces. The number of required spaces shown on the plan is based upon the requirements for a day care facilities in Article 5§14.33, which requires one space per ten (10) children plus one space per adult attendant. Since this facility proposes 12 children and 2 adult attendants, the parking complies with the requirement.

The total size of the building does not require a loading space as per *Zoning Ordinance*, Article 6 §4.23.

BUILDING ARCHITECTURE
The submission does not include Architectural Elevation drawings since the existing building will be utilized. The site has an existing two story building with a pitched roof. The primary entrance to the building is located facing Roosevelt Avenue. A secondary entrance is located at the rear of the building adjacent to the parking area.

SITE CONSIDERATIONS

The applicant has elected not to expand the parking area since the total number of children at the daycare will not exceed twelve (12) children and the current parking available on site complies with the parking requirements.

Dumpster Construction

The applicant did not reserve a site location of the dumpster pad on the plan in accordance with Article 5§ 6.12 of the *Zoning Ordinance*. Trash collection services are provided by the City. A dumpster pad and enclosure may be required to be constructed per Article 5 §6.18.

Waiver Request: Elimination of Sidewalk

Sidewalks are not present along the residential street frontage of Roosevelt Avenue. *Zoning Ordinance,* Article 5 Section 18.1 requires sidewalks along public street frontage of a property whenever a property involves the Planning Commission review of the development activity. The Planning Commission has the ability to modify or waive this sidewalk requirement (Article 5 Section 18.4). The applicant has submitted a waiver request for consideration by the Planning Commission seeking to eliminate this required sidewalk. The plans must be corrected to show the required sidewalk unless a waiver is granted by the Planning Commission.

TREE PLANTING AND LANDSCAPE PLAN

Based on the total site area of 14,640 S.F., five (5) trees would be required. There are four (4) existing trees on site and one (1) tree needs to be planted. The proposed tree planting for the site would include: A Yoshino Cherry, Swamp White Oak, or Red Maple.

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

CITY AND STATE CODE REQUIREMENTS:

1) The data columns will need to be updated prior to Final Approval with the following:
   a) Any updates to the data column resulting from changes to the site layout.
   b) Any changes recommended or approvals granted by the Planning Commission.

2) Sidewalk along Roosevelt Avenue frontage is required. The applicant submitted a waiver request for consideration by the Planning Commission seeking to eliminate the required sidewalk.

3) Dumpsters for Property: Identify storage location of cans. Screening may be required.

4) Ensure that the tree planting does not conflict with utilities lines such as sewer, water, hydrants, etc. and that separation distances are maintained. The required tree plantings must be implemented on the property.

5) The requirements for the maximum children allowed for a Large Family Day Care is twelve

(12) children. Exceeding this number will require additional code compliance in accordance with the *Zoning Ordinance.*

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Waiver Request: The following is the staff recommendation regarding the waiver request:

   a. Elimination of Sidewalk: Staff recommends approval of the request to eliminate the sidewalks of the proposed day care as there is not a frontage sidewalk along the existing residential area frontage along Roosevelt Avenue.

ADVISORY COMMENTS TO THE APPLICANT:

1) In the event, that major changes and revisions to the Conditional Use Site Plan occur in the finalization of the Site Plan contact the Department of Planning and Inspections. Examples include building additions, relocation of site components, and increases or changes in the number of children. 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.

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

3) Following Planning Commission approval of the Conditional Use Site Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff and to each DAC participant providing comments. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.

4) The applicant shall be aware that Conditional Use Site Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign.

5) The applicant shall be aware that Conditional Use Site Plan approval does not represent a Building Permit, Business and Occupancy Licenses, and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover. At a minimum an Administrative Building Permit will be required to establish this daycare facility use as a (Large Family Day Care) in the building.

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: MARCH 1, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **The Little People's Daycare at 118 Roosevelt Avenue**

FILE #: **C-17-01**

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

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

CONTACT PHONE #: **ELECTRIC - 302-736-7072 PUBLIC WORKS – 302-736-7025**

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook and load sheets are now available on the website at the following link: http://www.cityofdover.com/Public-Documents-4017/.

WATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. Due to the fact that this property is changing uses, 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 building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan, if an upgrade is required. 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.

WASTEWATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. 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. All proposed wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

STORMWATER/ SANITATION/ STREETS/GROUNDS

1. None

GENERAL

1. The final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg format) and Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. None

WATER / WASTEWATER / STORMWATER / STREETS/GROUNDS/GENERAL

1. None

SANITATION

1. The City of Dover will continue to provide the current level of trash service to this address. If additional trash service is required, the owner shall secure a private company to take over the sanitation service.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. Please provide any updates to electric load to determine any changes in equipment. Any costs associated with upgraded service will be the responsibility of the applicant and due prior to any work being performed.

WATER

1. Water impact fees may be associated with this project.

WASTEWATER

1. Wastewater impact fees may be associated with this project.

STORMWATER/SANITATION/STREETS/GROUNDS/GENERAL

1. None

GENERAL

1. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial Plan Submission Checklist, which can be obtained from the following website: https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal_1.pdf, page 88.

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

C-17-01

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 03/08/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: The Little Peoples Daycare at 118 Roosevelt Ave

FILE #: C-17-01 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is daycare center.
2. Building Access shall be no further than 50 feet from a primary entrance. Where buildings are provided with an automatic sprinkler system installed in accordance with NFPA 13, access shall be no further than 100 feet from the primary entrance.
3. Perimeter access will be 50% (25% if a sprinkler is present) 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 not interfere with emergency services fire ground operations.
4. 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.
5. Any natural or LP gas bottles, meters, valves, regulators, etc., must have impact protection per City of Dover Code of Ordinances.
6. Full building and fire plan review is required.
7. Building cannot be occupied or construction or renovations started until completion of building and fire plan review.
8. 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.

9. Sprinkler system may be required. If required, system is to be monitored by an approved Fire Alarm System.

10. 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.

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

12. Fire Alarm System required per occupancy code requirements.

13. Knox Box required.

14. Project to be completed per approved Site Plan.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. I suggest a meeting take place with the Chief Building Inspector and Fire Marshal to discuss the project.
2. This is a change of occupancy. Plans will need to be submitted by a licensed design professional with requirements from the Chief Building Inspector. The plans should also address the following:
   a. The age group and number of the children
   b. If a sprinkler system is needed
   c. If a kitchen hood and hood suppression system are needed
   d. Number and location of exits
   e. Use of the second floor
3. Daycare Licensing approval will be needed.
4. A Fire Alarm System is required.
5. Emergency exit and emergency lights are required.

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: March 1, 2017

D E L D O T

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APPLICATION: Little People's Daycare at 118 Roosevelt Avenue

FILE#: C-17-01 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

This project will likely qualify for DelDOT's Letter of No Contention (LONC) process. Please access the DelDOT Development Coordination website and under the "Guidance" tab you will find a PDF titled "LONC Request: Existing site with 199 ADT or less." Please read this document and verify if you meet the qualifications to apply for this request. The link to the website is:

http://www.deldot.gov/information/business/subdivisions/

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
March 2017

APPLICATION: The Little Peoples Daycare

FILE #: C-17-01

REVIEWING AGENCY: *Kent Conservation District*

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

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. The Kent Conservation District has no objection to the conditional use approval of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

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

Waynericka Johnson
118 Roosevelt Ave
Dover DE 19901
302) 249-1806

Jan 30, 2017

To Whom it May Concern:

I am applying for conditional use of property for large family daycare to be operating M-F and hours 6am-10p

Thank You

Waynericka Johnson

March 17

To Whom it May Concern

I am requesting a waiver for sidewalk located @ 118 Roosevelt Ave Dover DE 19

Please note I have ample driveway space for children to be dropped off, where sidew will not be necessary

Thank You,

Waynericka Johnson

Jessica Cooper

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 8, 2017

PLANNING COMMISSION MEETING OF March 20, 2017

Plan Title:	MedCore Partners on McKee Road
Plan Type:	Site Development Plan
Location:	East side of McKee Road north of College Road
Tax Map #:	ED-05-067.00-01-33.00-000
Owner:	George J. Kays and John J. Kays
Applicant:	MedCore Partners c/o Michael Graham
Site Area:	4.07 acres +/-
Zoning:	IO (Institutional and Office Zone) and COZ-1 (Corridor Overlay Zone)
Prior Use:	Vacant
Proposed Use:	Physical Rehabilitation Hospital
Building Area:	42,000 S.F.
Off Street Parking:	Required – 140 spaces (maximum 175 by code) Proposed – 120 spaces
Sewer & Water:	City of Dover
Waivers Requested:	Partial Elimination of Curbing Reduction of Loading Space Requirement Reduction of Parking Space Requirement Consideration of Superior Urban Design

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: March 1, 2017

APPLICATION: MedCore Partners on McKee Road

FILE #: S-17-05 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY

Review of a Site Development Plan application to permit construction of a 42,000 S.F. in-patient physical rehabilitation hospital and associated site improvements. The 4.07-acre subject site is located on the west side of McKee Road north of College Road. The property is zoned IO (Institutional and Office Zone) and subject to the COZ (Corridor Overlay Zone). The owners of record are George J. Kays and John J. Kays and the equitable owner is MedCore Partners c/o Michael Graham. Property is an unaddressed parcel on McKee Road. Tax Parcel: ED05-067.00-01-33.00-000. Council District 1.

Previous Applications

This property is the subject of Rezoning Application Z-16-07, recommended for approval by the Planning Commission on December 19, 2016 and approved by City Council on January 9, 2017. This application changed the zoning classification of the property from CPO (Commercial and Professional Office Zone) to IO. The property remained in the Corridor Overlay Zone. The rationale for the rezoning request was that the CPO Zone permits medical offices and medical laboratories, but not hospitals or medical clinics, as the IO Zone does.

PROJECT DESCRIPTION

The Site Plan proposes a 42,000 S.F. hospital building and associated site improvements. The building is located toward the southern end of the site and is surrounded on all sides by a drive aisle. The majority of the parking area is located on the northern side of the site, with some parking at the rear of the building and ADA-accessible parking to the east of the building across the drive aisle. A truck loading area and dumpsters are proposed near the southwest corner of the site. The site entrance is proposed to be located near the northeast corner of the site.

The site is planted with a variety of trees in the interior and around the edges of the site, and contains three stormwater management areas. Two of the stormwater management areas are located on the east side of the site, between the drive aisle and McKee Road, and the third is located beneath the parking lot. What form the above-ground stormwater management areas will take has not yet been specified but is anticipated to be either stormwater ponds or bioswales.

IO Zoning District
The project's proposed use as a hospital is permitted in the IO Zoning District.

COZ-1: CORRIDOR OVERLAY ZONE
The purpose of the Corridor Overlay Zone (Article 3 §27) is to promote superior development and a high quality built environment along the City of Dover's urban corridors. Because of this it sets standards for landscaping and architectural design in excess of those required by underlying zoning districts, and sets bulk standards which supersede those outlined in the *Zoning Ordinance,* Article 4. McKee Road is the corridor adjacent to this site.

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

- §27.62: Buildings must be situated on the property so that the longest side of the building is arranged parallel and square to the roadway. The building meets this requirement.

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

- §27.63(c)(ii): Landscaped buffer areas of at least 12 feet in width are provided between the building and adjacent parking lot and drive areas, except the truck loading area. 6-foot sidewalks are also provided in this buffer area.

- §27.64(d): Cross access will be provided in the event that future development on the properties to the north and south is of a use compatible with the hospital.

- §27.64(e): The site entrance is more than 10 feet away from adjacent commercial property to the north.

- §27.66: The building complies with the allowable number of stories and allowable building height in the COZ.

- §27.67(a): The proposal meets the requirement that 25% of the lot consist of landscaped open space. As shown 36.8% of the lot is open space. (31.6% if stormwater management areas are not counted).

- §27.67(b): Street frontages (McKee Road frontage) are required to have a landscaped open space 25 feet in depth, measured from the curb line, and to provide one tree per fifty (50) feet of frontage. The landscaping and tree planting requirement for this location has been met (see Landscape Plan discussion)

- §27.67(c) A minimum of 15 feet of landscaped open space is required along the rear lot line, which adjoins residential uses, and a minimum of 5 feet of landscaped open space is required along the north and south lot lines, which adjoin commercial uses. These landscaped open areas have been provided. The provisions of this subsection

also require tree planting requirements of 1 tree per 75 feet of perimeter. These tree planting requirements are also met (see Landscape Plan discussion).

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

Consideration of Superior Urban Design

The following requirements of the COZ have not been met, but may be relaxed if the Planning Commission determines that the project plan is "Superior Urban Design" based on specific criteria outlined in the *Zoning Ordinance*, Article 3, Section 27.2 and with reference to the policy guidance sheet "COZ-1 Superior Urban Design Goals and Policies" (see Attachment). See also the applicant's narrative seeking consideration for Superior Urban Design for the project.

- §27.61(a): The maximum setback for nonresidential properties on McKee Road is 50 feet. This may be extended to a maximum setback of 90 feet if the applicant can demonstrate to the satisfaction of the Planning Commission that the plan exhibits Superior Urban Design as defined in §27.2. The building is set back 86 feet from the front property line.

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

PARKING SUMMARY

Off-street parking in the IO zone must be provided at a rate of one (1) space per 300 square feet of floor area or one (1) space per employee, whichever is greater. The number of employees to be employed on site is unknown. Article 6, §3.1 of the *Zoning Ordinance* also specifies a parking requirement specific to hospitals: one space for every three (3) beds. The parking requirement based on the 34 beds that are to be in the facility would be twelve (12) spaces. The parking requirement based on the 42,000 S.F. floor area would be 140 spaces. By Article 6, §3.1, the greater requirement based on floor area governs.

Waiver Request: Reduction of Parking Requirement

The applicant has submitted a waiver request asking the Planning Commission to reduce the required number of parking spaces from 140 to 120. Per the requirements of the *Zoning Ordinance,* Article 6 §3.9, the Planning Commission may grant a waiver if it has been demonstrated the project is adequately served by transportation and parking alternatives, or if it has been demonstrated that the project meets the criteria of Superior Urban Design.

If a waiver is granted, an area of open space on the plan must be designated where parking could be constructed to meet the parking requirements of the site, if the Planning Commission so requires in the future. An area containing twenty (20) spaces has been designated near the northwest corner of the site where parking could be constructed if needed in the future.

Waiver Request: Reduction of Loading Space Requirement

Based on the use as a hospital and the 42,000 S.F. floor area, the building must be served by at least three (3) loading spaces. One (1) truck loading space is currently provided near the southwest corner of the site. The applicant has submitted a waiver request asking the Planning Commission to reduce the required number of loading spaces from three to one. Per the requirements of the *Zoning Ordinance,* Article 6 §4.4, the Planning Commission may grant a waiver if it can be demonstrated that the requirements of the Ordinance are in excess of the actual needs of the site.

Bicycle Parking

Bicycle parking is required at a ratio of one space for every twenty parking spaces. If the site is to be served by 119 parking spaces, six (6) bicycle parking spaces are required. The applicant is proposing seven (7) bicycle parking spaces, located in two racks near the south entrance to the building.

SITE CONSIDERATIONS

Easements and Property Lines

There is an existing 5-foot wide electrical easement along the McKee Road frontage. There are two additional existing easements, one in the southeast corner of the site and one near the site entrance, that are of unknown purpose. New cross-access easements will be recorded to allow access to the properties to the north and south if in the future these properties develop with uses compatible to the hospital, such as office uses consistent with their current CPO zoning. Cross-access to compatible uses is required by the Corridor Overlay Zone.

Traffic Circulation

It is possible for two-way traffic to circulate around the whole building perimeter. Traffic within the parking lot is also two-way. The site vehicular entrance is at a distance from the building, but provides easy access to the parking lot.

Sidewalks/Pedestrian Circulation

The site is served by an existing 8-foot wide multi-use path along McKee Road. A pedestrian entrance extends from this path to the main entrance to the building, passing the ADA-accessible parking spaces on the way. Sidewalk is also provided around the interior edge of the perimeter drive aisle, serving a total of seven (7) building entrances including the main entrance. A long crosswalk serves the parking lot, terminating near the northernmost entrance to the building. Pedestrian cross-access is not currently provided to the north or the south; if vehicular cross access is established then pedestrian links should also be installed at the cross-access locations.

Lighting

Light poles are proposed in appropriate locations around the site. At present information about direction, power and time of use for the lighting has not been provided. Because the hospital is not a commercial use there is no specific lighting level requirement.

Dumpsters

Based on the building's institutional use and the 42,000 S.F. floor area, two dumpsters are required. The two provided dumpsters are located near the southwest corner of the site and the method of trash collection appears to be front load. The method of loading must be confirmed. The applicants

must ensure that the dumpsters are sufficient to meet the trash collection and recycling needs of the site.

Waiver Request: Partial Elimination of Curbing

Article 6 §3.6(b) of the *Zoning Ordinance* requires upright, 6-inch curbing for all parking and drive aisle areas. The plan proposes flush curbing along the eastern edge of the entrance drive aisle, between the site entrance and the ADA parking as well as south of the ADA parking. The applicant has requested a waiver to relax the curbing requirement for these areas. The Planning Commission may grant a waiver if it can be demonstrated that the elimination of upright curbing is necessary to convey water to an approved stormwater management area. All of the flush curbing is adjacent to proposed stormwater management areas along McKee Road.

BUILDING ARCHITECTURE

The applicant has provided renderings showing the front and portions of the side elevations of the building. Due to the site's location in the Corridor Overlay Zone, the front elevation, known as the "corridor elevation," is subject to special requirements under the zoning. Corridor elevations are typically required to include several features, including functioning windows; a primary entrance door; a primary entrance feature; and either landscaping integrated into the building design concept, architectural or urban design elements linking adjacent structures, or architectural relief.

The architectural requirements of the Corridor Overlay Zone have been satisfactorily met. The building has functioning windows on the front facade for the interior spaces, taking up proportionately appropriate amounts of wall space. A primary entrance door is prominently located in the middle of the front façade, and the canopy over it serves as an effective primary entrance feature. The building exhibits strong architectural relief, with EIFS (exterior insulation finishing system) banding, metal coping, EIFS and precast corner quoins, EIFS and precast sills, stone veneer, and solar shades over the large windows in the center section of the building.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a concept for the Landscaping Plan. The total lot area is 4.07 acres (177,241 S.F.); based on this area, 60 trees are required to meet the tree density requirements of the site. The applicant proposes to meet this requirement with new shade tree plantings of October Glory Maple (11), Red Sunset Red Maple (11), Cherokee Sweetgum (8), Willow Oak (20), and Village Green Japanese Zelkova (9), ornamental tree plantings of Forest Pansy Redbud (4), Natchez Crapemyrtle (8), Sugar Tyme Crabapple (10), and evergreen tree plantings of Norway Spruce (35), White Pine (35), and Green Giant Western Arborvitae (34), for a total of 185 new trees. The trees are proposed to be distributed around all four property lines of the site as well as adjacent to the building and within the parking lot islands. Two existing trees may also be preserved on the site.

Article 3, §27.67(a) specifies that lots in the Corridor Overlay Zone must have a landscaped open space of at least 25 feet in width at the front of the lot, measured from the back of the street curb. This space has been landscaped as required. The COZ also requires at least one tree per 50 linear feet of frontage be planted along the front; 45 trees are planted along the 640-foot frontage so that trees are planted at a rate of one tree per 14.2 feet.

One tree per 75 feet is also required on nonfrontage perimeters. For the northern property line, 31 trees are provided along the 315-foot property line for a rate of one tree per 10.2 feet. For the western property line, 57 trees are provided along the 580-foot property line for a rate of one tree per 10.2 feet. For the southern property line, eight (8) trees are provided along the 273-foot property line for a rate of one tree per 34.1 feet. The southern property line is more sparsely planted than the others because of an existing drainage ditch along the property line.

Opaque Barrier Requirement

According to Article 5, §7.2 of the *Zoning Ordinance*, screening is required wherever a non-residential use abuts a residential use. This screening must consist of an opaque barrier (a fence, wall, or berm) at least six feet in height, accompanied by landscaping, with the landscaping on the residential side of the barrier. This requirement applies to the west side of the property. The applicant has proposed a 6-foot tall opaque vinyl fence to meet this requirement.

Vinyl fencing is not among the explicitly approved opaque barrier options given in the *Zoning Ordinance*. However, it is substantially similar to opaque wooden fencing given as one option for an opaque barrier in Article 5, §7.21. The Planning Commission may explicitly endorse the vinyl fencing as a suitable opaque barrier material.

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

CITY AND STATE CODE REQUIREMENTS:

1) Staff notes that several different submissions of the Site Plan set were received prior to the issuance of this report. While the comments in this report are tailored as much as possible to the latest submission, some of the sheet-specific comments given below may no longer be applicable. Additional sheet-specific edits may be made through the Check Print process.

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

3) 140 parking spaces shall be provided for the site in accordance with the requirements of the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request asking that the site be served by 120 spaces was received for consideration.

4) Three (3) loading spaces shall be provided for the site in accordance with the requirements of the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request was received for consideration.

5) Upright curbing shall be provided around all parking and drive areas in accordance with the

requirements of the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request was received for consideration.

6) Provide a note on the plan indicating that vehicular and pedestrian cross access will be provided in the event that the properties to the north or south are developed with compatible land uses, and that appropriate cross-access easements will be recorded.

7) Please provide more detailed information about the nature of the stormwater management areas (if they are retention ponds, rain gardens, underground tanks, etc.)

8) The Planning Office recommends constructing one or more gates in the fencing along the rear property and north line for easier maintenance of the landscaping along these property lines.

9) Sheet C-001 (Cover Sheet/Overall Site Plan):
   a. In the general notes column, provide a note indicating that the expense for constructing new utilities on the site will be borne by the developer.

10) Sheet C-101 (Existing Conditions and Demolition Plan):
   a. On the plan, please indicate the purpose of the permanent easement near the site entrance and the perpetual easement in the southeast corner of the property.
   b. Please label the sparsely dotted line that approximates the locations of existing trees on neighboring properties to the west.

11) Sheet C-201 (Site, Utility & Grading Plan):
   a. This plan does not document any changes in grade from the existing conditions. If any grading changes are proposed, please indicate them on this plan.
   b. If any newly constructed utilities are to be dedicated to the City of Dover, please document which ones on this plan.

12) Sheet L-101 (Landscape Development Plan):
   a. Please clarify whether existing trees on site, including two individual trees along the northern property line and the tree cluster along the western property line, are to be preserved. If they are to be preserved the plan must include tree protection measures to be taken during construction. If the tree cluster is to be preserved, some of the proposed new tree plantings along the western property line may not be able to be planted.
   b. In the bulk table, please indicate that there will be 59 proposed canopy trees.
   c. In the plant list, please revise the number of October Glory Maple trees from 10 to 11.
   d. On the plan, please provide lines indicating the limits of the landscape areas required along property lines by the Corridor Overlay Zone: 25 feet for the east property line (as measured from the back edge of the curb of McKee Road rather than the property line itself).
   e. Please confirm that all trees are a minimum of 10 feet away from all underground utilities (as measured from the trunk).
   f. Please ensure there is no overlapping text.
   g. If the “Title Line Per Deed of George Kays and John John Kays” is not to be used on the other sheets, please do not use it on this sheet.

13) Please provide one or more detail sheets depicting required site details, including but not limited to bike racks, site lighting, stormwater and sewer utility details, etc.

14) Architectural Submission:
    a. Please provide renderings of the rear elevation of the building to the Planning Office.

15) Signs are subject to a separate review and approval process in the City of Dover. However, advice may be given on the locations of freestanding signs if they are included on the Site Plan.

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

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Superior Urban Design: Staff recommends the Planning Commission grant approval of a designation of Superior Urban Design, noting the Site Plan's qualifications in the following areas:
    a. Landscaping: The landscape design exhibits a robust use of trees, shrubbery, and flowering plants. The plan is also to include integration of pervious paved material for sidewalks, tree preservation measures for any trees to be preserved, and water gardens and ponds should they prove appropriate to the site's stormwater management system. The stormwater management areas will have to be appropriately landscaped to appear natural.
    b. Architecture: The building would improve the character of the area and appears to be tailored to the site. It makes use of unique architectural elements including bands, corner quoins, coping, stone veneer, and canopies.

2) Waiver Request: Partial Elimination of Curbing: Staff recommends approval of the waiver request to relax curbing requirements on the easternmost drive aisle. The upright curbing requested to be waived is directly adjacent to stormwater management areas. Therefore, the elimination is appropriate to allow sheet flow of water into these areas.

3) Waiver Request: Reduction of Parking Requirement: Staff tentatively recommends approval of the waiver request to relax the parking requirements of the site. The site appears to be adequately served by transportation alternatives, including the 8-foot multi-use path and transit on McKee Road. The waiver request states that MedCore believes 120 parking spaces are adequate based on their experience with their other physical

rehabilitation hospitals. Some further information about these other facilities would bolster the argument.

4) Waiver Request: Reduction of Loading Space Requirement: Staff recommends approval of the waiver request to relax the loading space requirements of the site. Staff concurs with the applicants that one loading space would be adequate for the site, given the bed count of the facility.

5) Tree planting locations: Planning Office staff believes that the trees along the McKee Road frontage may be too dense, obstructing visibility of the site from the street. This may be mitigated by removing or reducing the number of evergreen trees along the front (other than those screening the ADA parking spaces). If this is done the McKee Road frontage will still meet the landscaping requirements of the Corridor Overlay Zone.

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

ADVISORY COMMENTS TO THE APPLICANT:

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

2) The Planning Commission should act upon the Waiver Requests and the Superior Urban Design designation as part of any motion to approve this Site Plan, or as a separate motion if necessary. Note: The recommendations are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.

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

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

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

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

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

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

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

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

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

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

City of Dover

DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 8, 2017

PLANNING COMMISSION MEETING March 20, 2017

Plan Title:	Secure Storage Revised Site Plan, Phases 2 & 3 S-17-06
Plan Type:	Site Development Plan
Applicants:	Secure Storage, LLC
.	
Location:	North side of Lafferty Lane
Address:	640 Lafferty Lane
Tax Parcel:	ED-05-077.00-01-25.00-000
Site Area:	18.86 acres +/-
Zoning:	IPM (Industrial Park Manufacturing)
Present Use:	Mini-Storage Facility with Boat & RV Storage and Associated Office
Proposed Use:	Mini-storage Facility (Expanded) with Boat & RV storage and Associated Office
Building Floor Area:	Existing: 62,700 S.F. Additional Proposed 94,500 S.F.+/- Five (5) buildings ranging in size from 13,500 S.F. to 22,500 S.F. One building contains 600 S.F. office
Off Street Parking:	Required – 1 space per 25 units and 3 spaces at office Proposed – Minimum of 57 parallel spaces (required), 34 RV & Boat Storage designated parking spaces and 6 parking spaces at office
Sanitary Facilities:	City of Dover
Water Supply:	City of Dover
Waivers Requested:	Partial Elimination of Curbing Elimination of Sidewalks

To Be Submitted for Consideration: Performance Standards Review Application

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

APPLICATION: Secure Storage Revised Site Plan, Phases 2 and 3 on Lafferty Lane

FILE #: S-17-06 REVIEWING AGENCY: City of Dover Planning Office

CONTACT PERSON: Dawn Melson-Williams, AICP PHONE #: 302.736.7196

PLAN SUMMARY

This is a Site Development Plan to permit construction of Secure Storage Phases 2 & 3 of a mini-storage facility consisting of five (5) storage buildings, on a site already containing 14 storage buildings (Phase 1), for a total of 19 buildings. The new buildings total approximately 94,500 S.F. Associated improvements including a boat and RV parking area and a second site entrance are also proposed. This also includes a Review of the Performance Standards Review Application associated with the Site Plan to determine if the proposed use will conform to the applicable performance standards as outlined in *Zoning Ordinance,* Article 5 §8 Performance Standards. The 18.68-acre subject site is located on the north side of Lafferty Lane, east of South Bay Road. The property is zoned IPM (Industrial Park Manufacturing Zone). The owner of record is Secure Storage LLC. Property address: 640 Lafferty Lane. Tax Parcel: ED05-077.00-01-25.00-000. Council District 2.

PREVIOUS APPLICATIONS

This property was the subject of Site Plan Application S-02-23 Secure Storage and was granted conditional approval by the Planning Commission on August 19, 2002. As part of the plan a Minor Subdivision subdivided three additional lots (Lots 2-4) directly adjacent to Lafferty Lane for future development. The Final Site Plan for Secure Storage LLC was approved for the development of Lot 1 on May 29, 2003 and construction of the mini-storage facility began. Revisions to consolidate several buildings in Phases 2 and 3 were reviewed on April 15, 20005 and grant Final Plan Approval on April 25, 2005. The portion of the plan known as Phase 1 and one building from Phase 2 were constructed but the rest of the plan lapsed.

The initial development of the site pre-dates the Preliminary Land Use Services Review (PLUS) process which began in 2004.

The property was also part of a Unified Comprehensive Signage Plan US-03-01 Secure Storage Complex that was reviewed May 19, 2003.The Planning Commission approval of the Comprehensive Signage Plan consisted of monument signs and pylon signs to serve the mini-storage facility and the adjacent future development lots.

PROJECT DESCRIPTION

The Site Development Plan proposes the construction of Phases 2 and 3 of the Secure Storage facility. As it exist, this mini- storage facility consists of 14 building of various sizes including

one building with the facility office. There are also designated areas for RV and boat parking. With this plan, construction of five (5) additional buildings are proposed ranging in size from 13,500 SF to 22,500 SF along with a designated RV and boar parking area in the Phase 2 and Phase 3 areas of the property. The plan initially submitted accounted for twenty-three (23) new buildings ranging in size from 2,400 SF to 9,000 SF. Review of the DAC comments, which included a requirement that mini-storage buildings of 2,500 SF or greater include a fire suppression system, caused the applicant to modify the plan to allow for fewer, larger buildings on the site. These changes are hand drawn on the site plan provided to the Planning Commission. As the plan corrections are incorporated, the applicant will provide drawings competed by a design professional.

The IPM zoning district allows mini-storage facilities with specific criteria as outlined in *Zoning Ordinance,* Article 3 §20.18.

> **Article 3 §20.18 Mini-storage facilities subject to the following regulations:**
> (a) No unit shall be placed within thirty (30) feet of any other structure on the lot or a residential property line.
> (b) No outside storage, except for recreational vehicles, boats or personal automobiles when completely screened from view and parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
> (c) No individual unit may be used for retail, garage sale or any other commercial activities.
> (d) No storage of flammable, explosive, corrosive or other hazardous products may occur in the individual unit.
> (e) Parking must be provided at a ratio of one space for each twenty-five (25) rental units plus a minimum of three (3) spaces for an office outside of the enclosure. One row of parallel parking is permitted between buildings at a ratio of one space per twenty-five (25) feet.
> (f) All other bulk requirements of this ordinance are met.

Previously, portions of this property were subject to the requirements of the Airport Environs Overlay Zone (AEOZ). However, amendments to the AEOZ zoning district in March 2013 (Ordinance #2013-01) removed the property from the AEOZ.

PERFORMANCE STANDARDS REVIEW

Uses in the IPM (Industrial Park Manufacturing zone) are subject to the performance standards summarized in *Zoning Ordinance,* Article 5 §8.1 and as more specifically outlined in Article 5 §8.5.

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

As part of the Site Plan review process, the Performance Standards Review begins with submission of a *Performance Standards Review Application* per the specific procedure outlined in *Zoning Ordinance,* Article 5 §8.6. The Planning Commission may refer the Application to expert consultants for review if deemed necessary. The Planning Commission is charged with determining if the proposed use of the facility conforms to the applicable performance standards.

The Performance Standards Review Application and associated staff report are attached.

BUILDING ARCHITECTURE

Existing on the site is the one building containing the facility office and storage units and then a series of thirteen (13) buildings of storage units that were constructed in Phase 1. The mini-storage facility will consist of five (5) one-story buildings in a range of sizes from 13,500 SF to 22,500 SF. Photographs of the existing mini-storage buildings have been submitted and the proposed mini-storage buildings are to continue this design. The buildings would have metal fabricated walls, metal pitched roof, and colored steel roll-up doors.

The facility must comply with the maximum height limitations of the IPM zoning district. For this zoning district, the maximum height is limited to distance of the element from the nearest property line. The exact building height is not listed but the buildings are shown at least 30 feet (or greater) from property lines. Also the buildings are well within the buildable area established by the front yard setback of 60 feet and side yard and rear yard setbacks of 40 feet.

SITE CONSIDERATIONS

The areas immediately surrounding the mini-storage facility are fenced and accessible by a controlled gate system. The site has an existing access/egress point to Lafferty Lane via a shared entrance with adjacent properties to the west. Within Phase 3, there is a second access point at the north end of the site from a former road which leads to Lafferty Lane.

PARKING SUMMARY

For mini-storage facilities, *Zoning Ordinance,* Article 3 prescribes a parking rate based on the number of storage units. Off-street parking shall be provided at a rate of at least one (1) space per each 25 rental units plus three (3) spaces for the office. One row of parallel parking can occur between buildings. Parallel spaces shall be at least 25 feet in length. The total number of units is listed as 1416 units. The minimum of 57 parking spaces plus three (3) spaces for the office can be achieved in the plan layout. The Plan shows a typical detail of the parallel parking configuration. There are six (6) parking spaces including one handicapped parking space existing near the office building. Additionally, the plan includes a designated RV and boat storage parking area of thirty-four (34) spaces.

Loading Spaces

Loading spaces in the IPM zone for storage uses are required to be sufficient in number for the use; however, the maximum number of required loading spaces for buildings up to 150,000 square feet is three loading spaces. Given the use as a mini-storage facility, the opportunity for temporary parallel parking in the vicinity of the storage units would satisfy this loading space requirement.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces. Based on the number of designated parking spaces at the office parking lot, Staff suggests the addition of at least one bicycle parking space be added to serve the facility.

Dumpster

There is not a specific rate requirement for Dumpsters for the mini-storage facility use. Dumpster rates for offices and industrial uses are based on floor area. The plan reserves a Dumpster pad

area (for three units) within the gated facility area. Article 5 § 6.18 allows an establishment to show Dumpster locations reserved for future use if the number of required by the Ordinance exceeds the current need. The owner of record may be required to construct the Dumpster pad and enclosure if the need is determined to exist.

Sidewalks: Potential Waiver to be Requested

The plan does not indicate sidewalks along the frontage of Lafferty Lane. Sidewalks are required along the entire street frontage of a property (*Zoning Ordinance,* Article 5 §18.1). A sidewalk connection between the street frontage sidewalk and the office building must also be provided (Article 5 §18.3). With the previous application that began initial construction of the mini-storage facility, a waiver request was granted to eliminate the sidewalk requirement. With this new application, if the application is seeking to eliminate the required sidewalks then a new written waiver request must be submitted. A written waiver request has been submitted for Planning Commission consideration regarding the elimination of sidewalks.

Waiver to be Requested: Partial Elimination of Curbing

The parking areas and access drives are required to be curbed (*Zoning Ordinance,* Article 6 §3.6). The Site Plan does not appear to identify the use of upright curbing for some of the islands and at the perimeter of the paved facility area. A written waiver request has been submitted for Planning Commission consideration to allow for the partial elimination of curbing in certain areas. The Planning Commission has the ability to waive curbing for drainage associated with the stormwater management areas.

TREE PLANTING AND LANDSCAPE PLAN

One (1) tree is required for every 3,000 SF of land area (total lot area). The plan indicates the property consists of a total lot area of 18.68 acres with some areas of woodland on the property. Based on the 18.29 acres of non-woodland area for the area, 266 trees are required. The Landscape Plan (Plan from S-02-23) shows a concept for total of 271 trees. A portion of the required trees were planted in the Phase 1 construction. Tree plantings are clustered near the office building at the site entrance, along property lines, and within planted islands among the mini-storage buildings.

UNMARKED CEMETERY

Included within the area of Lot 1, there is an existing unmarked cemetery. (Delaware Cultural Resource Survey #K-6397, 7K-D-11) This cemetery was identified during the evaluation of the impacts of the Route 1 and associated road reconstruction process. A formal report of the findings of the archaeological investigations at this site were compiled in the report *Final Archaeological Investigations of the Lafferty Lane Cemetery 7K-D-11, State Route 1 Relief Corridor, Dover, Kent County, Delaware*. The report reveals the presence of an unmarked private cemetery approximately one-quarter acre in size containing the remains of at least 120 individuals. These investigations were conducted in the Fall of 1988. Research shows that this cemetery was in use from 1760 to 1840. No headstones were found to be in existence, therefore other archaeological techniques and primary source documents (deeds) were utilized to analyze the site. In response to the discovery of this cemetery, the original re-alignment of Lafferty Lane was shifted to avoid the cemetery.

The Site Plan delineates an area of approximately 130 ft. by 140 ft. for the cemetery with a 30 foot buffer surrounding it. A thirty (30) foot access easement is provided from Lafferty Lane to the cemetery location just south of defined woodland Area A.

The developer should take preventive measures to ensure construction activities do not disturb this area. Construction activities include site utility and grading work, parking, material storage, etc. The Plan indicates a fence dividing it from the mini-storage facility. If this fence is not already installed it is recommended that measures be implemented to protect the cemetery during construction; the area may be protected by fencing, staking, or continuous ribbon that coincides with the known cemetery boundary. If unmarked human remains are discovered during the construction process, construction activity in that area must stop and the process outlined in the *Delaware Unmarked Human Remains Law* followed. In regards to future protection for the cemetery, an access easement for the cemetery has been recorded (per plan notation).

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) Planning Commission must consider the submitted waiver requests and the Performance Standards Application in consideration of this application.

2) The Site Plan set will need to be updated with any changes recommended or approvals including information on any waivers granted by the Planning Commission. The hand-drawn changes to the Site Plan will need to be updated by a design professional, including updating of all plan sheets and the data column.

3) Add at least one bicycle parking space at the office building location.

4) Sheet C1:
   a) General Notes #4: Update Flood Plain map reference to current FIRM Panel.
   b) General Notes #15; Application must seek new sidewalk waiver request.
   c) General Notes #17: Update. One of the climate controlled building exists.
   d) Remove AEOZ boundary and references.
   e) Correct zoning is IPM not IMP. Update drawing labels.
   f) Recheck the labels of all building sizes as some are incorrect.
   g) Site Data Column:
      i) Update IPM to (Industrial Park Manufacturing zone)
      ii) Remove AEOZ.
      iii) Check existing buildings size tally.
      iv) Update proposed buildings number and size tallies.
      v) Existing Impervious Coverage and existing Lot Coverage do not match.
      vi) Confirm the number of units.
      vii) Confirm if monumentation was previously set with Phase 1.

5) Sheet C2:
   a) Remove reference to sign placement on adjacent lots.
   b) Correct the IPM zoning label.

6) Sheet C4:
   a) Check limit of disturbance as it is larger than the subject property.

7) Landscape Plan:
   a) Landscape Plan must be updated to reflect the changes that have been hand drawn on the Site Plan. Any proposed trees impacted by these modifications will need to be relocated to meet the tree planting requirements.
   b) Update plan to confirm existing tree plantings previously completed.
   c) Check total lot area for subject site and amount of woodland, then recalculate the tree planting requirement.

8) Any Sediment & Stormwater Management Plans granted approval by the Kent Conservation District must reflect the Site Plan layout and design conditionally approved by the Planning Commission and be in compliance with the *Zoning Ordinance* and technical review requirements of other agencies.
   a) The series of Sediment and Stormwater Management Plans when Approved should be made part of the Final Plan set.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Recommendation on Waiver Requests:
   a) Waiver Request: Elimination of Curbing: Staff recommends approval of the waiver request to relax curbing requirements for a portion of the parking area where it is needed to convey stormwater to approved stormwater management areas. Additionally staff recommends approval of the request to utilize rolled curb along the perimeter area.
   b) Waiver Request: Elimination of Sidewalk: Staff recommends approval of the waiver to eliminate the frontage sidewalk, as previous approvals have included this approval, and the site is remote and unlikely to be accessed by pedestrians.

2) The developer should be aware of the cemetery and take preventive measures to ensure construction activities do not disturb this area. Construction activities include site utility and grading work, parking, material storage, etc. To protect the cemetery, the area may be protected by fencing, staking, or continuous ribbon that coincides with the known cemetery boundary.

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 Development Plan occur in the finalization of the Site Plan contact the Planning Office. Examples include reorientation of the complex/building, relocation of site components like stormwater management areas, and increases in floor area count. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other

agencies and commissions making recommendations in regards to the plan.

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

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

6) Construction may have an effect on the nearby properties as this facility is served by a shared entrance. Any work requiring the closing or rerouting of visitors to other properties served by this entrance should be coordinated as to offer the least amount of inconvenience.

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.

8) The applicant shall be aware that Site Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign. This property is the subject of a Unified Comprehensive Signage Plan US-03-01.

9) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MARCH 1, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Secure Storage Revised Site Plan, Phases 2 & 3**

FILE #: **S-17-06**

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

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

CONTACT PHONE #: **Electric - 302-736-7072 Public Works – 302-736-7025**

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
   b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan. Please differentiate the existing and the proposed water infrastructure. Future comments may be developed, depending on the response.
4. An easement must be provided if the water main is proposed outside the existing right-of-way of Lafferty Lane, the minimum width is twenty feet (20').
5. An easement must be provided for the water main that runs through tax parcel number ED-05-077.00-01-25.01-00001. The easement shall be between the two (2) properties it touches.
6. All water mains shall be cement lined Class 52 ductile iron pipe. All ductile iron pipe shall be in accordance with AWWA C151, latest revision (ANSI A21.51) and shall be in eighteen to twenty feet (18'-20') lengths with single rubber gasket (push-on) joints in accordance with AWWA C111, latest revision (ANSI A21.11). All Class 52 ductile iron pipe shall be in accordance with AWWA C150, latest revision (ANSI A21.50).
7. The minimum spacing between fire hydrants and hydrant valves shall be fifteen feet (15').

WASTEWATER

1. Please differentiate the existing and the proposed wastewater infrastructure. Future comments may be developed, depending on the response.

STORMWATER

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

STREETS

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

SANITATION / GROUNDS

1. None

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. Trees shall be installed at least ten feet (10') away from all underground infrastructure.

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/Public-Documents-4017/.

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

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

WASTEWATER

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

STORMWATER / GROUNDS / STREETS

1. None.

SANITATION

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

GENERAL

1. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.
2. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial

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

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

S-17-06

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 03/08/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: Secure Storage Revised Site Plan, Phases 2 & 3

FILE #: S-17-06 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is mini storage. 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 25% of the proposed building.

2. The closest edge of fire lanes shall not be located closer than ten (10) feet to the exterior wall.

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 25% 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 not 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, valves, 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. Sprinkler system required. System is to be monitored by an approved Fire Alarm System.

15. 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.

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

17. Fire Alarm System required per occupancy code requirements.

18. Knox Box required.

19. Gated Areas: Fire Department access shall be provided to the property through the use of a system or device approved by the Fire Marshal. The system or device required shall be located in an area accessible to the fire department and approved by the Fire Marshal. All gates shall be either automatic or manual. An automated system shall consist of one manual and one automated means to open the gate. The owner or their representative shall meet with the Fire Marshal prior to submission to agree on the system. A letter of agreement shall be created, and signed by both parties. The letter shall include a detailed description of both the manual and automated means. A manual gate shall consist of one manual means to open the gate. The owner or their representative shall meet with the Fire Marshal prior to submission to agree on the means to open. A letter of agreement shall be created, and signed by both parties. The letter shall include a detailed description of the manual means to open. To be considered accessible for fire department apparatus the actual clear openings shall be not less than 14 feet, the paved surface through the gate shall be not less than 12 feet, and the gate shall be setback from the perpendicular street by at least 50 feet.

20. Project to be completed per approved Site Plan.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Per NFPA 1, 13.3.2.25.4, an automatic sprinkler system shall be installed throughout all mini-storage buildings greater than 2,500 square feet
2. Sprinkler systems are to be monitored by an approved fire alarm system
3. Fire hydrants need to be located within 300 feet of the fire department connections, measured as hose would come off of the apparatus

4. A Knox Box is required
5. Ensure both gate access is in accordance with #19 listed above. Ensure the new gated entrance has the appropriate clearance width.
6. The closest edge of fire lanes shall not be located closer than ten (10) feet to the exterior wall. The Fire Lane needs to be shown for each building (25% coverage).

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: March 1, 2017

D E L D O T

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APPLICATION: Secure Storage Revised Site Plan, Phase 2 & 3

FILE#: S-17-06 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

The proposed additions and second entrance will need to be analyzed by DelDOT. This project should be submitted to DelDOT for a formal review.

Additionally, I offer the following general comments to provide guidance as you come through the DelDOT Record Plan and Entrance Plan process:

- The site access on Lafferty Lane must be designed in accordance with DelDOT's Development Coordination Manual. A copy of the Manual is available at http://www.deldot.gov/information/business/subdivisions/changes/index.shtml
- Pursuant to Section P.3 of the Manual, a Pre-submittal meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there/ how to prepare for it is located at http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.pdf .

- Section P.5 of the manual addresses fees that are assessed for the review of the development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review.

- In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing "Letter of No Objection" review:
  Initial Stage Fee Calculation Form
  Initial Stage Review Fee
  Gate-Keeping Checklist – Site Plan
  Design Checklist – Record Plan
  Sight Distance Spreadsheet
  Owners and Engineers' name and e-mail address
  Record Plan
  Conceptual Entrance Plan
  Submission of the Area – Wide Study Fee (If applicable)

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things are required on the Record Plan:

  A Traffic generation Diagram. See 3.4.2-a for the required format and content.

  Depiction of all existing entrances within 600 feet of the proposed entrance.

  Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

- In accordance with Section 3.5.4.2.A.3 of the Manual, DelDOT will require construction of a sidewalk/ Shared Use Path along the property frontage of Lafferty Lane.

- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review:
  Construction Stage Fee Calculation Form
  Construction Review Fee
  Gate-Keeping Checklist – Entrance Plan
  Design Checklist – Entrance Plan
  Auxiliary Lane Spreadsheet
  Entrance Plan
  Pipe/ Angle Spreadsheet (If Applicable)
  SWM Report and Calculations (If Applicable)

- In accordance with Section 5.2.5.6 of the Manual, Turning Movement Diagrams shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the
  Manual, the entrance shall be designed for the largest vehicle using the entrance.

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrance and how long those lanes should be. The worksheet can be found at http://www.deldot.gov/information/business/subdivisions/auxiliary_lane_worksheet.xls.

- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at http://www.deldot.gov/information/business/subdivisions/Intersection-Sight-Distance.xls.

- In accordance with Section 5.14 of the manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

- Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems open or closed, that fall outside the existing right-of-way or the drainage/ utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

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
March 2017

APPLICATION: *Secure Storage Phases 2 & 3*

FILE #: S-17-06

REVIEWING AGENCY: *Kent Conservation District*

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

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source:
2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. 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 Stormwater management have expired and must be re-approved in order for the project to proceed.
2. Re-approving the plans will require the following:
    a. Provide the most recent updated erosion and sediment control details.
    b. Any outstanding maintenance issues must be addressed during construction.
    c. Any outstanding fees must be paid.
    d. 6 signed and sealed sets of the updated plans must be provided for final approval, once reviewed and approved.
3. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

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WAIVER REQUEST

SECURE STORAGE, LLC / REVISED SITE PLAN PHASE 2 & 3
SIDEWALK REQUIREMENTS

REQUEST:

We request elimination of the sidewalk installation requirements for the frontage of the site due to the nature of use and location of the site.

EXTENT OF THE REQUEST:

As part of this site plan application, we are requesting a waiver from the sidewalk requirement in accordance with the City of Dover Code, Article 5, 18.4

BASIS FOR REQUEST:

When considering a request for modification or waiver, the planning commission shall determine whether or not an undue hardship exists, based on a finding that one or more of the following criteria have been met:

The property is isolated with respect to sidewalks, with no existing sidewalk within the immediate vicinity of the property. The site is located just northeast of the intersection of Lafferty Lane and US Route 113 (Bay Road). No sidewalks exist along Lafferty Lane or Horsepond Road and the nearest sidewalk along Bay Road is located more than a half mile away on the opposite side of Bay Road.

The proposed use would not generate or attract additional pedestrian trips. A mini storage facility is by nature a facility that is driven to and is not pedestrian oriented in any way.

Additionally, this site was granted a waiver of the frontage sidewalk under the original Site Plan approval in 2003 and once again in 2005.

BECKER MORGAN GROUP, INC.

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WAIVER REQUEST

SECURE STORAGE, LLC / REVISED SITE PLAN PHASE 2 & 3
CURBING REQUIREMENTS

REQUEST:

We request that the required upright concrete curbing along the perimeter and interior islands be waived for the purposes of stormwater management.

EXTENT OF THE REQUEST:

By code, all permanent parking areas shall be enclosed with upright concrete curbing at least six (6) inches in height. We are requesting a waiver to eliminate perimeter upright curbing to allow for sheet flow to runoff into the perimeter drainage system as designed.

BASIS FOR REQUEST:

Article 6, section 3.6 (b) of the City of Dover zoning standards states that the Planning Commission may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area.

The project was designed with a perimeter drainage system with the intent that stormwater would be sheet flowed to the system, thus curbing is not required to direct drainage.

Additionally, this site was granted a waiver of the perimeter curb under the original Site Plan approval in 2003 and once again in 2005.

200212703ac-curb-waiver.doc

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STAFF REVIEW REPORT
Of March 9, 2017 for
Review of *Performance Standards Review Application*
Before the City of Dover Planning Commission on March 20, 2017

Application for Review:	Performance Standards Review Application Secure Storage Revised Site Plan, Phases 2 & 3
Plan Title:	Secure Storage Revised Site Plan, Phases 2 & 3 S-17-06
Applicants:	Secure Storage, LLC
Location:	North side of Lafferty Lane, east of Bay Road
Address:	640 Lafferty Lane
Tax Parcel:	ED-05-077.00-01-25.00-000
Site Area:	18.86 acres +/-
Zoning:	IPM (Industrial Park Manufacturing Zone)

INTRODUCTION
Site Plan S-17-06 Secure Storage Revised Site Plan, Phases 2 & 3 has submitted its *Performance Standards Review Application* for review by the City of Dover Planning Commission in accordance with the provisions of the *Zoning Ordinance*, Article 5 §8. Performance Standards. The following Staff Review Report will provide a narrative of the project background, the next steps for the project, and the procedures for the review of the *Performance Standards Review Application*.

PROJECT LOCATION:
The Secure Storage Revised Site Plan, Phases 2 & 3 property consists of 18.86 acres+/-. This subject site is located on the north side of Lafferty Lane east of Bay Road

PROJECT DESCRIPTION: Secure Storage Revised Site Plan, Phases 2 & 3
The Secure Storage Revised Site Plan, Phases 2 & 3 plan proposes construction of a five (5) mini-storage buildings, ranging from 13,500 square feet to 22,500 square feet in floor area, along with the associated improvements. The facility is to be served by City of Dover utilities (water and sewer) and private trash collection.

This property was the subject of Site Plan Application S-02-23 Secure Storage and was granted conditional approval by the Planning Commission on August 19, 2002. As part of the plan a

Minor Subdivision subdivided three additional lots (Lots 2-4) directly adjacent to Lafferty Lane for future development. The Final Site Plan for Secure Storage LLC was approved for the development of Lot 1 on May 29, 2003 and construction of the mini-storage facility began. Revisions to consolidate several buildings in Phases 2 and 3 were reviewed on April 15, 20005 and grant Final Plan Approval on April 25, 2005. The portion of the plan known as Phase 1 and one building from Phase 2 were constructed but the rest of the plan lapsed.

PROJECT REVIEW AND NEXT STEPS

The City of Dover Planning Commission will review Site Development Plan (S-17-06) for the Secure Storage Revised Site Plan, Phases 2 & 3 on March 20, 2017 and conduct a Public Hearing on the project. The applicant is seeking the following waiver requests as part of the Site Plan review process: the Elimination of Curbing and the Elimination of Sidewalk.

If the Planning Commission grants conditional approval of the Site Development Plan (Application S-17-06) for this facility, the applicant is required to revise the Site Plan for final plan approval to achieve all agency approvals and then commence authorized construction upon receipt of appropriate permits.

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

PERFORMANCE STANDARDS REVIEW

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

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

As part of the Site Plan review process, the Performance Standards Review begins with submission of a *Performance Standards Review Application* which the Building Inspector refers to the Planning Commission. The specific procedure is outlined in *Zoning Ordinance,* Article 5 §8.6 (see excerpt below). The Planning Commission may refer the Application to expert consultants for review if deemed necessary. The Planning Commission is charged with determining if the proposed use of the Secure Storage Revised Site Plan, Phases 2 & 3 conforms to the applicable performance standards.

Article 5 §8.6 Performance standard procedure.

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

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

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

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

<u>Performance Standards Regulations</u>

The Performance Standards Regulations are found with *Zoning Ordinance,* Article 5 §8.5. (See Attachment for full text of code.) The project's compliance with a series of performance standards for the "dangerous and objectionable elements" is to be considered. The "dangerous and objectionable elements" are as follows:

- Fire and explosion hazards (activities with and storage of)
- Radioactivity or electromagnetic disturbance
- Noise (sound pressure level)
- Vibration

- Smoke
- Odors (Odorous gases or odorous matter)
- Fly ash, dust, fumes, vapors, gases and other forms of air pollution
- Glare (from lighting or high temperature processes)
- Liquid or solid wastes
- Traffic congestion (Level of Service E)

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

Performance Standards Review Application for Mitten Industrial Park.
The applicant has submitted the *Performance Standards Review Application* (received March 6, 2017) in the format of a three-page narrative which addresses the performance standards noting activities and actions such as design considerations and plans for the facility at 640 Lafferty Lane.

Staff Review of the Performance Standards Review Application submission:
The Planning Office has reviewed the *Performance Standards Review Application* submitted for Secure Storage Revised Site Plan, Phases 2 &3 (Application S-17-06).

Staff finds that the Performance Standards Review Application for the facility contains adequate information to confirm the project's compliance with the performance standards of *Zoning Ordinance*, Article 5 §8.5.

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

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

1) Performance Standards Review Application: Staff recommends the Commission affirm that the proposed use of the property will conform to all the applicable performance standards of the Zoning Ordinance, Article 5, Section 8. The proposed use of the building (interior spaces as office and warehouse storage) is not expected to generate excessive dangerous or objectionable elements or emissions and will comply with appropriate regulations and permitting.
    - Staff concurs that mini-storage uses typically do not produce such dangerous and objectionable elements.

2) The Site Plan for the project must be in compliance with the comments and conditions outlined in the Development Advisory Committee Report and the adopted conditions of the Planning Commission for the Site Plan (S-17-06).

3) The fire protection needs for the proposed buildings and site will continue to be reviewed as part of the Site Plan and Building Permit application processes.

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

5) In regards to the surrounding transportation network, the facility is to designed to utilize the existing access from Lafferty Lane which is subject to review and approval by DelDOT through the entrance plan/permit process.

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

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

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

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

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

Attachments:

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

Secure Storage, LLC
1052 S Governors Ave., Dover, DE 19904
Dover, Delaware 19904
tel: 302.678.3276
jmp@cpcommercial.com

March 6, 2017

HAND DELIVERED

Mrs. Dawn Melson – Williams, AICP
City of Dover
Department of Planning
POBOX 475
Dover, DE 19903 -0475

RE: Performance Standard Review Application
Secure Storage LLC/Phases 2 & 3
Dover, DE

Dear Mrs. Melson – Williams:

We area hereby submitting a Performance Standard Review Application as a supplement to the application for Site Development for consideration at the March 20, 2017 meeting. As this project is an expansion to an existing and previously approved self-storage facility, we do not believe that any of the Performance Standards are applicable to this project.

Section 8.51 – Not Applicable, no storage of inflammable and explosive materials to be stored.

Section 8.52 – Not Applicable, no radioactivity or electromagnetic disturbance.

Section 8.53 – Not Applicable, no noise beyond that which is consistent to self-storage.

Section 8.54 – Not Applicable, no vibration generated,

Section 8.55 – Not Applicable, no smoke generated.

Section 8.56 – Not Applicable, no odorous gases or other offensive odorous matter.

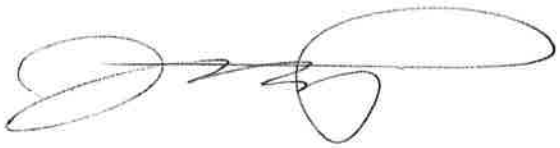
Section 8.57 – Not Applicable, no fly, ash, dust, fumes gases or other forms of air pollution.

Section 8.58 – Not Applicable, no lights other than required parking lot lighting per code.

Section 8.59 – Not Applicable, no liquid or solid wastes other than normal sanitary sewage.

Section 8.60 – Not Applicable, The proposed expansion is part of previously permitted site plan, very low traffic generator.

Sincerely,



Joseph M. Petrosky
Secure Storage LLC

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 8, 2017

PLANNING COMMISSION MEETING March 20, 2017

Plan Title:	Mitten Industrial Park, S-17-02
Plan Type:	Site Development Plan
Applicant/Owner:	Mathew Mitten
Location:	South side of Lafferty Lane, east of Bay Road
Tax Parcels:	ED-05-077.00-01-27.00-000 Part of ED-05-077.00-01-26.00-000 Part of ED-05-086.00-01-08.00-000
Site Area:	40.09 acres ±
Zoning:	IPM (Industrial Park Manufacturing Zone) MH (Manufactured Housing Zone) AEOZ (Airport Environs Overlay Zone) Noise Zone A APZ I
Present Use:	No existing buildings. There is activity on the site.
Proposed Use:	One 9,600 SF Office/Warehouse Storage Building Equipment Processing & Storage Area
Sanitary Facilities:	City of Dover
Water Supply:	City of Dover
Waivers Requested:	Elimination of Curbing Elimination of Sidewalk Elimination of Fence Component of Opaque Barrier Recognition of Woodland as Part of Landscape Component of Opaque Barrier
For Consideration:	Performance Standards Review Application

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER PLANNING

APPLICATION: Mitten Industrial Park on Lafferty Lane

FILE #: S-17-02 REVIEWING AGENCY: City of Dover Planning Office

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

PLAN SUMMARY

This is a Site Development Plan application to permit construction of a 9,600 S.F. building, equipment & storage processing area, and associated site improvements to be known as the Mitten Industrial Park. The 40.09 acre+/- subject site is located on the east side of Lafferty Lane north of the Kings Cliffe Manufactured Home Park. The property is zoned IPM (Industrial Park Manufacturing Zone) and MH (Manufactured Housing Zone) and is partly subject to the AEOZ (Airport Environs Overlay Zone: Accident Potential Zone I and Noise Zone A). The project is subject to a *Performance Standards Review Application.* The owner of record is Mathew E. Mitten. Property Address: 141 Lafferty Lane. Tax Parcels: part of ED-05-077.00-01-26.00-000, ED-05-077.00-01-27.00-000, and part of ED-05-086.00-01-08.00-000. Council District 2.

Previous Applications

A Minor Lot Line Adjustment Plan MI-14-11 Lands of Mitten & Thomas on Lafferty Lane was recorded in February 2016 as part of a land swap between adjacent properties. However, it appears the process was not fully completed to update the land records with the location of the revised property boundaries.

This property was the subject of a number of previous site development applications: S-08-06, S-10-10, S-13-14, and S-13-16 which have expired or did not complete the review process.

Site Development Master Plan (S-08-06) was granted conditional approval by the Planning Commission at their March 2008 meeting with a one-year extension was granted on March 16, 2009. This plan expired in 2010 as there was no submission of an Administrative Site Plan for Phase 1 and no there was construction to make site improvements. Another Site Development Master Plan (S-10-10) was granted conditional approval by the Planning Commission at their May 10, 2010 meeting with a one-year extensions granted on April 18, 2011 and the final second one-year extension on April 16, 2012. Master Plan S-10-10 expired on May 31, 2013 as there was no approval of the Administrative Site Plan for Phase 1 and no commencement of construction. The applicant had submitted an Administrative Site Plan (S-13-14) for Phase 1 and was working through the agency review process when the plan expiration occurred.

The most recent Application for review of a Site Development Master Plan Application (S-13-16) was filed proposing construction of nine (9) 9,600 S. F. buildings for a total of 86,400 SF and a 4.591-acre Processing Area on two parcels of land (proposed for consolidation). In July 2013, Staff determined the submission was not ready for Planning Commission review; the applicant did not move forward with the review process for S-13-16.

PROJECT DESCRIPTION

The Site Development Plan proposes construction of a building for office and warehouse/storage use. The building is accessed from Lafferty Lane via a proposed private entrance drive named Mitten Drive with a drive loop around the building and areas for parking adjacent the building.

The plan also identifies a proposed fenced area to contain an "equipment processing & storage" area. The applicant provided a written description of this area which is attached.

The use of the building and the property is subject to the provisions of the IPM (Industrial Park Manufacturing Zone) as found in *Zoning Ordinance,* Article 3 §20. As a result of the land swap there is also a portion of the property that remains zoned MH (Manufactured Housing zone) and subject to the provisions found in *Zoning Ordinance,* Article 3 §8.

Airport Environs Overlay Zone (AEOZ)

Portions of this property are subject to the requirements of the Airport Environs Overlay Zone (AEOZ) as outlined in *Zoning Ordinance,* Article 3 §22. The proposed site development area for the building is west of the areas located within the AEOZ: Noise Zone A and Accident Potential Zone I. The "Equipment Processing & Storage Area" is located within the AEOZ: Noise Zone A and AEOZ: Accident Potential Zone I. The proposed activities within the processing and storage area must comply with the permitted uses of the IPM zone and the Land Use Compatibility Table of the AEOZ (Article 3 §22.6).

PERFORMANCE STANDARDS REVIEW

Uses in the IPM (Industrial Park Manufacturing Zone) are subject to the performance standards summarized in *Zoning Ordinance,* Article 5 §8.1 and as more specifically outlined in Article 5 §8.5.

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

As part of the Site Plan review process, the Performance Standards Review begins with submission of a *Performance Standards Review Application* per the specific procedure outlined in *Zoning Ordinance,* Article 5 §8.6. The Planning Commission may refer the Application to

expert consultants for review if deemed necessary. The Planning Commission is charged with determining if the proposed use of the facility conforms to the applicable performance standards. See separate submission document and Staff Review Report for the Performance Standards Review Application.

BUILDING ARCHITECTURE

Architectural elevations were provided in the format of a color rendering. It depicts a metal building. The exterior finishes appear to be a masonry watertable element then two colors of metal wall paneling. It has a pitched roof.

The building must comply with the maximum height limitations of the IPM zoning district. For this zoning district, the maximum height is limited to distance of the element from the nearest property line. The exact building height is not listed. The building is well within the buildable area established by the front yard setback of 60 feet and side yard and rear yard setbacks of 40 feet (and 100 ft. setback from residential zones).

SITE CONSIDERATIONS

Portions of the property are woodlands and also includes wetland areas. The project proposes two stormwater management ponds to flank the single entrance drive from Lafferty Lane.

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 and bank stabilization methods may be used to reduce the width of the required setback from these wetland areas.

PARKING SUMMARY

The minimum parking requirements in the IPM (Industrial Park Manufacturing Zone) is one (1) parking space for every 800 S.F. of floor area. The plan requires twelve (12) parking spaces based on a total building area of 9,600 SF with a maximum parking limitation of fifteen (15) parking spaces. The plan shows 15 parking spaces.

Loading Spaces

The number of required loading spaces is based on the use of the building. The site provides one loading space for the building at the size 12x60 feet.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces. Based on the number of parking spaces (15 spaces), a minimum of one (1) bicycle parking space is required. Bicycle parking shall be provided to meet the requirements of the *Zoning Ordinance* Article 6 Section 3.10. Bicycle parking is labeled on the plan at the northeast corner of the building but no details of the rack system were provided.

Lighting

The location of the lighting is indicated on the plan at the perimeter of the parking areas which surround the building.

Dumpster
One dumpster pad is required for the first 40,000 S.F. of gross building area for industrial, warehousing, and institutional uses. Its location is shown on the south side of the building. This must accommodate trash collection and recycling needs of the building. A dumpster enclosure detail shall be provided on the plan to ensure that its architectural components match the construction materials of the proposed building.

Waiver Requested: Partial Elimination of Curbing
The parking areas and access drives are required to be curbed (*Zoning Ordinance,* Article 6 §3.6). The Site Plan does not appear to identify the use of upright curbing. A written waiver request was submitted for Planning Commission consideration to allow for the partial elimination of curbing in certain areas. The Planning Commission has the ability to waive curbing for drainage into the stormwater management areas.

Waiver Requested: Sidewalks
One plan sheet does not indicate sidewalks along the frontage of Lafferty Lane. Sidewalks are required along the entire street frontage of a property and also along a private road (*Zoning Ordinance,* Article 5 §18.1 and 18.2). Sidewalks appear to be proposed around three sides of the proposed building. A sidewalk connection between the street frontage sidewalk and the building must also be provided (Article 5 §18.3). A written waiver request was submitted for Planning Commission consideration to allow for the elimination of sidewalks.

Waivers Requested: Opaque Barrier Fence Component and Format of Opaque Barrier Landscape Component
An opaque barrier is required when a non-residential use abuts a residential use (*Zoning Ordinance,* Article 5 §7.2). An opaque barrier consists of an opaque component at least six (6) feet in height (a wooden fence, masonry wall or earthen berm). The Planning Commission has the ability to waive the requirement for the opaque barrier component consisting of the wooden fence, masonry wall or earthen berm. A written waiver request for the elimination of the fence component of the Opaque Barrier was submitted for Planning Commission consideration to avoid removal of trees in order to implement the fence.

A landscape barrier 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 is required as a part of the buffering for the parcel abutting a residential use. The landscape portion of the buffer is required to be planted on the residential side of the opaque barrier. The applicant submitted written waiver request for Planning Commission consideration to allow for the existing woodland to count as the landscape component in certain areas. The landscape buffer must be provided for the entire length of the property that is adjacent to the residential use; therefore, some areas will require tree plantings to be fulling compliant even if the existing woodland is accepted.

Tree Planting and Landscape Plan
The property is partially wooded. The data column on the Landscape Plan indicates that 19.58 acres of woodland exists on the property. The proposed development would preserve 18.83 acres

of the existing woodland on the development which is 96.2%. The applicant has identified a project area, shown as an inset on Sheet No P-1A, of 535,150.80± SF or 12.29± acres, of which 468,873.9± SF is non-woodland area. Based on this project area, the tree planting requirement would be for 157 trees (one tree for every 3,000 SF of lot area).

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

CITY AND STATE CODE REQUIREMENTS:

1) The applicant has submitted a written statement of the activities that will take place in the "Equipment Processing & Storage Area." This language must be added as a note on the Final Site Plan.

2) Review and Approval of the *Performance Standards Review Application* is required for the property development in accordance with *Zoning Ordinance*, Article 5 §8. A *Performance Standards Review Application* was submitted. See separate Staff Review Report.

3) There are number of site design elements where the applicant has submitted a written waiver request (citing reasons for the request) for consideration by the Planning Commission.
   a) The construction of upright curbing for all parking areas, drive aisle and streets shall be complied with unless a waiver is granted by the Planning Commission.

   b) Construction of sidewalk along the street frontage of Lafferty Lane is required and a connecting sidewalk into the site. Construction of sidewalks along Mitten Drive is also required when proposed as a private road. The Planning Commission may consider a waiver request to eliminate the sidewalk requirement; however, DelDOT may still require implementation (or mitigation) of the sidewalk.

   c) The construction of the fence component of the opaque barrier shall be constructed as required unless a waiver is granted by the Planning Commission.

   d) The planting of the Landscape portion of the Opaque Barrier shall be complied with unless a waiver is granted by the Planning Commission. A written waiver request requests that the existing woodland areas count towards the landscape portion of the Opaque Barrier. However, there may still be areas that require tree planting.

4) The land records do not appear to include the property line changes indicated on MI-14-11 Lands of Mitten & Thomas. We have received a recorded copy of the plan noting recordation on February 24, 2016 in Plot Book 128 Page 66. Please work to resolve matter with Kent County Recorder of Deeds Office and the Kent County Mapping Office.

5) Plans must label the size of all wetland areas and show the location of the required 100-foot setback from wetland areas. Identify the planting of riparian buffers and bank stabilization if seeking to reduce the setback. Site layout design may need to be revised to achieve compliance.

a) Confirm the location of wetlands. A plan note indicated that they will be re-delineated.
b) Portion of the paved drive leading to the Equipment Processing Area appear to encroach into the wetland setback.

6) The Site Plan set will need to be updated with any changes recommended or approvals including information on any waivers granted by the Planning Commission.

7) Sheet P-1:
   a) Update the notes column:
      i) Correctly identify the property tax parcel number for the property following completion of the implementation of the land swap shown on the Minor Lot Line Adjustment Plan MI-14-11.
      ii) The zoning of the property also includes MH (Manufactured Housing Zone).
      iii) Clarify use of property and building.
      iv) Any development in the MH zone area of the parcel must comply with the requirements of that zone.
      v) Easements (existing and proposed) related to utility services will need to be shown and properly recorded.
   b) Clarify the items that make up the Impervious Area listing. By definition the impervious area does not include pond areas. See *Zoning Ordinance* definitions.

8) Add and label AEOZ – Noise Zone A boundary line on project drawing.

9) Include detail of construction for Mitten Drive.

10) Sheet P-1, on inset full property map:
   a) The provided information and zoning for properties across Lafferty Lane is unreadable.
   b) Update setbacks from property lines in accordance with the appropriate zoning districts.
   c) If the easement of the existing pump station in King's Cliff Mobile Home Park is being extended to this property, then a Record Plan will be required to document its location. Authorization from the adjacent property owner is required for easement.

11) Provide details on the Dumpster enclosure size and construction.

12) Sidewalk details need to be provided on the Plans. The details should ensure that barrier free access is provided at points of intersection with parking areas or street crossings.

13) A connecting sidewalk from the street frontage sidewalk to the building is required.

14) Identify source (and note on plan) of the delineation of the wetlands for the site.

15) Provide construction details for the following item but not limited to: bike rack, dumpster enclosure, sidewalk, curbing, paving, handicap parking signage, etc.

16) Any depiction of sign locations on this plan is for informational planning only. A separation Sign Permit application is required. Freestanding signage has specific sizing and setbacks.

17) Indicate the following on the Landscape Plan:
    a) Identify a project area to be utilized for the calculation of the tree planting requirement. Planning Staff must accept the Project Area.
    b) The Landscape Plan must meet the plan specifications/requirements of *Zoning Ordinance*, Article 5 §16.81. A data column, notes, design professional certification, tree list, details, etc. need to be provided.
    c) The Landscape Plan can only be prepared and certified by an architect, landscape architect, or certified Delaware Nursery Professional as per the *Zoning Ordinance*, Article 5 §16.81 and definitions. An Engineer cannot certify this plan set.
    d) Indicate that 309 trees are required when utilized the land area of the total property and provide additional trees to meet the tree planting requirement for the property.
    e) Indicate plantings for the opaque barrier landscape component where existing woodland is not present.

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

19) The second plan sheet titled "Conceptual Site Plan with Variance" is an incorrect term. The applicant is seeking "Waivers" from the Planning Commission. In terms of the City's *Zoning* Ordinance a "Variance" is granted by the Board of Adjustment.

20) It is recommended that additional plan sheets be made part of the set as project design is refined to clearly show proposed grading, utilities, stormwater management plans.

21) The design professionals certifying this plan are required to be licensed in the State of Delaware and hold a City of Dover Business License.

22) Additional review comments regarding compliance with the *Zoning Ordinance* may be anticipated was the site design is clarified.

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

1) <u>Recommendations on Waiver Requests:</u> The Staff recommendations regarding each waiver is as follows:
    a) <u>Partial Elimination of Curbing</u>: Staff recommends approval of the partial elimination of curbing in designated areas of the drive aisles and near the building where its removal can be proven to be associated with stormwater management. The Plan should indicate the installation of parking bumpers at the head of parking spaces lacking upright curb to prohibit vehicle travel onto non-paved areas or sidewalks.

    b) <u>Elimination of Sidewalks:</u> Staff recommends approval of the request to eliminate sidewalks along the street frontages of Lafferty Lane finding that this area is isolated from existing sidewalk networks. Approval of this sidewalk waiver does not preclude

sidewalks being required for future redevelopment of the balance of the property.

c) Elimination of Opaque Barrier – Fence Component: Staff recommends approval of the request to eliminate the fence component of the opaque barrier. The implementation of fencing in other areas would require clearing of existing woodland and wetland areas.

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 as satisfying the requirement in those areas. However, in the areas where woodland is not present then the evergreen tree plantings or hedge plantings in accordance with *Zoning Ordinance,* Article 5 §7.22 are required.

2) Staff recommends the review of alternative designs to minimize the impact on the woodlands and alternatives for stormwater management to reduce the pond size. Staff notes that there is significant tree clearing proposed to create the stormwater management facility. In addition, the property is in the vicinity of the Dover Air Force Base with portions of the property located in the AEOZ (Airport Environs Overlay Zone). The AEOZ specifically prohibits uses that would attract birds and waterfowl.

3) Staff recommends the applicant look at sprinklering the building as a means of fire protection as the proposed building is so close to being 10,000 S.F. in size. The applicant is advised that certain types of tenants could require sprinklering anyway. A discussion with the Fire Marshal is suggested.

ADVISORY COMMENTS TO THE APPLICANT:

1) The subject property has been the subject of an active code violation case (#06-2574) since 2006. There have been several attempts to correct the violations on the site through Site Plan applications that have never reached final plan approval. The City of Dover filed an injunction against the property in Chancery Court. The City and the property owner entered into a consent order in May 2016 with a timeline for achieving site compliance. According to the order, if the applicant does not achieve Final Site Plan approval by January 1, 2017, they must begin cleaning up the site, and clean-up must be complete by December 31, 2017. The City of Dover will continue to monitor the site in accordance with the agreement reached in the consent order.

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

3) Following Planning Commission approval of the Site Development Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff and

the other commenting agencies. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.

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

6) Construction may have an effect on the nearby properties and nearby travel lanes. Any work requiring the closing or rerouting of potential visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience.

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.

8) The applicant shall be aware that Site Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign.

9) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MARCH 1, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Mitten Industrial Park at 141 Lafferty Lane:**

FILE #: **S-17-02**

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

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

CONTACT PHONE #: **Electric - 302-736-7072 Public Works – 302-736-7025**

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. The roadway and curbing (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. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
    b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Please provide detailed plans on the proposed connection to the existing water infrastructure.
7. Please relocate the proposed valve on Lafferty Lane to the property line for the proposed water main for the site.
8. Graphically depict the proposed six-inch (6") valve at each fire hydrant location, please provide fifteen feet (15') of horizontal separation from the valve to the hydrant, per detail W-3.
9. All water infrastructure that is located on the property will be maintained by the developer, not the City of Dover.

WASTEWATER

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

3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
6. The minimum size of all sanitary sewer laterals shall be six-inch (6").
7. Minimum slope criteria shall meet Ten States Standards. Provide flow calculations to justify sizing of the sewer infrastructure, showing that velocity requirements are met.
8. Provide calculations that verify the downstream pump station can handle the proposed peak sanitary sewer flow.
9. Sanitary sewer laterals shall be connected directly to the main, not manholes, unless impracticable, as determined by the Department of Public Works.
10. The easement shall be between the developer and the property owner, not the City of Dover.
11. The wastewater infrastructure proposed will be maintained by the developer, not the City of Dover.

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. Per the Water / Wastewater Handbook, plan sheets shall be at a scale no small than 1" = 60'.
2. Provide appropriate details for water and wastewater infrastructure, details are available within the Water / Wastewater Handbook.
3. 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.
4. 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/Public-Documents-4017/

WATER

1. Provide a note that the owner shall flush their internal water main in conjunction with the Department of Public Works flushing schedule.

WASTEWATER

1. Prior to plan approval; provide a recorded sanitary sewer easement over the lands of Richard Thomas.

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. 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 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.

WASTEWATER

1. The City of Dover sanitary sewer system is available to this site. The developer is responsible for all costs associated with extending and providing service and capacity to the proposed development.
2. Prior to plan approval, the sanitary sewer system plans must be submitted to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.
3. Profiles of the sanitary sewer main must be provided with the construction plans. All water, sanitary sewer and storm sewer crossings must be shown on the profiles.
4. Wastewater impact fees will apply to this project.

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-17-02

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 03/01/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: Mitten Industrial Park 141 Lafferty Ln

FILE #: S-17-02 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is mixed use (office/storage). 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. At the 02/08/17 DAC meeting it was suggested that the building may be an office and storage facility. The exact use will be outlined on building plans. Site plan requirements could change based on that submission.

2. 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.

3. 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.

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

5. 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".

6. Perimeter access will be 50% 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 not interfere with emergency services fire ground operations.

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

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

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

10. Full building and fire plan review is required.

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

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

13. Sprinkler system may be required (depending on storage). System is to be monitored by an approved Fire Alarm System.

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

15. 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.

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

17. Fire Alarm System may be required per occupancy code requirements.

18. Knox Box required at all tenant spaces.

19. Standpipes may be required.

20. Smoke control may be required.

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

22. Gated Areas: Fire Department access shall be provided to the property through the use of a system or device approved by the Fire Marshal. The system or device required shall be located in an area accessible to the fire department and approved by the Fire Marshal. All gates shall be either automatic or manual. An automated system shall consist of one manual and one automated means to open the gate. The owner or their representative shall meet with the Fire Marshal prior to submission to agree on the system. A letter of agreement shall be created, and signed by both parties. The letter shall include a detailed description of both the manual and automated means. A manual gate shall consist of one manual means to open the gate. The owner or their representative shall meet with the Fire Marshal prior to submission to agree on the means to open. A letter of agreement shall be created, and signed by both parties. The letter shall include a detailed description of the manual means to open. To be considered accessible for fire department apparatus the actual clear openings shall be not less than 14 feet, the paved surface

through the gate shall be not less than 12 feet, and the gate shall be setback from the perpendicular street by at least 50 feet.

23. Project to be completed per approved Site Plan.

24. 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. Above requirements are contingent on additional information being provided to this office.
2. The listed building occupancy classification is mixed use (office/storage); this may then require additional comments from this office. At the 02/08/17 DAC meeting it was suggested that the building may be an office and storage facility. The exact use will be outlined when building plans are submitted. Site plan requirements could change based on that submission.
3. A Fire Hydrant(s) needs to be installed, please contact this office to discuss the same including location.
4. Please confirm the roadway width and if there is on street parking (1 or 2 sides) to ensure compliance with proper roadway width.
5. Please confirm if the building is sprinklered or not, this may then require additional comments from this office.
6. Buildings 10,000 square feet and larger are required to be sprinklered. I recommend that this building be sprinklered due to the size of this building.
7. At the 02/08/17 DAC meeting it was stated that the rear of the property was part of this plan. This office needs a letter stating what is taking place at the rear of the property. It was referred to as a processing area. Once this office receives this letter, additional comments and/or requirements may be issued.
8. The plan shows the rear of the property as a proposed equipment processing and storage. Additional information is needed to ensure this area is in compliance with applicable codes.
9. Ensure #22 listed above is complied with.
10. The plan shows and existing gravel road. Documentation needs to be provided showing that this is an approved surface capable of holding emergency apparatus and is the proper road width.
11. If the roadway is longer than 300 feet and dead ends, a Cul-de-sac in compliance with the Delaware State Fire Prevention Regulations is required.

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 21, 2017

D E L D O T

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APPLICATION: Mitten Industrial Park at 141 Lafferty Lane

FILE#: S-17-02 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

It appears that this project received a Letter of No Objection (LONO) from DelDOT in 2010. Under our current regulations, this letter has expired and will need to be updated. Additionally, you will need to obtain an Entrance Approval letter from DelDOT to take access on to Lafferty Lane. In summary, this project should be submitted to DelDOT for a formal review. To get that process started, a pre-submittal meeting will be needed which is discussed in the comments below.

For the variance requests:

- The curbing can be eliminated as long as you can prove it is not needed and that you are directing flows to drainage facilities and that you are not increasing flows to the State's ROW.
- For the waiver of sidewalk, the site is in an investment level 1 area which means that sidewalk/ Shared use path are required by State code. You could request to pay a fee-in-lieu, but that is not guaranteed to be approved. When the project comes to us for a pre-submittal meeting we can discuss this further.

For the time being, I offer these comments to get you started:

- Pursuant to Section P.3 of the Manual, a Pre-submittal meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there/ how to prepare for it is located at http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.pdf .
- The site access on Lafferty Lane must be designed in accordance with DelDOT's Development Coordination Manual. A copy of the Manual is available at http://www.deldot.gov/information/business/subdivisions/changes/index.shtml
- Pursuant to Section 3.2 of the Manual, the dedication of right-of-way along the frontage road will be required if the current ROW in this location does not meet functional classification standards. In this case Lafferty lane is a Minor Collector and will require 40 feet of ROW from the physical centerline of the roadway.
- Pursuant to Section 3.2 of the Manual, a 15 foot permanent easement is required immediately behind the ROW line.
- Section P.5 of the manual addresses fees that are assessed for the review of the development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review.
- In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing "Letter of No Objection" review:
  Initial Stage Fee Calculation Form
  Initial Stage Review Fee
  Gate-Keeping Checklist – Site Plan
  Design Checklist – Record Plan
  Sight Distance Spreadsheet
  Owners and Engineers' name and e-mail address
  Record Plan
  Conceptual Entrance Plan
  Submission of the Area – Wide Study Fee (If applicable)

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things are required on the Record Plan:
  -A Traffic generation Diagram. See 3.4.2-a for the required format and content.
  -Depiction of all existing entrances within 600 feet of the proposed entrance.
  -Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- In accordance with Section 3.5.4.2.A.3 of the Manual, DelDOT will require construction of a sidewalk/ Shared Use Path along the property frontage of Lafferty Lane.
- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review:

Construction Stage Fee Calculation Form
Construction Review Fee
Gate-Keeping Checklist – Entrance Plan
Design Checklist – Entrance Plan
Auxiliary Lane Spreadsheet
Entrance Plan
Pipe/ Angle Spreadsheet (If Applicable)
SWM Report and Calculations (If Applicable)

- In accordance with Section 5.2.5.6 of the Manual, Turning Movement Diagrams shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the
  Manual, the entrance shall be designed for the largest vehicle using the entrance.

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrance and how long those lanes should be. The worksheet can be found at http://www.deldot.gov/information/business/subdivisions/auxiliary_lane_worksheet.xls.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at http://www.deldot.gov/information/business/subdivisions/Intersection-Sight-Distance.xls.
- In accordance with Section 5.14 of the manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.
- Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems open or closed, that fall outside the existing right-of-way or the drainage/ utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

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

APPLICATION: *Mitten Industrial Park*

FILE #: S-17-02

REVIEWING AGENCY: *Kent Conservation District*

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

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source:

2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE:

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Mitten Industrial Park at 141 Lafferty Lane

FILE #: S-17-02 REVIEWING AGENCY: Dover/Kent County MPO

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

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-17-02 Mitten Industrial Park at 141 Lafferty Lane

This application is the latest version to be submitted this property, somewhere in the process of being re-subdivided.by swapping property with an adjoining property to rationalize the boundaries for both. This plan omits several elements the MPO finds critical for the development of any property in Dover. We feel the requirement for sidewalks along the road frontage helps to build the sidewalk inventory for pedestrian access, if not immediately then planning for a future area-wide development. Similarly, a sidewalk should be provided along the entry road, Mitten Drive to connect with the sidewalks around the proposed building and the front road-side sidewalk. Unless the entry road will have a high volume of traffic or a speed limit of greater than 35 mph, this road will not require a bike lane. Bike parking, however, should be required as mandated by the City of Dover.

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

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF WASTE AND HAZARDOUS SUBSTANCES
SOLID AND HAZARDOUS WASTE MANAGEMENT SECTION

89 KINGS HIGHWAY
DOVER, DELAWARE 19901

TELEPHONE: (302) 739-9403
FAX: (302) 739-5060

March 8, 2017

Mr. Mat Mitten, President
Mid-Atlantic Dismantlement Corporation
1306 Healy Court
Bear, DE 19701-4962

Subject: Activities Requiring a Solid Waste Permit
Reference: Mid-Atlantic Dismantlement Corporation, File Code: 02.D

Dear Mr. Mitten:

During a phone call on February 27, 2017, with Solid and Hazardous Waste Management Section ("SHWMS") representative Mindy Anthony, you requested a letter from the SHWMS identifying the types of activities that would require Mid-Atlantic Dismantlement Corporation ("MAD Corp") to obtain a solid waste permit. The activities that you indicated would occur at MAD Corp's site, located at Lafferty Lane in Dover, would include bringing equipment from off-site to be sold from MAD Corp's site and bringing other materials from off-site to the Lafferty Lane site; however, you stated that MAD Corp would not be sorting or processing.

Per 7 *Del. C.* 60 § 6003(a)(4):

> *"No person shall, without first having obtained a permit from the Secretary, undertake any activity... In a way which may cause or contribute to the collection, transportation, storage, processing or disposal of solid wastes, regardless of the geographic origin or source of such solid wastes..."*

Furthermore, Delaware's *Regulations Governing Solid Waste* ("DRGSW"), Section 4.1.1.1 state:

> *"No person shall engage in the construction, operation, material alteration, or closure of a solid waste facility, unless exempted from these regulations under Section 2.3, without first having obtained a permit from the Department."*

The types of facilities, with operations similar to MAD Corp, which would require a solid waste facility permit include a Transfer Station, a Resource Recovery Facility, and a Recycling Facility. Construction and demolition waste is considered solid waste.

1. If MAD Corp. brings to its Lafferty Lane site solid waste (e.g. construction and demolition waste whether mixed or source-separated) to be consolidated or aggregated and then sends it for disposal or recycling, the operations would meet the definition of a Transfer Station and MAD Corp will be required to apply for and obtain a Transfer Station Permit.

Per DRGSW section 3.0:

> *"Transfer Station" means any facility where quantities of solid waste delivered by vehicle are consolidated or aggregated for subsequent transfer by vehicle for processing, recycling, or disposal.*

2. If MAD Corp. brings to its Lafferty Lane site mixed construction and demolition waste, processes it (e.g. sorting/separation, grinding, screening), and sends the processed waste for recycling, the operations would meet the definition of a Resource Recovery Facility and MAD Corp will be required to apply for and obtain a Resource Recovery Facility Permit.

   Per DRGSW section 3.0:

   > *"Resource Recovery Facility" means a facility that is either a Materials Recovery Facility Or A Thermal Recovery Facility.*
   >
   > *"Materials Recovery Facility" means a facility at which materials, other than source separated materials, are recovered from solid waste for recycling or for use as an energy source.*
   >
   > *"Thermal Recovery Facility" means a facility designed to thermally break down solid waste and to recover energy from the solid waste.*

3. If MAD Corp. brings to its Lafferty Lane site source separated solid waste, processes it (e.g. grinding, screening), and sends it for recycling, MAD Corp will be required to apply for and obtain a Recycling Permit.

   Per DRGSW Section 2.5:

   2.5.2 Recycling Permits

   Recycling solid waste into specific market applications requires a permit prior to commencing this activity.

   Per DRGSW Section 3.0:

   "Source Separated" means divided into its separate recyclable components at the point of generation."

4. If MAD Corp separates construction and demolition waste at the project site (e.g. the site of generation) and sends the material (whether mixed or source separated) directly for proper disposal or recycling, a solid waste facility permit is NOT required.

5. MAD Corp may not store solid waste at its Lafferty site without a permit.

6. MAD Corp may accept functional, saleable parts and equipment at the Lafferty Lane site for re-sale provided that the parts and equipment are properly stored in a manner to prevent impact to the environment, do not on their own present an environmental hazard (e.g. leaking fluid), and are sold in the same condition as they are received (e.g. an air conditioner must be sold as an air conditioner). This re-sale activity does not require a solid waste facility permit.

Please note that certain operations may require permits from other divisions within the Department. The information provided above is specific to regulations regarding solid waste. As per our November 6, 2014 letter to MAD Corp, the SHWMS again recommends MAD Corp utilize the Department's free Regulatory Advisory Service ("RAS") to understand all permits/ approvals/ requirements that may be necessary for its operations. Please contact Michelle Jacobs, Small Business Ombudsman, at (302) 739-9069 or Michelle.Jacobs@state.de.us to set up an RAS meeting.

If you have any questions, please feel free to contact Mindy Anthony at (302) 739-9403, option 8.

Sincerely,

Nancy C. Marker

Nancy C. Marker
Environmental Program Administrator
Solid and Hazardous Waste Management Section

NCM:MA:krc
MADSWPermit02D 030817

cc: Bill Miller, SHWMS
Mindy Anthony, SHWMS
Ann Marie Townshend, City of Dover (email only)
Matthew C. Brown, City of Dover (email only)

Cotten Engineering, LLC

Mike Cotten, P.E.

10087 Concord Road
Seaford, De 19973

P. 302-628-9164
F. 302-628-9164

February 28, 2017

Ms. Dawn E. Melson-Williams, AICP
City of Dover Planning Office
P.O. Box 475
Dover, De 19901

RE: MITTEN INDUSTRIAL PARK, PRELIMINARY PLAN REQUEST FOR VARIANCE.

Dear Ms. Melson-Williams:

Pursuant to our client's request, **Cotten Engineering LLC** is submitting request for variance from the Dover Town Code for the following Site Plan requirements.

- **Elimination of Curbing**: Our client request the elimination of the standing curb along the entrance drive "a private drive" and around the building site due to the site conditions and low topographic profile of the site. Eliminating the standing curb will allow for the stormwater to runoff the edge of the drive and parking area and into swales and edge of road filter strips for stormwater quality treatment. The curb would require an increase in building and road elevation and create more disturbed areas to address site stormwater needs.
- **Elimination of Sidewalk**: Due to the physical site conditions, location of the project and the intended use, our client request a waiver for the reduction of sidewalk along the entrance drive and along Lafferty Lane. The location of the property on the outside of the curve does not allow for safe pedestrian travel on this side of the road. The existing topography on this side of Lafferty Lane does not allow for economic construction of such sidewalk due to the steep slope into the property. Our client will dedicate a 15ft wide easement along Lafferty Lane The State of Delaware for the purpose of a potential pedestrian/multi-use path but will provide the fee in lieu of construction for any proposed sidewalk that Del-DOT may request. Side walks will be installed around the proposed building area.
- **Request Recognition of Woodland as part of Landscape Component of Opaque Barrier:** Our client request the recognition of a portion of the wooded area along the common property line between this site and the adjacent Mobile Home Park to be a part of the Landscape Component of the Opaque Barrier.
- **Request Elimination of Fence Component of Opaque Barrier:** We request elimination of the landscape berm/fence between our site and the adjacent Mobile Home park due to this portion of our project site is currently wooded and this proposed plan allows for 300± feet of existing woods to remain. Removing the woods to install a fence would not seem to be justified.

- **Request reduction in Wetland Buffer to 30ft:** Our client request a waiver for limited encroachment into the 100ft wetland buffer up to 30ft from the delineated wetland line for the construction of a proposed process /storage yard in the clearing at the rear of the site. A Riparian buffer will be established within the area between the 30ft setback and the Wetland line.
- **Request for a reduction in tree plantings:** Our client request reduction in the number of trees that the code requires (327) to be planted on this site which is based upon non-woodland acreage and not disturbed area for this project. Our proposed plan calls for (107) trees to be placed along Lafferty Lane, the entrance drive, and the proposed building and allows for 17± acres of existing woodlands to remain on this Industrially Zoned parcel. The tree species and final placement location shall be provided by a certified professional as Per Zoning Ordinance.

Sincerely,
Cotten Engineering LLC
Engineering and Planning Consultants

Mike Cotten

Michael Cotten PE
302-381-3622

STAFF REVIEW REPORT
Of March 9, 2017 for
Review of *Performance Standards Review Application*
Before the City of Dover Planning Commission on March 20, 2017

Application for Review:	Performance Standards Review Application Mitten Industrial Park
Plan Title:	Mitten Industrial Park S-17-02
Applicants:	Mathew Mitten
Location:	South side of Lafferty Lane, east of Bay Road
Address:	141 Lafferty Lane
Tax Parcel:	ED-05-077.00-01-27.00-000 Part of ED-05-077.00-01-26.00-000 Part of ED-05-086.00-01-08.00-000
Site Area:	40.09 acres +/-
Zoning:	IPM (Industrial Park Manufacturing Zone) MH (Manufactured Housing Zone) AEOZ (Airport Environs Overlay Zone): Noise Zone A and APZ I

INTRODUCTION

Site Plan S-17-02 Mitten Industrial Park has submitted its *Performance Standards Review Application* for review by the City of Dover Planning Commission in accordance with the provisions of the *Zoning Ordinance,* Article 5 §8. Performance Standards. The following Staff Review Report will provide a narrative of the project background, the next steps for the project, and the procedures for the review of the *Performance Standards Review Application*.

PROJECT LOCATION:

The Mitten Industrial Park property consists of 40.09 acres+/-. This subject site is located on the east side of Lafferty Lane north of the Kings Cliffe Manufactured Home Park.

PROJECT DESCRIPTION: Mitten Industrial Park

The Mitten Industrial Park plan proposes construction of a 9,600 S.F. office/warehouse storage building, an equipment processing & storage area, and associated site improvements. A private drive (Mitten Drive) serves as access into the site from Lafferty Lane. The proposed building is a one story building with parking on two sides of the building and a loading zone on another side. The separate equipment processing & storage area located to the southeast of the building is

proposed to be enclosed by fencing. The eastern and southern portions of the property include areas of existing woodlands and wetlands. Areas for stormwater management are proposed adjacent to Lafferty Lane flanking Mitten Drive. Additional trees will be planted on the property in order to meet the tree planting requirements. The facility is to be served by City of Dover utilities (water and sewer) and private trash collection.

PROJECT REVIEW AND NEXT STEPS

The City of Dover Planning Commission will review Site Development Plan (S-17-02) for the Mitten Industrial Park project on March 20, 2017 and conduct a Public Hearing on the project. The applicant is seeking the following waiver requests as part of the Site Plan review process: the Elimination of Curbing, the Elimination of Sidewalk, the Elimination of Fence Component of Opaque Barrier and the Recognition of Woodland as Part of Landscape Component of Opaque Barrier.

If the Planning Commission grants conditional approval of the Site Development Plan (Application S-17-02 Mitten Industrial Park) for this facility, the applicant is requirement revise the Site Plan for final plan approval to achieve all agency approvals and then commence authorized construction upon receipt of appropriate permits.

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

PERFORMANCE STANDARDS REVIEW

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

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

As part of the Site Plan review process, the Performance Standards Review begins with submission of a *Performance Standards Review Application* which the Building Inspector refers to the Planning Commission. The specific procedure is outlined in *Zoning Ordinance,* Article 5 §8.6 (see excerpt below). The Planning Commission may refer the Application to expert consultants for review if deemed necessary. The Planning Commission is charged with determining if the proposed use of the Mitten Industrial Park facility conforms to the applicable performance standards.

Article 5 §8.6 Performance standard procedure.

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

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

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

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

<u>Performance Standards Regulations</u>

The Performance Standards Regulations are found with *Zoning Ordinance,* Article 5 §8.5. (See Attachment for full text of code.) The project's compliance with a series of performance standards for the "dangerous and objectionable elements" is to be considered. The "dangerous and objectionable elements" are as follows:

- Fire and explosion hazards (activities with and storage of)
- Radioactivity or electromagnetic disturbance
- Noise (sound pressure level)

- Vibration
- Smoke
- Odors (Odorous gases or odorous matter)
- Fly ash, dust, fumes, vapors, gases and other forms of air pollution
- Glare (from lighting or high temperature processes)
- Liquid or solid wastes
- Traffic congestion (Level of Service E)

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

Performance Standards Review Application for Mitten Industrial Park.
The applicant has submitted the *Performance Standards Review Application* (received 2/28/2017) in the format of a three-page narrative which addresses the performance standards noting activities and actions such as design considerations and plans for the facility at 141 Lafferty Lane.

Staff Review of the Performance Standards Review Application submission:
The Planning Office has reviewed the *Performance Standards Review Application* submitted for Mitten Industrial Park (Application S-17-02).

Staff finds that the Performance Standards Review Application for the facility contains adequate information to confirm compliance with the performance standards of *Zoning Ordinance*, Article 5 §8.5. The applicant submitted a statement, dated March 7, 2017, describing the proposed activities in the "equipment processing and storage area," and DNREC Solid and Hazardous Waste Management Section submitted a letter dated March 8, 2017 confirming the types of activities that would be subject to permitting through their section.

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

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

1) Performance Standards Review Application: Staff recommends the Commission affirm that the proposed use of the site, based on the information provided by the applicant, will conform to all the applicable performance standards of the Zoning Ordinance, Article 5, Section 8. The proposed use is not expected to generate excessive dangerous or objectionable

elements or emissions and will comply with appropriate regulations and permitting.

- Staff concurs that normal office operations typically do not produce such dangerous and objectionable elements. Upon selection of a tenant for the warehouse/storage use of the building, their activities will need to be evaluate to confirm continued compliance.

2) Court Order Re: Existing Activities on the Property. The subject property has been the subject of an active code violation case (#06-2574) since 2006. There have been several attempts to correct the violations on the site through Site Plan applications that have never reached final plan approval. The City of Dover filed an injunction against the property in Chancery Court. The City and the property owner entered into a consent order in May 2016 with a timeline for achieving site compliance. According to the order, if the applicant does not achieve Final Site Plan approval by January 1, 2017, they must begin cleaning up the site, and clean-up must be complete by December 31, 2017. The City of Dover will continue to monitor the site in accordance with the agreement reached in the consent order.

3) The Site Plan for the project must be in compliance with the comments and conditions outlined in the Development Advisory Committee Report and the adopted conditions of the Planning Commission for the Site Plan (S-17-02).

4) The fire protection needs for the facility (building and site) will continue to be reviewed as part of the Site Plan and Building Permit application processes. The current plan shows a drive aisle around the building which may be designated as a fire lane and also shows a fire hydrant. However, the applicant is not sprinklering of the building. They have been advised that certain uses of the building may require it in the future. The Fire Marshal's Office is recommending that the building be sprinklered.

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

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

7) In regards to the surrounding transportation network, the facility is to take access from Lafferty Lane which is subject to review and approval by DelDOT through the entrance plan/permit process.

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

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

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

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

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

Attachments:

- Performance Standards Report submission
- Letter of March 7, 2017 from Madcorp to Dawn Melson-Williams, AICP
- Letter of March 8, 2017 from DNREC to Mr. Mat Mitten
- Excerpt of *Zoning Ordinance,* Article 5 §8

madcorp
Mid-Atlantic Dismantlement Corporation.
P.O. Box 1192, Dover, DE 19903 (302)678-9300 fax (302)678-9304

March 7, 2017

City of Dover
Dover, Delaware 19901

Attn: Dawn Melson-Williams, AICP
Principal Planner

RE: Mitten Industrial Park

As the owner developer, I want to give an accurate description of our intentions as it applies to our plans for our property on Lafferty La.
My intention is to create Mid-Atlantic Dismantlement Corporation's (madcorp) main corporate office, warehouse and storage yard.
The building proposed, 9600 square feet, will house an office, approximately 2000 to 2500 square feet and the balance will be warehouse space. Madcorp's office will consist of two full time office personnel and three to four transitent project estimator/managers working in and out of the office. The warehouse area will be used to store small equipment used during the course of our demolition business and equipment salvaged from our operation that we market for resale (electric motors, casework, copper wire, commercial appliances, glass works etc.). The warehouse will employ two to three full time employees. Our yard area located to the south of the property also called the process area will be used as a storage area for our large equipment when it is not out on a project site, dry freight van trailers and Conex boxes that house equipment salvaged from projects that are not in the warehouse and large equipment and items too big that need to be stored outside waiting for resale. These items can be large commercial HVAC units, above ground storage tanks, large industrial valves, building components, structural steel components', etc. Equipment stored has been inspected and cleaned prior to coming to our facility, any liquids have been properly and legally recovered with all documentation prior to coming to our yard. (Refrigerant, oils etc.) We will repair clean and make ready for resale equipment in our yard.

Madcorp will not dump any construction debris or solid waste at this facility and will not need a permit from DNREC to do such.

All stated uses described are permitted in the industrial zoning of this property.

Sincerely,
Mathew E. Mitten

Mathew E. Mitten, President
Mid-Atlantic Dismantlement Corporation

THINK SAFETY

Performance Standards

Mitten Industrial Park
Site Development Plan Application #S-17-02

Project Description:

The real property which is the subject of this application is comprised of 40.09+/- acres located on the east side of Lafferty Lane, north of the Kings Cliffe Manufactured Home Park, more particularly identified as Tax Parcels #ED-05-077.00-01-26.00-000, #ED-05-077.00-01-27.00-000, and #ED-05-086.00-01-08.00-000 (the "Property"). The Property is zoned IPM (Industrial Park Manufacturing Zone) and MH (Manufactured Housing Zone), and is partly subject to the AEOZ (Airport Environs Overlay Zone: Accident Potential Zone I and Noise Zone A). The owner of record is Mathew E. Mitten.

The goal of this application is to secure final approval of a Site Development Plan which allows the Property to be developed and utilized for an office, warehouse, and storage facility in compliance with the applicable provisions of the City of Dover Code.

The application proposes to construct a single office/warehouse building upon the Property, not to exceed 9,600 square feet of floor space. The building shall be a wood frame structure, with a metal roof and metal & brick veneer siding. The associated parking and site lighting shall surround the proposed building, in accordance with current City, State, and Federal standards. A conceptual architectural rendering of the proposed building is enclosed. Although no specific end user of the Property has yet been identified, the proposed building is intended to be utilized for typical office and warehouse uses (i.e., an office staffed by a limited number of persons, with appropriate office facilities, coupled with adequate space for warehousing and storage).

No portion of the Property or any building or other structure located thereon shall be occupied in any manner so as to cause any one or more of the following conditions to exist and to be dangerous, injurious, noxious, or offensive beyond

the boundaries of the Property in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjourning properties: fire, explosives, or other hazards: noise, vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, or electronic disturbances; glare, liquid, or solid waste; traffic congestion causing roadways or intersections in the surrounding highway network to fall below acceptable levels of comfort and convenience; or other dangerous or objectionable substances, conditions, or elements; provided that any use permitted or not expressly prohibited by the City of Dover Code may be undertaken and maintained if it conforms to applicable zoning regulations limiting dangerous and objectionable elements. In short, because the intended office, warehousing, and storage uses of the Property would simply entail typical office, warehousing, and storage activities (e.g., people answering telephone calls, engaging in written correspondence, and negotiating/drafting sales contracts, with warehousing and storage of inventory and supplies associated with the business of the office), the use of the Property will not implicate any dangerous or objectionable substances, conditions, or elements.

It is not anticipated that flammable or explosive materials will ever be stored on site, but in the unlikely event that any such materials are ever stored on site, then adequate safety devices shall be provided, in compliance with applicable law, to safeguard against any and all hazard of fire or explosion. Additionally, adequate fire-fighting and suppression equipment will be provided, as required by applicable law (i.e., in compliance with regulations enforced by the State Fire Marshal's Office). In no event shall the burning of waste materials in open fires be permitted on the site.

Furthermore, no activities shall be performed at the Property which would emit any dangerous radioactivity at any point, nor would any electromagnetic disturbances be permitted to occur which might adversely affect the operation of any equipment at the Property.

The maximum sound pressure level radiated by any use of the Property, at the Property's boundary lines, shall not exceed the values set forth in the City of

Dover Code. Nor shall any vibration be permitted which is discernable, without instruments, at the Property's boundary lines.

No smoke emissions shall be permitted at any point from any chimney or otherwise, nor shall any visible grey smoke of a shade equal to or darker than that specified in Article 5, Section 8.55 of the City Code.

No emission of odorous gasses or other offensive odorous matter shall be permitted to occur at the Property in such quantities as to be readily detectable and violative of Article 5, Section 8.56 of the City Code.

No fly ash, dust, fumes, vapors, gases, or other forms of air pollution shall be generated that (a) would cause damage to the health of persons, animals, vegetation, or other forms of property, (b) would cause excessive soiling, or (c) would fail to conform to applicable air pollution regulations, in violation of Article 5, Section 8.57 of the City Code.

There shall be no glare or sky-reflected glare, nor shall weather from flood lights or from high temperature processes (such as combustion or welding or otherwise) be permitted.

No liquid or solid waste will be discharged into the public or private sanitary sewer system servicing the Property, nor shall any liquid or solid waste be discharged into the ground or any stream, except in accordance with the standards and regulations of the Delaware Department of Natural Resources and Environmental Control (DNREC), nor shall any material be permitted on site of such nature or temperature as could cause contamination of any water supply or otherwise cause the emission of any dangerous or offensive elements.

Finally, the entrance and traffic pattern proposed by the application, as reflected on the Site Plan submitted herewith, shall be reviewed and approved by the State of Delaware Department of Transportation (DelDOT).

In sum, the applicant confirms that the intended use of the Property, as proposed by the Site Development Plan submitted herewith, shall at all times comply with all municipal, state, and federal performance standards which may apply.

Zoning Ordinance, Article 5

Section 8. - Performance standards.

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

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

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

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

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

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

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

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

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

Table I

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

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

Table II

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

*Apply one of these corrections only.

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

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

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

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

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

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

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

8.6 *Performance standard procedure.*

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

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

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

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

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

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

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

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