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

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

1) Application S-17-12 Capital Station Dover at 50 North DuPont Highway will not be heard on May 15, 2017. This application will be rescheduled for a future Planning Commission meeting and will be subject to Public Notice requirements.

ADOPTION OF MINUTES OF REGULAR MEETING of March 20, 2017

COMMUNICATIONS & REPORTS

1) Welcome to David S. Hugg III as Interim Director of Planning & Community Development

2) Reminder: The Planning Commission Quarterly Workshop is scheduled for WEDNESDAY, May 17, 2015 at 12:00 noon in the City Hall Conference Room.

3) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, June 19, 2017 at 7:00pm in the City Council Chambers.

4) Update on City Council Actions

5) Update from Planning Office
    a. IPA Planning Education Series 2017
        i. Planning 201: Creating a Flood Ready Community to be held May 19, 2017, 9am to Noon at the Paradee Center

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:
    A. S-15-05 North Street Mini Storage at 1351 West North Street – Request for a one-year extension of the Planning Commission approval granted on May 18, 2015 of a Site Development Plan to construct a self-storage facility consisting of three (3) buildings totaling 108,940 S.F. to include an office building and two (2) storage buildings with 519 units, and associated site improvements. The property is zoned IPM (Industrial Park Manufacturing Zone). The property is located on the north side of West North Street east of Mifflin Road and west of Commerce Way. The owner of record is RES-Data, LLC and SSS-Data, LLC c/o Dean Pletz. Property Address: 1351 West North Street. Tax Parcel: ED-05-076.14-01-07.00-000. Council District 1. Waivers Approved: Elimination of Curbing, Elimination of Opaque Barrier Requirement.

NEW DEVELOPMENT APPLICATIONS

1) Z-17-03 Lands of Most Worshipful Prince Hall Grand Lodge at 1408, 1412, and 1416 College Road – Public Hearing and Review for Recommendation to City Council for rezoning of three parcels located on the southeast side of College Road. The properties are zoned R-8 (One Family Residence Zone) and the proposed zoning is IO (Institutional and Office Zone). The owner of record is The Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons of the State of Delaware, Inc. Property Addresses: 1408 College Road, 1412 College Road, and 1416 College Road. Tax Parcels: ED-05-067.14-01-47.00-000, ED-05-067.18-01-11.00-000, and ED-05-067.18-01-09.00-000. Council District 4. Ordinance #2017-05. *For this zoning map amendment, the First Reading was completed on April 24, 2017. Public Hearing before the Planning Commission is scheduled for May 15, 2017 and Final Reading/Public Hearing is scheduled before City Council for June 12, 2017.*

2) SB-17-01 Minor Subdivision Plan at 749 West North Street – Public Hearing and Review of a Minor Subdivision Plan application to permit subdivision of a 23,144 S.F. lot into three (3) new lots of approximately 7,400 S.F. +/- each. The property is zoned RG-1 (General Residence Zone) and is located on the north side of West North Street east of Minima Street. The owner of record is MauTiste, LLC. Property Address: 749 West North Street. Tax Parcel: ED-05-076.12-03-59.00-000. Council District 4.

3) S-17-13 Longhorn Steakhouse at 505 North DuPont Highway – Public Hearing and Review of a Site Development Plan to permit construction of a 5,842 S.F. Longhorn Steakhouse restaurant and related site improvements. The project site is part of the Capital Commons development and predominately located on a separate 24,257 S.F. parcel. The property is zoned C-4 (Highway Commercial Zone) and is located at the northeast corner of North DuPont Highway and Townsend Boulevard. The owner of record is Dover, DE Retail LLC c/o TLM Realty Corp. and the project developer is the Darden Corporation. Property Address: 505 North DuPont Highway. Tax parcel: ED-05-068.09-01-35.00-00. Council District 3. *This application is associated with Site Development Plan S-16-02 Capital Commons, granted conditional approval by the Planning Commission in February 2016 and Final Plan approval in May 2016. Site Development Plan S-16-23 Panera Bread, granted conditional approval in November 2016 and Final Plan approval in April 2017, is similarly associated with S-16-02.*

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 May 5, 2017

CITY OF DOVER PLANNING COMMISSION
March 20, 2017

The Regular Meeting of the City of Dover Planning Commission was held on Monday, March 20, 2017 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Ms. Edwards, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert.

Staff members present were Mrs. Ann Marie Townshend, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present was Mr. Gregory Moore, Mr. Mike Cotton, Mr. Matthew Mitten, Mr. John Paradee, Ms. Wayneicka Johnson, Mr. Michael Graham & Mr. Joe Petrosky.

APPROVAL OF AGENDA

Mrs. Welsh moved to approve the agenda as submitted, seconded by Dr. Jones and the motion was unanimously carried 9-0.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF FEBRUARY 21, 2017

Mrs. Welsh moved to approve the Planning Commission Meeting minutes of February 21, 2017, seconded by Mr. Baldwin and the motion was unanimously carried 9-0.

APPROVAL OF THE PLANNING COMMISSION QUARTERLY WORKSHOP MEETING MINUTES OF FEBRUARY 22, 2017

Dr. Jones moved to approve the Planning Commission Quarterly Workshop Meeting minutes of February 22, 2017, second by Mrs. Welsh and the motion was unanimously carried 9-0.

COMMUNICATIONS & REPORTS

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

Mrs. Townshend provided an update on the regular City Council and various Committee meetings held on February 27 & 28, 2017 and March 13, 2017.

Mrs. Townshend stated that there is training scheduled through the Institute of Public Administration on Friday, March 24, 2017. If any Commissioners are interested in attending contact the Planning Office.

Mrs. Townshend stated that on Wednesday, March 22, 2017 there is a Public Forum on the State's Historic Preservation Plan. That will be held at the Dover Public Library at 6:00PM.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

2) 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.*

Representatives: Mr. Gregory Moore, Becker Morgan Group

Mrs. Melson-Williams stated that this application was considered at the Planning Commission meeting in February. It encompasses several properties owned by the Speedway. At the last meeting, the Commission took action to grant conditional approval to the Site Development Master Plan which laid out a series of temporary and potentially permanent structures on the festival grounds. This included new and existing parking and camping areas. It focuses on the Speedway lands and the area of Leipsic Road and Persimmon Tree Lane. As part of the motion, the Commission addressed three waivers that were granted approval. Those were the reduction of the bicycle parking requirement that by accepting on a temporary basis that they will address it as a per event situation. The Commission also granted approval to eliminate the opaque barrier fence component from being implemented as implementation would likely require removal of woodland areas to achieve it. The third waiver that the Commission granted approval to was the alternative for the opaque barrier landscape component, allowing that the woodland areas be recognized and only needing the landscape component in certain instances. What the Commission did not take action on, because they were seeking additional information, was the waiver request related to the elimination of sidewalks. The Code requirement for applications appearing before the Planning Commission requires that the sidewalks be implemented along all public street frontages of the property. The applicant in this instance did seek a waiver. They submitted information citing how the event area functions during those event activities. Staff and its portion of the DAC Report had recommended

approval of the request to eliminate sidewalks along the street frontage noting that there is special event planning related to all transportation modes including pedestrians as they plan for events. The Planning Commission was seeking additional information regarding sidewalks and that special event planning. Mrs. Townshend will discuss what was received when we sought that information from DelDOT.

Mrs. Townshend stated that the Commissioners did receive separately from their packet, an email correspondence that came from Mr. Gene Donaldson at DelDOT. He is the person who is the lead on all of the traffic planning. It's a rather lengthy email but he kind of goes through some of the logistics and then goes through a series of bullets related to the efforts that they have in terms of planning and implementing safety measures for pedestrians. One of them is that they have designated drop-off areas. There is a shuttle service that is available and they will be expanding it to some degree. They have monthly planning meetings. The bridge over Route 1, Persimmon Tree Lane and Leipsic Road have a hard closure with the exception of local residents and their guests. Really there is not a lot of traffic on the road. Parking passes are issued to local residents and guests so that they can get through. Street lights have been utilized on Persimmon Tree Lane to improve safety. Based on those measures, Mr. Donaldson indicates that DelDOT would support the recommendation to approve the requested sidewalk waiver because of the measures that they have in place. Additionally just as a reminder, even if sidewalks were required there are large stretches of the property where Dover International Speedway does not own the frontage so if there were sidewalks to be constructed they would stop and start along the frontage of Persimmon Tree Lane. From our perspective, we have concerns about the stopping and starting and what that does for pedestrians. It kind of almost dumps them onto people's property rather than keeping them in public right-of-way. She knows that some of the discussion that was held last month involved some of the other concerns that neighbors had with regard to the crowds and fencing and things like that. She knows that the Speedway has reached out to the neighbors that spoke at the hearing and Mr. Moore is prepared to respond to some of those concerns. As it relates to the waiver, the biggest issue was DelDOT and now we have the response from them.

Mr. Holt stated that they had one gentleman question some of the problems that he was having with the people of Firefly getting on his property and doing things that were disgusting to his property. He was asking for some relief from that and he didn't know whether someone had a chance to meet with him and try to solve some of his problems. Responding to Mr. Holt, Mr. Moore stated that Dover International did reach out to Mr. Moran who testified at the last meeting. He had issues with people being on his property and out of control. His property is actually located in Kent County and there are people who would access the festival from that side of the property which is to the east. What Dover International is proposing and has met with Mr. Moran about is adding a full time officer from the State Police. He will be solely responsible to police that area from where the road closes all the way into the festival so that there will be someone there to watch for the issues that Mr. Moran brought up at the last meeting. They plan on running the shuttle from the east side into the event 24 hours a day. In the past, it hasn't been run 24 hours and when the event closes you get people walking back and forth trying to go back to where the road is open. Dover International Speedway and Red Frog are going to do a better job of advertising to the people who buy tickets that this shuttle is there. It was there last year but it was in its infancy. This shuttle is intended to take these people in a more controlled area, get them to the edge where they can walk out rather than just having them meander on private properties. Those two things they think address Mr. Moran's issues.

Mr. Tolbert questioned if Leipsic Road will be open to residents at all times? Responding to Mr. Tolbert, Mr. Moore stated residents who live in that area will be given passes so that they can pass the closures. He knows that they are able to pass coming up Persimmon Tree Lane to get into their homes as long as they have a pass and/or a license that shows the valid address.

Mr. Tolbert further questioned if this issue would just be during Firefly and not during NASCAR as well? Responding to Mr. Tolbert, Mr. Moore stated yes, the festival is different than NASCAR.

Mr. Tolbert questioned if the residents of the area would be able to move freely? Responding to Mr. Tolbert, Mr. Moore stated that they will have passes so that they can get through.

Ms. Maucher questioned if any part of the property is dedicated right-of-way in case there was ever an interest to install multi-modal pathways? Responding to Ms. Maucher, Mr. Moore stated that there has not been. The multi-modal pathway would be something similar to a sidewalk. The other thing that Mr. Moran and the other person who testified last time do not want to see are sidewalks because they are concerned that if they put sidewalks in it will bring the people closer to their homes and into the actual private properties where they terminate. Much of this the Speedway doesn't control and are private properties that separate themselves. Both of these people that testified last time are against that. He chatted with them at the last meeting and they were concerned that they would be required to put in sidewalk and they wanted to be clear that they didn't want to. They didn't think that it would actually benefit them even if Dover International Speedway did it.

Mr. Roach stated that as far as the passes that are going to be given to the residents, it's not going to be to the bridge. They would have to go to the back road to get out of the area. Responding to Mr. Roach, Mr. Moore stated yes, the back route is where the police are to let the residents through. The bridge becomes a pedestrian passageway and it's not even safe for a bike.

Mr. Roach stated that the email from Mr. Mark Lutz from DelDOT stated as far as the restrictions (as it pertains to the full road closures) that it's a three day per year event but Firefly is a four day event. He just wants to make sure that the things that were addressed in this email were actually for all four days. Responding to Mr. Roach, Mr. Moore stated that Mr. Donaldson is the person who coordinates the event with Dover International Speedway. Mr. Lutz is more of a statewide traffic guy and he doesn't know if he is really involved in Firefly so he would take Mr. Donaldson's remarks as the key.

Mr. Holden stated that the sidewalk waivers come up in front of the Commission quite often. He thinks that Dover International Speedway and Red Frog do an amazing job of running the events that they have there. He thinks that they do a very good job of dealing the foot traffic that gets generated from those events. Sidewalks along the frontage of properties in the Site Plan process really are there to benefit the development of the property and also to support to development of our community as a whole with safe passageways. The internal passageways that Red Frog and Dover International Speedway do a great job of don't necessarily help the residents that are walking in and out of the City of Dover. He knows that traveling that road you see a fair amount of people who are walking from the grocery store or to work or other that end up having to walk on the shoulder of the road. This is an interesting case in that some of those residents are City of Dover residents and some may not be. From the City's perspective, he is curious as to the original drivers for the sidewalk

requirement because in this case they have addressed if Dover International Speedway's event demands the sidewalks and the experts say no. But do the residents that walk up and down that street need a sidewalk? His concern is that they are ignoring one component of the use for a sidewalk system. Responding to Mr. Holden, Mrs. Townshend stated that part of the issue is that unlike most other applications that come before the Commission, the Site Plan for the Woodlands at Dover International Speedway is really for a temporary event area. The type of use is different and the idea is that for the most part there will be temporary structures but under this Master Plan it allows some flexibility to potentially do Administrative Site Plans in the future to put permanent stages or pavilion type structures in the event area. The other thing is that they would only be responsible for putting sidewalks along the frontage of the property that they own which would not be most of the area that is along Persimmon Tree Lane; it would be a very small portion of it. That is the side of Persimmon Tree Lane where there are not residences. A sidewalk on that side of Persimmon Tree Lane would not help the residents who live on the other side of the road in the apartments or in Wild Meadows or Persimmon Park Place because it would be opposite their developments. She thinks for a number of reasons it's not something that makes sense to go forward with this application.

Mr. Moore stated that on behalf of Dover International Speedway they would agree. They are not purposing structures and buildings on the frontage that would necessitate walking to them; they are trying to accommodate the festival for a couple days of year. There is over 8,000 LF of sidewalk that could be affected here which is a tremendous amount and the Speedway believes that it's a public safety issue to actually expand the roadways and move the people those people out into the resident's front yards. This is not the typical submission and he can tell you that Red Frog's ability to put in structures is going to be based on their success at each festival and at this current time other than a few roads for safety and working with the Fire Marshal, there aren't structures that they plan to build. A lot of that is budget driven and if there is success then there could be buildings but there may not be. Their issue would be that they may not build anything under this plan if the festival isn't successful.

Mr. Moore stated that he agrees with everything that Staff has said and he agrees as does Dover International Speedway with what DelDOT is saying about no sidewalk.

Ms. Maucher moved to approve S-17-03 Dover International Speedway Parking & Event Area Master Plan to include the waiver of the sidewalk requirements, seconded by Mr. Holt and the motion was unanimously carried.

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.*

Representatives: Mr. John Paradee, Baird, Mandalas & Brockstedt; Mr. Mike Cotten, Cotten Engineering Inc; Mr. Matthew Mitten, Mid-Atlantic Dismantlement Corp.

Mrs. Melson-Williams stated that this Site Plan S-17-02 is a Site Development Plan for a property that is located on what is the south side of Lafferty Lane. The entire parcel is one main parcel and there was a recent land swap transaction that has occurred with an adjacent property owner to clarify some property lines and make some neater shapes to two properties. The overall site area is just over 40 acres. The property is zoned IPM (Industrial Park Manufacturing Zone). There is a portion of the property that falls in the MH (Manufactured Housing Zone). This is an area that is near the Kings Cliffe Manufactured Home Park. Some of that area they recently worked with the adjacent property owner with the land transactions there. Parts of the property are also subject to the AEOZ (Airport Environs Overlay Zone: Accident Potential Zone I and Noise Zone A). The proposal here this evening is to construct a 9,600 SF office/warehouse/storage building and then also to identify an equipment processing and storage area on the plan itself. The project that is proposed would actually create a new entrance drive off of Lafferty Lane that would then wrap around to what is the building area. Continuing on that path would take you to the processing area. The processing area is kind of in the center of this plan.

As mentioned, there was a recent Minor Lot Line Adjustment Plan which they were still working to complete some deed work related to the land records on that transaction. This site has been the subject of a number of plans dating back to at least 2008 that appeared before this body and some that never made it this far. Tonight, they are starting as a new application.

This property, because it is located in the IPM (Industrial Park Manufacturing Zone) is subject to the Performance Standards Review Process. The applicant had to provide submission materials related to the Performance Standards Review items. There are several documents that they submitted in that regard. There is a separate Staff Review Report for the Performance Standards Review Application and that process involves the Planning Commission considering whether the intended activities on the property comply with a series of Performance Standards related to dangerous and objectionable elements. There is a laundry list of what those objectionable elements are and they range from fire hazards, noise, smoke odors, glare, liquid and solid waste and traffic congestion. There are a number of criteria that the *Zoning Ordinance* establishes in Article 5 Section 8 in regards to each of those Standards. The applicant had to respond to each of those items and how their intended use would or would not impact in those areas. The Staff's Review Report recommends that the Commission affirm that the proposed use of the site based on the information that the applicant has provided to us at this point, would conform with those applicable Performance Standards. It is noted that a number of these Performance Standards are governed by regulations and policies that the City has as well as at the State level. There may be a series of permits or State regulations that they would have to comply with for any of their use activities on the site.

Continuing with the DAC Report, the proposed architecture of the building is a metal building with a pitched roof. It would be occupied by both offices and warehouse uses. There are a number of site considerations that come into play with this property. There are extensive areas of woodlands as

well as wetlands on the property. The *Zoning Ordinance* requires that wetland areas remain as natural open spaces and actually establishes regulations for setbacks from those wetland areas that the project will have to comply with.

The project is showing a series of parking spaces in the immediate vicinity of the building. Based on the size of the building, it is required to have twelve (12) spaces. The maximum that they can have is fifteen (15) parking spaces and the applicant is showing that maximum of fifteen (15) spaces. In addition, there are loading spaces and they will be required to have at least one bicycle parking space.

There are several waivers that they are seeking with this submission. The first is the partial elimination of curbing. The Code requires that parking areas and the access drive have the upright curb. They are seeking relief from that citing the opportunities for stormwater management and draining related to waiving of the curbing. The second waiver that they are seeking is the elimination of sidewalks and this would be along the frontage of Lafferty Lane as well as any kind of sidewalk connection from the street frontage into the building. They have made a written waiver request for that. The other waiver request is related to the opaque barrier; specially the fence component and then the format of the landscape component. In this situation, because there are portions of the property that are adjacent to residential uses this opaque barrier requirement comes into play. They are seeking relief from the fence component to avoid the removal of trees that might be necessary in order to implement the fence. Related to the landscape barrier, they are asking that the Commission recognize that the existing woodland count towards compliance with that landscape component where the woodland area is present. For tree planting on the project, they are seeking to utilize a defined project area rather than the entire balance of the project site. That's been delineated on this plan for calculation. Basically, they do get credit for any woodland in those areas but still would be responsible for planting at least one hundred fifty-seven (157) trees on the project site.

Staff does give their recommendations on each of the waiver requests that the applicant is seeking. They recommend approval of the partial elimination of curbing where its removal can be proven to be associated with stormwater management activities. They do also support the elimination of sidewalks in this case because the area is so isolated from any existing sidewalk networks in the area. They are supportive of the elimination of the fence component of the opaque barrier noting that they would rather have the trees than them be cleared just to implement the fence. They also support the alternative format for the landscape component, recognizing the existing woodland. They do note that there may be additional design alternatives that would further lessen the impact on woodlands and ways to deal with stormwater management on the site and that they encourage the applicant to explore them because of the area's proximity to the Air Force Base. Planning Staff has noted as well as the Fire Marshal that the building size is currently just under the 10,000 SF size that would require sprinkling of the building automatically; the applicant is currently not looking to do that. They note that it is highly recommended and that some of the potential tenants that could be located in there may require sprinkling of the building anyway. There are advisory comments related to this property. It has an active code violation case that has been involved with a consent order by Chancery Court and Mrs. Townshend can answer any questions regarding that issue. The DAC Report continues with the comments from the City's other agencies including the Electric Department and Public Works Department, the Fire Marshal's Office, DelDOT, Kent Conservation District and the Dover/Kent County MPO.

Mr. Holt questioned if the sprinkling of the building was discussed since it is close to the 10,000 SF size. Responding to Mr. Holt, Mrs. Melson-Williams stated that it's been noted by Staff in the Report that it is potentially a concern. The 10,000 SF sprinkling size requirement is actually a City regulation. In some instances, the Fire Codes may require it anyway but until they have a definitive tenant space decision they can't answer that requirement. Certainly, they encourage it and a lot of times it's easier to plan and implement it now rather than later.

Dr. Jones questioned if a fence has already been constructed for the cemetery? Responding to Dr. Jones, Mrs. Melson-Williams stated that she was not on the right application. The cemetery is for the Secure Storage application.

Ms. Maucher questioned if the active code violation would impact this project? Responding to Ms. Maucher, Mrs. Townshend stated this allows them to move forward to move toward compliance. The consent order stipulated that if they didn't have Final Site Plan approval by January 1st they would begin cleaning up the site. The applicant now has until the end of this calendar year to clean up the site.

Ms. Maucher questioned what needed to be done? Responding to Ms. Maucher, Mrs. Townshend stated that there is a processing area that is on site that has not gotten any approvals so they need to clean that up.

Mr. Tolbert questioned if any positive action at this point that the Commission may make would be contingent upon this site being cleaned up as required? Responding to Mr. Tolbert, Mrs. Townshend stated yes.

Mr. Tolbert questioned if the height of the building was a concern? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that in the IPM (Industrial Park Manufacturing Zone) the height of the building is governed by the distance of the building from the property line. They are not anticipating that that's an issue because of how far the building is from the property lines from Lafferty Lane and from the property to the south and east. But it is something that will need to be identified as they move forward with any kind of review process with the Site Plan and ultimately with any kind of Building Permit application in order to confirm compliance.

Mr. Paradee stated that he would simply note that the plan does comply with all Code requirements including the Performance Standards which have been reviewed and Staff does recommend approval of all four waiver requests so they would respectfully request the Commission's favorable consideration on all of those points.

He would be remiss if he didn't offer his congratulations to our retiring City Planner. He thinks that everyone in the room would agree that she has been a real asset to the City of Dover. They will be sorry to see her go but wish her the best of luck. He would also like to commend her staff, in particular Mrs. Melson-Williams for her excellent work and patience on this particular project. It has been the subject of concern for a number of years and the Planning Staff has been very gracious in working with them to help bring us to this point which is a big step in getting the property into compliance.

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

Mr. Roach stated that he was also concerned about the sprinkler system just because of the square footage being so close to 10,000 SF. Do they have a possible tenant and an answer as to why you might not want to put it in now as opposed to waiting until later? Responding to Mr. Roach, Mr. Paradee stated that at the present time the applicant's intention is to occupy the building himself for his own business. The Commissioners have a letter in their packets dated March 7, 2017 from the applicant explaining exactly what his proposed use would be. Basically, it would be a small office and the bulk of the interior of the building would be used for warehousing. Given that use and the relatively minimal human activity that would occur in the building, they don't feel that would warrant a sprinkler. But as Mrs. Melson-Williams noted, if it turns out that some other tenant were to occupy the building that might have more intensive human activity such that sprinkler would be warranted then obviously they would have to do that at that time. It's a little chicken and egg because it's expensive to do. They don't want to make that commitment without knowing that they have a tenant that would warrant it.

Mr. Holt moved to approve S-17-02 Mitten Industrial Park at 141 Lafferty Lane to include the waivers for the elimination of the opaque barrier fence component, the recognition of the woodlands as part of the opaque barrier landscape component and the elimination of curbing and the elimination of sidewalks. He also recommends that the building be considered to be sprinkled at a later time if the tenants or the need arises and to include the acceptance of the Performance Standard Review, seconded by Mrs. Welsh and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; due to Staff support, testimony, compliance with the Code and meeting the Performance Standards Review. Mr. Roach voting yes; for the reasons previously stated. Ms. Edwards voting yes; for the reasons previously stated. Mr. Holt voting yes; as Staff has already approved everything down the line and it looks like it's a good plan. Mr. Baldwin voting yes; based on the Staff Report and meeting the Performance Standards. Dr. Jones voting yes; for reasons previously stated. Mrs. Welsh voting yes; for the reasons previously stated. Ms. Maucher voting yes; to bring the property violations into compliance. Mr. Tolbert voting yes; primarily because the applicant has expressed their willingness to work with Staff regarding this application. There have been problems in the past and they are willing to work with Staff and do everything that's required of them to be in compliance with the City's Ordinances.

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*

Representatives: Ms. Waynenicka Johnson, Owner

Mrs. Harvey stated that the Conditional Use Site Plan is to permit a large family day care in an existing 1,080 SF single family home located at 118 Roosevelt Avenue to be known as The Little

People's Daycare. The property is zoned R-8 (One Family Residence Zone) and the owners of record are Ms. Waynenicka Johnson and Ms. Jessica Cooper. The project proposal for twelve (12) children at The Little People's Daycare would be classified as a large family day care home by the *Zoning Ordinance* as it provides care for more than six (6) children but less than thirteen (13) children. If the number of children increases to thirteen (13) or greater then it would be considered a day care center.

The plan shows an outdoor play area on the south end of the site at the rear of the existing building. Fencing for the play area is identified on the plan. Access into the playground area appears to be directly from the building. The plan shows a total of four (4) parking spaces. The number of required spaces shown on the plan is based on the requirements for day care facilities in Article 5 Section 14.33 which requires one space per ten (10) children plus one (1) space per adult attendant. Since this facility proposed for twelve (12) children and two adult attendants, the parking complies with this requirement.

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 home as an occupied residence in an existing two 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 owner of the property did not reside at the residence. Under Article 5 Section 14.23 of the *Zoning Ordinance* states that 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*.

Sidewalks are not present along the rest of the street frontage of Roosevelt Avenue. *Zoning Ordinance* Article 5 Section 18.1 requires sidewalks along the public street frontage of a property whenever the property involves the Planning Commission review of the development activity. The Planning Commission has the ability to modify or waive the sidewalk requirement under Article 5 Section 18.4. The applicant has submitted a waiver request for consideration by the Planning Commission to eliminate the required sidewalk. Staff recommends approval of this request to eliminate sidewalk at the property day care as there is no frontage sidewalk along the existing residential area frontage along Roosevelt Avenue.

Ms. Maucher questioned if a day care center would be permitted in this zone? Responding to Ms. Maucher, Mrs. Townshend stated yes, as a conditional use.

Ms. Maucher stated that right now it's a large family day care but if one more child is added it becomes a day care center in a different category. Responding to Ms. Maucher, Mrs. Townshend stated that it would but it would need to come back as another Conditional Use.

Ms. Waynenicka Johnson stated that she is satisfied with everything that has been stated and she will comply with whatever Staff requires.

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

Ms. Maucher moved to approve C-17-1 The Little People's Daycare at 118 Roosevelt Avenue,

including the elimination of the sidewalk requirements and the DAC comments, seconded by Mrs. Welsh and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; due to Staff comments. Mr. Roach voting yes; for the reasons previously stated. Ms. Edwards voting yes; based on the fact that there are no existing sidewalks on Roosevelt Avenue. Mr. Holt voting yes; for the reasons previously stated. Mr. Baldwin voting yes; for the reasons previously stated and day cares are needed in the area. Dr. Jones voting yes; for the reasons previously stated and certainly quality child care is very much needed. Mrs. Welsh voting yes; for all of the reasons previously stated. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; for the reasons previously stated and according to his understanding of the Ordinances you can open up a day care in any zoned area because of their importance. We do need quality day care centers.

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.*

Representatives: Mr. Gregory Moore, Becker Morgan Group; Mr. Michael Graham, Medicore Partners

Mr. Diaz stated that this project is to construct a 42,000 SF physical rehabilitation hospital. The project is to be constructed on McKee Road just north of College Road. The parcel does not currently have an address but it's between 1216 McKee Road and 1282 McKee Road. The site is zoned IO (Institutional and Office Zone) and is also subject to the COZ (Corridor Overlay Zone). There are a number of site considerations that were looked at while reviewing this plan. First, the site entrance moved a couple of times at DelDOT's request so it's now as far north as possible on the site. The reason for doing that was to reduce traffic impacts on the intersection of McKee Road and College Road. The project does not however affect the intersection of McKee Road and Gemstone Boulevard which is the entrance to Emerald Pointe. Second, there is some uncertainty about the parking standard that should be applied to the project because they did not know at first the number of beds that were going to be in the hospital. After learning that there were going to be thirty-four (34) beds, they were able to apply the right parking standard which would be a requirement for one hundred forty (140) spaces as opposed to twelve (12) spaces based on the bed count. The third major thing that they looked at was the requirements of the COZ-1 (Corridor Overlay Zone). One was the requirement for cross access to neighboring properties if those properties are to be developed with similar compatible uses to the hospital. The other was the required maximum fifty (50) foot setback from the front property line for buildings along this portion of the COZ-1 (Corridor Overlay Zone). They are proposing a ninety (90) foot setback which they can only get if the project receives a designation of Superior Urban Design from the Planning Commission. As a reminder, properties in the COZ-1 (Corridor Overlay Zone) can get a designation

of Superior Urban Design if they meet certain criteria related to categories of multi-modal transportation, architecture, landscaping, public space and green technologies. The specific requirements of those categories are outlined in the policy document at the end of the packet. The Planning Commission should decide tonight whether the plan meets the criteria. There are a number of recommendations for the project related to the Superior Urban Design Designation as well as their waiver requests. Staff is recommending the Planning Commission grant the designation of Superior Urban Design based on the project meeting the criteria of landscaping and architecture. For landscaping, the project exhibits a robust group of trees, shrubbery and flowering plants as well as pervious paving and water features if those are appropriate for the stormwater management. For architecture, the building exhibits several characteristics which are seen as desirable. These include banding, coping, stone veneer and they also have a large canopy over the front entrance and small ones over the side entrances. It's an articulated building which is the sort of architecture that they would like to see. Staff recommends approval of the Superior Urban Design Designation based on the landscaping and the architecture.

Second, they are recommending approval of the applicant's waiver request for partial elimination of upright curbing specifically on the drive aisle that is between the building and the roadway. Between that drive aisle and McKee Road itself is where two of the major stormwater management areas are to be located. They are recommending waiving the upright curbing in this area to allow for sheet flow of stormwater from the drive aisle into those stormwater management areas. The second waiver request that they are asking for is a reduction in their required parking. As mentioned previously, the site would require one hundred forty (140) spaces and they are requesting that it be served by one hundred twenty (120) spaces. Staff is recommending approval of that waiver request based on the availability of bicycle and transit facilities along McKee Road as well as the applicant's accertion that one hundred twenty (120) parking spaces have been sufficient to serve similar facilities of this size that they have built in other cities. He believes that the applicant may be able to explain the similarity between the current facility and some of the previous ones tonight. The third waiver request is for loading spaces. The requirement based on the square footage of this building is for three (3) loading spaces and they are requesting that it be served by one loading space. Staff is recommending approval of this waiver request as well due to the relatively small size of the hospital and based on that it really shouldn't need more than one loading space. Again, previously facilities that they have done have shown that level of need. Again, the waivers that are requested are the elimination of upright curbing, the elimination of twenty (20) parking spaces from one hundred forty (140) to one hundred twenty (120) and the elimination of two (2) loading spaces from three (3) down to one.

Ms. Maucher questioned if the transit opportunity meant a bus stop on the property? Responding to Ms. Maucher, Mr. Diaz stated that there aren't plans to place a bus stop on the property but there is one nearby on the other side of College Road. The nearest one is in front of the Grace Presbyterian Church.

Mr. Tolbert questioned if at this point the Architectural Review Committee is required look at this building? Responding to Mr. Tolbert, Mrs. Townshend stated no, the Planning Commission can consider the architecture unless there are concerns in which case it could be delegated to the Architectural Review Sub-Committee.

Mr. Tolbert stated that his concern is that at one time the Commission was very concerned about

flat roofs and this building has a very flat roof.

Dr. Jones stated that there was some mention of minimizing the view for the property owners next door. Responding to Dr. Jones, Mr. Diaz stated that that is one thing that he might have addressed. You will see that to the west they are meeting the opaque barrier requirements of the property. That consists of an opaque fence that is six (6) feet high and made of vinyl as well as on evergreen screen. That will also be planted along the north property line. There's a drainage ditch on the southern property line that prevented its implementation there.

Dr. Jones questioned if there has been any reaction at all from the neighbors? Responding to Dr. Jones, Mrs. Townshend stated that they haven't heard anything in their Office since the Rezoning application. There was certainly discussion prior to and at the time of the Rezoning.

Mr. Roach questioned if there were going to be trees all across the side of the property on McKee Road and a fence? Responding to Mr. Roach, Mr. Diaz stated not on McKee Road. The fence is on the north and west property lines. The east property line along McKee Road has a large number of trees. Staff recommended that they reduce the number of trees along that property line but they do believe that the number of trees along the residential property line is appropriate.

Mr. Roach stated that it was a lot of trees. If you are looking to try to find this property, he can see a lot of people having to make U-turns because of not being able to see the entrance.

Ms. Maucher stated that the visibility coming out of the property is a concern also because it is a very busy road. Are there evergreen tree along the frontage? Responding to Ms. Maucher, Mr. Diaz stated that it is a mix of deciduous and evergreens. They recommended that the evergreens in particular be removed from that frontage except along the handicapped accessible parking spaces that are right in front of the building because there is a requirement that parking spaces be screened when they would be visible from across a roadway.

Ms. Maucher questioned if those parking spaces were near the entrance? Responding to Ms. Maucher, Mr. Diaz stated that those are not near the entrance.

Mr. Moore stated that this is a model that the applicants have used in a number of cities throughout the country which they reference in their parking waiver. Although they are asking for a relaxation of twenty (20) parking spaces, they do have the space and they have actually designed them in. They would be located at the back of the parking lot along the back of the fence. They are leaving them off because from the other projects that Medcore has done, they know they don't need that kind of parking. They understand the use, the number of beds and what type of traffic comes to the site. But the Code is such that if City staff recognizes that there is a problem, the applicant has designed them into to the plan. Staff would write them a letter and the applicant would install the spaces. It's really a temporary waiver; it's not permanent. They are agreeable to moving the landscaping off of the frontage. They have no issues with any of the other comments from Staff. They are screening with a fence and landscaping the residential neighbors. That is the Code requirement and they have committed that to the neighbors early on. They have had a public meeting with the neighbors where they invited them review their issues and concerns. He knows that there is a public hearing tonight but hopefully because of the communications that they have had the neighbors are satisfied with the project and its position and design.

Mr. Roach questioned what areas have had this type of facilities before? He knows that in Dover everybody drives in a small community and if there is someone in rehab there might be 2-3 family members coming to visit. But to kind of answer his question, it's a temporary waiver so if there is an issue the spaces would be added in and he is good with that. Responding to Mr. Roach, Mr. Graham stated that he is from Texas and three of the projects that he has done and underway are in Texas. Like here, everyone is Texas drives as well and drives a large car. An example project, in San Antonio they built a forty (40) bed hospital as opposed to this building being a thirty-four (34) bed hospital that had one hundred twenty (120) parking spaces in total. Another project with forty (40) beds they bumped up the parking spaces to one hundred thirty-two (132) parking spaces because it was a teaching hospital so students were coming in and out all the time. These are very low traffic type facilities. People are coming and staying for an average of two weeks so traffic generation is very slow. In Houston, Texas, the parking requirement for something like this is 2.2 parking spaces per bed. In Dallas, Texas, it's 2.5 parking spaces per bed. If it were 2.5 parking spaces per bed, here eighty-five (85) parking spaces would be required so they feel like they have plenty of parking that they are building and then they do have the extra space on the site to build if they ran out of space.

Mr. Baldwin questioned if this was strictly a physical therapy facility? Responding to Mr. Baldwin, Mr. Moore stated that it is for physical rehabilitation. People could come in with heart issues or they could have been in an accident and they are going to be in these beds and getting rehab over a week or so. That's why the traffic is low and that's why the parking count isn't an issue. All of the waivers are important to the fabric of the plan and Staff does support them. Being that this is a hospital, they have a more strict requirement for their fire lane requirement. They have access all of the way around the building and that pushes the building a bit off the street. The most important thing is the ability to have this building at the current setback and they need the fire lane in the front, the drop off and the canopy. They can't physically construct the building if they do not receive approval for the waiver.

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

Mr. Roach questioned if the front of the building was where the canopy is located? Responding to Mr. Roach, Mr. Moore stated yes.

Mr. Holden moved to approve S-17-05 Medcore Partners Physical Rehabilitation Hospital on McKee Road to include the waivers requested for partial elimination of curbing, reduction of loading spaces and reduction of parking spaces and to identify the submitted plan as compliant with Superior Urban Design, seconded by Mrs. Welsh and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; for the reasons previously stated, Staff support and that it's compliant with the Code. Mr. Roach voting yes; for the reasons previously stated and it's good that we have something like this added to our City because we don't currently. Ms. Edwards voting yes; based on the reasons previously stated. Mr. Holt voting yes; it meets all of the Staff requirements and also the Code. Mr. Baldwin voting yes; based on the reasons previously stated. Dr. Jones voting yes; for all of the reasons previously stated and it's a welcomed addition to our community. Mrs. Welsh voting yes; it's a very well designed facility and she feels that there is a very good need for it. Ms. Maucher voting yes; for reasons previously stated as well as the applicant's meeting with the

impacted property owners and it's needed. Mr. Tolbert voting yes; the services are needed here in Dover. A physical rehabilitation hospital is needed and will serve a purpose.

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.*

Representatives: Mr. Gregory Moore, Becker Morgan Group; Mr. Joe Petrosky, Secure Storage LLC

Mrs. Melson-Williams stated that this is a Site Development Plan. The aerial shot being displayed shows that a portion of the project was actually built. That's the series of green roofs closest to the Route 1 Corridor. Tonight, we are focusing on Phases 2 and 3. Initially, the project was S-02-23 Secure Storage that was reviewed in August 2002 and then received Final Site Plan approval in May 2003. It commenced construction completing Phase 1 of the series of min-storage buildings as well as the building that's closest to Lafferty Lane that contains the office space. This project, because the construction activity has ceased for a significant period of time, the full plan lapsed and now they are bringing back what was originally called Phases 2 and 3. The project has undergone some revisions since its initial filing. Originally, there was a more significant number of buildings that were going to be proposed in Phase 2 and 3. They were a variety of sizes ranging from 2,400 SF up to 9,000 SF; however, some of the changes to the Fire Regulations in these intervening years have caused them to make some revisions to the proposal for this project. As it is presented to the Commission this evening, Phases 2 and 3 will consist of a series of five (5) storage buildings. What they have done is consolidated a number of them and that's what's shown in the plan packet that has a mark-up. The proposed buildings will range in size from 13,500 SF to 22,500 SF. The IPM (Industrial Park Manufacturing Zone) has specific requirements from mini storage facilities that dictates how close to property lines they can be, what the parking requirements are and the like. Because it's in the IPM (Industrial Park Manufacturing Zone) they are looking at the Performance Standards Review Application as part of this. There is a separate report that was forwarded to the Commission. The applicant has responded to how the project may or may not be subject to the dangerous and objectionable elements that range from fire hazard, noise, vibrations, smoke, odors, etc. Staff is recommending that the Commission affirm that the proposed use of the property as this mini storage facility is of such that it typically does not produce these objectionable elements and would comply with those regulations whether they be City regulations or any kind of State regulations that regulate those items.

The Commission's plan submission has the mark-up that condenses what was a series of buildings

down to just five (5) buildings. The existing storage buildings on the site are a metal building that has a series of rollup doors that access each unit. It has a pitched metal roof and it's anticipated that that general format and style would continue in Phases 2 and 3. Parking for mini-storage facilities are based on the number of units that are provided and the Code sets up a method of calculating parallel spaces throughout the project site. The buildings are surrounded by paved area and their spacing in certain instances would allow for parallel parking in certain areas of the site. The site is also identifying a specific area for boat and RV parking which is allowed within mini-storage facilities. The office building has a series of spaces directly in front of it for those coming to make the initial request for a unit. Loading is a common practice near the unit so there is not a specific designated loading zone. Staff is recommending the addition of a bicycle parking space in the vicinity of the office in order to meet the intent of the bicycle parking requirements for the project. They do reserve spaces for dumpsters within the enclosed fenced compound area of the mini-storage facility.

With this project, there are two waivers that need consideration. One is the partial elimination of curbing and that is primarily related to the perimeter of the pavement for the site. Part of it has already been designed basically to function without the curbing for drainage purposes in those areas. The other waiver request is for the elimination of sidewalks. This property has a little bit of frontage in the vicinity of the office building that has frontage on Lafferty Lane which would be subject to that sidewalk requirement. Their plan includes extensive tree plantings predominantly located around the perimeter of the site, some of which was implemented in the initial phase but with the build-out of Phases 2 and 3 the full site will need to be in full compliance.

There is an unmarked cemetery that is located in the southwestern corner of the property. It was actually identified through some of the archaeological investigations that occurred prior to the construction of State Route 1. In its previous review of this plan, the applicant was made aware of those. There is no development proposed in that area and the fence actually protects or separates the location of the unmarked remains area that's been studied from the main area of the mini-storage facility.

Staff is supportive of both waiver requests on the curbing and the elimination of sidewalk. The comments from the other DAC participating agencies include the City's Electric Department and the Public Works Office. DelDOT and the Kent Conservation District have provided comments as well as the Fire Marshal's Office. It was through the Development Advisory Committee process that the applicant was alerted to the changes in the Fire Prevention Regulations and was able to work cooperatively with Staff in regards to some of those changes which would trigger sprinkling of buildings. They worked with Staff to get a design revision to better address that Code requirement that has come into play since 2002.

Mr. Moore stated that they are fine with Staff's comments. Mr. Petrosky has decided that he is actually going to build fewer buildings than what is shown here and sprinkle the larger buildings. That means that we will build the same type of building; they will be larger and they will be sprinkled per the Code. That was a plan that they presented Staff during the DAC meeting. There is an existing fence around the area that was questioned as the cemetery so that's already in place.

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

Mr. Holden moved to approve S-17-06 Secure Storage Revised Site Plan, Phases 2 & 3 as it is in compliance with the Performance Standards in the Code and to include the waiver for the elimination of sidewalks and the elimination of curbing, seconded by Mr. Maucher and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; due to Staff comments and compliance with Code. Mr. Roach voting yes; for the reasons previously stated. Ms. Edwards voting yes; for the reasons previously stated. Mr. Holt voting yes; due to Staff comments. Mr. Baldwin voting yes; due to Staff comments. Dr. Jones voting yes; for the reasons previously stated. Mrs. Welsh voting yes; the project is a good one and you cannot ever have enough storage. Ms. Maucher voting yes; based on reasons previously stated as well as the applicant's modification of the design. Mr. Tolbert voting yes; for all of the reasons previously stated and he is particularly pleased with the applicant's willingness to work cooperatively with Staff.

Mr. Holt stated that since this was Mrs. Townshend's last meeting he would like to give her a round of applause for leading them in such a great manner and giving the Commission such great support over the years.

Mr. Tolbert stated that she has done a wonderful job and they are all going to miss her very much.

Mrs. Townshend stated that it has been an absolute honor and privilege to serve you as staff to the Planning Commission and to work with our outstanding Planning Staff as well. She is still going to live here and shop here so she will still see everyone. It has definitely been a wonderful eleven years.

Mr. Moore stated that he wanted to give her a standing ovation as well because you see her in the Planning forum with all of the projects and a lot of times there are issues. She is always helpful, accommodating, approachable and excellent in her job here. What you don't see that he sees as President of the Downtown Dover Partnership is the tremendous effort that she puts into the heart of Dover to try to make it a better place. He knows that takes a lot of time and effort and he wants to commend her for both of those things and tell her that we will sorely miss her.

NEW BUSINESS

Meeting adjourned at 8:34 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.

LARSON
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING

April 13, 2017

Ms. Dawn Melson-Williams
City of Dover
Department of Planning
PO Box 475
Dover, DE 19903

RE: WEST NORTH STREET MINI STORAGE
S-15-05

Dear Dawn:

On behalf of our client, SSS-Data, LLC and RES-Data, LLC, we request an extension to the Planning Commission approval grated on May 18, 2015.

Please review this request and call me if you have any questions.

Sincerely,

LARSON ENGINEERING GROUP, INC.

Douglas J. Liberman
Vice President

Pc: Marisa Mullins
Dean Pletz

PETITION TO AMEND THE ZONING DISTRICT
Public Hearing before the
City of Dover Planning Commission
May 15, 2017

Applicants/Owners:	The Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons of the State of Delaware Inc.
Address:	1408 College Road 1412 College Road 1416 College Road
Location:	Southeast side of College Road, east of Kenton Road
Tax Parcel ID #s:	ED-05-067.14-01-47.00-000, ED-05-067.18-01-11.00-000, and ED-05-067.18-01-09.00-000.
Size:	Three Parcels of land: 0.26 acres, 3.42 acres, and 0.80 acres totaling 4.48 acres.
Present Use:	Membership Club with associated parking lot
Proposed Use:	Membership Club with associated parking lot
Comprehensive Plan Designations:	Residential Medium Density (Minor Variation Requested) Institutional
Present Zoning:	R-8 (One Family Residence Zone)
Proposed Zoning:	IO (Institutional and Office Zone)
Reason for Request:	To allow the existing use to remain on site instead of sunset due to City Council action requiring the sunsetting of nonconforming uses in residential zones
File Number:	Z-17-03
Associated File Number:	MI-16-13 Nonconforming Uses in Residential Districts
Ordinance Number:	2017-05

Overview

The applicant's property is divided into four parcels currently zoned R-8 (One Family Residence Zone). This rezoning request would rezone three of the four parcels from R-8 to IO (Institutional and Office Zone).

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

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

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

1412 College Road, the largest of the three parcels to be rezoned, is developed with a one-story building used as a membership club. 1416 College Road contains a portion of the building's parking lot that, because it is on a separate parcel, would be considered a non-accessory parking lot not permitted under R-8 Zoning. 1408 College Road is undeveloped, and used as a lawn area. Though 1408 College Road is not subject to the sunsetting provisions, it is proposed for rezoning so as to keep the applicant's property under a single zoning classification as much as possible.

The fourth parcel is a triangular, wooded piece of land with no street frontage or address. This parcel is not proposed for rezoning because it is designated for Open Space land use under the *2008 Comprehensive Plan.* Rezoning the property would make it easier to develop this parcel, going against the intent of the Comprehensive Plan.

Surrounding Land Uses:

Across the street to the north of the property are one-family dwellings in the Fox Hall neighborhood, zoned R-10 (One Family Residence Zone). These dwellings back onto rather than front on College Road. To the east of the property are additional one-family dwellings zoned R-8 fronting on College Road, as well as woodland areas on undeveloped portions of several large properties. To the south of the property are more woodlands and lands of the Delaware Housing Authority known as Liberty Court Apartments, zoned RM-2 (Medium Density Residence Zone). Finally, to the west of the property are one-family dwellings fronting on College Road zoned R-7 (One Family Residence Zone) and lands of the Milford Housing Development Corporation known as the Village at McKee Branch, zoned RG-2 (General Residence Zone).

Comprehensive Plan:
The *2008 Comprehensive Plan* depicts two different land use classifications for the parcels subject to rezoning on Map 12-1: Land Development Plan Map. See Land Development Plan Exhibit.

1412 College Road is depicted with the Institutional land use classification category. Table 12-1: Land Use and Zoning Matrix specifies that the following zones are compatible with this land use classification:

- IO (Institutional and Office)

1408 and 1416 College Road are depicted with the Residential Medium Density land use classification category. Table 12-1: Land Use and Zoning Matrix specifies that the following zones are compatible with this land use classification:

- R-8 (One Family Residential)
- R-7 (One Family Residential)
- RM-1 (Medium Density Residential)
- RM-2 (Medium Density Residential)
- RG-1 (General Residential)
- RG-2 (General Residential)
- RG-3 (Group Housing)
- RGO (General Residence and Office)
- C-1 (Neighborhood Commercial)
- MHP (Mobile Home Park) [Now MH (Manufactured Housing)]

The IO Zone is not a permitted zoning classification under the Residential Medium Density land use classification category. Because of this the Planning Office requested the Office of State Planning Coordination designate this rezoning as a Minor Variation from the Land Development Plan of the *2008 Comprehensive Plan* in order to accommodate the proposed zoning. In review, Planning Staff has determined that this is a Minor Variation in accordance with the provisions of our adopted Comprehensive Plan (Chapter 15 – Implementation, page 183). The following is the language regarding Minor Variations:

1. **Minor Variations -** Any application for rezoning or annexation that is inconsistent with the City of Dover's Comprehensive Plan, but where the non-conformity is of a minor, relatively insignificant nature shall be considered a minor variation. A rezoning shall be considered a minor variation from the Comprehensive Plan when the following conditions are met:
    a. The rezoning is of a unique circumstance and cannot set precedent for other lands in the vicinity of the rezoning,
    b. The relative size of the rezoning or the variation from the land use recommended by the Comprehensive Plan is so minor that it would have no impact on the goals and objectives of the Comprehensive Plan, and
    c. The proposed zoning is adjacent to or in the immediate vicinity of other similarly zoned lands and would not alter the pattern of development in the area.

By letter of April 21, 2017 this rezoning request was confirmed by the Office of State Planning Coordination as a Minor Variation from the Comprehensive Plan. See attached letter.

Request for IO (Institutional and Office Zone)
The uses permitted in the IO zoning district are listed in Article 3 §10 of the *Zoning Ordinance.* Permitted uses in the IO Zone include business, professional, and governmental offices; banks; research, design and development laboratories; public and institutional uses, including places of

public assembly; public utility rights of way and structures; day care centers; emergency shelters and transitional housing. The IO Zone also conditionally permits Planned Senior Housing Developments; firearm ranges; correctional facilities; public incinerators; hotels and restaurants.

The existing and proposed use as a membership club would be permitted in the IO Zone as a place of public assembly.

Recommendation of the Planning Staff:
Staff supports the rezoning request from R-8 to IO. Based on the fact that the Land Development Plan depicts 1412 College Road with Institutional land use, while no other adjacent parcels are similarly designated, it appears it was anticipated this property would eventually rezone to IO back when the *2008 Comprehensive Plan* was first adopted. Though 1408 and 1416 College Road should have also been put under the Institutional land use classification category, the fact that they were not does not pose an obstacle to the rezoning as it has been designated a Minor Variation.

This recommendation is being made without the benefit of hearing the comments of surrounding landowners and residents. A public hearing is required on this matter and the Planning Commission should give comments made in it consideration.

ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: APRIL 26, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **LANDS OF MOST WORSHIPFUL PRINCE HALL GRAND LODGE AT 1408, 1412, AND 1416 COLLEGE ROAD**

FILE #: **Z-17-03**

REVIEWING AGENCY: **City of Dover**

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

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

Our office has no objection to the rezoning of the following parcels:

ED-05-067.14-01-47.00-000, ED-05-067.18-01-11.00-000, ED-05-067.18-01-09.00-000

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

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

ADVISORY COMMENTS TO THE APPLICANT

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

1. None.

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

Z-17-03

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 05/03/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: Lands of Most Worshipful Prince Hall Grand Lodge at 1408, 1412, 1416 College Rd

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

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

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

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

1. This office has no objection.
2. This office conducts annual fire and life safety inspections at the property.
3. This building has a sprinkler and hood suppression system.

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):
2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
2015 NFPA 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: April 26, 2017

DELDOT

==========

APPLICATION: Lands of Most Worshipful Prince Hall Grand Lodge at 1408, 1412, and 1416 College Road

FILE#: Z-17-03 REVIEWING AGENCY: DelDOT

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

==========

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

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
May 2017

APPLICATION: Lands of Most Worshipful Lodge

FILE #: Z-17-03

REVIEWING AGENCY: *Kent Conservation District*

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

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

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

April 21, 2017

Ms. Dawn Melson-Williams, AICP
Principal Planner
City of Dover
Office of Planning and Community Development
P.O. Box 475
Dover, DE 19903-0475

RE: Minor Variation from City of Dover Comprehensive Plan
Lands of Most Worshipful Prince Hall Grand Lodge
Comprehensive Plan Amendments (Residential to Institutional)
Tax Parcel(s): ED-05-067.14-01-47.00-000
ED-05-067.18-01-09.00-000

Dear Ms. Melson-Williams, Dawn

We have received your letter regarding the minor variation from the City of Dover Comprehensive Plan for the above referenced parcels and concur with your determination. There will be no PLUS review required for this project as per the terms of our Memorandum of Understanding.

Please do not hesitate to contact David Edgell or myself if you have any additional questions regarding this project.

Sincerely,

Connie Holland

Constance C. Holland, AICP
Director

122 William Penn Street · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-6958 · www. stateplanning.delaware.gov

City of Dover

April 19, 2017

Connie Holland and David Edgell
Office of State Planning Coordination
122 Martin Luther King Jr. Blvd. South, Third Floor
Dover, DE 19901
Via Email: Connie.Holland@state.de.us and David.Edgell@state.de.us

RE: Minor Variation from Land Development Plan: Map 12-1 (*2008 Comprehensive Plan*) 1408 and 1416 College Road, Dover DE

- Associated with Rezoning Application Z-17-03 Lands of Most Worshipful Prince Hall Grand Lodge at 1408, 1412, and 1416 College Road

Dear Mrs. Holland and Mr. Edgell:

The City of Dover is in the process of considering Application Z-17-03 to rezone a series of three properties on College Road in order to bring an existing nonconforming use currently located in a residential zone into compliance. The proposal was reviewed for compliance with Land Development Plan Map 12-1 and Table 12-1 Land Use and Zoning Matrix of the *2008 Comprehensive Plan*. During review of the proposed zoning, we determined that the main property (1412 College Road) is consistent with the land use classification category of Institutional as shown on the Land Development Plan Map. However, the two associated parcels at 1408 and 1416 College Road are shown with the land use classification category of Residential Medium Density which is inconsistent. These two properties include improvements (parking lot areas and yard areas) associated with the use of the property at 1412 College Road as a Membership Club and are held by the same ownership entity. See Summary Table below.

Address	Tax Parcel #	Property Description	Current Zoning	Proposed Zoning	Current Land Use Classification	Proposed Land Use Classification
1408 College Road	ED-05-067.14-01-47.00-000	Rectangular lot of 0.26 acres	R-8	IO	Residential Medium Density	Institutional
1412 College Road	ED-05-067.18-01-11.00-000	Main Building lot of 3.42 acres	R-8	IO	Institutional	Institutional
1416 College Road	ED-05-067.18-01-09.00-000	Strip of land on west; lot of 0.80 acres	R-8	IO	Residential Medium Density	Institutional

In review, we have determined that this is a Minor Variation in accordance with the provisions of our adopted Comprehensive Plan (Chapter 15 – Implementation, page 183). The following is the language regarding Minor Variations:

1. **Minor Variations** - Any application for rezoning or annexation that is inconsistent with the City of Dover's Comprehensive Plan, but where the non-conformity is of a minor, relatively insignificant nature shall be considered a minor variation. A rezoning shall be considered a minor variation from the Comprehensive Plan when the following conditions are met:
    a. The rezoning is of a unique circumstance and cannot set precedent for other lands in the vicinity of the rezoning,
    b. The relative size of the rezoning or the variation from the land use recommended by the Comprehensive Plan is so minor that it would have no impact on the goals and objectives of the Comprehensive Plan, and
    c. The proposed zoning is adjacent to or in the immediate vicinity of other similarly zoned lands and would not alter the pattern of development in the area.

The following Exhibits demonstrate the location of the Minor Variation; see attached Zoning Map Exhibit and Land Development Plan Map Exhibit. It appears that the presence of the Membership Club as an Institutional land use was recognized during the development of the Comprehensive Plan; however, the complete extent of the adjacent associated properties was not included.

With this letter and attachments, the Planning Office submits this request for the designation of Minor Variation for the properties at 1408 and 1416 College Road, Dover. Should you have any questions, I can be reached at (302) 736-7196 or dmelson@dover.de.us.

Sincerely,
Department of Planning & Inspections

Dawn Melson-Williams, AICP
Principal Planner

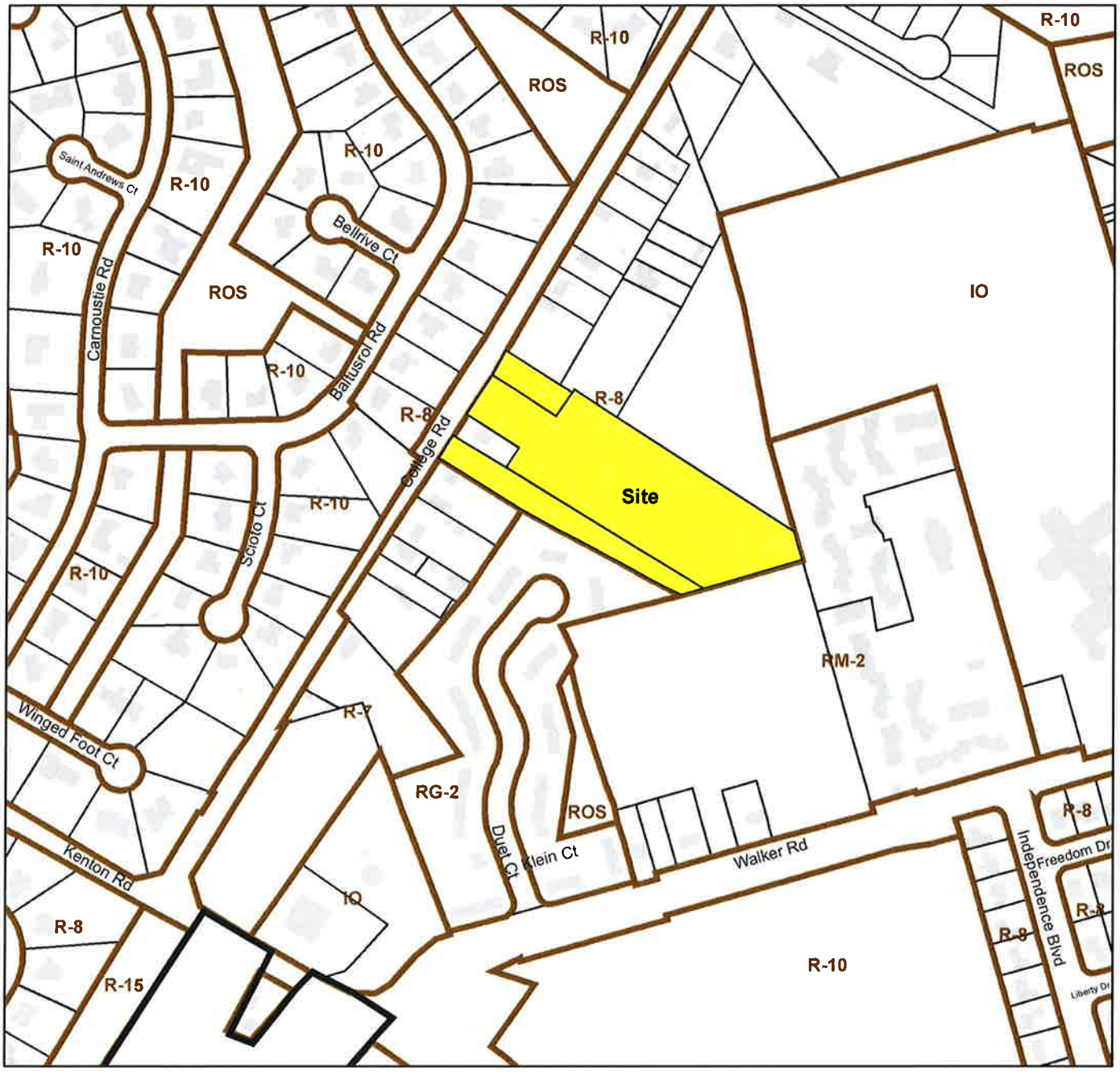
Cc: David S. Hugg, III, Interim Director of Planning and Community Development
File Z-17-03

City of Dover

Department of Planning & Inspections

Application No.: Z-17-03

Zoning Map



Title:	Most Worshipful Prince Hall Grand Lodge
Address:	1408, 1412, and 1416 College Road
Parcel ID:	ED-05-067.14-01-47.00-000, ED-05-067.18-01-11.00-000, and ED-05-067.18-01-09.00-000
Existing Zoning:	R-8 (One-Family Residence Zone)
Proposed Zoning:	IO (Institutional and Office Zone)
Owner:	The Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons of the State of Delaware, Inc.
Date:	4/13/2017

Legend

- Dover Parcels
- Zoning
- 2012 Buildings
- Subject Property

N W E S

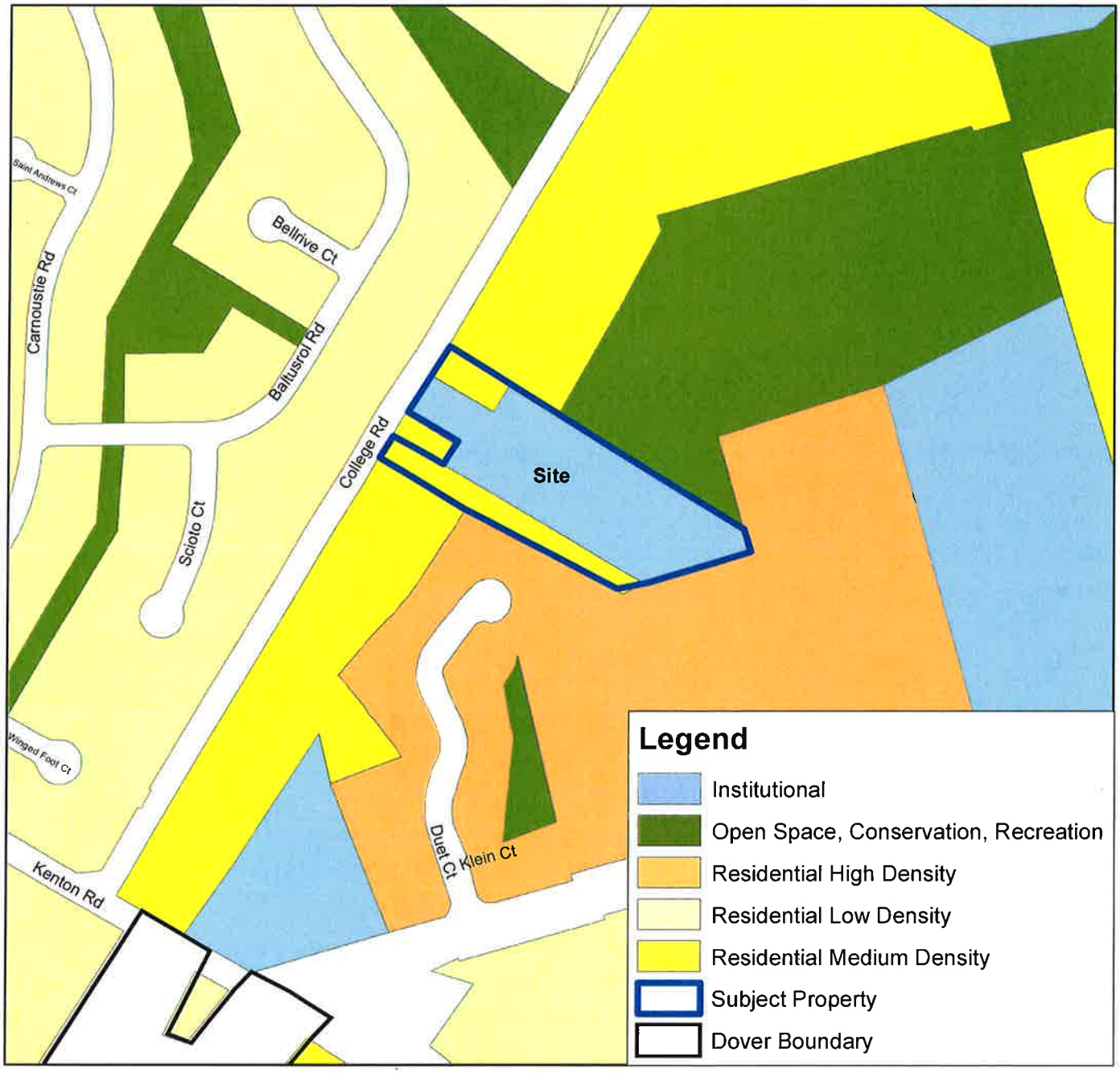
0 200 400 800 Feet

City of Dover

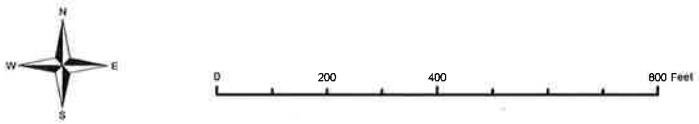
Department of Planning & Inspections

Application No.: Z-17-03

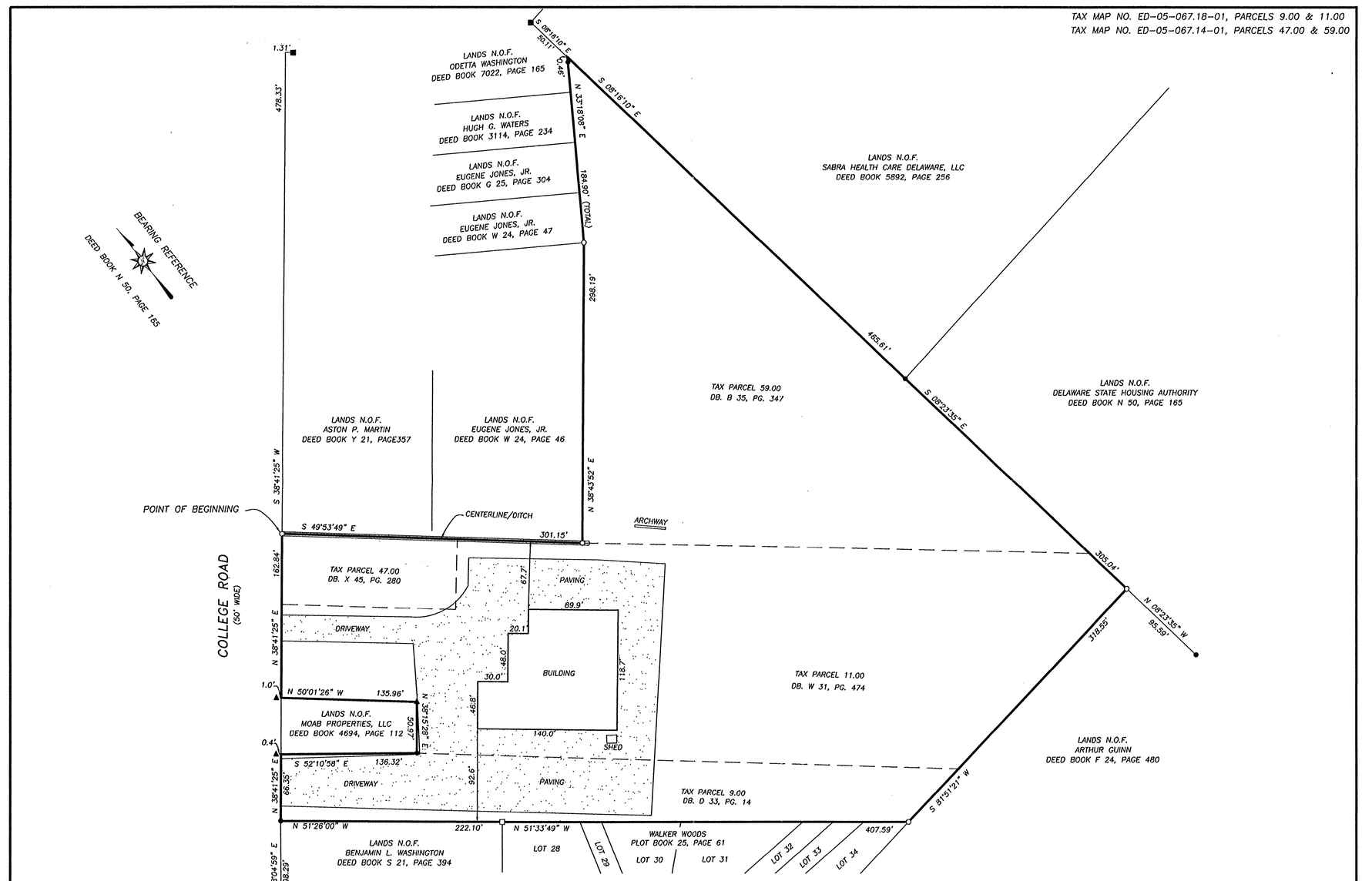
Land Development Plan Map



Title:	Most Worshipful Prince Hall Grand Lodge
Address:	1408, 1412, and 1416 College Road
Parcel ID:	ED-05-067.14-01-47.00-000, ED-05-067.18-01-11.00-000, and ED-05-067.18-01-09.00-000
Existing Zoning:	R-8 (One-Family Residence Zone)
Proposed Zoning:	IO (Institutional and Office Zone)
Owner:	The Most Worshipful Prince Hall Grand Lodge of Free and Accepted Masons of the State of Delaware, Inc.
Date:	4/13/2017



TAX MAP NO. ED-05-067.18-01, PARCELS 9.00 & 11.00
TAX MAP NO. ED-05-067.14-01, PARCELS 47.00 & 59.00



NOTES:

1) CLASS "B", SUBURBAN SURVEY
2) A TITLE SEARCH WAS NEITHER REQUESTED, PROVIDED OR UTILIZED FOR THIS SURVEY

LEGEND:

- ● FOUND IRON PIPE
- ○ SET IRON PIPE
- ▲ FOUND IRON BAR
- ■ FOUND CONCRETE MONUMENT
- □ FOUND STONE

DOUGLAS J. ANNAND, PLS 622

Prepared By
DOUGLAS J. ANNAND
PROFESSIONAL LAND SURVEYOR
10027 NORTH OLD STATE ROAD
LINCOLN, DELAWARE 19960
PHONE: (302) 448-0320
douglasannand7@gmail.com

BOUNDARY SURVEY

PREPARED FOR
THE MOST WORSHIPFUL PRINCE HALL GRAND LODGE OF FREE AND ACCEPTED MASONS OF THE STATE OF DELAWARE, INCORPORATED

SITUATED IN
CITY OF DOVER, KENT COUNTY, STATE OF DELAWARE
TOTAL AREA: 7.341 ACRES+/-
SCALE: 1" =60'
DATE: MARCH 13, 2015

City of Dover

DATA SHEET FOR MINOR SUBDIVISION PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF May 3, 2017

PLANNING COMMISSION MEETING OF MAY 15, 2017

FINAL REPORT

Plan Title:	Lands of Mautiste LLC, at 749 West North Street SB-17-01
Plan Type:	Minor Subdivision Plan
Applicant/Owner:	Mautiste LLC
Property Location:	Located on the north side of West North Street east of Minima Street
Tax Parcel Number:	ED-05-076.12-03-59.00-000
Existing Site Area:	0.5313 acres +/-
Parcels to be created:	Lot 1: 0.1706 acres +/- (7,431 +/- S.F.) Lot 2: 0.1716 acres +/- (7,474 +/- S.F.) Lot 3: 0.1719 acres +/- (7,487 +/- S.F.)
Zoning:	RG-1 (General Residence Zone)
Present Use:	Vacant
Proposed Use:	Three (3) Single Family Dwellings on three (3) lots
Sewer & Water:	City of Dover

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 3, 2017

CITY OF DOVER PLANNING

APPLICATION: Lands of Mautiste LLC at 749 West North Street

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

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

PLAN SUMMARY

This Minor Subdivision Plan proposes to create three (3) parcels of land from the existing 23,144 SF +/- parcel of land. This request will subdivide the land into three (3) parcels of approximately 7,400 +/- each. The property is zoned RG-1 (General Residence Zone). The property is located on the north side of West North Street and east of Minima Street. The owner of record is Mautiste LLC Property Address: 749 West North Street. Tax Parcel: ED-05-076.12-03-59.00-000.

Subdivision

This subdivision of land and any future development on the parcels is subject to the requirements found in the City of Dover *Zoning Ordinance* Article 3 §2 and referenced sections outline the permitted uses for the RG-1 General Residence Zone). The zone permits one-family detached dwellings.

Table 1 highlights some of the lot design standards for the RG-1 (General Residence Zone) district, per the requirements of *Zoning Ordinance* Article 4 §4.2. (NOTE: This chart is not an all-inclusive listing of the code requirements, but is provided as information regarding physical development requirements for the proposed lot type.)

Table 1

MINIMUM REQUIRED:	RG-1 One-Family Detached Dwellings
Lot Area (sq./ft.)	6,000
Lot Width (ft.)	50
Lot Depth (ft.)	100

Front Yard Setback (ft.)	15
Side Yard Setback (ft.)	5
Total Side Yards (ft.)	20
Rear Yard Setback (ft.)	30
Off Street Parking Spaces	1
Maximum Permitted : Building Height: Stories Feet	 2.5 stories 35 feet
Lot Coverage	45%

Site Considerations

For the Minor Subdivision Plan, the applicant is proposing to create three (3) separate parcels of land from an existing 23,144 SF +/- parcel on a site adjacent to existing residential dwellings.

Three (3) parcels of approximately 7,400 +/- would be created with frontage and access on West North Street.

The parcels are shown on the proposed Minor Subdivision Plan and designated as outlined in Table 2:

Table 2

PARCEL	ACREAGE	SQ. FEET
Lot 1	0.1706 acres +/-	7,431 S.F. +/-
Lot 2	0.1716 acres +/-	7,474 S.F. +/-
Lot 3	0.1719 acres +/-	7,487 S.F. +/-

Architecture

Three (3) dwellings would be constructed on individual lots, and meet the required setbacks for the RG-1 (General Residence Zone) per the requirements of Article 4 §4.2. The proposed dwellings are one-story single family detached homes that will include front entrance steps and porch for each home.

Infill Standards

The following infill standards shall apply in locations where a lot or group of lots lies within a developed area as outlined in the *Zoning Ordinance* Article 5 § 1.12:

(a) S*idewalks.* Standard City of Dover sidewalk, per chapter 98, shall be required to be installed along public street frontage of every infill property by the property owner or developer.

(b) *Landscaping.* Infill structures shall be designed to minimize the impact on existing, mature trees when practical. All residential lots shall include landscaping to include plants and shrubs along the portions of the house that front a public street. No form of vegetation shall be planted on a property in a way that blocks more than half of the front façade(s) from public view.

(c) *Primary facade.* All buildings shall include a primary entry along the property's street frontage, and shall also include a porch or other entry feature.

The infill standard requirements have been met for each individual lot per the requirements of Article 5 § 1.12.

Driveways and Access

The submitted plan shows three proposed driveways (one driveway per lot) that will have access off of West North Street. The property adjacent to Lot 3 shows an existing driveway entrance that is similar to the three proposed driveway entrances. Parking is available in the driveway and designated parking spot. The driveway and parking area is not required to have upright curbing.

Sidewalk

The submitted plan shows an existing sidewalk along the West North Street frontage. West North Street is a DELDOT road. The plan shows an existing curb cut in front of proposed Lot 2. Curb cuts will need to be installed in the frontage of Lot 1 and Lot 3.

An additional 5 ft. wide strip of Right of Way will be dedicated to the State of Delaware as outlined on the Plan.

Zoning Ordinance Article 5 §18 requires the installation of sidewalks along the public street frontage of a property whenever such property involves a development proposal which is subject to Planning Commission review and approval. The existing sidewalk meets this requirement.

Trees

Zoning Ordinance Article 5 §16 requires tree planting at a rate of one (1) tree for every 3,000 S.F., or fraction thereof of land area. The tree planting requirement is based on the total lot area and may include existing trees. Mature trees are found on the existing site and are shown on a landscaping plan sheet submitted with the Minor Subdivision Plan. Parcels 1, 2, and 3 are required to have 3 trees on each lot, which are shown on the submitted plan. The submitted plan shows several existing trees to remain and new tree plantings of Crepe Myrtle and Willow Oak trees. Each lot will have a total of 4 trees and Holly shrubs planted along the front façade near each porch.

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 Plan will need to be updated to reflect any changes recommended or approvals by the Planning Commission.

2) Sheet1: Label the two new proposed lot lines which create the three lots.

3) Curb cuts will need to be installed along Lots 1 and 3 on the frontage of West North Street.

4) Driveway must be completed as a paved, hard, dust free surface in accordance with *Zoning Ordinance* Article 6 Section 3.6 (a) of the *Zoning Ordinance*.

5) The Final Plat submitted must include requirements described in *Dover, Delaware Code of Ordinances*, Appendix A Land Subdivision Regulations, Article IV, C. Plat.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Staff recommends a connecting sidewalk from the house front entry (at porch) steps to the paved driveway.

ADVISORY COMMENTS TO THE APPLICANT:

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

2) Following Planning Commission approval of the Minor Subdivision 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 for recordation.

3) Upon final approval and endorsement, this Minor Subdivision Plan must be recorded at the Kent County Recorder of Deeds Office.

4) The applicant shall be aware that Minor Subdivision 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.

5) Property owners are advised to work with the Department of Public Works regarding water

and sewer services to each property to achieve compliance with the City's water/wastewater regulations.

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

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF May 3, 2017

PLANNING COMMISSION MEETING OF May 15, 2017

Plan Title:	Longhorn Steakhouse Restaurant at 505 North DuPont Highway, S-17-13
Associated Plan:	Capital Commons, S-16-02 Redevelopment of the former Kmart site at 515 North DuPont Highway
Plan Type:	Site Plan
Property Location:	Northeast corner of North DuPont Highway and Townsend Boulevard
Property Address:	505 North DuPont Highway
Tax Parcels:	ED-05-068.09-01-35.00-000 ED-05-068.09-01-34.00-000 (Capital Commons main parcel)
Property Area: Project Area:	24,257 SF 24,257 SF plus area on main parcel for parking lot
Owner: Project Developer:	Dover, DE Retail LLC c/o TLM Realty Corp. Darden Corporation
Building:	5,842 SF Restaurant
Previous Property Use: Proposed Property Use:	Bank with drive-through (building demolished) Restaurant
Off Street Parking:	Required – 54 spaces based on restaurant seat count Proposed – 47 spaces in pad site area and remaining spaces in shared main parking area
Sewer & Water:	City of Dover
Zoning Classification:	C-4 (Highway Commercial Zone)
Waivers Approved with S-16-02:	Reduction in Arterial Street Buffer Partial Elimination of Curbing Opaque Barrier Alternative Format

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 3, 2017

APPLICATION: Longhorn Steakhouse Restaurant at 505 North DuPont Highway: South Pad Site Parcel at Capital Commons at 515 North DuPont Highway, Dover

FILE #: S-17-13 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

This is a Site Development Plan Review to permit construction of a 5,842 S.F. restaurant (Longhorn Steakhouse Restaurant) and related site improvements. This project site is part of the Capital Commons development and predominately located on a separate 24,557 S.F. parcel. The property is zoned C-4 (Highway Commercial Zone) and is located at the northeast corner of North DuPont Highway and Townshend Boulevard. The owner of record is Dover, DE Retail LLC c/o TLM Realty Corp. and project developer is the Darden Corporation. Property Address: 505 North DuPont Highway. Tax Parcel: ED-05-068.09-01-35.00-0001. Council District 3.

Previous Applications

The adjacent parcel at 515 North DuPont Highway was redeveloped with the Site Development Plan S-16-02 Capital Commons. S-16-02 was granted conditional approval by the Planning Commission in February 2016 with Final Plan approval in May 2016. The Site Development Plan S-16-02 outlined the site improvements associated with the retrofitting of a previous vacant main commercial building (former Kmart location) into two tenant spaces (Burlington and Big Lots). The project included reconfiguration of the site entrance from Townsend Boulevard and improvements to the existing parking lot areas. The Site Plan also established the basic areas for two future restaurant/retail pad sites that would be subject to future Site Plan application filings. S-16-23 Panera Bread Restaurant for the development of the north pad site area received Final Site Plan approval on April 25, 2017. This plan is for the southern pad site area (which is a separate parcel).

PROJECT DESCRIPTION

This Plan proposes the development of the parcel located in the southwest corner of the main parcel. This property is associated shopping center site known as Capital Commons. It is proposed as a Longhorn Steakhouse Restaurant to consist of one restaurant building.

C-4 Zoning District

The property is zoned C-4 (Highway Commercial Zone) and subject to the regulations of *Zoning Ordinance,* Article 3 Section 16 and Article 4 Section 4.15. It is noted that portions of the main

parcel at 515 North DuPont Highway are subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 3: Excellent Recharge Area. This is noted as the stormwater management is interrelated for the main parcel and this subject parcel.

BUILDING ARCHITECTURE

Architecture

The development consists of a one-story restaurant building and the building's architecture is subject to the *Zoning Ordinance*, Article 5 Section 19. The main building entry faces west placing the front adjacent to North DuPont Highway. The building includes the exterior finishes of stone masonry watertable segments, vertical features, and walls in EIFS highlighted by multiple color choices. The roof line is varied and accented by a heavy cornice detailing with pitched roofs over the main entry canopy and over awning-like areas on the west and south elevations.

SITE CONSIDERATIONS

The overall Capital Commons site consists of an existing renovated multi-tenant commercial building and its associated parking lot along with the pad site in the northwest corner posed for development as a Panera Bread Restaurant. To the north of the main property, there is a hotel building. To the south across Townsend Boulevard, there are several commercial buildings including multi-tenant retail /office buildings and a motor vehicle gas and service station. To the west, across North DuPont Highway are multiple commercial and office buildings.

The main access to the property is by turning off of North DuPont Highway onto Townshend Boulevard then into the Capital Commons site to reach this restaurant location. This access was reconfigured to create the current right-angle alignment of the entrance with the Townsend Boulevard with the initial phase of redevelopment. The access to the Capital Commons property is also provided by an entrance drive directly from North DuPont Highway located north of the Panera Bread Restaurant pad site; this entrance is also shared with the adjoining hotel property. These entrances will provide the access to the Longhorn Steakhouse Restaurant; it will not have direct access to North DuPont Highway or Townsend Boulevard from its parcel.

PARKING SUMMARY

The parking for a restaurant use is based on seat count rather than floor area with a parking rate of one parking space per four (4) regular seats and one parking space per three (3) bar seats. Based on the listed seat count of 178 seats and 26 bar/high table seats, a minimum of fifty-four (54) parking spaces are required for the Longhorn Steakhouse Restaurant. The parcel site has 17 spaces and 30 adjacent parking spaces to be developed on the main Capital Commons parcel; the remaining seven (7) parking spaces are provided through sharing the large parking area in front of the main commercial building.

With this pad site development as a restaurant then the parking requirements must be re-evaluated for the properties overall. The *Zoning Ordinance* includes provisions for joint facilities for parking allowing for parking to serve more than one establishment. The minimum parking requirement for the C-4 (Highway Commercial Zone) is one (1) parking space for every three hundred square feet of building area. Based on the overall total size of 84,887 SF for the main

multi-tenant commercial building (as renovated), a minimum of 283 parking spaces is required and then each restaurant requires 41 spaces (Panera) and 54 spaces (Longhorn) respectively. Thus the parking requirement for the entire Capital Commons complex is 378 parking spaces and the proposed Site Plan shows that a total 407 are proposed on both parcels. The overall site exceeds the overall parking requirement but is within the maximum allowable.

Loading Spaces

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

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) regular vehicle parking spaces. Based on the fifty-four (54) parking spaces provided at the pad site area, at least three (3) bicycle parking spaces are required for the restaurant. There is also an existing bicycle rack at the front of the main retail building and a bicycle rack proposed at the other restaurant location.

Sidewalks

Zoning Ordinance, Article 5 §18 requires sidewalks to be installed along the public street frontages of a property. The property includes a new ten (10) foot shard use path along North DuPont Highway and a sidewalk along Townsend Boulevard. An interior sidewalk runs along the north elevation of the restaurant building to bring those parking to the building's front entry via a link to the shared use path. Just to the north of the proposed restaurant there is a sidewalk connection leading into the shopping center site from the shared use path on the North DuPont Highway frontage to cross the parking lot to the main multi-tenant commercial building.

Waiver Previously Granted: Partial Elimination of Curbing

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

Dumpsters

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

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a Landscaping Plan Sheet showing the tree plantings specific to this pad site area. Based on the parcel site area of 24,257 S.F. a total of nine (9) trees are required. The proposed plan currently shows ten (10) trees as new tree plantings of a mix of

deciduous shade trees and ornamental trees. They are located at the corners of the restaurant building. There are also significant shrub, perennials, and grass plantings immediately adjacent to the building.

Waiver Previously Granted: Reduction of Arterial Street Buffer

North DuPont Highway (U.S Route 13) is considered as a principal arterial street and requires a thirty (30) foot landscape buffer along the road frontage known as an Arterial Street Buffer. The Capital Commons plan provides thirty (30) feet in some segments but reduces to a width of twenty (20) feet in the areas adjacent to the main parking lot. The new landscape area of this buffer involves grass areas, tree plantings, and a portion of the shared use path. Along the southern parcel area, the Arterial Street Buffer is provided at a width of twenty (20) feet which is impacted by the multi-use path and the entry patio area. There are some areas of the parcel site parcel that fully meet the thirty (30) feet width and include landscaping.

Opaque Barrier

Waiver Previously Granted: Alternative Format of Opaque Component

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

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

CITY AND STATE CODE REQUIREMENTS:

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

2) Cover Sheet, Sheet C-101, General Notes:
   a. In Item #2, also list the tax parcel number for Parcel A since there are site improvements (parking lot) proposed on that parcel with this project.
   b. In Item #7, clarify that Parcel B is the Restaurant site.

3) Sheet C-201, Existing Conditions & Demolition Plan:
    a. Revised the line type or line weight to better distinguish the front yard setback line and the easement line.
    b. Review pavement condition surrounding catch basin in main parking lot south drive aisle.
    c. Remove "No Buildings" statement found in Parcel B label (multiple plan sheets).
    d. In property labels instead of Tax ID please list Tax Parcel Number.

4) Site Plan, Sheet C-302:
    a. Data Column:
        i) Check tally of parking spaces provided for LH Restaurant.
        ii) Update total number of parking spaces provided for the overall sites (both parcels).
        iii) List the parking spaces are provided at the pad site and number of spaces in shared main parking lot for the Longhorn Steakhouse Restaurant.
        iv) Item M: Clarify "onsite" to be parcel or pad site area.
    b. Provide detail of the location of bike rack to ensure parked bicycles do not encroach into building entry sidewalk area.
    c. Clarify the limit of disturbance versus the size of this southern parcel.
    d. Use piano-key format for crosswalk markings.
    e. Clarify pavement details/transitions in area of north sidewalk, shared-use path and building entry patio. Will the landscaping in this area prevent pedestrians from "cutting" the corner?
    f. Installation of a flag pole does not require a sign permit.

5) Sheet C-702, Landscape Plan:
    a. Ensure tree planting locations and landscaping maintain the required spacing distances or access provisions from utility lines, fire department connection, and fire hydrants.
    b. Check for conflict between Crepe Myrtle trees and flag pole location.
    c. Check label tally of CCBM on southeast corner of building.
    d. Provide details of tree planting.
    e. Note that property complies with the waiver to allow the Arterial Street Buffer of 20 feet in width.

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

7) Ensure barrier free access ramps are installed at all intersections of sidewalks with the parking areas.

8) Provide details of site elements including items such as sidewalk, curbing, bicycle parking rack, Dumpster enclosures, etc.

9) 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.

10) Any signage (freestanding and wall signage) is subject to a separate Sign Permit application and review process. Any depiction of signage in this plan submission is for design planning information only.
    a. While potential wall signage is shown on the building elevations, it is subject to a separate Sign Permit application process and will be limited in number and size as per the City's Sign Regulations of the *Zoning Ordinance*, Article 5 §4

11) The property at 515 North DuPont Highway (and the associated subject property at 505 North DuPont Highway) qualifies for consideration of a Unified Comprehensive Sign Plan to address signage on the site.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Staff recommends that any outside HVAC Equipment be designed to adequately screened from public view and the overall visible impact.

ADVISORY COMMENTS TO THE APPLICANT:

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

2) 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.

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

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

6) 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.

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

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

9) 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.

10) 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: APRIL 26, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Longhorn Steakhouse at 505 North DuPont Highway**

FILE #: **S-17-13**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
   b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7070 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.
7. The tapping sleeve and valve for this service shall be 10"x8". It shall also be a Powerseal 3490AS, no substitution.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff,

subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for the proposed force main (other than for single-family dwellings) showing that velocity and all other requirements are met.
6. The minimum size of all sanitary sewer laterals shall be six-inch (6").
7. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.
8. Calculations shall be provided for the proposed grinder pump for this building. The calculations shall show that velocity and all other requirements are met. The plan is unclear as to the location of the force main connection.

STORMWATER

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

STREETS

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

SANITATION / GROUNDS

1. None

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. Please replace the trench pavement width detail on sheet 5 with the City of Dover trench detail. Contact our office for more information.
3. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

WATER / STORMWATER / SANITATION / STREETS / GROUNDS / GENERAL

1. None

WASTEWATER

1. Gravity sanitary sewer is available on the south side of Townsend Boulevard, it is highly recommended that a gravity sanitary sewer lateral is installed for this building.

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-17-13

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 05/03/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: Longhorn Steakhouse at 505 N DuPont Hwy

FILE #: S-17-13 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 restaurant.

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. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3)

3. Parking shall be prohibited in front of the primary entrance for a width of not less than 1.5 times the width of the door(s) or for 10 feet, whichever is greater. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.2)

4. Perimeter access shall be 50% (25% if sprinklered) and clearly shown on the plans. Perimeter Access minimum width shall be 15 feet measured from the face of the building at grade with a maximum slope of ten percent (10%). Plantings and utility services (includes condenser units, transformers, etc.) shall be permitted within the perimeter access, and shall not interfere with emergency services fire ground operations. If a physical barrier (fence, pond, steep slope, etc) prevents access, that portion of the building perimeter shall not be included in the calculation of Percent of Perimeter Access. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3)

5. Fire lanes shall cover TBD of the proposed building. Fire lanes are required to be 24 feet wide and run along the front of the building as determined by the primary entrance(s). In cases where there is more than one primary entrance(s), each shall be served by a fire lane even if this exceeds the percentage as required. The closest edge of fire lanes shall not be located closer than ten (10) feet to the exterior wall and the closest edge of fire lanes shall not be located further than 50 feet from the exterior wall if one or two stories in height; 40 feet if three or four stories in height, or

30 feet if over four stories in height. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5)

6. Where parking is located between the building and the fire lane, parking shall not be located closer than 15 feet to the exterior wall. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.4.1)

7. All Fire Lanes shall be marked as follows: both the inner and outer edges of the fire lane shall be marked, where curbs are present, the top and face of the curb shall be painted yellow, where no curbs are present, a four inch (4") solid yellow demarcation line shall mark the edge(s) of the fire lane. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

8. The specific color yellow shall be the uniformly accepted yellow as utilized by State of Delaware Department of Transportation (DelDOT). Only vivid and durable paint shall be used and shall be suitable for street surfaces

9. Fire lane signs shall be located as follows: see Figure 5-16 – Approved Sign For Marking Fire Lanes, fire lane signs shall be spaced at 150 foot intervals maximum, all fire lane signs shall be located no less than six feet (6') and no higher than eight feet (8') above the pavement, signs shall be placed at each end of the fire lane, and signs shall face all oncoming traffic. Where parking is not restricted roadway markings shall utilize the words "FIRE" and "LANE" in lieu of fire lane signs, and shall conform to the specifications of 7.6. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

10. Where overhangs, canopies, balconies, or any other building or site features must project over any fire lane, an unobstructed vertical clearance of not less than 13'-6" above the fire lane shall be provided and the portion of the building perimeter which contains overhangs, canopies, balconies, or any other building features shall not apply towards the fire lane accessibility requirements of Section 4.0, Table 5-1 in this chapter. (6.8.4) (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.8)

11. 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.

12. Speed Reduction Devices must be approved, please see City of Dover Ordinance 98-10 in reference to this process.

13. All fire hydrants shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation. All fire hydrants shall have minimum of four inch (4") solid yellow demarcation lines to define specific areas, where fire hydrants are located along a curb line with permitted parking, the area between the fire hydrant and the street or fire lane shall be stenciled with four inch (4") demarcation lines and the words "NO PARKING", demarcation lines shall be measured from the center line of the fire hydrant and extend for a distance 15 feet on both sides. Where fire hydrants are located in parking lots or other areas susceptible to blockage by parked vehicles they shall be treated as follows: fire hydrants shall be protected in all directions for a distance of seven feet (7') with barriers or curbing, Minimum four inch (4") diameter steel bollards filled with concrete and marked yellow shall be installed at the outermost corners of the fire hydrant demarcation area. The minimum height of the bollard shall be 36 inches above the finished grade of the adjacent surface, and the

steamer connection of all fire hydrants shall be positioned so as to be facing the edge of the street, or traffic lane. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 6, 2)

14. Hydrant barrels shall be provided with reflective material, such as paint, durable for highway/roadway markings or a reflective tape of a minimum of 2" in width around the barrel under the top flange, hydrant bonnets shall be color coded based on the following criteria: class AA 1500 GPM - painted light blue, class A 1,000 GPM -1499 GPM - painted green, class B 500 - 999 GPM - painted orange, class C 250 - 499 GPM - painted red, class D under 250 GPM - painted black. (2015 Delaware State Fire Prevention Regulations 703, Chapter 3. 4)

15. Fire Alarm System required per occupancy code requirements.
Fire alarm in place of assembly. *Fire alarm required.* Any new occupancy or new portion of an occupancy determined to be a place of assembly by the fire marshal, and is capable of receiving an occupant load of 75 persons or greater, shall be required to install a fire alarm in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code. *Fire alarm system required.* (City Code of Ordinances 46-171)

16. Sprinkler system required. System is to be monitored by an approved Fire Alarm System.
Places of assembly shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply: All new indoor places of assembly with an occupant load of 150 persons or greater. Places of assembly where alcohol is served for consumption on the premises shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply: All new indoor places of assembly with an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises. (City of Dover Code of Ordinances 46-162)

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

18. Parking and/or obstructions shall be prohibited in front of fire department connections for a distance measuring from the center line and extending four feet on both sides. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.4)

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

20. All standpipe and sprinkler connections shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation. All standpipe and sprinkler connections shall have minimum of four inch (4") solid yellow demarcation lines to define specific areas, Solid yellow demarcation lines shall be measured from the center line of the connection and extend for a distance of four feet (4') on both sides, and where parking is allow between the building and the street or fire lane the solid yellow demarcation lines shall extend from the end of the sidewalk surface to the street or fire lane (Markings shall not be required on the sidewalk surface). All fire department connections (standpipe and sprinkler) shall have a minimum 12" x 18" sign that reads FIRE DEPT. CONNECTION, sign lettering shall be a minimum of 3 inches (3") in height with red scotchlite letters on white scotchlite background. The sign shall be clearly visible from the fire lane or roadway, and signs using NFPA international symbols shall be an acceptable alternative. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 6, 3)

21. The installation of natural gas and LP gas meters, regulators, valves, and LP gas bottles shall be protected from impact damage by impact protection. Natural gas and LP gas meters, regulators, and valves located inside structures shall have impact protection, except when located in separate protected utility rooms. *Dimensions of bollards.* Bollards shall be a minimum of six-inch diameter filled with concrete. The bollard shall be set into the ground at a depth of at least 36 inches (three ft.) embedded in concrete at a minimum of 18 inches surrounding the bollard. The bollards must be a least 48 inches (four ft.) in height above the finish grade elevation. Any deviation of the stated requirements must be approved by the fire marshal and/or chief building inspector. The above dimensions shall serve as the requirement for installation; however the fire marshal and/or chief building inspector shall have the authority to require more stringent dimensions to fit the needs of devices warranting impact protection. *Color of bollards.* Bollards should be of the following colors; yellow, amber or orange. All colors shall be of fluorescent or have a reflective coating. Any deviation of the stated requirements must be approved by the fire marshal and/chief building inspector. (City of Dover Code of Ordinances, 46-4)

22. Every house, building or structure used or intended for use as living quarters or as a place for conducting business, and having any wall facing or abutting any public or private street or alley, shall have displayed on that wall, in legible, easily read characters which are of contrasting color to the background, the proper street number for such house, building, or structure in accordance with the following: *Commercial, industrial and office buildings, height, t*he numbers shall measure a minimum of 12 inches in height, *location generally, n*umbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot, *property line or driveway,* should the building be located far enough from a public or private road so that the numbers are not clearly visible from the street, then the street address shall also be posted on the property at or near the property line or driveway to said building, *color; each building, n*umbers shall be contrasting to the background color and shall be placed on each building in the complex, *Arabic numerals, a*ll numbers used shall be Arabic numerals, *Shopping centers.* Shopping centers consisting of two or more stores shall have a tenant or suite number affixed to the front of the tenant space and on the outside of the rear door which corresponds with that tenant space. Numbers shall measure six inches in height. (City of Dover Code of Ordinances, 98-344)

23. A lock box (Knox) containing any and all means necessary for fire department access shall be provided at the following occupancies: any occupancy that contains a fire alarm signaling system that is monitored off-site, or any occupancy that contains an automatic sprinkler system. (2015 Delaware State Fire Prevention Regulations 705, Chapter 5, 2.4)

    Secured key systems. When required; exemption. A secured key system shall be required for any new or existing building where a fire alarm or sprinkler system is being installed. It shall be the responsibility of the owner or occupant to keep a set of keys in the secured key box that are current to the locks of the protected occupancy. Buildings with 24-hour staffing or guard service shall be exempt from this subsection. *Location.* The secured key system shall be located as close to the main entrance as possible. Should the building design not allow the secured key system to be located by the main entrance, the fire marshal and fire chief shall come to an agreement as to an alternate location for the key box. A secured key system, once installed, shall not be obstructed from view or obstructed by any means that would delay the fire department access to the box. *Required keys.* Keys to be secured in the key box shall include keys to all points of ingress or egress, whether on the interior or exterior of the

building, and keys to locked mechanical rooms, electrical rooms, elevator rooms, fire alarm and sprinkler controls and any area protected by automatic fire detection. Keys to individual residential apartment units are not required. *Ordering responsibility.* It shall be the responsibility of the general contractor to order the key box for new buildings. It shall be the responsibility of the owner or tenant to order the key box for existing buildings. *Installation before testing.* No acceptance test for sprinklers or fire alarms shall be conducted before the installation of a key box. (City Code of Ordinances 46-127)

24. 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.

25. Project to be completed per approved Site Plan.

26. Full building and fire plan review is required.

27. Construction or renovations cannot be started until building plans are approved.

28. Fire alarm systems, fire suppression systems, hoods, and hood suppression systems require a fire permit from the Fire marshal's Office. This work cannot be started until the permit is approved.

29. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. A discussion needs to take place about adding a fire hydrant
2. Once additional information is received, a discussion can take place in regards to fire alarm, hood, hood suppression, and sprinkler system requirements.

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: April 26, 2017

D E L D O T

==========

APPLICATION: Longhorn Steakhouse at 505 North DuPont Highway

FILE#: S-17-13 REVIEWING AGENCY: DelDOT

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

==========

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT issued a Letter of No Contention for this project on 4/19/2017 as it was already approved under the Capital Commons plan set and will just need to update their record plan.

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

JENNIFER COHAN
SECRETARY

April 19, 2017

Mr. David Hugg, Interim Director of Planning and Community Development
City of Dover
City Hall - The Plaza
P.O. Box 475
Dover, Delaware 19903

SUBJECT: **Letter of No Contention Approval**
Longhorn - Dover, DE
Tax Parcel # 2-05-06809-01-3500-00001
Dupont Highway – KCR007
Dover, East Dover Hundred, Kent

Dear Mr. Hugg:

The Delaware Department of Transportation (DelDOT) has reviewed a request, dated April 7, 2017, to obtain a Letter of No Contention (LONC) to use an existing commercial building and site entrance for the above referenced project, and has approved the request.

This determination is based on the project information as provided in the completed Permit Application, (See attached copy dated 4/10/2017) and verification of the requirements on the LONC approval checklist.

The following conditions are provided with this approval:

1) Site shall have access from the existing entrance located on Dupont Highway (KCR 007).
2) No entrance modifications or traffic pattern changes are proposed or authorized under this LONC approval.
3) DelDOT reserves the right to review, modify or revoke this LONC approval in the future if proposed activities create traffic conflicts, safety concerns or operational issues.
4) The property owner is responsible to:
   a. Submit information to DelDOT, regarding any future operational or site changes, (including but not limited to: rezoning, site layout changes, changes in use, entrance modifications, expanded/additional uses, new uses, etc.). Changes of this nature may alter the flow and/or volume of traffic and could require a new LONC or formal review for Approvals and/or Permits.
   b. Establish and maintain clear sight lines at the entrance. There shall be no placement of structures, signs, objects, items for sale or parking of vehicles within State right-of-way or entrance limits. Shrubbery, Plantings, trees and/or other visual barriers that could obstruct the sight distance of a driver preparing to enter the roadway are prohibited.

5) The property owner and applicant are responsible to coordinate with DelDOT Public Works Office at (302) 760-2433, for information on obtaining specific permits for sign installation on private property, and for utilities installation within State right-of-way. Permits for Utilities construction and sign installation require separate permit applications.

If the Department can be of any further assistance, please call me at (302) 760-2266.

Sincerely,

Wendy L. Polasko

Wendy Polasko
Kent County Subdivision Engineer,
Development Coordination

Cc: Robert Darden
Dawn Melson-Williams
R. Stephen McCabe, Central District Public Works Engineer
Todd Sammons, Subdivision Engineer
Jonathan Moore, Kent County Reviewer

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
May 2017

APPLICATION: Longhorn Steak House

FILE #: S-17-13

REVIEWING AGENCY: *Kent Conservation District*

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

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

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. The project is located within a previously approved plan. The approved plan require that a designed square foot of pervious area remain as undisturbed.
2. Verify the amount of impervious being proposed and verify that it does not exceed the allowable impervious on the approved plans.

ADVISORY COMMENTS TO THE APPLICANT:

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