CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, July 17, 2017– 7:00 P.M.
Dover Police Department Public Assembly Room
400 South Queen Street, Dover, Delaware

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

1) Application S-17-21 DIYA Apartments at 1302, 1310 and 1324 Forrest Avenue will not be heard on July 17, 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 June 19, 2017

COMMUNICATIONS & REPORTS

1) The Annual Meeting of the Planning Commission typically held in July including the election of Chairman and Vice Chairman will be scheduled for a future meeting upon completion of the appointment process for Commission members.

2) Notice: The Planning Commission Quarterly Workshop is cancelled for WEDNESDAY, July 19, 2015 and will be rescheduled in the future.

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

4) Update on City Council Actions

5) Update from Planning Office

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

2) Development Applications
   A. S-17-15 Dover Station at 655 West North Street – Continuation of Review of a Site Development Plan application to permit construction of a 20,000 S.F. two-story office building and a 6,000 S.F. group home as well as associated site improvements. This project adds to the existing development at 645 West North Street and will share site access. The property is zoned IO (Institutional and Office Zone) and is located on the north side of West North Street east of Clarence Street. The owner of record is Faithworks, LLC. Property Address: 655 West North Street. Tax Parcel: ED-05-076.12-04-08.00-000. Council District 4. *Waiver Requested: Reduction of Loading Spaces, Partial Elimination of Opaque Barrier (Fence Component) and Alternative Format of Opaque Barrier. This property was the subject of Site Development Plan Application S-*

07-37 for a similar development, granted Final Approval in May 2008; construction was not commenced and the plan subsequently expired. This property is also associated with Site Development Plan Application S-06-40, granted Final Approval in July 2007, for development of the adjacent property at 645 West North Street.

- *The Planning Commission conducted a Public Hearing and began consideration of S-17-15 at the June 19, 2017 meeting and deferred action pending submission of additional information.*

NEW DEVELOPMENT APPLICATIONS

1) SB-17-02 Minor Subdivision Plan for Panera Bread Restaurant at 545 North DuPont Highway – Public Hearing and Review of a Minor Subdivision Plan application to permit the subdivision of an 0.86 acre (37,341 S.F.) lot from the 8.417-acre parcel. The new lot coincides with the pad site area of Capitol Commons that is under development as the Panera Bread Restaurant. The property is located on the east side of North DuPont Highway north of Townsend Boulevard. The property is zoned C-4 (Highway Commercial Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 3: Excellent Recharge Area). The owner of record is Dover, DE Retail LLC c/o TLM Realty Corp. Property Addresses: 515 North DuPont Highway and 545 North DuPont Highway. Tax Parcel: ED-05-068.09-01-34.00-000. Council District 3. *This application is associated with Site Plan S-16-02 Capital Commons that was granted conditional approval by the Planning Commission in February 2016 and Final Plan approval in May 2016 and with S-16-23 Panera Bread Restaurant that was granted conditional approval by the Planning Commission in November 2016 and Final Plan approval in April 2017.*

2) C-17-02 Shell's Early Learning Center at 868 South State Street – Public Hearing and Review of a Conditional Use Site Plan to construct a 1,038 SF addition to an existing 2,598 SF Day Care Center. Other proposed improvements include demolition of an existing garage and construction of additional parking. The applicant proposes a Day Care Center that can accommodate 83 children. The property is zoned R-8 (One-Family Residence Zone) and is located on the west side of South State Street north of Wyoming Avenue. The owner of record is 868 State Street LLC. Property Address: 868 South State Street. Tax Parcel: ED-05-077.17-03-49.00-000. Council District 2. *Waiver Request: Elimination of Upright Curbing. This project requested variances from the Board of Adjustment to permit the maximum number of children in a Day Care Center in a residential zone to increase from 50 to 83, and to permit the maximum building coverage for a conditional use in a One-family Residential Zone to increase from 20% to 23.7%. The requested variances were approved on May 17, 2017.*

3) S-17-18 Frito Lay Building at Tudor Business Park – Public Hearing and Review of a Site Development Plan application to permit construction of a 4,278 S.F. one-story warehouse/office building and associated site improvements. This is to be an additional building within the Tudor Business Park. Review of the Performance Standards Review Application associated with the Site Plan to determine if the proposed use will conform to the applicable performance standards as outlined in *Zoning Ordinance,* Article 5 §8 Performance Standards. The property is zoned C-3 (Service Commercial Zone). The property is located on the south side of South Little Creek Road and is served by Otis

Drive. The owner of record is Tudor Enterprises, LLC. Property Address: multiple addresses in Tudor Business Park on South Little Creek Road. Tax Parcel: ED-05-077.12-01-02.00-000. Council District 2. *Waiver Request: Partial Elimination of Upright Curbing and Consideration of Performance Standards Review Application.*

4) S-17-19 Bay Road Office Park Master Plan – Public Hearing and Review of a Site Development Master Plan to permit phased construction of Bay Road Office Park to consist of four buildings in four phases. The buildings proposed include 25,120 S.F. office building, a 17,500 S.F. office building, a 16,250 S.F. office building, and a 15,000 S.F. flex/warehouse building. The subject properties consist of a 5.00 acre +/- parcel and a 1.46 acre +/- parcel. The properties are zoned C-4 (Highway Commercial Zone). The property is located on the southwest side of Bay Road and south of Miller Drive with access from Cowgill Street and Martin Street. The owner of record is Bay Road One, LLC. Property Address: 550 Bay Road. Tax Parcels: ED-05-077.00-01-10.01-000 and ED-05-077.00-01-11.00-000. Council District 2. *Waivers Requested: Elimination of Loading Spaces, Partial Elimination of Upright Curbing, and Reduction of Arterial Street Buffer. This project has also filed a variance request (V-17-12) with the Board of Adjustment as Phase 1 of the project will exceed the maximum allowable parking; however, the remaining phases and full build-out of the project does not. A second variance request is associated with the Elimination of the Opaque Barrier (Landscape Component).*

5) S-17-20 Bay Road Commercial at 560 and 600 Bay Road – Public Hearing and Review of a Site Development Plan to permit construction of a 120,046 S.F. of commercial development on a 12.9366 acre+/- parcel currently named Bay Road Commercial. The development is proposed to include two restaurants of 4,200 S.F. and 6,400 S.F., a 70,646 S.F. grocery store, a 18,000 S.F. multi-tenant building segment and a 20,800 S.F. multi-tenant building segment. The property is zoned C-4 (Highway Commercial Zone). The property is located on the southwest side of Bay Road. The owner of record is S H E Holdings, LLC c/o Mike Longwill and the equitable owner is Bayroadcap, LLC c/o Bill Krapf. Property Addresses: 560 Bay Road and 600 Bay Road. Tax Parcels: ED-05-077.00-01-09.00-000 and ED-05-077.00-01-10.00-000. Council District 2. *Waiver Request: Reduction of Arterial Street Buffer. This application is associated with S-14-08 Woodland Tree Clearing Plan of 560 Bay Road granted conditional approval by the Planning Commission in April 2014 and Final Plan approval in April 2017. A previous application S-10-03 South Dover Plaza for development of the property has expired.*

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 July 7, 2017

CITY OF DOVER PLANNING COMMISSION
JUNE 19, 2017

The Regular Meeting of the City of Dover Planning Commission was held on Monday, June 19, 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 Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present were Mr. Ed Ide, Mr. Tolano Anderson, Mr. Nick Tomasi, Mr. Joseph Riley, Mr. Mike Riemann and Mr. Brian Finnegan. Speaking from the public were Mrs. Christine Nicholson, Mr. Charles Martin, Mr. Stanley Richardson, Mr. Charles Durham, Ms. Denise Loftland, Mr. Charles O'Brien, Mr. Sean Mace, Mr. Tolano Anderson and Mr. Edward Manismith.

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 MAY 15, 2017

Mrs. Maucher moved to approve the Planning Commission Meeting minutes of May 15, 2017, seconded by Mr. Holt and the motion was unanimously carried 9-0.

APPROVAL OF THE PLANNING COMMISSION QUARTERLY WORKSHOP MEETING MINUTES OF MAY 17, 2017

Mrs. Welsh moved to approve the Planning Commission Quarterly Workshop Meeting minutes of May 17, 2017, seconded by Mr. Holt and the motion was unanimously carried 9-0.

COMMUNICATIONS & REPORTS

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

Mr. Hugg stated that the next Planning Commission Quarterly Workshop meeting is scheduled for Monday, July 19, 2017 at noon in the City Hall Conference Room. There will be more *Zoning Ordinance* items and some other things to bring to the Commissioners.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on May 22 & 23, 2017 and June 12 & 13, 2017.

Mrs. Melson-Williams stated they have done some slight formatting changes to the report that the Commissioners receive from the Development Advisory Committee. One of those changes in particular is a roman numeral numbering system for consistency. What was previously called the section of "Recommendations suggested as conditions of approval to meet Code objectives" has been retitled to "Recommended additional considerations to meet Code objectives." The *Zoning Ordinance* when considering Site Plans has a series of over-arching objectives that the Code

outlines in Article 10 Section 2.2. They have provided the Commissioners the text of that Code for their reference and Staff will be referencing that in the reports from this point going forward.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams presented the audience information on policies and procedures for the meeting.

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW DEVELOPMENT APPLICATIONS

1) S-17-14 Dover Dialysis Center at 107 Mont Blanc Boulevard - Public Hearing and Review of a Site Development Plan application to permit construction of a 10,000 S.F. one-story office building and associated site improvements. 6,500 S.F. of the building to be used as a medical office and the remaining 3,500 S.F. is to be reserved for future commercial/professional office tenants. The property is zoned CPO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located between Mont Blanc Boulevard and Saulsbury Road south of Walker Road. The owner of record is CCD Properties LLC and the equitable owner is MRMS Associates II, LLC. Property Address: 107 Mont Blanc Boulevard. Tax Parcel: ED-05-067.19-04-49.00-000. Council District 1. *Waiver Request: Elimination of Bicycle Parking*.

Representatives: Mr. Ed Ide, i3a Consulting Engineers; Mr. Kent Reisenhauer, American Renal

Mr. Diaz stated that project is to construct 10,000 SF of office space. It was previously known as Dover Dialysis Center and it is now known as Dover Wellness Plaza. The project is to be located on between Mont Blanc Boulevard and Saulsbury Road south of Walker Road and the address is 107 Mont Blanc Boulevard. The site is zoned CPO (Commercial and Professional Office Zone) and is also subject to the COZ-1 (Corridor Overlay Zone). This site has been somewhat pre-prepared for development. There is a large stormwater management pond just to the south of the site as well as an existing curb cut off of Mont Blanc Boulevard. There is also an existing cross assess to the property to the north that's already been developed. The cross assess is one of the requirements of the COZ-1 (Corridor Overlay Zone). The property as a whole has been developed in accordance with the requirements of the COZ-1 (Corridor Overlay Zone) so the requirements of that include parking in the rear and a requirement for forty to fifty feet of front yard setback (in this case forty-five feet). There are required landscape buffers along all sides of the property. That includes trees every fifty feet along frontage and seventy-five feet along non-frontage perimeters. The architecture is in accordance with the requirements of the corridor elevations that must go along the COZ-1 (Corridor Overlay Zone). That includes an entrance feature such as a door or entrance path and functioning windows along the front façade and some articulation which you can see in the watertable. Because of that, Staff is satisfied with the property meeting the COZ-1 (Corridor Overlay Zone). Their only point of uncertainty at this point are the tenants of the building. They currently believe that the larger of the two sections that's 6,500 SF is to be occupied by American Renal Associates which will be operating their dialysis treatment and then the second small section will be the home of a future office tenant.

There was some discussion with the applicant about potentially using that space for retail. Staff let them know that if that was the case it would under the zoning be a Conditional Accessory Use that would have to go before a future meeting of the Planning Commission for approval if they chose to go that route. They might be able to hear tonight if there is anything new on the tenants.

There was previously one waiver request associated with this application that was to eliminate the bicycle parking requirement but as of this morning that request has been withdrawn. The applicant has also told us that all of the exterior mechanical devices on the building will be properly screened so because of that, the Planning Staff did not have any additional recommendations on how this project could better meet Code objectives.

Mr. Ide stated that they have worked with Mr. Diaz and the rest of the Planning Staff regarding the application. They have read through the DAC comments and they've agreed to remove the waiver request for the bike rack. There was also a request at the DAC meeting to make a sidewalk connection to the north side of the project to the child care facility which they have agreed to do as well. As Mr. Diaz stated, the screening of all mechanical systems will be done. Most of the mechanical systems if not all will be placed on the roof and screened by the parapet that is shown on the elevations.

Mr. Holt stated that he noticed that in the Dover area there are a number of dialysis centers that are being used now. Is this going to be like a consolidation of those existing centers into this one area? Responding to Mr. Holt, Mr. Ide stated that he would have Mr. Kent Reisenhauer who is a representative of the owner speak to that directly.

Mr. Reisenhauer stated that it is their intent to take the 6,500 SF on the one end of the building. They have a number of other clinics in Delaware and also in Maryland but they don't have any clinics in this stretch of southern Delaware. In our practice with our physicians, their physicians sometimes have to let their patients go to another clinic so this is a way for their physicians to continue to track their patients in this area. Another thing that they are doing that some of the other providers don't have is providing peritoneal dialysis and home hemodialysis. There's some other aspects to their dialysis that may not be present in the other facilities.

Mr. Tolbert questioned if they could make the Commissioners understand the difference in the technology that was just stated? Responding to Mr. Tolbert, Mr. Reisenhauer stated this clinic is an outpatient clinic so that means that patients will come to the clinic Monday, Wednesday, Friday or Tuesday, Thursday, Saturday to have in center hemodialysis. However, patients who are capable of having dialysis at home, which sometimes provides better outcomes, they can have continuous ambulatory peritoneal dialysis for home dialysis. That's something that is an added benefit in this clinic.

Mr. Tolbert questioned if when they do home dialysis someone does from the center go to the patient's home? Responding to Mr. Tolbert, Mr. Reisenhauer stated that they come to the center to get trained but they do have a tech from their clinic that goes to check their home to make sure that it's adequate. But their employees don't go to the patient's home every time that there is a treatment.

Mr. Tolbert further questioned if the patients could do their own dialysis? Responding to Mr. Tolbert, Mr. Reisenhauer stated that was correct.
Ms. Maucher questioned if there was any idea of what would go in the other part of the building? Responding to Ms. Maucher, Mr. Reisenhauer stated no, it's speculative right now.

Mr. Tolbert opened a public hearing.

Mrs. Christine Nicholson – 134 Matterhorn Drive Dover DE 19904
Mrs. Nicholson stated that she is part of the Four Seasons Homeowner's Association which this property will be part of their HOA with the storm management on the two ponds that they have in their neighborhood. The Realtor that owned the property was very cooperative when they turned the two ponds over to Kent County last year for maintenance. They are a little bit unique in that they have the four commercial properties in their HOA. She has talked to someone about this sale. She is also the Vice President of the HOA. She thinks it's a very good mix for the neighborhood. They are a little concerned about the traffic only because of the day care that is next to it. A few years ago, their neighborhood got the City to not put parking on the south side of the street. When the day care comes and goes during the day it is pretty tight parking and at times hard to get north and south on that street. When she talked to some people who were associated with this, she voiced her concern about that but it's not major. They can either go Matterhorn Drive to get to Saulsbury Road or you can go around to get to it. Her concern as she just got here would be that additional space if it was retail. When she talked to the selling and buying people, they were told that it was going to be a doctor's office. She thinks that it's a good match for their neighborhood. It would bring more traffic to Mont Blanc Boulevard if they put retail there. Mont Blanc Boulevard is only a block long and it parallels with Saulsbury Road. There's four commercial properties at this location. One is a guidance center which is Lot 2, Lot 3 is the day care and this is Lot 4. There is also a pond beside this property and a pond on the other side as well. They are part of the HOA only in the pond maintenance. Like she said earlier, they turned the ponds over to Kent County last year but they still mow and maintain them and they are going to have to do some sort of cooperation with the four commercial lots to keep them maintained.

Mr. Tolbert questioned if she has spoken to the representatives for the development? Responding to Mr. Tolbert, Mrs. Nicholson stated that she talked to the Realtor that represents the seller and the Realtor that lives somewhere south that is the representative of the buyer. They were very friendly and cooperative. She tried to answer their questions about when the ponds were turned over to Kent County and there was an assessment done. They had to get 51% of the entire neighborhood to agree to turn them over to Kent County. They have forty-three (43) homes in the neighborhood and then the four commercial lots. The four commercial lots had a larger vote because of their square footage and also their impact on the two ponds. The Realtor of the selling was very cooperative to sign their petition and they were a joy to work with.

Mr. Tolbert stated that she also had some concerns about parking or traffic. He questioned if she spoke to DelDOT about her concerns? Responding to Mr. Tolbert, Mrs. Nicholson stated that she had not and she had no idea who to talk to. The problem is the parents that are dropping their children off in the mornings and then when they pick them up because they have to park and then walk the children into the day care. It gets a little bit congested. Also, only a couple times a year

like when they had graduation, they park the entire neighborhood but that's what they have to do. In general, it's congested morning and evenings because of the day care. She has never talked to the people that own the guidance office. They do have a sign on their parking that it is for their establishment and she doesn't think that they have any problems with the day care parking there.

Mr. Tolbert questioned if she was part of the HOA? Responding to Mr. Tolbert, Mrs. Nicholson stated yes, she is not representing the HOA; she is speaking for herself. She is Vice President and Treasurer of the HOA.

Mr. Tolbert questioned if the HOA agrees with her and supports what she is saying? Responding to Mr. Tolbert, Mrs. Nicholson stated she wasn't sure because she hasn't talked to anyone else about it. The sign was posted and they all had an equal opportunity to come tonight.

Mrs. Melson-Williams stated that for the Planning Commission and other members of the public, the Four Seasons development is a little unique in that they are participating in a program run by Kent County which is a Kent County Stormwater Maintenance District. A specific area is identified and those properties within that area pay into the cost in repairs of the stormwater facility. This is the first one that has both a residential neighborhood and this series of four commercial lots. We do have at least one other neighborhood if not two that are strictly residential that have become this Stormwater Maintenance District where they pay into a fund to help maintain those areas within their neighborhood. It's a program that the County developed but they offered it to areas within municipalities as well. This is a participating subdivision which has this commercial component. The Kent Conservation District who this applicant will have to be working with in regards to their stormwater management plans, did make note of this Maintenance District obligation in their comments so it is part of the DAC Report.

Mr. Charles Martin – 34 Arlberg Circle Dover DE 19904

Mr. Martin stated that they received the mailing and certainly appreciated the notice on that. The use that these people will have with this property certainly seems to fit with what the original plans were as far as that goes. Retail doesn't fit; they are not doing retail. It's professional offices so he certainly has no objection to it. There was not any formal get together with the HOA that he is aware of so he is speaking just for himself. It seems to fit and they are not asking for any exceptions at this point so he would be in favor of that. He really thinks that government didn't do what they should have done. They make every development have stormwater ponds and then leave it up to the HOA to take care of them. The neighborhoods aren't equipped, whether it's their small association or any other. Finally, the County stepped forward and said they would do what government should have been doing. Stormwater should be handled at the government level not at the individual owner's association as far as he is concerned.

Mr. Tolbert stated that HOAs are usually lay people with somewhat limited management skills to manage a development but you do have the right to hire professional management. A lot of HOAs will not pay money to hire professional management but sometimes it needed because of the limited abilities of the members of the HOA. He understands because they have quite a few HOAs in Delaware and in this area a lot of them do have problems. You may want to consider the kind of management that may be beneficial to you if you can get it at a cost that you can cover.

Mr. Martin stated that there is no problem managing the HOA and cutting the little bit of grass that they have and collecting dues. The idea of managing stormwater ponds is what is beyond the lay person.

Mr. Tolbert closed the public hearing.

Mr. Roach stated that they spoke about other facilities that they have had throughout Delaware. Are they this size, smaller or bigger on average? Responding to Mr. Roach, Mr. Reisenhauer stated that this is going to be a twelve station clinic so at one time you could have twelve patients maximum. Patients are on for about 3.5 to 4 hours and that's why parking and traffic is not an issue because there are only twelve patients and they are there for 4 hours. For other clinics in the area, twelve is a good size; it's pretty much the median size in this area. There's sixteen or twenty-four but twelve is pretty much standard.

Mr. Roach stated to manage a facility like that on a good day with all twelve seats filled how many employees would you have there? Responding to Mr. Roach, Mr. Reisenhauer stated between six and eight employees.

Mr. Roach stated that on average there would be twenty of the thirty parking spaces taken up. Responding to Mr. Roach, Mr. Reisenhauer stated that most people don't drive to dialysis; they are dropped off.

Mr. Roach stated that when Mrs. Nicholson spoke about the issue in regards to Delaware Guidance having their spaces specifically for Delaware Guidance patients, would it be an issue for the applicant to work collaboratively with Kids Cottage to allow them to use parking spaces for overflow parking to not block Mont Blanc Boulevard? Responding to Mr. Roach, Mr. Reisenhauer stated that he can't really speak to that because he doesn't know who the future tenant will be.

Mr. Roach stated that until that happens could that be something that they work out with Kids Cottage? Responding to Mr. Roach, Mr. Reisenhauer stated that they could probably work something out.

Dr. Jones asked Mr. Diaz to refresh her memory regarding the future condition or requirement for the 3,500 feet. Responding to Dr. Jones, Mr. Diaz stated that currently the proposal is that it would be a future professional office tenant. There are no additional requirements if it is an office tenant. Previously, there was some discussion about using that for retail space and under the CPO (Commercial & Professional Office Zone) retail space is permitted as a Conditional Use if it accessory to another use on the property. That means it has to be clearly associated with the primary use in some way. It can't just be an entirely separate tenant. If the applicants did still want to do retail they would file a Conditional Use application with the Planning Office and that would be presented at a future meeting of the Planning Commission.

Mrs. Welsh moved to approve S-17-14 Dover Dialysis Center at 107 Mont Blanc Boulevard, seconded by Dr. Jones and the motion was carried 9-0 by roll call. Mr. Holden voting yes; due

to Staff comments, public comments and compliance with the Code. Mr. Roach voting yes; due to the fact that we have two residents in the area who aren't opposed to it and he thinks that it's a good addition. Ms. Edwards voting yes; she thinks that it's a fit based on the resident testimony that they are in support of it and the fact that it fits in that area with what they are looking to do. Mr. Holt voting yes; it does seem like a good fit for that particular location. Mr. Baldwin voting yes; based on all previous comments. Dr. Jones voting yes; she thinks it's a great fit and there is probably a great need for these services unfortunately. Mrs. Welsh voting yes; the application complies with the Code requirements and fits in the neighborhood as far as the planned development of the neighborhood and the neighbors who have shown up are in favor it. Ms. Maucher voting yes; for compliance with the Zoning Ordinance and currently the traffic impact should be minimal because of the type of business. Mr. Tolbert voting yes; the building is attractive and he is impressed at all of the patients that they will provide services for will not have to go to the building because you can get dialysis at your own home.

2) S-17-15 Dover Station at 655 West North Street – Public Hearing and Review of a Site Development Plan application to permit construction of a 20,000 S.F. two-story office building and a 6,000 S.F. group home as well as associated site improvements. This project adds to the existing development at 645 West North Street and will share site access. The property is zoned IO (Institutional and Office Zone) and is located on the north side of West North Street east of Clarence Street. The owner of record is Faithworks, LLC. Property Address: 655 West North Street. Tax Parcel: ED-05-076.12-04-08.00-000. Council District 4. *Waiver Requested: Reduction of Loading Spaces, Partial Elimination of Opaque Barrier (Fence Component) and Alternative Format of Opaque Barrier. This property was the subject of Site Development Plan Application S-07-37 for a similar development, granted Final Approval in May 2008; construction was not commenced and the plan subsequently expired. This property is also associated with Site Development Plan Application S-06-40, granted Final Approval in July 2007, for development of the adjacent property at 645 West North Street.*

Representatives: Mr. Tolano Anderson, Faithworks, LLC; Mr. Doug Liberman, Larson Engineering

Mrs. Melson-Williams stated that this is a Site Plan for the property at 655 West North Street. The property is located on the north side of West North Street just west of the railroad tracks, basically between the railroad tracks and Clarence Street which is the signalized intersection with Clarence Street, Banning Street and West North Street. This may look familiar as this property has been before the Planning Commission previously. It's neighboring building that exists there today is a day care center and that went through the plan review process in 2006. There was a plan to develop an office building next to that day care facility in where we see this proposal; that was a plan from 2007. That plan did achieve Final Plan approval but construction was not commenced and that plan expired. We are back at square one tonight for this Site Development Plan.

The proposal actually consists of two buildings. The building closest to West North Street is proposed as a two story 20,000 SF office building. Architecture wise, it is two stories. There are a series of windows and it's basically a masonry building with details at the watertable and also

banding and heavy cornice work. For the project, the second building on the site is in the far northeast corner of the project and it is identified as a group home facility. The building is listed at 6,000 SF. This facility building is for a group home. They did ask for a description of that use in order to confirm that in the IO (Institutional & Office Zone) it would be an eligible use. The applicant described the group home facility as a dormitory style building that would include areas for sleeping, bathrooms and then common areas related to kitchen and dining as well as office and medical service type areas. Utilizing that, they look to the uses that are allowed in the IO (Institutional & Office Zone) and it fits the definition of what is an "emergency shelter". The *Zoning Ordinance* defines "emergency shelter" as a facility providing temporary housing to homeless or transient persons in a dormitory style setting. Such facility may also provide or facilitate other social services including counseling and vocational training.

The architecture for this group home facility is a two-story building a little bit different in its exterior finishes but still following kind of a watertable scenario with a series of windows on all sides and then it has more of a hipped roof configuration to the building. The project itself is located on a piece of land that is a designated Brownfield. There is a Settlement Agreement in regards to this status as a Brownfield which has certain provisions for how they have to address any kind of cleanup activities as well as development of the site.

For the property, they are providing a series of parking lots that surround the building and those meet the parking requirements for the facility. In the IO (Institutional & Office Zone) the parking rate is based on a building floor area calculation. Dormitory style buildings do have a parking rate that's based on a bed count; however, in this case the size of the building actually governs their parking requirement. They have submitted a waiver request for the elimination of the loading space requirement for the office building and Staff is supportive of that waiver anticipating that the types of deliveries would not necessitate that type of facility. They are providing bicycle parking on the site. One of the key elements of this project is how you access the site. Currently, right now there is an entrance that is off of West North Street that serves the day care facility; however, that was considered to be a potentially temporary entrance from West North Street in the previous development plans. Also carrying over into this, there are notes from the Department of Transportation related to the development of an entrance from Clarence Street and then the elimination of this access to West North Street. Establishing that entrance connection to Clarence Street was also predicated on the traffic signal being installed which now exists at West North Street, Clarence Street and Banning Street. This proposed project would take it's main entrance off of Clarence Street. You turn onto Clarence Street and as it makes it's turn to Slaughter Street would be the entrance to this location. The project already has sidewalks along West North Street as required by Code and there may be some minimal sidewalk improvements necessary at the entrance with Clarence Street as its entrance is designed.

The other feature of this site is that it's crossed by what is known as the Tar Ditch or the Meeting House Branch. This is an open channel of ditch area that runs from the northwest to the southeast. On the plan drawing, it's near what looks to be the north arrow and then it progresses down to the lower right hand corner of the drawing. They are proposing to pipe a portion of this ditch system in order to develop on top of it and thus the parking and the access to the group home facility. This drainage ditch is covered by a City of Dover drainage easement so they will need to be working with the Public Works Office in that regard. They are also having to pursue a

jurisdictional determination from the Army Core of Engineers regarding the wetlands area that is designated along that ditch corridor and will also need a subaqueous lands permit from DNREC as well.

They do have tree planting requirements based on the lot area which they need at least thirty-two trees and then the other landscaping component is related to the opaque barrier. This property adjoins several residential properties to its west and thus needs the opaque barrier of the fence and the landscaping component. They are looking to implement the fence for a portion of it; however, are seeking a waiver for relief from the fence and the upper reaches of the project site to just do the landscape component in that area. The other related waiver to the opaque barrier they are seeking is what Staff terms the alternative format of that opaque area in order to allow the fence to be the element that's closest to the residential properties rather than the landscaping. With this project, there are the three waivers to consider which is the waiver request for the loading space and the two elements related to the opaque barrier: first, the elimination of the fence component for a portion of it and then the alternative format for it.

The other comments that Staff have made in regards to the plan are part of the DAC Report. The items for additional consideration would be related first to pedestrian connections. Staff has indicated that improvements could be made to sidewalk connections internal to the site leading from what is the northwest parking area towards where the buildings are located; and, then the architectural component for looking again at careful consideration of where you place your mechanical equipment on the property. The rest of the DAC Report does include the comments from the other agencies including the Public Works Office related to sewer, water and streets because of the connection that's anticipated to Clarence Street and the City's Electric Department. The Fire Marshal's Office has comments regarding each of the buildings because they have to be treated differently because there are different activities within them. The other agencies include DelDOT and the Kent Conservation District rounding out the Report for this location.

Ms. Maucher stated that on the Staff Advisory Comments for the barrier alternative format it makes note that the landscaping can be satisfied for a certain area because it's next to vacant land. How is that parcel zoned? Is it just currently vacant or would it be developed as residential? Responding to Ms. Maucher, Mrs. Melson-Williams stated that immediately to the west of this there are a series of existing buildings with a number of them fronting directly onto West North Street. There is one building that has frontage on Clarence Street and then next property to the north near the entrance is currently vacant but that could be developed residential. Right off hand she is not sure of the zoning. She believes that it may be RG-1 (General Residence Zone) which allows for single family detached houses with some provisions for some other housing types based on a review process.

Mr. Roach stated that he was trying to locate the applicant's name but he couldn't find it. Responding to Mr. Roach, Mr. Tolano Anderson stated his name.

Mr. Roach stated that he didn't know how it worked because he had a conversation with Mr. Anderson where they were basically throwing different ideas back and forth about specific things that could help the City prior to today. So he didn't know if he needed to recuse himself in

regards to this decision.

Mrs. Melson-Williams asked if they had spoken in reference to this property or to the greater good of Dover? Responding to Mrs. Melson-Williams, Mr. Roach stated the greater good of Dover. What they would like to see happen in our City and some needs that need to be met from his perspective as a family crisis therapist in an elementary school.

Mrs. Melson-Williams stated that she doesn't think that would necessitate him recusing himself from this particular application because it was a general conversation.

Mr. Tolbert stated that he has two sets of renderings in his packet. Responding to Mr. Tolbert, Mrs. Melson-Williams stated that they are two different buildings but they look very similar. One is for the office building that has more of a flat roof look to it and then the second rendering is the group home facility building which has a hipped roof.

Mr. Tolbert stated that he was concerned about the flat roof; they usually make an issue about flat roofs because they want the building to look more architecturally preferable.

Mr. Liberman stated that he first wanted to talk a little bit about the group home that's proposed. The primary purposed of the group home is to serve as an emergency shelter for homeless United States Military Veterans. It's to be a dormitory style sleeping area with bathrooms, kitchen, dining room, common area, counseling room, room for administration and staff and a medical services area for them. The emergency shelter will also incorporate on-site counseling services for the veterans in addition to social services, vocational training and permanent housing transition services. The layout that they show for the entrance onto West North Street is what was approved on the original plan with the entrance on West North Street and then the comment from DelDOT. It was on the approved plan that that entrance is to be removed when the entrance to Clarence Street was constructed along with the signal at Clarence Street and West North Street was complete. They have requested a meeting with DelDOT to go over this prior to our application to DelDOT with a couple options on the table. One is leave the entrance as is. Number two is to potentially modify the entrance to a rights in/rights out. Number three is to close the entrance as was previously required. They have to at least discuss those options with DelDOT and see what type of response they get back from them. In the end, what happens with the entrance is DelDOT's call because West North Street is a DelDOT street.

Next up is their waiver requests. Staff is supporting the waivers that they are looking for. There is a loading space waiver. With an office building of this size, the largest truck that you are going to see going in there is a 30-foot straight body truck. They don't really need a specific loading area. The UPS or FedEx people are the primary people who are going to be using this loading space and those guys are in and out in a hurry. The second waiver request is for the opaque barrier. As Mrs. Melson-Williams mentioned, to the north and west they do not have any occupied property so they are looking to eliminate the fence in that location. Part of the reason for that is as their potential fence along the west side of the site approaches their entrance onto Clarence Street it becomes a front yard setback and they could not have a six-foot fence within that setback area. The fence would have to transition into a four-foot fence per Code requirements. Even in that situation they would not be meeting the requirements for the opaque

barrier so they would like to ask for a waiver of the fence requirement in those locations. Mrs. Melson-Williams talked about the barrier and for an alternative format as far as the fence being located along the property line and plantings to be done on their side of the property. One of the recommendations that Mrs. Melson-Williams mentioned was the sidewalk connections into the site and through the site. They are trying to work with that requirement. He thinks they can achieve what Staff is looking for in the connections through the site from Clarence Street into the site and then down to West North Street so they can make that happen. As far as the HVAC units, those will be placed on the roof of the building so they will be shielded from the public view along West North Street. They are in agreement with the rest of the comments.

Mr. Roach stated that they spoke about the intended uses of the group home facility but do they have any idea what they plan on using the office space for? Responding to Mr. Roach, Mr. Liberman stated that it would just be office space.

Dr. Jones questioned if the group home will house Veterans? Responding to Dr. Jones, Mr. Liberman stated yes.

Dr. Jones asked for a description of those Veterans. Responding to Dr. Jones, Mr. Liberman stated that they would be homeless U.S. Military Veterans.

Dr. Jones questioned if they would be male, female and single? Responding to Dr. Jones, Mr. Liberman stated that they would be any and all.

Dr. Jones stated that in a facility like that she thinks that it's important. How diverse can you be in a group home? Responding to Dr. Jones, Mr. Anderson stated that they are initially just looking at the demographics. The largest portion of the Military Veterans homeless population is primarily male. They assume that males will be the primary focus but at this point they are keeping all options available. It is the Military Veterans that they are focusing on. If there was a need presented to us for females and that would fill the building they would look into it. Right now they are anticipating between twelve and sixteen individuals that would be able to be housed there. If there was a greater need for females then they would work to accommodate that.

Dr. Jones stated that it would be either or. Responding to Dr. Jones, Mr. Anderson stated yes.

Dr. Jones questioned if the Veterans who are going to be served by the facility are they private payers or will they be financially supported by VA? Responding to Dr. Jones, Mr. Anderson stated that this will be supported through organizations that support Veterans. They are actually working through negotiations with Veterans organizations and Veterans support organizations. Some of them are here locally. They are scheduled to meet with the gentleman from the Home of the Brave in Sussex County. They actually tried this several years ago as another project with the Veterans Administration Commission in Dover but there was funding issues. Those belts have been loosened and it looks like there are other opportunities and that's what they are trying to meet here.

Dr. Jones stated that she is glad Mr. Anderson said that because she thought that she had remembered some conversation about that. Responding to Dr. Jones, Mr. Anderson stated that it

was a Veterans home before this body on McKee Road.

Dr. Jones questioned if there was a limit for temporary housing? Responding to Dr. Jones, Mr. Anderson stated that it's not exactly specified. The thing that they are focusing on right now is that they would like to transition every Veteran that is coming into the program within five months to permanent housing. Some will go a lot faster and some may not go so fast but the key is to get them out of the homeless situation and into the housing.

Mr. Tolbert questioned what the limit of time was that a person could stay at this location? Responding to Mr. Tolbert, Mr. Anderson stated that they haven't determined what that actual limit would be. They are estimating that five months would be their average but they don't have a specific limit. They don't have to say that people have to be out within six months or three months. They actually have the latitude internally to determine that.

Mr. Tolbert stated that his understanding is that some of the shelters only allow homeless people to stay in the shelter for thirty days. Responding to Mr. Tolbert, Mr. Anderson stated that unless the organizations that support these groups or the Veteran's Commission or someone else comes up with a determination that would limit it, at this point they don't have a timeframe for a certain number of days.

Mr. Roach questioned if there would be any restrictions as it pertains to anything to do with mental health or physical disabilities? Are the different levels going to be handicapped accessible? In his mind when he hears Veterans, it can be a man who is homeless with his wife and his two kids or it could also be someone with PSTD living right across the hallway. To him that kind of alarms him. In the big picture, is there a direct focus of who they want to serve? He knows that they said that the demographics that is more prevalent is the single male but say someone who comes up with extreme disabilities and asks for somewhere to stay? Would they be housed in the same place as a gentleman who just had a tough spot might be in? How are you going to ensure the safety of those individuals in a group home facility? Is it going to be self-ran? Will there be people working in the group home? Are they going to be volunteers or paid? Responding to Mr. Roach, Mr. Anderson stated that the program facilitators themselves will set all of that criteria. He knows that there is a screening process for them. PSTD is obviously a major concern because you have to look at what their history has been and what their specific issues are. Families would not be allowed. If a person came there with women and children, they would not be allowed; however, the whole point is to refer them to other services available through the Veteran's Administration or other facilities. He thinks that one of the biggest things to look at is that there are so many homeless Veterans; at this point over 100,000 sleeping on the streets under bridges or in alleys.

Mr. Tolbert questioned if these Veterans that he was referring to were in Dover? Responding to Mr. Tolbert, Mr. Anderson stated no; it's a national epidemic. But at the same time also nationally, they are looking at an average of twenty-two Veterans that commit suicide each day. It's really a tragedy. Part of the suicide is that they just have nowhere to go. As a disabled Veteran himself serving twenty-four years in the Army, he gets it. He sees what they have been through and he is basically trying to meet that need.

Mr. Roach questioned if they have looked around the area because like he said before he lives on Slaughter Street and to know that they already have a homeless shelter right on the other side from where they want to place this homeless Veterans facility is kind of concerning to him as being a resident. Obviously, he is not within the 200 feet so he didn't get a letter. He has the sense to know that now they are not only talking about adding another facility but now seeing that DelDOT may pour it right on to Clarence Street which means all of the traffic will be going through Slaughter Street. There is already a traffic issue to get onto West North Street with all of the major developments going on at the Eden Hill location. That just seems like a lot of things in one area that's going to be congested and shooting out of two streets. He has a concern with not only with the traffic but also the close vicinity as it pertains to demographics. There is another group home on the other side of Slaughter Street and it's a lot. It comes right off of Simon Circle. There is another place that used to be a male facility but he is not sure if it's still housing. The house is a yellow two story house. It seems like everything is starting to get thrown towards Lincoln Park and he is kind of concerned about that. Has anyone spoken to Kidz Ink about having a homeless Veterans facility within the vicinity of people dropping off their kids? Responding to Mr. Roach, Mr. Anderson stated that the owners of Kidz Ink are here tonight and they would probably hear from them tonight. He has met with them and spoken with them by telephone as well. The thing is that you have to acknowledge that there has to be concerns because these people have issues and they certainly need help. He wasn't aware of a group home that was just referenced. He knows specifically that this particular property was acquired for the particular reason that it is a permitted use. That was part of the motivation for purchasing the property. In addition to that, you heard Mr. Liberman speak earlier about their preference would be to keep the traffic flow on West North Street as opposed to going down through Clarence Street. That's certainly one of their requests going forward to DelDOT. Other than that he thinks that the sad thing is that we are dealing with serious homelessness and other issues with people and these are needs that need to be met. It has to be able to work with the community and that's what they are trying to do.

Dr. Jones stated that she thinks that she just heard that there could be some treatment going on for Veterans. Responding to Dr. Jones, Mr. Anderson stated that the onsite treatment is only going to be for counseling services but there would be no medical treatment.

Dr. Jones questioned if this changed anything in the zoning? Responding to Dr. Jones, Mrs. Melson-Williams stated that the term as defined for "emergency shelter" includes the living component of the dormitory style setting but it also notes that the facility can provide or facilitate social services including counseling and vocational training.

Mr. Roach questioned that when we are speaking about counseling are we speaking about social workers coming in doing group counseling or are we talking about a psychiatrist or psychologist prescribing medications on site? There are different levels as it pertains to mental health treatment in a facility especially when it's a group home setting. Responding to Mr. Roach, Mr. Anderson stated that he is not a counselor or service provider so he can't really speak to that.

Mr. Roach stated that he is loving the idea but honestly where it's located is concerning. He does agree with Mr. Anderson that it is a major need for Veterans. There are a lot of things that are unanswered right now.

Mr. Holden questioned if we have encountered having to define what "temporary" housing means. He asks because it is important for the applicant to know by what bounds they are going to be held to in the future to confirm that they are in compliance with zoning. We certainly don't want to set them up for a situation where there is going to be a conflict down the road. Responding to Mr. Holden, Mrs. Melson-Williams stated that the term "temporary housing" is not defined by any timeframe in the Code itself. When the definition isn't there then you go to the regular definition of "temporary" that's in the dictionary. She would imagine that it's very general in a statement that it's not long term, it's short in nature but it doesn't say thirty days, six months or anything like that in the Code.

Mr. Tolbert stated that it was sort of broad. Responding to Mr. Tolbert, Mrs. Melson-Williams stated yes, it is sort of broad.

Mr. Baldwin stated that he understands that the applicant is waiting for a meeting with DelDOT to determine the entry so it is possible that they may get the permit to enter from North Street. Responding to Mr. Baldwin, Mr. Liberman stated that his preliminary conversations with DelDOT is that they wanted the entrance to be closed but they are going to at least broach the conversation. They have gotten feedback that they would prefer the entrance remain open. If it can't remain open as a full access entrance because of conflicting movements for the left turn in, then they could limit it to a rights in/rights out entrance. That eliminates the conflict that they were looking to remove but at least it would provide a way in and out that would keep traffic off of Clarence Street.

Mr. Holden asked Mr. Liberman to help him understand the entrance for the existing one story building. Is it the same entrance that he is speaking off of North Street? Responding to Mr. Holden, Mr. Liberman stated that was correct.

Mr. Holden questioned who owns the property underneath that entrance? Responding to Mr. Holden, Mr. Liberman stated that Faithwork, LLC owns it.

Mr. Holden further questioned if they owned the property that Kidz Ink is on? Responding to Mr. Holden, Mr. Liberman stated that they do not. The owners of Kidz Ink access West North Street through an easement and there is also an easement that goes out to Clarence Street for their access.

Mr. Anderson stated that he wanted to point out one thing. This is a Brownfield site so it's quite a process going through the contamination clean-up process and making sure all of the remediation is done in accordance with the all of the rules, regulations and laws. This is over two acres and it's something that he thinks it really needed for the area; the office building as well as the shelter. This property is just sitting there. It's in a somewhat of a partial state of remediation and under the Brownfield Program, it's going to provide a nice boost to the area and he thinks aesthetically it's also going to provide a lot of jobs. It thinks it's going to be something that is significantly valuable. He should also point out that two of the adjacent properties facing on West North Street are also owned by Faithwork, LLC.

Mr. Tolbert opened a public hearing.

Mr. Stanley Richardson – Lincoln Park Dover, DE 19904

Mr. Richardson stated that he lives in Lincoln Park and he did not receive a letter. It's a good idea for it to be a home of Veterans. He is starting to receive phone calls as the President of their Neighborhood Watch as soon as people started seeing the words "group home". They were thinking about the group homes that are already in their neighborhood. One is in back of his property and they have been having problems with them when they first moved in. A lady in the neighborhood got her window busted out. He was threatened to be shot but it's good for Veterans. He applauds the owner for that. But on Clarence Street when he leaves his house to go to his doctor appointments and most of his doctors are right across the street, there are cars parked on both sides of Clarence Street. It's going to be a tight squeeze if people are parked on both sides of the street. He applauds the owner for doing it for the homeless Veterans but which way are the buildings going to be facing? Are they both going to be facing West North Street? Responding to Mr. Richardson, Mr. Liberman stated yes.

Mr. Richardson stated that just as long as it's not going to be a group home for kids. That's the main thing that they were worried about. They don't need young kids in there because they are having problems with young kids now up and down the street. Has the Commission seen some of the homes on Slaughter Street that's close to this area? Responding to Mr. Richardson, Mr. Anderson stated that they have seen them.

Mr. Charles Durham – 145 Irma Street Dover, DE 19904

Mr. Durham stated he has been living at this location since 1964 and they have had a problem with conditions in that area in reference to Clarence Street and Simon Circle since 1964. Sometime ago there was a word that the entrance from North Street to Clarence Street at the traffic light in front of Banning Street that the street was to supposed to go all the way through Lincoln Street. Lincoln Street goes to Forest Street where the old Boulden Motors used to be many years ago. Is that still in existence? If it is then that's going to be another entrance into the neighborhood. That is going to cause congestion from Forest Street into this area. He applauds these gentlemen in reference to the Veterans home; he is a Veteran himself and he knows that they need housing and it's a wonderful idea. But he doesn't think that the neighborhood is conducive especially for an office building. If he would have to work in that office building and look down Clarence Street out his window he would likely miss several days from work each week. It's deplorable; it's not conducive to an office building as shown here and also for the group home. If that street that goes from the traffic light to Forest Street is still in existence then it's a bad idea as far as traffic is concerned and the personnel that is coming through. It's something for the applicants to look into. Then again, they are speaking about a fence between the properties at the south side of the proposed office building. There is a house next to the day care that needs to come down. There's only one property on the corner that is decent enough to live in. The rest of those places look like a row of chicken houses. We all know who owns those houses and there needs to be something done about those. To put up a nice facility like this in a condition such as that is just not plausible. It's not a good idea and they are having problems. In the neighborhood that he lives in Simon Circle, a little over one year ago he had his windows shot through. It came from Simon Circle and they have a problem in Simon Circle with drugs.

Mr. Tolbert asked if the problems were from Veterans. Responding to Mr. Tolbert, Mr. Durham stated he didn't know if the people were Veterans or not. He is not downing the Veterans; it's a good idea and he is a Veteran himself. They are trying to clean the neighborhood up. They have a neighborhood watch and meetings. They are trying to do the things that are good for the people in the area. There was also another word that the day care center there in Lincoln Park was supposed to put homeless people in there as well. So that's another fight that they are going to be fighting in the near future if that be the case.

Mr. Tolbert questioned if Mr. Richardson was speaking for himself or the whole neighborhood? Responding to Mr. Tolbert, Mr. Richardson stated that he was speaking for himself.

Mrs. Melson-Williams stated that the last speaker mentioned the continuation of Clarence Street to the north. There have been some plans that have looked at the continuation of Clarence Street to the north to connect to the Lincoln Street and Forest Street area. There's not a defined alignment for that. There was some study done of the conditions of the area but there are no plans at this point in time that place that road or funding for that project. It was identified in some studies of the west side of Dover in the early 2000s but it's not an active project at the moment.

Ms. Denise Loftland – 4-6 Clarence Street Dover, DE 19904

Ms. Loftland stated that she was here with her sister Ms. Cheryl Short. She lives on the corner of Clarence Street and she has been there for over twenty years. She was there before they put the light in and there were a lot accidents. When the light was installed there weren't as many accidents but now there are still accidents; there was one last week. Her concern is the flow of traffic that's coming in off of West North Street onto Clarence Street. If they close that entrance to the day care center, it's going to push all of that traffic down Clarence Street. You are going to have community traffic, people going to the group home, people trying to get to the day care and you are going to have foot traffic. Where are they going to park? She has nothing against the Veteran's home because she is a Veteran herself. But her main concern is the heavy influx of traffic that is going to flow down Clarence Street and the foot traffic that's going to go into the group home. They said that they are going to put sidewalks there but they are still going to have that traffic there. How is the parking going to be on that street because right now there is a bus that comes down that street? There is no space on that street. If there's parking on one side and the other side the bus almost hits the cars when it comes through there. She has a driveway but she also has three cars. Each house has three cars so they park on the street as well. How is this going to affect parking on the street? If they close the entrance to the day care then it's coming down Clarence Street and the street can't hold it.

Mr. Roach stated that that's what they are looking at as far as the parking lots; the two acres is a lot of parking spaces but they don't know whether the entrance will be on Clarence Street or stay on the day care side. As far as parking, he doesn't think there will be any parking on the street because they have ninety-seven parking spaces when they are only required to have eighty-seven parking spaces. They are going to add a lot of parking spaces in that area. It should reduce people having to park on the street but he doesn't know how the entrance is going to be.

Ms. Loftland stated that is a concern because you are going to have the traffic coming down the

street and the street can't hold traffic.

Mr. Lyon stated that the City is kind of at the mercy of DelDOT at this point in time based on the fact that they may close that intersection. If they do close that intersection they are going to take a look at the on-street parking on Clarence Street going northbound and they will try to limit the potential conflicts. But it all depends on what is going to happen with DelDOT. They are aware of the fact that they have parking allowed on both sides of Clarence Street and it could potentially be a problem. Once the DelDOT decision comes through the City will make their decision based on that. More than likely there will be limited parking on one side of the street or the other.

Ms. Loftland questioned if you have limited parking on one side of the street then which side will it be? Responding to Ms. Loftland, Mr. Lyon stated that they will have to evaluate that.

Ms. Loftland stated that her sister is handicapped; will they put in speed bumps? Responding to Ms. Loftland, Mr. Lyon stated that speed bumps are not allowed in the City. If there is handicap need you can contact the Public Works Office and they will make a placard for that location. They have to verify the handicapped sticker every year.

Ms. Loftland stated that there are children in the area at her house.

Mr. Charles O'Brien – Gordon, Fournaris and Mammarella at 1925 Lovering Avenue Wilmington, DE 19806

Mr. O'Brien stated that he represents the owners of the adjacent parcel directly to the east which is Dover Kidz LLC. The principals Phil and Aretha Kitson are here as well. For the record, his clients bought the property to the east in 2012. He heard reference of a previous Site Plan with respect to the subject parcel earlier today but they knew nothing about that at the time. The first time that they actually saw this Site Plan was in connection with this hearing. They had to request the materials through a FOIA request in order to get the Site Plan materials. As you can see from the plan, their property is greatly affected by this Site Development Plan. They have a shared common access to North Street currently and you can see that there is parking, traffic flow and all kinds of other issues. The plan was never brought to their attention and they never had any input or discussions with respect to this plan with the owner.

Before ten minutes ago he just saw group home facility in the materials and he wasn't sure what that meant. Obviously as noted, the Dover Code doesn't define "group home". The Kent County Code does which obviously would only be illustrative in nature. In looking at those definitions he thought that there was no way that this proposed use would be permitted in the IO (Institutional and Office Zone) in the City of Dover. Obviously, hearing now that it's going to be a shelter for homeless Veterans, he applauds the intention but they have some issues with respect to the use. He acknowledges that it's a permitted use but it's near a day care facility on the adjacent parcel that has about one hundred forty-five kids at any given time. Just based on the fact that they have this day care facility, they are concerned that the parents are going to be concerned with a homeless shelter being within throwing distance of our property. He also notes, which he thinks has been picked up on, that it was either transitional housing or an emergency shelter. "Transitional housing" obviously doesn't work because it's defined as a residential

facility developed in a one family dwelling unit so that doesn't really work. The "emergency shelter," which he thinks is what we are relying on in connection with the potential proposed use, does say that a facility providing "temporary housing" to homeless and transient persons. He thinks that it was noted accurately here today that temporary housing doesn't seem to be defined in any manner so that is a concern for them. It's also a concern that he doesn't think that anything on record shows that this actually would be limited to Veterans. It just says group housing facility so they see no limitation with respect to that.

If you look at the Site Plan displayed, they have a handful of issues with respect to parking, traffic flow and other items. Specifically, you see fifteen parking spaces that abut the common property line between the two parcels. Implicitly in connection with having those spots listed on this Site Plan is the right of the applicant to access their property to be able to get to those parking spaces. Nothing on the Site Plan addresses where that access would be granted of record. Their position is that it is not. They also worry about the safety issues with respect to people reversing onto a heavily trafficked foot area with little kids accessing the day care facility. There are twenty-five parking spaces to the west of side of the property. It's difficult to tell on this Site Plan how traffic flows, seeing no sort of arrows directing which way traffic would flow. Assuming that traffic has to loop around and access his client's property in order to get back out to Clarence Street to the extent that North Street is closed is another safety and major issue for them in that the potentially highly increased traffic through and over our parcel with respect to the two buildings. Specifically, the office building would cause a safety issue in connection with the one hundred forty-six kids that come to the day care every day. For the record again, they are of the position that they is no access with respect to their property in connection with those parking spaces or traffic flow patterns.

To the extent that North Street is closed and DelDOT does have the right to do that. It's not mandatory; he thinks that the notes on the plan say that DelDOT has the discretion to close to the extent that Clarence Street is opened. To the extent that North Street is closed and their only access is to Clarence Street, if you look at the Site Plan it almost looks like you will have to maneuver through the parking spots in what appears to be a concrete island in order to have ingress and egress from his client's parcel to Clarence Street. Specifically, if you look at the four diagonal parking spaces it's almost like those people would be pulling out in reverse blindly. Again, having a day care that has one hundred forty-six kids in and out every morning and every afternoon, they are very concerned with the way that this Site Plan is drafted in connection with simple flow of traffic and parking from their property to the Clarence Street exit.

He thinks that Mr. Liberman mentioned the DelDOT was considering leaving the North Street exit as is which obviously is not in control of the City; however, that would obviously be their preference. He thinks that it would eliminate some of these other more major issues if Clarence Street was sort of this access B point. He drove down Clarence Street today on the way here and did note that it was fairly obvious that there was off-street parking on both sides. It's a very narrow road and he thinks that to the extent that traffic flows from the day care center, a 20,000 SF office building and another 6,000 SF building and it all funnels through Clarence Street. He does think it's a problem. He doesn't know that Clarence Street can handle it, not only for the residents there but also the people that want to access their business. If it becomes problematic, then they are going to find another day care to go to.

Just in quick summary, they do have an issue as a day care center that shares a common property line with the proposed use of a group home. They think that it just doesn't fit at least with respect to their permitted and continued use. They think that there's questions with respect to the temporary nature of the housing that's permitted under the Zoning Code with respect to emergency shelters. He also sees nothing in the record that makes it so that the proposed use would be limited to strictly homeless Veterans. With respect to parking and traffic flow in the Site Plan, they did not have any input on prior to reviewing it in connection with this hearing. They think that there's major issues and access rights with respect to the implicit use of their property in respect to not only parking but traffic flow. With respect to ingress and egress from Clarence Street to the extent that their property ends up having, in connection with trying to have safe access from their property to Clarence Street in connection with all of the parking spots that they would be navigating through. For confirmation purposes, the fact is that Clarence Street seems incapable of handling the increased traffic flow.

Mr. Holden questioned if the client was approached regarding a cross access easement? Responding to Mr. Holden, Mr. O'Brien stated that there is a current cross access easement.

Mr. Holden questioned if it was to allow the current project to access their property to get to the fifteen parking spots that were mentioned? Responding to Mr. Holden, Mr. O'Brien stated no.

Mr. Sean Mace – Eden Hill Medical Center 200 Banning Street Dover, DE 19901

Mr. Mace stated that he was the Vice President and Chief Operating Officer of Eden Hill Medical Center. He is also a Veteran. For the record, he doesn't have any opposition nor does Eden Hill Medical Center to the group home or the 20,000 SF office building even though they do not know what the use of that office building will be. This is contrary to what a lot of other people are saying here but he understands that there is issues both ways. He will take them back to 2006 and 2007 timeframe when it was contingent for Eden Hill Medical Center to put up a substantial amount of money for a traffic signal and a left-hand turn lane into Eden Hill Medical Center on Banning Street and signalization, and the Norfolk Southern Train lines that are very close to the day care center and the area that we are talking about. His concern is that on any given day, one hundred forty-six children are coming in and out of the day care center and if you look at the parking requirements for a 20,000 SF office building with at least three per thousand plus another building at the back, there is a lot of traffic already on North Street. Everybody knows that there is a lot of traffic in this area. They know that the train track is very close to where we are at and there is a safety concern there. Every given day, the left-hand turn lane that is paid for and meant only to go left into Eden Hill Medical Center is backed up morning and afternoon by the people that are dropping off and picking up those one hundred forty-six children and the employees there. When Eden Hill Medical Center was opened and they did the improvements to the road there, they were told by DelDOT that the entrance into that day care center was only temporary. It was a temporary fix and that the entrance to that location was going to be off of Clarence Street. How that gets done and what improvements have to be made that's not something that he can answer. He understands that because with all of the construction on North Street he has come down through Slaughter Street, Cherry Street and those other areas and believe him, him understands it. He couldn't believe the first time that he saw a City bus coming through there. He was thinking wow this is tight. He feels for everybody in this area but he also knows that he's got on any given day a lot of people

coming in and out of Eden Hill Medical Center. All of the physicians that are coming from the hospital doing morning rounds to come to their office to see morning patients, there is not a week that goes by that he doesn't get an email or a phone call saying that he has to get these people out of that left-hand turn lane because they almost had a head-on collision there. They did have yet another accident there at that intersection or just beyond the intersection last Friday as was referenced. He doesn't know if it was at the signal light or if it was just south of there. It was in the afternoon and it could very well have had to do with in and out from the day care center in that area. Not picking on the day care center but understandably that was meant to be a temporary entrance and exit. Does it make sense to have a right-hand egress? It probably does if they make sure that you can't come out of there and turn left. If it's a right hand exit only then that probably could be a good compromise. He is going back to when this was all laid out back; this was a temporary entrance. He would like nothing more than to see this plan not showing that as even an option knowing that DelDOT has said it was only temporary. It's a big concern not only for the safety of people coming and going in and out of the property that he manages but also with all this added traffic we are going to have a lot more queing up closer to those train tracks. We just don't want to have anything happen there because that would be catastrophic.

Mr. Tolbert closed the public hearing.

Mr. Tolbert stated that after hearing what the public had to say about this application the Commissioners may want to consider deferment of this application until this parking and traffic situation can be better resolved.

Mr. Holden stated that in outlining their potential paths forward there seems to be fifteen parking spots that the Site Plan or owner doesn't appear to have the legal ability to access which puts them under required parking counts. If that's an accurate read of that situation, the Commission can certainly vote on the application, they could table the application or the applicant could pull the application. He is asking Staff to weigh in on if that's the appropriate paths forward. Responding to Mr. Holden, Mrs. Melson-Williams stated that they could if there are a number of items or a specific item that the Commission would like additional information on before they make a decision, they could defer action and specific what kind of information that they are looking for. It could be related to parking, the entrance, or for traffic and ask that the information be provided before the Commission takes formal action on the application. Is it a Site Plan; the Commission cannot flat out deny the application. The uses are allowed by zoning but if the Commission feels that there is information that after hearing all of the testimony tonight they think that they need to have or they think that they need to have a better understanding of then the Commission is certainly within their rights to defer action to a future meeting seeking receipt of that information.

Mr. Liberman stated that these two plans that they are showing match the original layout that was approved in 2007 when both of these properties were approved together. That's why it was their understanding that there was a cross access easement in place to do the parking and the drive aisles exactly as they are showing it on the plan because it matches what was previously intended to go on this property. Mr. O'Brien had some questions about flow directions of traffic. Everything on there is a legal two-way drive aisle on their site. They can work with them to true up so of those drive aisles from the day care onto their site. This is something that they have

actually been working on. They just didn't want to present new information that could potentially be confusing between the two plans.

Ms. Maucher questioned if there was a determination contingent upon approval of a Site Plan for DelDOT? If this plan is not developed or not approved will they defer the decision on the North Street entrance? When is the decision from DelDOT expected about what's going to happen with the North Street entrance and whether or not it will be routed onto Clarence Street? Responding to Ms. Maucher, Mrs. Melson-Williams stated that in order to ultimately get Final Site Plan approval there will have to be some indication of DelDOT's approval of the plan, whether that's keeping the entrance, changing or eliminating it. It sounds like the applicant has reached out to DelDOT to start that conversation about that access point/exit point to West North Street. It may take some time in order for an ultimate decision to be made regarding that entrance from DelDOT. She is not sure if the applicant actually has a meeting scheduled yet.

Mr. Liberman stated that they do not have a meeting scheduled but they requested one more than two weeks ago. They are trying to get that resolved with them. They would be open to having someone from the City of Dover at the meeting also to address the concerns of the homeowners in the adjacent area.

Dr. Jones stated that she has a couple of concerns that she would like to address. She does have a great deal of concern about the issues raised about the traffic patterns and the safety and so forth in that area. She also has a concern about what she views as a preponderance of group homes in an area that may be about a 5 mile radius if you go out on Forest Street and Saulsbury Road. It just seems as though in her mind there's a preponderance in a small area. These types of facilities are very much needed but she guesses that the question would be is do they all have to be right together? These neighborhoods are then going to be defined by these types of facilities and they are very much needed. Her third concern is that she is not comfortable with a stated stipulation that this facility will serve only Veterans.

Mr. Holden moved to defer application S-17-15 Dover Station at 655 West North Street, pending further information about cross access and access to the parking spots, information from DelDOT gathered in the requested meeting from them and any other information that the City of Dover can provide for how we will address traffic if that entrance is closed, seconded by Mr. Holt and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; for the reasons stated, for public comments and for the outstanding questions. Mr. Roach voting yes; due to the public comments and also to have further clarification in regards to "group home" and the specificity in regards to who it's going to be servicing and what it's going to be doing and the communication with Dover Kidz Ink to rectify the existing parking situations in regards to this existing Site Plan. Ms. Edwards voting yes; based on all the reasons previously stated. Mr. Holt voting yes; based on the testimony and information that they need to receive from DelDOT. Mr. Baldwin voting yes; based on the fact that they need some clarification from DelDOT and also to give the applicant and opportunity to work with the day care center to clarify the transition between the two. Dr. Jones voting yes; based upon all of the previous comments. Mrs. Welsh voting yes; due to the necessity to have further information as well as to get clarification on the property line parking as far as understanding the conditions between Kidz Ink and the applicant. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; as much as he

is in favor for living arrangements for homeless Veterans the concerns that have been raised regarding this application cannot be overlooked or neglected. They need to be given some considerable attention; specifically the remarks that were just made by Dr. Jones.

3) S-17-16 Eden Hill Farm TND - Professional Office, Medical and Financial District: Revised Implementation Plan – Public Hearing and Review of a Revised Implementation Plan for the Professional Office, Medical and Financial District component of the Traditional Neighborhood Design project known as Eden Hill Farm. The District is located on two parcels of land consisting of 25.47 +/- total acres. The Revision is for the area east of Banning Street (known as Lot 2B) consisting of 7.33 +/- acres. The proposed overall plan for the District consists of six buildings, parking areas, open space areas, and the street layout. The parcel is zoned TND (Traditional Neighborhood Design Zone) and is located at the southeast corner of West North Street and Banning Street. The owner of record is Dover Medical Properties LLC. The property area is unaddressed. Tax Parcels: ED-05-076.00-01-13.05-000 and ED-05-076.00-01-13.02-000. Council District 2. *This Revised Plan is to supersede the initial Implementation Plan, S-06-26 Eden Hill Farm - TND Professional Office, Medical and Financial District, reviewed by the Planning Commission during 2006 with its conditional approval granted August 2006. Phases 1 and 2 of development were subject to plans S-06-42 and S-16-16.*

Representatives: Mr. Nick Tomasi, BBL Construction Services; Mr. Joseph Riley, HCP Architects

Mrs. Melson-Williams stated this is a Revised Implementation Plan associated with the Eden Hill Farm Traditional Neighborhood Design Project specifically the Professional Office, Medical and Financial District which is located on the south side of West North Street basically from the railroad tracks to just past the large medical office that's been there for a number of years now. The area of the Professional Office District is just over 25 acres of land. As you can see on the screen, the far left is the existing medical building that was the first phase of the project. Another building is actually under construction now which is included on the southern end of the property adjacent to Banning Street. The overall area of this District is accessed by Banning Street which was part of the initial phase of construction. Banning Street is a City street. There is also access from the west through what is a traffic circle that comes off of West North Street through what is called Garrett House Circle that comes in at the north end of the medical center building. Then Banning Street ultimately is planned to continue to the south where it will link up with the Residential District of Eden Hill when they get to building that portion of it.

The process for a TND is somewhat unique in how the process works. There is a specific process for zoning of a property to a TND and then the next step is what's called an Implementation Plan for each district. This project for the Office District has an Implementation Plan in place. Their report kind of summarized its chronology of activity. The Implementation Plan for this District dates back to 2006. That original Implementation Plan called for a series of buildings with ultimately a build out of nine buildings over a series of six phases and also included information on parking, landscaping and development in general. There are specific uses that are allowed in the Professional Office, Medical and Financial District that are outlined by Code. How you develop in a TND is actually governed in part by what is known as the Comprehensive

Development Standards Manual or the Pattern Book. There is an established Pattern Book document for this District that really lays out the guidelines and standards for design of the buildings, the parking areas, landscape areas and the construction of those elements and how you focus on development of the land and the buildings specifically. Once a TND has an Implementation Plan in place then each of the buildings is then subject to an Administrative Site Plan review process in order to build that building.

What is being presented tonight is request to make some revisions to the Implementation Plan that is currently in place. Staff in their report starting on Page 6, outlines the series of revisions that they are proposing to the Implementation Plan. Specifically, those items include a change in the number of phases. Currently, it is established as a total of six phases; they are looking to make it a five-phase project. They are also proposing changes to the number of buildings and the size of buildings. This Revised Plan would bring it to a total of six buildings rather than nine buildings. They are also showing improvements to the intersection of Banning Street specifically as it approaches West North Street. This proposal is showing the addition of a dedicated right turn lane. Currently as you come northbound on Banning Street, everyone exiting the property through that intersection if you want to turn left, turn right or go straight is in one lane. It has been noticed by Staff and DelDOT that the addition of a dedicated right turn lane would give some relief in how that intersection functions so they are proposing that. In doing so there is the right-of-way available on Banning Street to implement that turn lane. They believe; however, there will be some on-street parking and some tree plantings that obviously will have to be given up. The main part of this project really focuses on revisions to the east side of Banning Street. That's where we see the reduction in the number of buildings and then we also see a change in how you access the east side of Banning Street. They are proposing one entry point. Previously, the plan had a one-way circulation pattern that was anticipated to access and then exit from the east side of Banning Street. They are looking to consolidate to one entrance point and that gets flanked by green space. Basically, on the map it's kind of between the two buildings on the east side of the street.

With this project revision, they are also looking to solidify how the parking is calculated for this District. They are wanting to establish the rate of parking at one parking space per 300 SF of floor area. The previous plan made some references to a different parking rate but is not well documented in the approved plan. The last element of the Revised Implementation Plan has to do with the community walking trail. There is trail system that has been partially constructed leading from West North Street and wraps itself around the west side of the stormwater management pond in that area and then currently it terminates because construction has stopped. The plan itself would continue that community walking trail to the south and it would ultimately interconnect with the similar trail system that is to be in the Residential District.

With this proposal for revision, they are also proposing a change to the Pattern Book and that is related to the landscape guidelines. There currently are provisions that deal with the establishment of a landscape buffer when the resulting design brings parking and service areas adjacent to a roadway. Currently, the Pattern Book talks about when this occurs next to major roadways that this buffer to be implemented of thirty feet in width and there's berms and tree planting requirements. They are finding that looking at this east side of Banning Street that they need to address what happens if parking or service areas are in relation to a street such as

Banning Street which is a very different type of street than West North Street. The current Pattern Book revision clearly gives guidelines with how to approach that situation. The Planning Office has provided comments. In this case, it's kind of looking at kind of like a Master Plan for the project district and setting forth kind of a phasing and future building out scenario for it and making the change to the Pattern Book related to the landscape provisions. In their Report, they recommended additional considerations to meet Code objectives. They do find that the proposed Implementation Plan was evaluated for compliance with the intent of the overall Eden Hill Master Plan and Staff finds that it does strive to meet the purpose and intent of the TND. They have also commented on all of the proposed changes. They think that allowing some flexibility in the phasing of the order of development would also be appropriate. In regards to buildings, the Code requirements for a TND actually limit the footprint size of any one individual building. Their proposal would continue to meet that requirement. As mentioned, Staff is supportive of dealing with the turn lanes there at Banning Street. They also think that the consolidation to one entry point to the east side is appropriate as well as establishing how you calculate parking. They are recommending that there be the opportunity to look at parking based on a building's specific use which is what had to occur with the Skilled Nursing Facility that is under construction now. They looked at it more operationally versus square footage when looking at the parking for that building. That was something that Staff brought to the Planning Commission to weigh in on. Other agencies have also provided comments. A lot of the more detailed technical review of any development of any phase or specific building in this project would be subject to an Administrative Site Plan process and that's where the agencies ultimately have a lot more weigh in on their requirements in that case. There are some advisory comments from DelDOT and the Kent Conservation District notes that there is a regional stormwater facility that was in place to manage the entire district from its initial inception.

Mr. Tomasi stated that he and Mr. Riley are the design-build team that is representing Eden Hill Medical Center. They were involved in the construction of the original 140,000 SF Eden Hill Medical Center and they are currently under construction with the Skilled Nursing Facility. That kind of stemmed the decision of revising the Implementation Plan to work better with how development could potentially occur on the east side of Banning Street. They are in agreement with the comments that were discussed at the Committee. The one specific item that he would make reference to is the timing of the community walking trail. Due to the stabilized material that is currently on what is noted at Phase 5, they would prefer to do that walking trail extension then (which is about seventy yards). The vast majority of that trail is in place. They would prefer to do that at the time of Phase 5 due to the material that is in place there. That would be the most logical time to do it but in discussions at the Committee they would agree to bring up that as a discussion point during the individual Site Plan approvals depending on what sequence they end of up going in.

Mr. Holden questioned if there was a dirt pile in the way of the walking trail now? Responding to Mr. Holden, Mr. Tomasi stated that it's a stabilized amount of overburdened fill that was leveled off and it's just at higher elevation than the rest of the site. Upon development of that site, it would get you more to the grade where you would have to be to extend that trail.

Mr. Holden further questioned what would be involved to do that concurrent with the next phase of the project? Responding to Mr. Holden, Mr. Tomasi stated that just to back up the intention of

this submission is really to create a little bit more flexibility with a few points, one of them being the phasing. Their client can't necessarily predict what site is going to become marketable and potentially the next phase of construction. They identified these as Phase 1, Phase 2 which are obviously in place or under construction and kind of their best guess at how they think the other phases could go. Phase 5 could become Phase 3; they don't know. They are leaving that as an open starting point for each individual Site Plan approval submission. That's why they thought the fairest way to approach it would be that their intent is to do it during Phase 5 but it could be a topic of discussion during each of those events.

Mr. Holden questioned if there was a reluctance to do it during the next phase? Responding to Mr. Holden, Mr. Mace stated that it's not necessarily reluctance. He wishes that they had some colored pictures or aerials because they built it originally back in 2006 and 2007. They did the overwhelming majority of that walking trail and it comes all the way to the end of the stormwater management pond that is there. There is literally about seventy yards that go from there to the end. They understand and they intend to build it and have no reluctency. Right now, he kind of jokingly calls it the walking path to nowhere. If you were to go out there with him and walk it, where it ends there is that stabilized dirt pile that's been there. They will be using it for future construction but there's really nothing beyond there until you get into the tree line where Water Street is. The idea behind it is that it is to eventually extend down through the rest of the Eden Hill residential area and then he believes it is to connect to the Kesselring Farm and so on. To take something and extend it another seventy yards now not knowing when development in the residential phase will occur, it doesn't seem to make sense. However, in conversations that they have had with Mrs. Melson-Williams and Mrs. Townshend, they are not reluctant to do it at all. If they say they are going to start on a certain phase next and they are going to start the residential piece, then they will absolutely move that timeline up on that. There is no objection whatsoever. They understand that it's their responsibility. Right now, it's nine years old and to add on and not know when the next section will take place that it will connect onto to be beneficial to the community just gives them seventy more yards of aging blacktop and then they just end up with these phases of different ages of a path. But again, there are no objections to doing it and as Mrs. Melson-Williams said the phasing on this is depending on whose coming next. They have twenty-five acres. Eden Hill Medical Center was Phase 1; they are building Phase 2 on which was initially Phase 4. It's just not perfect because they put these labels on there as phases. They did so at the time because back in 2008 before the crunch, there was someone who wanted to put a 40,000 SF medical professional mixed building there. When that didn't happen, the labels stayed on there so they are just looking to make it a little bit more clearer when it comes down to if somebody were to come to him today and say that they want to build in a certain place and they find out that it's Phase 5, essentially it becomes Phase 3 in the logical sense of order. Getting back to Mr. Holden's question, it's seventy yards. Does it make sense to move a stock pile of dirt and extend the walking trail seventy yards to nowhere, that is not his call but logically he doesn't think that makes a lot sense at this time.

Mr. Holden stated that he appreciates the description. He did understand that there was a remaining piece between that and the residential that was not yet completed. He thinks that if the Commission has the opportunity to review it at every Site Plan, then he thinks that is satisfactory.

Mr. Tolbert opened a public hearing.

Mr. Tolano Anderson – Faithwork, LLC 50 Dove Terrace Drive Dover, DE 19901

Mr. Anderson stated he is just commenting at this point with a little concern. Most of the questions or issues concerning his application center around the entrance off of North Street onto his property. Also, the traffic flow and the concerns that Mr. Mace raised concerning the actual backing up of traffic and the left turn; he even referenced an accident that happened recently. His concern is after reviewing the plan earlier today he came up with a question. He has a requirement on his plans by DelDOT to close that entrance (his North Street entrance) within twelve months after they begin construction at his site. The primary reasoning for that is because of this site's impact on North Street as it relates primarily to that intersection. When he looked at the plan and saw the building that was under construction now at 65,000 SF and another building at 29,000 SF and another building that he estimates by the plan since it wasn't on there for another 75,000 SF and he is looking at over 250,000 SF when you add it all together of new construction at Eden Hill Medical Center. But he also wants to see what the DelDOT notes are for it because this could adversely impact his application as well, as it pertains to North Street, as it pertains to Clarence Street and the intersection there, the closing of his entrance and the forcing him to use Clarence Street. He is looking at the load that is going to be coming into that intersection by Mr. Mace's own admission that was already dysfunctional. It is already inadequate to support what already exists just from the Eden Hill complex itself. He has no problem with the project there and the phased integration and the implementation of all of that. But ultimately at some point in time when they are dumping three hundred and ninety parking spaces, if he is not mistaken, what is the traffic count? Maybe there are Impact Studies but he will say that for his little two acres across the street, his little entrance and trying to negotiate a way to get traffic in and out there to protect an intersection that's going to be inundated by all of this additional traffic, it feels like they should take a closer look at it. Maybe there's plans for it but he doesn't want to have his project as they have been tabled, adversely impacted by all of this additional traffic coming in there and the forcing of his project to take an additional route to create additional space.

Mr. Tolbert questioned if he had brought his concerns to DelDOT's attention? Responding to Mr. Tolbert, Mr. Anderson stated no, he actually just saw the plans today but he does plan to address it with DelDOT in addition to the closing of the entrance that they placed on his plans.

Mr. Tolbert closed the public hearing.

Dr. Jones stated for that the issue of the traffic as they are talking about, are there any implications for the day care center? What phases are implemented? Responding to Dr. Jones, Mrs. Melson-Williams stated that this property has access to Banning Street which is a City street and then how that City street of Banning Street meets West North Street which is a DelDOT street, the control of that intersection and how it's designed lies with DelDOT. When they look at traffic planning they look at traffic generation by where that traffic is being generated. There is a burden related to the traffic generation of your individual project in how then you need to participate in what would be the off-site improvements. Some of that may have already occurred with the Eden Hill project related to the construction and initial build of that signalized intersection. There may also be other parties that may have to participate in what may be off-site improvements in order to accommodate their own access to adjacent roadways.

Mr. Holden stated that when Eden Hill was developed originally or the development that has occurred to date it incurred a fair amount of costs for a traffic light, a turn lane and there's a proposed additional right turn lane in and a right turn lane out. He doesn't want to leave the perception that Eden Hill and the development that has been approved and this is a modification to the already approved plan, gets away without any traffic implications or costs thereof. There has been quite that implication on the project and quite a cost incurred. Traffic is a challenge and as development occurs we are going to have greater traffic issues and so there are issues that require individuals to reach out to Council people, Council people to reach out to DelDOT and a lot of conversation to go on to make sure that we develop our community in a way that's going to function well. It's a difficult challenge but he doesn't think that it would be correct to leave this with the perception that Eden Hill isn't held to the same level of scrutiny as other developments are.

Mr. Holden moved to approve the update to S-17-16 Eden Hill Farm TND – Professional Office, Medical and Financial District: Revised Implementation Plan as submitted, seconded by Mr. Holt and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; for the reasons previously stated, and Staff and DAC comments. Mr. Roach voting yes; to provide flexibility in regards to the future growth and development on the property. Ms. Edwards voting yes; based on Staff recommendation of the Revised Implementation Plan. Mr. Holt voting yes; based on Staff comments. Mr. Baldwin voting yes; based on the reasons previously stated. Dr. Jones voting yes; in view of the aforementioned comments. Mrs. Welsh voting yes; in agreement with all previous comments. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; he has no reason to not confirm the application.

4) S-17-12 Capital Station Dover at 50 North DuPont Highway (Revised) – Public Hearing and Review of a Site Development Plan application to permit construction of 65,000 S.F. of commercial development to be known as Capital Station, at the northwest corner of North DuPont Highway and Division Street and also adjacent to Maple Parkway. The development is proposed to include a 24,197 S.F. retail and restaurant multi-tenant building, a 6,625 S.F. retail and restaurant multi-tenant building, a 6,100 S.F. retail or restaurant building, a 6,080 S.F. restaurant building, and a 21,998 S.F. grocery store. Related site improvements include demolition of the former Playtex factory and provision of parking, landscaping, and pedestrian and bicycle facilities for the shopping center. The property is zoned SC-1 (Neighborhood Shopping Center Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 1: Secondary Wellhead Protection Area). The owner of record is Capital Station Dover LLC. Property Address: 50 North DuPont Highway. Tax Parcel: ED-05-077.06-01-02.00-000. Council District: 2. *Waivers Requested: Partial Elimination of Sidewalk, Reduction of Arterial Street Buffer, and Floodplain Requirement to Reduce Impervious Area. This property was the subject of Site Development Plan S-14-03 Watertower Place aka "Tower Commons" granted conditional approval by the Planning Commission on April 21, 2014; construction was not commenced and the plan subsequently expired.*

Representatives: Mr. Mike Riemann, Becker Morgan Group; Mr. Blair Finnegan, Capital Station Dover LLC

Mr. Diaz stated that this project is to construct 65,000 SF of retail and restaurant space in a new shopping center to be known as Capital Station. The project is to be located on the site of the old Playtex Factory at the corner of North DuPont Highway and Division Street. The site is also adjacent to Kings Highway and Maple Parkway. The site is zoned SC-1 (Neighborhood Shopping Center Zone) and it is partially subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 1: Secondary Wellhead Protection Area) as well as also being a Brownfield Site and partially within the Flood Plain. The site has been proposed for re-development before in 2014. That proposal was for 31,000 SF of retail space and that was going to be just on the front half of the property with the rear half of the property going to be in a second phase. This application differs from that one in that the proposal is to develop the entire site at once with the aforementioned 65,000 SF. The current proposal is for five buildings. The first is proposed to be a 24,200 SF retail and restaurant building in the northwest portion of the site known as Building 1. Building 2 is a 6,600 SF retail and restaurant building located in the northeast portion of the site. Building 3 is a 6,100 SF retail and restaurant building in the southwest portion of the site. Building 4 is a 6,080 SF restaurant building also located in the northeast portion of the site. Building 5 is a 22,000 SF grocery store located in the southeast portion of the site. The grocery store is to be an ALDI. That is the only tenant currently known at the time.

Because this is a large development on a significant site there were a fair number of considerations that they looked at while reviewing this plan in detail. The plan was originally submitted for the May meeting of the Planning Commission and they used that extra time to work with the applicant to make some changes to the plan to improve its readiness for the Planning Commission meeting tonight. He will take the time to review the elements of the Site Plan that we reviewed in detail with the applicants. The first of those is the zoning and the other area requirements including the flood plain. The second is the building architecture. The third is the access and parking considerations. The fourth is the landscaping considerations. After those four considerations, he will also talk about some items that they would like to bring to the Commission's attention to help the project meet the broader objectives of the *Zoning Ordinance*.

As he has mentioned the zoning is for SC-1 (Neighborhood Shopping Center Zone) and a shopping center is what's proposed. A variety of retail and restaurant uses are permitted in the SC-1 (Neighborhood Shopping Center Zone) including grocery stores. The zone does have a few design requirements that are not present in other commercial zones. All which have been met here. Most notably is the requirement for a ten-foot-wide landscape buffer along all of the property lines. Moving onto the SWPOZ (Source Water Protection Overlay Zone – Tier 1: Secondary Wellhead Protection Area), a small part of this parcel to the west of the site is within the SWPOZ because of a well on City property to the west. Within that area, there are certain prohibited uses that are prohibited because of their potential of stormwater contamination. Almost all of them are pretty unlikely for a shopping center but they will never the less review the affected building (Building 1) as tenants come into it to make sure they are compliant with the SWPOZ (Source Water Protection Overlay Zone). The third sort of area that is not quite zoning that the site is subject to is the Flood Plain. About 6% of the site is within the Flood Plain in the southwest corner of the site. That will impact Building 3. Generally speaking, new development is not permitted in the Flood Plain but re-development is permitted if certain thresholds are met for reduction of impervious surface coverage and that threshold is usually a

15% reduction. That's something that will be discussed later in the waiver requests. The only other requirement of the Flood Plain is that anything built in it, for example Building 3, will have to meet the requirements of Chapter 50 of the *Dover Code of Ordinances* about floods and that affects the construction of the building.

The second item to talk about is the building architecture. The buildings are all one story with short tower elements to articulate the tenant spaces. The public faces of the buildings are generally out onto North DuPont Highway although there are also some window areas out onto Maple Parkway and Division Street. The employee accesses are generally towards Kings Highway and the City's Electric Substation. As he mentioned, the architecture is one of the areas where they have been working with the applicant for certain changes to what's presented. There have been changes to the architecture of Buildings 1-3 to improve the articulation of the elements on the façade. For the ALDI building, there have been changes to the façade on the North DuPont Highway frontage to increase the number of windows that are facing that road. At this point, they are currently only missing the architectural elevations for Building 4 which can be reviewed at a future meeting of the Planning Commission.

The third item is parking and access. The applicant has been working with Staff to address their concerns about parking, vehicle access and pedestrian access. They previously had a concern about the project potentially, depending on the tenant mix, exceeding its maximum parking allowance but that was addressed by adjusting the number of spaces slightly downward as well as increasing the square footage of the buildings so that the parking requirement was actually higher. The site entrance onto Division Street was moved as part of the development review. It was previously in conflict with a power pole associated with the Electric Substation that would have been very difficult to move. The Fire Department and also the Public Works Department had concerns about the exit only access onto Maple Parkway that is closest to North DuPont Highway but the applicants persuaded Staff to accept that exit only. Also at Staff's request, the applicants added some more pedestrian paths on the site to make some of the routes to the buildings from some of the street frontages more direct and logical. Staff does still have some concerns about bicycle access to the site which will be addressed later. The last thing he will note in terms of access is the entrance designs on the State roads are subject to DelDOT review and the project's Traffic's Impact Study.

The fourth area for review is landscaping. In addition to the site's standard tree planting requirement for one hundred thirty-two trees on the interior of the site, the site is subject to a few other landscaping requirements. First, there is the shopping center buffer requirement that is for ten feet of landscape buffer along all property lines. Second, there is another buffer requirement specifically for the arterial street, North DuPont Highway. That is supposed to be a wider buffer of thirty feet although there are waiver provisions for that width which the applicants would like to take advantage of. Finally, there is a requirement for a parking lot screening along Division Street because there will be parking spaces that face across the road onto residential property so that parking lot screening is intended to screen the cars and their head lights from the people living in those areas. We were not able to come to a consensus with the applicants over the property landscaping for some of the buffering and screening so that is something that he will be addressing in a moment.

As discussed at the very beginning of the Planning Commission meeting tonight, they do need to make sure that this project meets the intent of the *Zoning Ordinance* and they have included a number of items of consideration in the Report that could potentially be addressed by the Planning Commission tonight in order to meet the Code objectives. They are basically drawn from what is reasonable to ask in that the project does meet the letter of the Code already. Staff recommends approval of the request to waive the sidewalk requirement on Kings Highway. Providing sidewalk here will not provide meaningful access to neighboring properties and Staff agrees with the applicant that it will be safer to cross over to the existing sidewalk on the other side of Kings Highway than to provide pedestrian access on Kings Highway. Whether that crosswalk can be made or not is up to DelDOT's review requirements. Staff recommends approval of the waiver request to eliminate impervious surfaces or reduction that's required by the properties partial position in the Flood Plain. As previously mentioned, only 6% of the property is within the Flood Plain and they believe that reducing the amount of impervious area on the site would not appreciably reduce the flood hazard within the Flood Plain that is sort of incidental to the site. Staff recommends approval of the waiver request to reduce the width of the arterial street buffer from thirty feet. The applicants are asking for an eleven-foot-wide buffer. Staff does not have a specific recommendation on what width the buffer should be narrowed to. Staff recommends that the Commission examine the building architecture closely particularly that of the ALDI grocery store to determine its acceptability. The particularly important factor to consider here is the need for an attractive and unique face for the gateway intersection of North DuPont Highway and Division Street because that road is one of the primary routes to the City's Downtown. Staff recommends that the Commission ask for some further improvements to interior pedestrian circulation of the site; particularly with regard to access to Building 3. Looking forward to the applicant's presentation, it looks like some further improvement has been made in that area. Staff recommends the Commission endorse the use of multi-use path instead of frontage sidewalk along Division Street and North DuPont Highway. Providing multi-use paths along those two frontages is a recommendation of the City's *2015 Bicycle Plan* and it would improve safe access to the site for bicyclists. It will be ultimately up to DelDOT whether or not to require multi-use path but they have not made up their mind yet whether to require it as far as Staff is aware at this point. An endorsement by the Planning Commission could be favorable to them deciding to require it. Staff recommends the Commission examine the landscaping of the arterial street buffer along North DuPont Highway again to determine its acceptability. Staff has some concerns about the visibility of the interior of the site given the perceived density of the vegetation on the Site Plan. Again, looking forward to their presentation, the applicant shows a rendering of the Landscape Design which is much less dense than the one shown on the Landscape Plan. Staff will need some clarification as to which is the more accurate representation. Staff recommends the Commission examine the landscaping of the parking lot screening along Division Street to determine its acceptability. Staff concern is also with the visibility of the interior of the site. The proposed evergreen trees near the corner of North DuPont Highway and Division Street would screen the parking lot as they are supposed to but also screen the buildings which is not part of the intent of that section of the Code. Tonight, the Commission will need to take action on at the very least the waiver requests which are Items 1-3 and then the list of eight that he just gave. Again, those waivers are related to sidewalks, the Flood Plain and the arterial street buffer. The Commission may also choose to take action on the other five Staff recommendations or take some other or no other further action other than approval.

Mr. Riemann stated that they had a PowerPoint presentation to share with the Commission. They are here to talk about the Capital Station project. The site is about 9.3 acres. It has contained for quite some time a manufacturing facility that's been shuttered for probably seventeen to twenty years. It's been quite an eyesore in the City, especially with Division Street being the gateway into the town. Kings Highway is to the south and then they are bound by remaining lands to the north which he believes is a subject of some other land-use applications. The majority of the site is impervious as shown in the plan. A large of the portion of the site contains a large building, parking, paving, etc.

He shared current views of what the site looks like when looking from the intersection of Division Street and Route 13. You can see the water tower that's there, the building and all of the paving.

He shared a view from Kings Highway showing the City's Substation which is located behind a portion of their project. You can kind of see the red brick building in the background which is the existing facility.

One question might be why has it taken so long to get this property developed? It's on a highway; it's on Division Street. It's in an area with a lot of traffic. Why would this property sit for so long and so vacant and be such a blight on our gateway into the City? The answer to that is that the project has a lot of environmental clean-up that is necessary to facilitate the project. It is in the Brownfield Program and there have been a lot of studies. What you are seeing here are kind of cover pages and excerpts from a number of the reports and things that are required by DNREC to facilitate clean-up of the property and that clean-up was initiated by the previous owner of the property and carried through by the current developers of the property. Currently, what is in place and been approved by DNREC is a Remedial Action Plan. What that Remedial Action Plan does is dictates how the property can be developed, how construction can occur, what uses can be on the property, what uses can't be on the property, etc. Essentially, the property is restricted to be a non-residential use; it can't be a residential use. What that all translates to at the end of the day is dollars. The cleanup of the site is literally millions of dollars. He believes that they actually have the Demolition Permit in hand and are starting execution of that clean-up in conjunction with DNREC who is with us all along the way through that process.

Why is that important? That is important because in order to be able to develop this site and pay for all of the clean-up that is necessary to demolish the building, go through the clean-up process, and implement DNREC's Remedial Action Plan they need to develop the property to its highest and best use and maximize the development of the property as much as possible. That is what is going to pay for this property to be cleaned up. They appreciate the opportunity to work with Staff. They have done that over the last couple of months. They have had a lot of discussions and he thinks they have made some improvements to the plan in working with the Planning Department.

The plan consists of a number of buildings. Their main anchor tenant is the grocer which is on the corner. It's the large box shown on the display that is 22,000 SF. That tenant has been identified as an ALDI. They are also looking to include a couple of pad sites towards the front.

There are two smaller buildings fronting on Route 13. To the north is currently a restaurant pad and the middle building is a mix of restaurant and retail. There are also some opportunities for some outdoor seating. They created sort of a green space between the buildings so that there is a nicer outdoor seating element as opposed to just outdoor seating fronting on a parking lot. The middle building does anticipate a drive through. Right now, they believe that it would be a coffee shop tenant. For the rear building, the majority of the rear potion of the building is really blocked by the substation so they had some conversations about architecture but the majority of that building is not visible by the substation. That large building is in-line retail. They believe that it would be a mix of retail spaces and restaurants. The smaller building to the south closer to Division Street is retail. It could be a bank, retail or a restaurant. They do show a potential small drive through there. The total gross square footage is about 65,000 SF. They have worked with DelDOT on access. The Commission may recall that this site has had previous applications as Mr. Diaz mentioned. There's been a Traffic Study completed. The access points that they show are consistent with the Traffic Study that was completed and of course DelDOT is part of the DAC process so those access points are consistent. The access on Route 13 is contemplated as a right in/right out only; clearly not a full movement access there. The access on Division Street is a full access movement. It would have separate right out/left out lanes. Maple Parkway is a City street and there's a full access on Maple Parkway at the center of the site. They have an access way that connects from Division over to Maple Parkway. It sort of bi-sects what they call the front of the project or the Route 13 side of the project. Then there is a right out/left out access onto Maple Parkway closer to Route 13. Their access is very important to this project in terms of circulation. For example, the coffee shop user that they are anticipating that would likely be in the middle building as a drive through, those customers want to come in, get their coffee and get back out to head to work. They would not be an entrance. He knows that there was some concern by the City that there could be cueing onto the highway if it was an entrance but it's not an entrance; it's an exit only.

They have significant landscaping. It exceeds the Code requirement of landscaping. They have a number of pedestrian connectivities; it's hard to point them all out without the laser pointer. They do have sidewalks throughout the entire center. You can see the crosswalk areas but they have sidewalks on the main access way that divides the site east/west and then they have sidewalks on the main access way that divides the site north/south. They have sidewalks along Division Street. They have sidewalks along Route 13. They have sidewalks along Maple Parkway. They are going to talk about a waiver for sidewalk that Staff has recommended approval of along Kings Highway that's really because with the substation being located where it is and all of the sidewalk facilities located on the south side of Kings Highway and the south side of Park Drive. There is a good crossing at Division Street. There are pedestrian signals there, crosswalks and what have you to protect pedestrians. Actually, getting those pedestrians on the south side of Kings Highway they think is a better situation than constructing a short segment of sidewalk on their Kings Highway frontage that would really not go anywhere and with the substation being there, not have potential for future connection. Pedestrian connectivity was something that they did make some significant improvements on at the recommendation of Staff by adding additional sidewalks and connections all throughout the center so that the site is multi-modal.

They think that the future view of the site is much improved. There is lots of green and lots of

landscaping opportunities. There is a mixture of lower landscaping shrubs to screen parking and then some higher canopies. They do have some evergreens mixed in because in the wintertime they would like to have some green on the site. They think that they are obviously willing to work with the Planning Office to continue to refine the Landscape Plan moving forward. He doesn't think that they have any objection to that but they think that what they show here looks great and is representative of what they are proposing.

In another view looking south from Route 13, you would see the right turn lane that's coming into that right in/right out entrance that's in the center of the site. What you see on the right with the red awnings is a conceptualized restaurant. This would be the building that they would actually need to bring back to the Commission once they secure a tenant. What they are showing there is conceptual in nature at this point because they don't have a tenant and they are happy to come back when they do and show the Commission that plan. This does give you the idea of what that would look like traveling down Route 13. You can see lots of green space and buffer along that corridor.

He has already talked about the partial elimination of the sidewalk. Staff did recommend approval and they would ask for the Commission's support of that sidewalk. That's just a small piece because really their property has a very short frontage on Kings Highway and again with the substation it doesn't make sense. They think getting the people to the other side of Kings Highway is a safer maneuver and they agree with Staff on that.

The site is in the Flood Plain by just a smidgen. It actually comes up into the site just in the vicinity of the smaller building known as Building 3. That's if you actually overlay the map. If you use the elevation of the map, it actually really just skirts along the property line of the substation. They are actually reducing the impervious coverage within the mapped Flood Plain by 40% from what's there now. He thinks that the Code is requiring 15% of the overall site which as Mr. Diaz stated doesn't really lend a lot of benefit. They are actually reducing impervious in the Flood Plain where it actually matters to reduce impervious. Reducing impervious of the overall site really doesn't provide any benefit to the Flood Plain. That being said, the total site impervious is slightly increased by a couple percents. It's really very similar to the impervious that is there today so it's a minor increase.

One of the major things that they want to talk about today is the arterial buffer. Staff has recommended approval of narrowing the buffer requirement. Back when the previous application for the site came through, they were granted a reduction to the buffer. Now they weren't granted as much of a reduction as then but there was one difference between that application and this application. This application, due to changes in the way that DelDOT requires right-of-way between that time and today, DelDOT now requires about twenty feet of additional right-of-way. If you look at the orange line that's on the plan, that is the existing right-of-way. The yellow thick line is the proposed right-of-way. It's a significant dedication. If they were required to make thirty feet off of that line, it would eliminate a significant amount of parking which would reduce a lot of their square footage on the site. As mentioned earlier, they need to try to maximize this site as much as possible so that they can try to clean it up and put something in here that's productive for the City. What they had proposed was a forty-foot arterial buffer from the existing right-out-way. If DelDOT had not requested them to provide any right-of-way, the

thirty feet that they do provide is off of that existing right-of-way and that line is exactly the same line that was approved with a previous application. Essentially, what they are proposing in terms of a buffer line is in the same position as what was approved when the prior Site Plan for a different project came through. They actually exceed it in many locations. If you look to the top, they have forty feet in some locations. He thinks that Staff mentions forty to forty-four feet in various locations throughout the site. That is an important waiver that they would request the Commission's approval on.

The architectural plans show lots of brick, vertical articulation, awnings, variations of materials, colors, etc. and architectural relief. The ALDI grocery store is brick on all four sides of the building. It's certainly consistent with the architectural character in this area. They did work with ALDI and the City to add additional windows. If you look at the third elevation down, that is the elevation from Route 13. Those windows weren't originally there so they did work with ALDI to have those windows put in just to provide yet another architectural variation and to improve the façade. As you can see, they have vertical relief and various changes in brick but it is an all brick building on all four sides of the building. The middle building that is closest to Route 13 has a coffee shop on the left and maybe a pizza shop on the right and some outdoor seating. It certainly blends with the architectural character of the other buildings. The smaller building that is closest to Division Street is very similar with a lot of brick and variation in materials such as awnings, vertical relief, etc.

The parking lot screening on Division Street is a lower shrub type screening that would screen cars. They are fine with that; it makes sense to them. They did meet with DelDOT regarding the shared use path and completed a Traffic Study. The Traffic Study does say that a five-foot sidewalk is what is requested along Division Street and Route 13 which they think is acceptable and meets the Code; that's what they are proposing with this plan. As Mr. Diaz stated, the plan does meet the letter of the Code and he looks forward to answering any questions that the Commission may have.

Mr. Tolbert questioned what kind of toxic material was there that has to be cleaned up? Responding to Mr. Tolbert, Mr. Finnegan stated that he is by no means an environmental expert so he refers back to DNREC's documentation that they provided on the site. The soil contamination was what they call polynuclear aromatic hydro comments (PAH's). He would be remiss to try to explain to the Commission what specifically those are. In DNREC's paperwork, when they determined this it was entered into the program back in 2013. They did an extensive investigation and came up with underground storage tanks that were there were removed and closed down in place. Those that had a leaking problem on the site were removed.

Mr. Tolbert questioned if they were gasoline tanks? Responding to Mr. Tolbert, Mr. Finnegan stated that they were heating oil tanks; there was fuel oil and ethanol on the site. Additionally, the paperwork from DNREC states that the former owner addressed what they call minor petroleum and VOC contamination in both soil and ground-water on the site due to former historical operations. To go into the details of it, you really want a scientist up here explaining what the risks are of that. That they were minor on the site, he thinks is a testament to the amount of work that they did in studying the site.

Mr. Tolbert stated that the only reason that he raised that question is because it was a great cost to get cleaned up. Responding to Mr. Tolbert, Mr. Finnegan stated he thinks that was the struggle by which the site was left vacant for twelve years. He thinks that they shut down operations in 2005. He thinks that they went twelve years without any takers willing to involve themselves in the site because of the vast unknown that the clean-up posed to the site.

Mr. Tolbert questioned if they were comfortable that they are going to have a grocery store at this location? Responding to Mr. Tolbert, Mr. Riemann stated that they are comfortable that they will have a grocery store here.

Mr. Tolbert further questioned what other businesses are they comfortable that they are going to have at this location? Responding to Mr. Tolbert, Mr. Riemann stated that he believes that as they go forward with the project and once the demolition is realized at this site then people can see that someone is finally moving forward with this. He believes that their leasing people will have substantial success because of the location and the proximity; that it is the gateway to Downtown.

Mr. Tolbert stated that the reasons he raised the question is because according to what he is reading it states that they may have four restaurants at the location. Responding to Mr. Tolbert, Mr. Riemann stated absolutely, which he thinks they would very much service the area that is right down the street.

Mr. Tolbert stated that he thought that was a bit much for the site given all of the restaurants that we have in Dover. Responding to Mr. Tolbert, Mr. Riemann stated that they have had interest from various restaurants. There are some restaurants that are still looking in other areas within Dover such as the Mall area. They have also been approached by some sporting goods stores and fashion stores. There is interest in the site; it is very speculative at this time until they see the demolition move forward. He thinks that is when there will be a lot more serious conversations about the type of clients that would be at this location.

Ms. Maucher stated that the Planning Staff is expressing a desire for a multi-use path and sidewalks. Is there a disagreement? Responding to Ms. Maucher, Mr. Riemann stated that typically DelDOT would dictate what those paths would be. They would require a fifteen-foot easement that would be provided off of the right-off-way that they would either require a multi-use path or a sidewalk.

Ms. Maucher questioned if the applicant cared which one it would be? Responding to Ms. Maucher, Mr. Riemann stated that he didn't know if they much care what it is. The documentation that they have from DelDOT to date says a sidewalk. They don't want to be in a position where DelDOT wants a sidewalk in their easement but they have an approval from the City that says it has to be a multi-use path and there's a conflict.

Mr. Diaz stated that just to be clear, there is documentation from DelDOT in the DAC Report. Their comments say that they would like to see a multi-use path there. Between that and the TIS there is a conflict on their end. Staff's recommendation was that the Planning Commission can't really require a multi-use path but they were recommending that the Commission endorse the

multi-use path in hopes of resolving the discrepancy at DelDOT in favor of the multi-use path. Mr. Tolbert questioned if that had to be part of the motion that would be made? Responding to Mr. Tolbert, Mr. Diaz stated that it does not have to be. The Commission could decline to make a recommendation one way or the other.

Mr. Tolbert opened a public hearing.

Mr. Edward Manismith – 766 East Loockerman Street Dover DE 19901

Mr. Manismith stated that he thinks that what they propose is good. The old Playtex should go. It's been many there for so many years; it needs to be torn down. He goes past it every day and it's an eye sore. He thinks what they propose and what you see on these plans should be built.

Mr. Tolbert closed the public hearing.

Ms. Edwards stated that in reference to the water tower, what are the plans with that? Responding to Ms. Edwards, Mr. Riemann stated that the water tower is going to be removed.

Mrs. Welsh questioned if the motion would need to include the nine items that are listed? She sees that it says in some of them for the Commission to address certain things. Responding to Mrs. Welsh, Mr. Diaz stated that the motion has to include action on the three waiver requests. The other items four through nine, those are things where they recommend the Planning Commission take a look at what's been said here tonight. If a motion is needed based on the acceptability of the architecture or the acceptability of landscaping or anything needed on the multi-use path or the other issues listed there, then those can be part of the motion if you so choose.

Mr. Riemann stated that as it relates to those additional items that are recommendations, they are not Code requirements. Of course, they obviously need to include a motion on the waiver requests and they agree with Staff support on each of those. The architecture as it relates to ALDI, basically one of the comments is that it should look different than the store in Camden, Delaware. It already looks different than the store in Camden by adding the additional windows. But that architecture, that style and brand is important to that particular tenant and they are our anchor tenant. They are the key to getting this momentum going and getting this project moving so they would ask that the architecture that they have presented which includes a modification working with the Department already be accepted. For the pedestrian facilities, they have already talked about and he thinks they have made changes to that affect already. Mr. Diaz is shaking his head yes so he is not sure that they have an issue there. The multi-use path, again he thinks that they are indifferent to whether it's a ten-foot path or a five-foot sidewalk. They do have a conflict with DelDOT and ultimately, he thinks they (DelDOT) are going to have some say over that. They are open to resolution based on DelDOT's acceptance. On the arterial street buffer landscaping itself, he thinks that they would want to work with Staff on that moving forward and he thinks they are okay with reducing some of the landscaping. When you look at plans in a vertical view with landscaping you can see that it looks dense. He thinks that Staff's concern is that there's too much landscaping, it's dense and if there are evergreens you are not going to see it. The evergreens that they are proposing are smaller, lower, narrower; they are not going to put Leyland Cypresses in across the frontages and block the view of all of their retailers. That is not

their intent; their retailers won't like that. It's got to be a combination of something that looks great on the corridor but also allows visibility of their tenants. That's as important to them as it is to the City. They would like to just continue to be able to work with the City on that moving forward if the Commission accepts that. They are fine with the lower landscaping along Division Street blocking the parking; he thinks that's fair and it's a good idea. They are fine with screening the HVAC equipment. Some of it may be on the roof anyway which is a nice benefit of the flat roofs because it allows you to put HVAC equipment up there so they are not as visible. He did just want to go through each of those so that the Commission understood what their thoughts were.

Mr. Tolbert questioned what Mr. Riemann said about the flat roofs? Responding to Mr. Tolbert, Mr. Riemann stated that they are not flat.

Mr. Tolbert stated that they have been trying to get away from flat roofs altogether. Responding to Mr. Tolbert, Mr. Riemann stated that they are up and down. There is a lot of variation. They won't look flat from the street.

Mr. Hugg stated that he thinks that Staff is clearly willing and looks forward to working with the applicant on the Landscape Plan. What you show on your presentation tonight, those appear to be different from what's on the plan. That may just be the rendering but he thinks they may be certainly willing to do that. He wants to commend the applicant and their architects and engineers. They have met with Staff a number of times to work out a lot issues and he appreciates the give and take that they've had.

Mr. Tolbert stated that the buildings are attractive buildings.

Mr. Hugg stated that they are attractive and the willingness of ALDI to add windows and treat that building in the way that they have is also a major concession on their part.

Mr. Holden motioned to approve S-17-12 Capital Station Dover at 50 North DuPont Highway (Revised), inclusive of the three waivers requested that are partial elimination of sidewalk, the requirement to reduce impervious area in the Flood Plain and the reduction of the arterial street buffer as requested by the applicant. Also, including the requirement that the applicant work with Staff on the arterial buffer street landscaping, parking lot screening and that they comply with screening the HVAC equipment, seconded by Mrs. Welsh and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; for the reasons stated. He thinks it's a great plan and he is looking forward to development on this site. It's been abandoned a long time and it's going to be a nice addition. Mr. Roach voting yes; it's beautiful. He has gotten tired of riding by there seeing that parking lot almost every day. It's a beautiful plan and we appreciate your cooperation with everything. Ms. Edwards voting yes; she thinks that it will definitely add to the beautification of the City and it will certainly create additional jobs for the City of Dover. Mr. Holt voting yes; he thinks that it's going to be a great plus for the City. It's been a long time coming and he is looking forward to seeing the project get on the move. Mr. Baldwin voting yes; for all of the reasons stated. Dr. Jones voting yes; looking forward to some upscale restaurants. Mrs. Welsh voting yes; for all of the reasons previously stated. She also thinks that it's a great plan and it's very appealing and she thinks that it will be a great asset to that site. Ms. Maucher voting yes;

for reasons previously stated. She has a little angst and she hopes that the "build it and they will come" works. She is hopeful that people will come and it's a good location. Mr. Tolbert voting yes; he is anxious to see that site develop. It has been vacant for a long time and it is in a very important area of the City. She is obligated just for the sake of Dover that the site be developed and it's nice looking plan.

NEW BUSINESS

1. Update on Project Research for *Zoning Ordinance* Text Amendments

Mr. Hugg stated that Staff has been going through the *Zoning Ordinance* focusing on Article 5 and 6 of the Ordinance. They have identified a number of "house-keeping" amendments which they will create an Ordinance form to be submitted to the Mayor and Council during the first meeting in July for the first reading which would then mean that they would come to the Planning Commission for consideration after. During the Quarterly Workshop Meeting in July, we will talk about some other amendments that we might want to consider.

Meeting adjourned at 10:30 PM.

Sincerely,

Kristen Mullaney
Secretary

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF June 7, 2017

PLANNING COMMISSION MEETING OF June 19, 2017

Plan Title:	Dover Station at 655 West North Street: Office Building and Group Home Facility, S-17-15
Plan Type:	Site Plan
Property Location:	North side of West North Street east of Clarence Street
Property Address:	655 West North Street
Tax Parcel:	ED-05-076.12-04-08.00-000
Property Area:	2.1676 acres+-
Owner:	Faithworks, LLC.
Building Areas:	Office Building: 20,000 SF Group Home Facility: 6,000 SF
Proposed Property Use:	Offices Group Home Facility
Off Street Parking:	Required – 87 parking spaces Proposed – 97 parking spaces
Sewer & Water:	City of Dover
Zoning Classification:	IO (Institutional and Office Zone)
Waivers Requested:	Reduction in Loading Spaces Partial Elimination of Opaque Barrier (Fence Component) Opaque Barrier Alternative Format

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 7, 2017

APPLICATION: Dover Station at 655 West North Street, Dover: Office Building and Group Home Facility

FILE #: S-17-15 REVIEWING AGENCY: City of Dover Planning

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

I. PLAN SUMMARY:

This is a Site Development Plan application to permit construction of a 20,000 S.F. two-story office building and a 6,000 S.F. group home as well as associated site improvements to be known as Dover Station. This project adds to the existing development at 645 West North Street and will share site access. The property is zoned IO (Institutional and Office Zone) and is located on the north side of West North Street east of Clarence Street. The owner of record is Faithworks, LLC. Property Address: 655 West North Street. Tax Parcel: ED-05-076.12-04-08.00-000. Council District 4.

Downtown Dover's West Side Area

This project area is located within Downtown Dover's West Side Area. The *Strategic Development Plan for the West Side* (dated August 2000) outlines a strategy for physical changes and economic approaches to redevelop and improve properties in the area immediately west of Downtown Dover. In the area west of the railroad tracks, the Plan suggested infrastructure improvements, a complex of buildings, associated parking, and stormwater management. Specifically, in the area of this subject application, the Plan identified reuse of the old Ice Plant building (now demolished) and a second building also close to West North Street with parking located to the north of the buildings and to the east adjacent to the railroad tracks. To the west of the subject site, the extension of Clarence Street to the north to connect to Forest Street was proposed to upgrade the transportation infrastructure. Recommended design guidelines from the Study state that "new buildings could clearly look modern yet be sensitive to the overall architectural themes of Dover" and notes considerations for building massing, setbacks, and orientation specific to this area. The Study also discusses other urban design features and pedestrian amenities such as sidewalks, street trees, and architectural lighting.

Previous Applications

There was a previous application for the now adjacent parcel to east of the subject site that included a Site Plan and a Minor Subdivision (S-06-40 Building on Lands of Dover Station LLC). The application permitted a day care center and subdivided the one parcel into two parcels placing the day care center development on a separate parcel of land. Site Plan S-06-40 was granted Final Plan approval in July 2007 and the development of the adjacent property 645

West North Street was completed; it is the location of the day care center Kidz Ink.

Then the current subject property was proposed for development with Site Development Plan Application S-07-37 Dover Station LLC Lot 1: Office Building to be located at 655 West North Street. The Planning Commission originally approved Application S-07-37 on August 20, 2007 with a one-year extension granted in August 2008. The Site Plan was granted Final Approval in May 2008; however, since construction was not commenced by August 31, 2009 the plan approval expired. Application S-07-37 did include a Lot Line Adjustment Plan: Parcel Consolidation (Record Plan) which was recorded to combine three (3) parcels consisting of 1.1168 acres ±, 0.4649 acres ± and 0.5859 acres ± of land into one parcel of land consisting of 2.1676 ± acres (the current subject property). This created the subject parcel which has frontage on North Street and Clarence Street.

Brownfields Site

This property is identified as a DNREC - SIRS BF Site DE-1110 Former Dover Ice Plant. Redevelopment of the property is subject to specific requirements related to development activities due to its status as a Brownfield. There is a Settlement Agreement dated June 5, 2017 regarding this site under the provisions of the Hazardous Substance Cleanup Act between DNREC and Faithwork. LLC. (A copy of the document is available in the Planning Office, Application File S-17-15). The property is also adjacent to DNREC – SIRS BF Site DE-1334 Former Chesapeake Supply Co. and DNREC – SIRS HSCA Sites DE-0320 F C Supply and DE-1213 Dover – West Side (B).

II. PROJECT DESCRIPTION

This Plan proposes the development of the T-shaped parcel that has frontage on West North Street and Clarence Street. The development consists of a two-story office building of 20,000 SF fronting West North Street and a second two-story 6,000 SF building for a group home facility. The project is adjacent to an existing day care center building and shares parking lot access. The subject property is adjacent to several residential properties on the west and northwest. To the northeast is a vacant tract of land zoned IO.

III. ZONING REVIEW

IO Zoning District

The property is zoned IO (Institutional and Office Zone) and subject to the regulations of *Zoning Ordinance,* Article 3 Section 10 and Article 4 Section 4.15. The proposed use of the larger building is offices. The IO zone allows business, professional and governmental offices as permitted use. The second building is proposed as a group home. The applicant submitted a letter describing the intended group home use as a dormitory style building with areas for sleeping, bathrooms, and areas for a kitchen, dining room, common area, office rooms and medical services. The IO zoning district allows for emergency shelters and transitional housing as defined per *Zoning Ordinance,* Article 12. Definitions. See definition of emergency shelter

- Emergency shelter: a facility providing temporary housing to homeless or transient persons in a dormitory style settling; such facility may also provide or facilitate other social services including counseling and vocational training.

IV. PARKING SUMMARY

The parking requirement for I-O (Institutional and Office Zone) is based on a rate of one parking space per 300 square feet of floor area. For the office building of 20,000 S.F., a total of sixty-

seven (67) parking spaces would be required. With information describing the group home facility as dormitory style building, the parking required for dormitories is a minimum of one parking spaces per three beds. The group home facility is described as serving 16 individuals; thus requiring a minimum of six (6) parking spaces. It is noted that based on the parking rate for IO, the group home building would require twenty (20) parking spaces. This results in a parking requirement of 87 parking spaces for the site. The Plan is shows ninety-two (92) parking spaces (97 spaces are listed in data column) including four (4) handicap spaces. The overall site as currently shown appears to exceed the overall parking requirement but is within the maximum allowable.

Waiver Request: Elimination of Requirement for Loading Space

The office building is required to provide one (1) loading space. No loading space is labeled on the plan. The applicant is requesting a waiver from the required one (1) loading space. A written request for the elimination of the loading space has been submitted for consideration by the Planning Commission.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) regular vehicle parking spaces. Based on the ninety-two (92) parking spaces shown, at least four (4) bicycle parking spaces are required for the site. A bicycle parking rack is shown at each building for compliance.

V. SITE CONSIDERATIONS

Entrance

The Site Plan continues to show an entrance from W. North Street as constructed with the development of the day care center (Site Plan S-06-40). This W. North Street shared site entrance is subject to conditions established by DelDOT (See Notes on Sheet TS-1) and the entrance is intended to be temporary until other offsite road projects occur with ultimately the site access is established off Clarence Street. As the signalization of the West North Street/Clarence Street/Banning Street intersection has been implemented, the entrance at W. North Street must be vacated and closed.

This Site Plan also shows the proposed site entrance off Clarence Street leading to the internal drive aisle network of the parking lot areas serving all buildings including the proposed and the existing day care center. There is not an internal "street" network rather just drive aisles. The relocation of the site entrance to Clarence Street is intended to improve traffic circulation in this area just west of the railroad corridor.

Sidewalks

Sidewalks are required along all street frontages of a site (*Zoning Ordinance*, Article 5 Section 18). There is existing sidewalk on the W. North Street property frontage. The entrance design of the Clarence Street entrance may require implementation of some segments of sidewalk. The plan does not indicate sidewalks along Clarence Street. The applicant will be required to reconstruct any existing curb and sidewalks where site improvements/entrance changes are proposed i.e. removal of North Street entrance. A sidewalk connection is shown from W. North Street into the site.

Curbing
The upright curbing for the parking lots and drive aisles is required the requirements of Article 6 Section 3.6(b) of the *Zoning Ordinance*. This curb type appears to be utilized throughout the site layout.

Wetlands & Tar Ditch (Meeting House Branch)
The Tar Ditch (Meeting House Branch) crosses through the project site. It is an open channel/ditch for a portion its length and then is piped underground across the adjacent day care center property as it continues east. There is a City of Dover drainage easement over it and areas associated with it have been delineated as wetlands. *Zoning Ordinance*, Article 5 §11 outlines limitations of construction in wetland areas. Wetland areas of 0.25 acres in size are subject to setback requirements; the size was not identified on the plan.

The application has identified that they are pursuing a jurisdictional determination from the Army Corps of Engineers regarding the wetlands area and will be seeking a Subaqueous Lands Permit in order to establish underground piping of the ditch to enable construction of the drive aisles and parking areas.

Dumpsters
The location of the Dumpsters (with enclosure) shown the site near the ditch. The office building requires two Dumpsters based on its size. Additional information in necessary to determine the Dumpster requirement for the group home building. The masonry construction materials proposed for the dumpster enclosure should be similar to the exterior of the principal 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.

Signage
A separate sign permit application is required to be submitted for review prior to the installation of signage on the property pertaining to the buildings/site.

VI. BUILDING ARCHITECTURE

Elevation Drawings were submitted for the buildings. The office building is proposed as a two story building with what appears to be a flat roof with taller parapets at key entry locations. The building elevations do not appear to match the building footprint shown on the Site Plan drawing (in terms of entry locations). The building includes the exterior finishes of masonry watertable segments and vertical features with a majority of the walls in another material. The roof line is accented by a heavy cornice detailing with small pitched roofs (awnings) at entry doors. The group home facility is also a two story building with the exterior finishes of a stone veneer watertable, fiber cement siding, large multi-light windows, and a standing seam metal roof. There are projecting canopies over the entry locations.

VII. TREE PLANTING AND LANDSCAPE PLAN

The submitted plan includes the Landscaping details. Based on the total 94,420 S.F. area for the project site, a total of thirty-two (32) trees would be required. The Landscape Plan is providing a mixture of thirty-two (32) deciduous trees meeting the required number of trees per the *Zoning Ordinance*. The deciduous trees include Red Sunset Maple, Tuscarora Red Crepe Myrtle, Red

Jade Weeping Crabapple and Willow Oak. Additionally, a number of evergreen trees are proposed to meet the opaque barrier landscape buffer as the site abuts residential uses.

Opaque Barrier
Waiver Requested: Partial Elimination of Opaque Barrier (Fence Component)
Waiver Requested: Alternative Format of Opaque Component
The *Zoning Ordinance* requires a buffer between a residential use and a non-residential use (Article 5 Section 7.2). The buffer has two components: an opaque barrier consisting of a wooden fence, a masonry wall or an earthen berm and a landscape component. For this project, a buffer is required for the area along the west property line and northwest property lines of the parcel. The plan shows a fence along the west property line which leads from near W. North Street and continues north wrapping around to the west to the site entrance from Clarence Street. The opaque barrier component (fence) is limited to four feet in height in the front yard setback. The plan also provides the landscape component in the format of evergreen trees (San Jose Holly trees) along the residential areas of the site with the exception on the channel area of the Tar Ditch (Meeting House Branch).

The opaque barrier requirement (wooden fence, masonry wall or earthen berm etc.) is not shown in the northwest portion of the site; however, a written waiver request was submitted requesting to eliminate the fence in this area. The written waiver request also notes the fence height changes for placement of the fence in the alternative format being proposed (shown on the plan) for the opaque barrier which places the fence rather than the landscaping adjacent to the residential properties.

VIII. CITY AND STATE CODE 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. The following items have been identified as elements which need to be addressed by the applicant:

1) A written description of the proposed use, function, and activities of the group home was received. For the purposes of the Zoning Ordinance, the facility is considered an "emergency shelter" which is an allowable use in the IO zone. This information was necessary to confirm the type of facility which has implications on its building construction and associated site design.

2) The loading space requirement shall be complied with unless a waiver is granted by the Planning Commission for the elimination of the loading space. A written waiver request has been submitted for consideration by the Planning Commission.

3) The applicant shall comply with the opaque barrier (i.e. wooden fence, masonry wall or earthen berm) requirement and its landscape component format unless a waiver is granted by the Planning Commission. The Planning Commission may only waive the opaque barrier portion of the buffer; the continuous 6-foot-tall landscape component shall be planted along all residential boundaries. A written waiver request has been submitted for consideration by the Planning Commission on the following items.
    a. Consideration of elimination of the opaque barrier (fence, wall or berm) component in the northwest portion of the site.

b. Consideration of an alternative format of the opaque barrier and the landscape component in order to place the fence closest to the residential properties.

4) Title Sheet, Sheet TS-1:
   a. Clarify specific uses to be listed as "Proposed Use."
   b. Add note regarding authorization and permits as related to the wetland area to be filled.
   c. Update number of parking spaces; the plan drawing shows 92 spaces.
   d. Update the reference to the correct publication date for the ANSI Standards.
   e. Provide a second location map at 1" =1200' scale.
   f. General Notes: Ensure Notes #3, 13, 23, etc. reference the current editions of such documents.

5) Sheet SD-1, Existing Conditions:
   a. Provide right-of-way width of Clarence Street.
   b. Clarify if the right-of-way dedication along W. North Street has already occurred or is newly proposed. Also, adjust location of the 10-foot front yard setback.
   c. Identify the size of the wetland area on this property. Wetlands of a specific size are subject to setbacks of development activity.
   d. Clarify line labeled as Access Easement. Is it a previous property line?

6) Site Plan, Sheet SD-2 and Grading Plan SD-3:
   a. Show plans to remove the existing site entrance from W. North Street. This can be a separate Phase to be implemented following completion of the Clarence Street site entrance.
   b. The building footprint does not match the schematic building architecture.
   c. Construction activities in the existing City of Dover drainage easement will require specific authorization and review.
   d. Identify depth of proposed parking spaces.
   e. It appears Temporary Construction Easements will be necessary in several areas as construction and grading impacts adjacent properties.

7) Utility Plan, Sheet UP-1:
   a. There are potential conflicts with the existing overhead electric line and the proposed construction. The City of Dover Electric Department will advise as to electric service and system changes.
   b. The type of group home facility may require that the building have a sprinkler system.

8) Landscape Plan, LS-1:
   a. Ensure tree planting locations and landscaping maintain the required spacing distances or access provisions from utility lines, fire hydrants, etc. Also, ensure the trees can be planted in the proposed locations as several trees appear to be in the slope/channel of the Tar Ditch/Meeting House Branch.
   b. Identify height of opaque barrier fencing. It is limited to four feet in height within the front yard setbacks.
   c. Add to the Plant List, the following trees: JV and BN.

d. Provide details of evergreen tree planting.

9) Clarify which building elevations are depicted in the Schematic Architectural Elevations sheets.

10) The development of the wetland areas is subject to specific authorizations and permits. This documentation must be submitted prior to Final Site Plan approval.

11) A copy of the Settlement Agreement regarding the requirements or limitation on redevelopment of this Brownfield Site was received for reference. Also add the locations of any monitoring wells on the site. Approvals of the redevelopment project will also be necessary from the appropriate regulatory section of DNREC.

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

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

14) Provide details of site elements.

15) 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.

16) Any signage (freestanding and wall signage) is subject to a separate Sign Permit application and review process per the City's Sign Regulations of the *Zoning Ordinance*, Article 5 §4.

IX. RECOMMENDED ADDITIONAL CONSIDERATIONS TO MEET CODE OBJECTIVES:

In accordance with the *Zoning Ordinance*, Article 10 §2.2, the Planning Commission in considering and acting upon Site Development Plans may prescribe appropriate conditions and safeguards so that the public health, safety, and welfare, the comfort and convenience of the public in general, and the residents of the immediate neighborhood in particular shall be taken into consideration. These safeguards may to the maximum extent possible further the expressed intent of the *Zoning Ordinance* and the accomplishment of several objectives in particular listed in subsections 2.21 to 2.28.

1) Waiver Request: Loading Space: In accordance with subsection 2.21 related to safety and convenience of vehicular, transit, bicycle, and pedestrian traffic, Staff recommends approval of the elimination of the one (1) loading space required for the office building. The applicant has indicated that the scale of deliveries to the building will not require a loading space.

2) Waiver Requests: Partial Elimination of Opaque Barrier (Fence Component) and Opaque

Barrier Alternative Format: In accordance with subsection 2.25 related to landscaping, Staff recommends approval of the elimination of the fence in the northwest portion of the site as the landscaping of trees will satisfy the buffer needs next to what is currently vacant land. Staff also recommends approval of the alternative format of the opaque barrier which will place the fence adjacent to the developed residential area and the landscaping on the project side. This allows greater ease of maintenance of the tree plantings.

3) Pedestrian Connections: In accordance with subsection 2.21 related to safety and convenience of vehicular, transit, bicycle, and pedestrian traffic, Staff recommends the following pedestrian access improvements:
   a) Create sidewalk connections from the northwest parking areas into the site.
   b) With the closure of the site entrance from W. North Street, evaluate the ability to relocate the sidewalk connection leading from the frontage sidewalk into the site to better align the sidewalk adjacent to the west elevation of the office building.

4) Architecture: To further subsection 2.28 related to architectural characteristics of proposed buildings, Staff recommends that any outside HVAC Equipment be designed to minimize the impact on adjacent property owners, adequately screened from public view and the overall visible impact especially on the public facades of the buildings.

Other agencies may recommend additional conditions and safeguards in accordance with their areas of expertise. All Recommendations Suggested as Conditions of Approval to Meet Code Objectives may be accepted or rejected by the Planning Commission.

X. ADVISORY COMMENTS TO THE APPLICANT:

1) Prior to redevelopment, an assessment of the existing environmental conditions of the property should be undertaken to identify these issues and the strategy for clean-up or environmental remediation as necessary. This area has a history of use for industrial activities. The location of monitoring wells if any on the site should be noted on the plan.

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

3) In the event, that major changes and revisions to the Site Plan occur in the finalization of the Site Plan contact the Planning Office. Examples include reorientation of or size changes of the buildings, relocation of site components, any additional cross-access easements to connect to Railroad Avenue right-of-way, 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.

4) 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.

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

6) 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 development or ground disturbing activities on the site the appropriate site inspections and permits are required. This includes activities to clean-up existing vegetation, the import of fill dirt, etc.

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: MAY 31, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: Dover Station at 655 West North Street

FILE #: S-17-15

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) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Each meter shall be installed in a meter pit, located in a non-traffic bearing location (including pedestrian). 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. Please connect the proposed water service that will serve the 6,000 square foot building to the water stub that is existing.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.

b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
6. The minimum size of all sanitary sewer laterals shall be six-inch (6").
7. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.
8. The sanitary sewer lateral connection shall not be made at a manhole, unless impractical.
9. Please remove the "Relocated SMH" from the plan, there is no need to relocate the manhole.

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. Please provide approval from DNREC sub-aqueous division for work related to the existing ditch.
3. Please provide approval, if applicable, from the Army Corps of Engineers, regarding the ditch work.
4. 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
5. Please remove the discharge pipe that enters the ditch, please connect this pipe to the proposed underground storage system.
6. The City will require an access point through this property to access the ditch within the existing easement. The access point must be flat. Additionally, a flat location must be provided adjacent to the improvements within the ditch for equipment to be staged.
7. Please remove any proposed trees from the existing ditch.
8. Please provide a larger junction box, with an access point at the connection between the three (3) stormwater pipes in the ditch.
9. Please install a safety grate at the proposed inlet pipe within the ditch.
10. Please remove the proposed location of the dumpster enclosure, it is located within the ditch boundary.
11. The proposed underground storage system is in direct conflict with the existing sanitary sewer main, please revise.

STREETS

1. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DelDOT is submitted to our office.
2. Provide spot elevations at the proposed entrances on Maple Parkway, positive drainage must be provided.

SANITATION / GROUNDS

1. None.

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. Trees shall not be planted within ten-feet (10') of underground infrastructure.
3. Please provide profiles for all utility crossings throughout the site.
4. Please revise the existing easement language to exclude private services from being maintained by the City of Dover.
5. 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/.

STREETS

1. Please provide a signing and striping plan at the entrance to Clarence Street.
2. Please provide an asphalt tie-in detail for the proposed work within Clarence Street.
3. Provide a sight distance triangle for the entrance onto Clarence Street.
4. Please provide truck turning radius diagrams for review.

WATER / WASTEWATER / SANITATION / GROUNDS / GENERAL

1. None.

STORMWATER

1. Grading is proposed on the adjacent property to the east, please provide proof that said property owner is allowing this work to occur.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. Due to the proposed design, we would have to place the existing overhead distribution electric underground at the owner's expense. The design shows existing overhead distribution electric lines in the parking lot and the landscaping plan shows large trees under the same electric lines.

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, this note shall be inserted on the plans.

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-17-15

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 31, 2017

CITY OF DOVER FIRE MARSHAL

APPLICATION: Dover Station at 655 W North St

FILE #: REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Matthew Brown, 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 buildings do not have a specified use.

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

12. 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.

13. Street width shall be in accordance with City of Dover Code of Ordinances, Article VII, Section A. 13, 24 feet wide with no parking, 30 feet wide with parking on one side, or 36 feet wide with parking on both sides Or 24 feet wide with no parking, 28 feet wide with parking on one side, or 34 feet wide with parking on both sides Any dead end road more than 300 feet in length shall be provided with a turn around or cul-de-sac as outlined in the 2015 Delaware State Fire Prevention Regulations 705,chapter 5, 2.3.

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

15. 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)
The owner is responsible if the hydrant is private.

16. 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)
The owner is responsible if the hydrant is private.

17. 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.* Any existing occupancy or portion of an existing occupancy determined to be a place of assembly by the fire marshal, and is undergoing renovations in excess of 50 percent of the assessed value of the building and is capable of receiving an occupant load 75 persons or greater or is being enlarged to receive an occupant load of 75 persons or greater, shall be required to install a complete fire alarm system in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code. *Public mode audible requirements.* To ensure that audible public mode signals are clearly heard by occupants of a structure, they shall have a sound level at least 15 decibels (dB) above the average ambient sound level or five decibels (dB) above the maximum sound level having a duration of at least 60 seconds, whichever is greater, measured five feet (1.5m) above the floor in the area required to be served by the system using the A-weighted scale dBA. In the event the stated requirement cannot be met a shunt trip relay/switches shall be the approved method of meeting the intent of this section of the Code. (City Code of Ordinances 46-171)

18. Sprinkler system required. System is to be monitored by an approved Fire Alarm System. This chapter shall apply to all buildings, structures, marine vessels, premises, and conditions which are modified by more than 50% after the effective date of these Regulations. The 50% figure shall be calculated utilizing the gross square footage of the building, structure, marine vessel, premises and conditions as to arrive at the correct application.

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. Any interior renovations of 50 percent or more to an existing place of assembly with an occupant load greater than 150 persons. Any additions or increase in interior size to an existing place of assembly that would create 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. Any interior renovation of 50 percent or more to an existing place of assembly with an occupant load greater than 100 persons and where alcohol will be served for consumption on the premises. Any additions or increase in interior size to an existing place of assembly which would create an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises. New educational occupancies of 5,000 square feet or greater shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13. (City of Dover Code of Ordinances 46-162)

19. 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.

20. 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)

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

22. 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)

23. 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: *One-family and two-family residential structures, height, t*he number shall measure a minimum of four inches in height, *location, t*he number shall be placed on the house above or to the left or right of the front entrance, *color, t*he number shall be contrasting to the background color, A*rabic numerals, a*ll numbers shall be Arabic numerals. *Multiple-family dwellings, measurements, t*he number shall measure a minimum of six inches when identifying individual apartments with

exterior doors, and 12 inches when identifying buildings with apartment complexes where there are two or more buildings not assigned street addresses. Individual buildings with street addresses shall have numbers measuring six inches, *location, 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, *color, n*umbers shall be contrasting to the background color, *Arabic numerals, a*ll numbers used shall be Arabic numerals. *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, s*hould 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)

24. 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 Ordiances 46-127)

25. 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.

26. All new passenger elevators in a building shall be provided with a car sized to accommodate an ambulance cot 24 inches (609 mm) by 84 inches (2133 mm) in its horizontal open position. Where two or more new passenger elevators are located in a single hoist way and serve all or the same portion of the building, only one elevator car that provides a car sized to accommodate an ambulance cot 24 inches by 84 inches in its horizontal position for each hoist way shall be

required. Elevator cars required to comply with 15.1 or 15.2 shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoist way door frame. Firefighter recall keys shall be provided in a manner acceptable to the local fire department. (2015 Delaware State Fire Prevention Regulations 705, Chapter 1, 15)

27. Buildings over 25,000 Sq. Ft are to have radio performance testing done by Delaware State Communications prior to Final CO. This must be scheduled in advance with Delaware State Communications.

28. Project to be completed per approved Site Plan.

29. Full building and fire plan review is required.

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

31. 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.

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Contact this office with regards to the use of building 2
2. Fire Apparatus access needs to be discussed if the North St entrance is to close.

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.**

KENT CONSERVATION DISTRICT

800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 •(302) 741-260

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
June 2017

APPLICATION: Dover Station **FILE #: S-17-15**

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jared C. Adkins, P.E.* **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: Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

1. This site is located in the Tar Ditch (Meeting House Branch) watershed which experiences significant downstream flooding. The previously approved plan for this site provided for over management of runoff including the 100-year storm to prevent worsening that flooding.
2. The previously plan approval has expired and will need to be resubmitted under the 2014 Delaware Sediment and Stormwater Regulations. However due to the over management of the previous stormwater management approach, it is likely that the plan can be reapproved without significantly altering the design.
3. Although the site is not mapped as a floodplain area, the applicant should be aware that the Tar Ditch (Meeting House Branch) that passes through this site is prone to flooding and consideration should be given to the finished floor elevation of the 6,000 sf building.
4. Confirmation of wetland permits necessary to fill in and pipe the existing waterway will be required prior to stormwater plan approval.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

LARSON
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING

June 7, 2017

Ms. Dawn Melson-Williams
City of Dover Planning
P. O. Box 475
Dover, DE 19903

RE: DOVER STATION

Dear Dawn,

This letter is to follow up your DAC comment looking for clarification of the proposed use of the 6000 sq.ft. Group Home shown on the plans we recently submitted for the above mentioned project.

The Group Home that is planned for the site located at 655 W. North Street is being designed as an Emergency Shelter for United States Military Veterans. The Emergency Shelter will be a two-story, dormitory style facility capable of housing up to 16 homeless Military Veterans. The building will include sleeping areas, five bathrooms, kitchen, dining room, common area, counseling room, admin/ staff area and a medical services area. The Emergency Shelter will incorporate on site counseling services for the Veterans. In addition, social services, vocational training and permanent housing transition assistance will be facilitated.

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

Sincerely,

LARSON ENGINEERING GROUP, INC.

Douglas J. Liberman
Vice President

LARSON
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING

May 5, 2017

RECEIVED
MAY 5 - 7:17
CITY OF DOVER
PLANNING & INSPECTIONS

Ms. Dawn Melson-Williams
City of Dover Planning
15 Loockerman Street
Dover, DE 19901

RE: DOVER STATION – LOADING SPACE WAIVER REQUEST

Dear Dawn:

We would like to request a waiver of Article 6, Section 4.22 to reduce the required loading space from 1 to 0. The proposed office use will not require large truck deliveries other than overnight packages; therefore, not necessitating a defined loading space. A delivery vehicle such as this can park along the building without completely blocking the drive aisle, allowing traffic to still circulate the site.

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

Sincerely,

LARSON ENGINEERING GROUP, INC.

Douglas J. Liberman
Vice President

FILED IN FORTIS

LARSON
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING

May 5, 2017

Ms. Dawn Melson-Williams
City of Dover Planning
15 Loockerman Street
Dover, DE 19901

RE: DOVER STATION – WETLANDS

Dear Dawn,

The plan for the above mentioned site shows filling a small portion of the existing delineated wetlands on the site. We have discussed this with DNREC and are pursuing a permit to allow this to happen. The wetlands do not show up on the State wetland maps and are not shown as a Blue line stream. We will have to file for a Jurisdictional Determination with the U. S. Army Corps of Engineers. After receiving that we will have to file a Subaqueous Lands Section B permit with DNREC. These two items will take about 60 days to receive.

Please review this and let me know if you have any questions.

Sincerely,

LARSON ENGINEERING GROUP, INC.

Douglas J. Liberman
Vice President

FILED IN FORTIS

LANDSCAPE ARCHITECTURAL SERVICES, L.L.C.

Matthew T. Spong, R.L.A. ASLA
Trisha Sawicki, ASLA

City of Dover
Planning Commission
C/O City of Dover Planning Dept.
P.O. Box 475
The Plaza
Dover DE 19903
Attention: Dawn M Williams, AICP

June 6, 2017

RE: Dover Station LLC
Phase #2
File #S-15-5

Dear Dawn,
I am writing on behalf of my client Larson Engineering ,Inc to ask the Planning Commission to consider the following waiver for this project when reviewing the site plan at your meeting.
Partial Opaque Barrier Waiver – This plan proposes a partial waiver from Article 5- Section 7.2 of the city of Dover Code, ,that requires an opaque barrier and landscape screen when parking adjoins residentially zoned/used land.

We are requesting a waiver from the opaque barrier component of these requirements on the northwest and north property lines along the lands of tax parcel #05-76.12-031.000.

The reason for this request is because the existing vegetation on the adjacent properties will be supplemented by the proposed 11 evergreen trees buffer and 3 Canopy trees this will make the opaque barrier unnecessary.

Additionally, please note the opaque barrier being provided with the landscape buffer along the west property line will need to step-down from the required 6'-0" height to 4'-0" for the last 25' of fence where it meets the property line at West North Street, since the City of Dover Code does not allow a 6' high fence in front yard areas.
This waiver request was recommend by the Planning Staff when this project was previously submitted in August 2007

Please contact me if you have any questions or need additional information about this request.

With Best Regards,

Matthew T. Spong, R.L.A., A.S.L.A., Principal
X.C. Mr. Doug Liberman, Vice President, Larson Engineering

P.O. Box 293, Dover, DE 19903 phone: 302-284-4578 fax: 302-284-0301
e-mail: matt@las-llc.net website: www.las-llc.net

City of Dover

DATA SHEET FOR MINOR SUBDIVISION PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF July 5, 2017

PLANNING COMMISSION MEETING OF July 17, 2017

Plan Title:	Minor Subdivision Plan for Panera Bread Restaurant at 545 North DuPont Highway, SB-17-02
Plan Type:	Minor Subdivision Plan
Associated Plans:	Site Plan S-16-02 Capital Commons Site Plan S-16-23 Panera Bread Restaurant
Property Location:	East side of North DuPont Highway and north of Townshend Boulevard
Property Addresses:	515 North DuPont Highway 545 North DuPont Highway
Tax Parcel:	ED-05-068.09-01-34.00-000
Existing Site:	8.417 acres
Parcels to be Created:	Panera Parcel: 0.86 acres (37,341 SF) Capital Commons Parcel: 7.56 acres
Owner:	Dover, DE Retail LLC c/o TLM Realty Corp.
Zoning Classification:	C-4 (Highway Commercial Zone) SWPOZ (Source Water Protection Overlay Zone)
Present Uses:	Multi-tenant Retail Building Restaurant (under construction)
Sewer & Water:	City of Dover

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 5, 2017

APPLICATION: Minor Subdivision Plan for Panera Bread Restaurant at 545 North DuPont Highway

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

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

I. PLAN SUMMARY:

This is a Minor Subdivision Plan application to permit the subdivision of an 0.86 acre (37,341 SF) lot from the 8.417-acre parcel. The new lot coincides with the pad site area of Capital Commons that is under development as the Panera Bread Restaurant. The property is located on the east side of North DuPont Highway north of Townsend Boulevard. The property is zoned C-4 (Highway Commercial Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 3: Excellent Recharge Area). The owner of record is Dover, DE Retail LLC c/o TLM Realty Corp. Property Addresses: 515 North DuPont Highway and 545 North DuPont Highway. Tax Parcel: ED-05-068.09-01-34.00-000. Council District 3.

Previous Applications

Redevelopment activity for this property on the east side of North DuPont Highway began with the approval of 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 plan 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 reconfiguration of the site entrance from Townsend Boulevard and improvements to existing parking lots and pedestrian circulation was completed in Fall of 2016.

Site activities continued with the Planning Commission granting conditional approval on November 21, 2016 of the Site Development Plan S-16-23 Panera Bread Restaurant for construction of a 4,986 S.F. one story restaurant building with drive-through on the northern pad site area of Capital Commons. The conditions of the initial plan approval included compliance with the Development Advisory Committee (D.A.C.) Report dated November 9, 2016; a requirement for the sidewalk connections from the street frontage multi-use path to the restaurant building and then to the main retail commercial building; and acceptance of the 11/17/2016 revisions to the building architecture. The project design was also directed to achieve compliance with the SWPOZ (Source Water Protection Overlay Zone) provisions pertaining to impervious surface coverage. Then at its meeting of January 17, 2017, the Planning Commission approved a series of proposed plan revisions for the development of the Panera Bread Restaurant. The approved plan revisions included a revised building form & architecture and reconfiguration of

the parking area and drive-through access as depicted in the revised plans of 12/22/2016 and building elevations of 1/6/2017. The Site Plan S-16-23 achieved Final Plan Approval on April 25, 2017 and the restaurant location is under active construction.

II. PROJECT DESCRIPTION

This Minor Subdivision Plan proposes to subdivide the main parcel of the Capital Commons development at 515 North DuPont Highway to create a separate parcel for the northern pad site area where the Panera Bread Restaurant is under construction (as approved by Site Plan S-16-23). See the following Table for summary of the parcels.

Summary of Parcels

Site	Proposed Acreage	Square Feet
Capital Commons	7.56 acres	
Panera (North Pad Site)	0.86 acres	37,341 SF
Total	8.417 acres	

It is noted that there is a separate existing parcel of 0.56 acres at the corner of North DuPont Highway and Townsend Boulevard (505 North DuPont Highway). That Parcel (labeled as Parcel B on the plan) is the location of the proposed development for S-17-13 Longhorn Steakhouse Restaurant. No changes to that parcel are proposed with this submission.

III. ZONING REVIEW

C-4 Zoning District

The property is zoned C-4 (Highway Commercial Zone) and subject to the regulations of *Zoning Ordinance*, Article 3 Section 16 and Article 4 Section 4.15. The uses of retail stores and restaurant are allowable uses in the C-4 zone. The following table highlights some of the lot design standards for the C-4 (Highway Commercial Zone).

Minimum Required	C-4
Lot Width (ft.)	150
Lot Depth (ft.)	150
Front Yard Setback (ft.)	20
Side Yard Setback (ft.)	15
Rear Yard Setback (ft.)	10 or equal to bldg. height
Side or rear yards which adjoin a residence zone (ft.)	30
Off-Street Parking Spaces	
Per 300 sq. ft. floor area or	1
Per employee (whichever is greater)	1
Maximum Permitted:	
Building Height: Stories	6
Feet	75
Floor Area Ratio	4.0

SWPOZ (Source Water Protection Overlay Zone)

Portions of each of the proposed parcels of the Minor Subdivision are located within the SWPOZ (Tier 3: Excellent Recharge Area) and subject to Article 3 Section 29.7 of the *Zoning Ordinance*. For Tier 3: Excellent Recharge Areas, the maximum lot coverage for the portion of the site within the SWPOZ is 30% unless infiltration is utilized then the maximum lot coverage allowable is 60%. The Site Plans for the development of Capital Commons (S-16-02) and Panera Bread Restaurant (S-16-23) addressed compliance of impervious coverage within the SWPOZ areas and proposed stormwater management practices to make use of infiltration.

IV. PARKING SUMMARY

The parking requirement for C-4 (Highway Commercial Zone) is based on a rate of one parking space per 300 square feet of floor area for retail establishments and a parking rate based on seat counts for restaurant uses. Each parcel includes parking as related to their development. The Panera parcel includes 30 parking spaces and the remaining eleven spaces to meet the parking requirement are shared as part of the large field of parking located on the main parcel.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) regular vehicle parking spaces. Each parcel includes a bicycle parking rack.

V. SITE CONSIDERATIONS

Entrance

There are two access points which serve these parcels and the Minor Subdivision Plan includes an easement note across the parcels. The main access to the property is from Townsend Boulevard with the second access provided by an entrance drive directly from North DuPont Highway located north of (and over) the Panera Bread Restaurant site; this entrance is also shared with the adjoining hotel property.

Sidewalks

Sidewalks are required along all street frontages of the properties (*Zoning Ordinance*, Article 5 Section 18). A shared use path exists along North DuPont Highway and a sidewalk is along Townsend Boulevard. Internal to the site there are sidewalks (and crosswalks) providing connection between buildings.

VI. TREE PLANTING AND LANDSCAPE PLAN

The previously submitted Site Plans for Capital Commons and Panera Bread Restaurant outline the tree planting requirements for the two parcels and are in the process of being implemented with the construction activities.

VII. CITY AND STATE CODE 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. The following items have been identified as elements which need to be addressed by the applicant:

1) Record Plan Sheet: There are a number of data items to be clarified regarding the main parcel (Parcel A); the new Panera parcel: and the existing Parcel B (Longhorn site). See the

following comments. A consistent Parcel naming by letters such as Parcel A, Parcel A-1, and Parcel B may be helpful in plan labeling and data listings.

2) Plan Drawing:
    a. Use Tax Parcel number rather than Tax ID for Parcel A and Parcel B.
    b. Add Label for proposed Panera Parcel.
    c. Include address of each parcel.
    d. For Parcel A, list existing size and new proposed size following subdivision.
    e. List reference for DelDOT Permanent Easement and reference for previous right-of-way dedication.
3) Note:
    a. Also list that the new Panera parcel is subject to provisions of the SWPOZ.
    b. Note that each waiver was approved under S-16-02.

4) Easement Note: Clarify which parcels are involved in this easement. Use the Tax Parcel Number when referencing other parcels.

5) Bulk Requirements: These should be listed for each of the parcels created: the new Parcel A and the new Panera parcel. Create a column for each.
    a. The Parking should also note the Longhorn Restaurant spaces that are to be accommodated on the main parcel.
    b. Items P and Q appear to focus just on the Panera parcel; label as such.

6) Site Data:
    a. Add Application number of SB-17-02.
    b. Clarify the Existing Site Areas and Proposed Site Areas with reference to specific parcels.

7) General Notes, Item 7: Parcel B is existing. Clarify Panera site area as a proposed new parcel.

8) This Record Plan sheet will need to record and document any proposed easements, right-of-way dedications, etc.

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

VIII. RECOMMENDED ADDITIONAL CONSIDERATIONS TO MEET CODE OBJECTIVES:

The *Land Subdivision Regulations*, Article I. Purpose, indicates that the regulations are adopted in order to promote and protect the public health, safety, convenience and general welfare, ensure orderly growth and development of the City, the conservation, protection and proper use of land, and adequate provision for housing, recreation, circulation, utilities and services; safeguard the City from undue future expenditure for the maintenance of streets and public spaces. Similar safeguards are also in expressed intent of the *Zoning Ordinance* and the accomplishment of Site Development Plan objectives listed in subsections Article 10 §2.21 to 2.28.

1) This Minor Subdivision Plan creates a separate parcel for the northern pad site being developed as the Panera Bread Restaurant from the main parcel of Capital Commons. The Subdivision Plan complies with the *Land Subdivision Regulations*. The objectives of *Zoning Ordinance*, Article 10 §2.2 were addressed by the earlier submissions of the Site Plans for the properties.

Other agencies may recommend additional conditions and safeguards in accordance with their areas of expertise. The Recommended Additional Considerations to Meet Code Objectives are offered for consideration by the Planning Commission.

IX. ADVISORY COMMENTS TO THE APPLICANT:

1) In the event, that major changes and revisions to the Minor Subdivision Plan occur in the finalization of the Plan contact the Planning Office. 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 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.

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

4) The applicant shall be aware that Minor Subdivision 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.

5) The applicant shall be aware that Minor Subdivision 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: JUNE 28, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Minor Subdivision Plan for Panera Bread Restaurant at 545 North DuPont Highway**

FILE #: **SB-17-02**

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

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

CONTACT PHONE #: **Electric - 302-736-7070 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 / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. No objection to the minor subdivision.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

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.

SB-17-02

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 5, 2017

CITY OF DOVER FIRE MARSHAL

APPLICATION: Minor Subdivision Plan for Panera Bread at 545 N DuPont Hwy

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

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

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

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. This office has no objections

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 28, 2017

DELDOT

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APPLICATION: Minor Subdivision Plan for Panera Bread Restaurant at 545 North DuPont Highway

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

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

- This project will need to be submitted to DelDOT for an updated Record Plan review.

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

KENT CONSERVATION DISTRICT

800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 •(302) 741-260

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
July 2017

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

FILE #: SB-17-02

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jared C. Adkins, P.E.* **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: Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the minor subdivision of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

1. A detailed Sediment and Stormwater Management Plan for the overall Capitol Commons project has previously been approved by our office and construction is underway.

City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF July 5, 2017

PLANNING COMMISSION MEETING OF July 17, 2017

Plan Title:	Shell's Early Learning Center - Daycare Center C-17-02
Plan Type:	Conditional Use Site Plan
Associated File:	V-17-08
Property Location:	West side of South State Street north of Wyoming Avenue
Property Addresses:	868 South State Street
Tax Parcel:	ED-05-077.17-03-49.00-000
Owner:	868 State Street LLC
Present Zoning:	R-8 (One-Family Residence Zone)
Existing Use:	Day Care Center
Proposed Use:	Day Care Center
Site Area:	15,246 S.F. +/- (0.351 ac)
Building Area:	Existing – 2,598 S.F. Addition – 1,038 S.F. Total – 3,636 S.F.
Impervious Areas:	Proposed – 68%
Waiver Requested:	Elimination of Upright Curbing

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 5, 2017

APPLICATION: Shell's Early Learning Center – Daycare Center at 868 S. State Street

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

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

I. PLAN SUMMARY:

This Plan is for review of the Conditional Use Site Plan to construct a 1,038 SF addition to an existing 2,598 SF Day Care Center. Other proposed improvements include demolition of an existing garage and construction of additional parking. The applicant proposes a Day Care Center that can accommodate 83 children. The property is zoned R-8 (One-Family Residence Zone) and is located on the west side of South State Street north of Wyoming Avenue. The owner of record is 868 State Street LLC. Property Address: 868 South State Street. Tax Parcel: ED-05-077.17-03-49.00-000. Council District 2.

Previous Applications

This Day Care Center project was granted two variances from the Board of Adjustment on May 17, 2017 (Application V-17-08). These variances permit the maximum number of children in this Day Care Center located in the residential zone to increase from 50 to 83 children; and permit the maximum building coverage for a conditional use in the R-8 (One-family Residential Zone) to increase from 20% to 23.7%. The requested variances were approved on May 17, 2017.

The property was the subject of a Conditional Use application for a day care center with 70 children that was approved by Planning Commission on September 17, 1990 (C-90-06 Playhouse Nursery). However, the Department of Services for Children, Youth and Their Families Licensing Services approved a license capacity of 50 children during its establishment.

II. PROJECT DESCRIPTION:

The existing site has 2,598 SF of building space as an existing Day Care Center, and the applicant is proposing to construct an additional 1,038 SF to the existing site with the total floor area to total 3,636 SF when construction is completed. The proposed building addition would be located at the rear of the building (additions wrapping the south, west, and north elevations). The existing detached garage building near the rear alley on the property is proposed for demolition with this building expansion project. With this building addition, the day care center will have a building coverage of 23.7% and proposes to care for 83 children.

III. ZONING REVIEW

The property is zoned R-8 (One Family Residence Zone) and subject to the provisions of *Zoning* Ordinance, Article 3 Section 1.14 (a). This building is not occupied as a residence and the number of children exceeds 13 children; it meets the definition of a Day Care Center. A Day Care Center requires Conditional Use approval by the Planning Commission based on the requirements noted in Article 5 §14 and Article 10 §1. The substantive requirements for Day Care facilities are given below:

> Article 5 Section 14. Day care facilities.
> 14.1 *General.* In order to promote the development of quality child care outside of the home (day care facilities), the following two basic assumptions have been made:
>
> 14.11 The establishment of day care services and facilities, wherever there is a need, is a necessary public objective; and
>
> 14.12 Day care programs shall be treated as community facilities and shall be permitted to locate in any zoning district, provided that need has been demonstrated, state licensing requirements have been met and no physical hazard to children can be reasonably anticipated.
>
> 14.2 *Definitions.*
> *Day care facility.* For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by a parent or guardian, for periods of less than 24 hours per day shall be defined as follows:
>
> 14.21 *Day care center.*
> (a) Any place, other than an occupied residence, which receives children for compensation for day care or large family day care home; and
>
> (b) Any occupied residence which receives 13 or more children for compensation for day care.
>
> Day care centers shall be required to obtain conditional use approval by the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10 and to any specified requirement set forth in subsection 14.3 below, except in zoning districts where listed as a permitted use.
>
> 14.22 *Family day care home.* An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives for compensation. Such care in a family day care home is limited to that care given to six or fewer children. Such child care facility shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit and site plan approval.
>
> 14.23 *Large family day care home.* A facility which provides child care for more than six, but less than 13 children. This care may be offered in a private home or in a property converted to the purpose of providing child day care. This form of day care facility requires the submission of a site plan application in accordance with the procedures and subject to article 10, section 2 of the zoning ordinance. If a large family day care home is not to be located in an occupied residence, then a conditional use site plan application shall be required in accordance with article 10 section 1 of the zoning ordinance.
>
> 14.3 Zoning criteria.
>
> 14.31 *Number of children.* Day care centers shall be limited to a maximum of 50 children in all residential zones.
>
> 14.32 *Outdoor play area.* Must meet the state requirement for day care centers.

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

The *Zoning Ordinance* establishes a limitation on the number of children served by a Day Care Center in a residential zone. This limitation looks to address potential impacts to residential areas regarding traffic, parking, size of facility, etc. This Day Care Center just received a variance to allow for up to 83 children. In addition, the occupancy of a building is subject to other regulations such as the Building Code and Fire Codes adopted by the City and further governed by the State licensing provisions for child care. There are requirements on the space per occupant which depending on the building size may result in greater restrictions than the *Zoning Ordinance* provisions for number of children or the number established by the variance.

Conditional Use Review

With Conditional Use Applications, the Planning Commission reviews the proposed project to determine whether or not the intended use is appropriate in type and scale for the immediate neighborhood. The Commission must also consider whether or not the proposed use will have an adverse impact on the future orderly development of the surrounding area. The following sections of the *Zoning Ordinance* which relate to the role of the Commission in reviewing Conditional Use applications located in residential zones are particularly relevant when reviewing this application:

ARTICLE 10. PLANNING COMMISSION

Section 1. - Approval of conditional uses.

On application and after public notice and hearing, the commission may authorize the issuance by the city planner of permits for any of the conditional uses for which this ordinance requires, in the district in which such use is proposed to be located. In approving any such use, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular:

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

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

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

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

1.32 The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of landscaping, and other improvements on the site shall be such that

the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

IV. PARKING SUMMARY

Day Care Centers require one parking space for every ten children and one parking space for every adult attendant. Based on the number of proposed children (83) and the number of adult attendants (10), a total of nineteen (19) parking spaces are required. The Site Plan dated March 3, 2017 indicates that there are twenty-six (26) parking spaces. There is one (1) handicap existing parking space and four (4) existing parking spaces in front of the property off of South State Street. The plan shows a proposal for twenty-one (21) stacked parking spaces off the rear of the property. A Revised parking plan was submitted for the May 17,2017 Board of Adjustment meeting indicating fifteen (15) individual parking spaces off the alley at the rear of the property and the five (5) existing parking spaces located in front of the property including one (1) handicap space. The applicant must clarify which parking design they intend to propose.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one (1) for every twenty (20) parking spaces. Based on the number of required parking spaces one (1) bicycle parking space is required. The location of the bike rack needs to be located on the Site Plan.

V. SITE CONSIDERATIONS

Access

The property currently has access from South State Street for a small five space parking lot. The rear of the property is served by an alley.

Dumpsters

Dumpsters for trash collection are required for the development of the site. Based on the amount of size of the building, one (1) dumpster pad location is required. The plan does not provide a dumpster pad location. The minimum dimensions for a dumpster pad is 12 feet deep and 12 feet wide. The applicant needs to reserve the dumpster pad on the site and will be required to be constructed if determined to be necessary by the Planning Director. If the property is adequately served by City's residential trash collection process, then a storage location for the cans should be established.

Sidewalks

Sidewalks are required along the property's entire street frontage of South State Street. An existing sidewalk is shown on the Site Plan connecting into the site to the building.

Waiver Requested: Elimination of Upright Curbing

The *Zoning Ordinance,* Article 6 §3.6(b) requires upright curbing for all parking areas and access drives. The front parking area does not include curbing and the rear parking area does not propose curbing either. A written waiver request for the elimination of curbing in these new paving and parking areas was submitted to the Planning Office for consideration by the Planning Commission. See attached waiver request.

VI. BUILDING ARCHITECTURE

A description of the exterior materials of the proposed building addition will need to be added to the Site Plan. The building addition must be designed to match the architectural characteristics of the existing building.

VII. TREE PLANTING AND LANDSCAPE PLAN

The submitted plan includes the Landscaping details. Based on the 10,250 S.F. property, a total of four (4) trees are required. The plan shows seven (7) existing trees on the site with five (5) of the existing trees in the rear of the property to be removed. Two existing trees in the front yard of the building will remain. Three (3) additional Red Sunset Maple trees are shown on the plan to be planted. A total of five (5) trees will be located on the site; the tree planting requirements have been met. All trees are required to be guaranteed for one year; if they do not survive, they shall be replaced.

VIII. CITY AND STATE CODE 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. The following items have been identified as elements which need to be addressed by the applicant:

1) **Clarify which plan design is being proposed in regards to the format of parking for the site.**

2) Upright curbing shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request was submitted for the elimination of the curbing for consideration by the Planning Commission.

3) The data column needs to be updated prior to Final Approval. Some of the items which need revising are as follows:
   a) Indicate the calculation of required bicycle parking spaces. 1 bicycle parking space for every 20 parking spaces.
   b) Indicate the number of required bicycle parking spaces. (1)
   c) Update the number of parking spaces on the plan that will reflect the number of parking spaces required for Day Care Facilities in the *Zoning Ordinance.*
   d) Any changes recommended by the Planning Commission.

4) Provide a description on the plan indicating the exterior materials that will be used for the proposed building addition.

5) Indicate a reserved area for a potential dumpster pad and enclosure on the Plan Sheet. As an alternative, a storage area for the trash/recycling cans may be depicted if serviced by City collection.
   a) Provide a note stating that a dumpster enclosure shall be constructed if determined to be necessary by the Planning Director.

6) Indicate the location of the required bicycle parking space. (bike rack)

7) Provide the following information on the Plan Sheet:

a) Provide the tree planting calculation with the number of existing trees, number of trees to be removed, and the number of trees to be planted to meet the code requirements.
b) Provide a note stating that the trees shall be guaranteed for one year and will be replanted if they do not survive the one year.

IX. RECOMMENDED ADDITIONAL CONSIDERATIONS TO MEET CODE OBJECTIVES:

In accordance with the *Zoning Ordinance*, Article 10 §2.2, the Planning Commission in considering and acting upon Site Development Plans may prescribe appropriate conditions and safeguards so that the public health, safety, and welfare, the comfort and convenience of the public in general, and the residents of the immediate neighborhood in particular shall be taken into consideration. These safeguards may to the maximum extent possible further the expressed intent of the *Zoning Ordinance* and the accomplishment of several objectives in particular listed in subsections 2.21 to 2.28.

1) Waiver Request - Elimination of Upright Curbing: In accordance with subsection 2.26 related to drainage systems, Staff recommends approval of the request to eliminate the curbing for the parking lot noting the existing conditions for a large portion of the lot.

2) Parking for Site: In accordance with subsection 2.21 on traffic and 2.23 on off-street parking, Staff notes the following:
    a. As the amount of required parking is related to the number of children and staff of the Day Care Center, the site must be adequately served by off-street parking.
    b. The overall number of children limited by the variance granted to allow up to 83 children. Also the building will have a maximum level of occupancy (both staff and children) that is governed by Building and Fire Code requirements and State licensing provisions. This may change the required number of parking spaces.
    c. An accessible route must be provided from the parking to the building entrance.
    d. The dumpster pad may not be located in a designated parking space in the rear of the building.

X. ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

4) In the event, that major changes and revisions to the plan occur in the finalization of the site

plan contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other commissions making recommendations in regards to the plan.

5) For building construction, the requirements of the building code or fire code must be complied with. Consult with the Chief Building Inspector for these requirements. The resolution of these items may impact the site design including such items as building setbacks from property line, building dimensions and height, building openings, and fire protection needs, etc.

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

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

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

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: MAY 31, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Shell's Early Learning Center at 868 South State Street**

FILE #: **C-17-02**

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

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

CONTACT PHONE #: **ELECTRIC - 302-736-7070 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. Owner is responsible for locating all water, sewer, and storm sewer lines.
2. Owner is responsible for site and/or street lighting.
3. 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.
4. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
5. 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.
6. All Engineering and design for Dover Electric will be engineered upon final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

WATER / WASTEWATER

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.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District submitted to our office. If the Kent Conservation District does not require a plan, an erosion and sediment control plan shall be submitted to our office for review and approval. This is required for the City of Dover to maintain compliance with our MS4 permit.
2. Provide stormwater management calculations that prove that the runoff created by this parking lot can be adequately handled by the existing storm sewer system.

STREETS

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

SANITATION/GROUNDS

1. None

GENERAL

1. The final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg 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/.

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER / WASTEWATER / STORMWATER / GROUNDS / STREETS / GENERAL

1. None.

SANITATION

1. Currently, the solid waste on this site is being serviced by the City of Dover, further review would be merited if the current sanitation condition changes.
2. The sanitation containers shall be in the alley for collection by the City of Dover. The containers will not be collected if located within the parking lot during the prescribed pick up day.

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

C-17-02

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 5, 2017

CITY OF DOVER FIRE MARSHAL

APPLICATION: Shells Early Learning Center at 868 S State St

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

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is day care center.

2. Building Access shall be no further than 50 feet from a primary entrance, where buildings are provided with an automatic sprinkler system installed in accordance with NFPA 13, access shall be no further than 100 feet from the primary entrance. (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 25% 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. Emergency access to rear building areas compliant with City of Dover Code (Article 5-Supplementary Regulations, Section 17); all four stories and greater buildings require 24ft fire lane at the rear. All two to three story apartment structures require an 18ft Secondary Fire Lane at the rear. All townhouses (3-8 units) with no fire protection require a 16ft alley at the rear.

6. Fire Alarm System required per occupancy code requirements.

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

8. 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.

9. 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)

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

11. 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)

12. 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)

13. 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: *One-family and two-family residential structures, height, t*he number shall measure a minimum of four inches in height, *location, t*he number shall be placed on the house above or to the left or right of the front entrance, *color, t*he number shall be contrasting to the background color, A*rabic numerals, a*ll numbers shall be Arabic numerals. *Multiple-family dwellings, measurements, t*he number shall measure a minimum of six inches when identifying individual apartments with

exterior doors, and 12 inches when identifying buildings with apartment complexes where there are two or more buildings not assigned street addresses. Individual buildings with street addresses shall have numbers measuring six inches, *location, 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, *color, n*umbers shall be contrasting to the background color, *Arabic numerals, a*ll numbers used shall be Arabic numerals. *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, s*hould 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)

14. 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 Ordiances 46-127)

15. 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.

16. Project to be completed per approved Site Plan.

17. Full building and fire plan review is required.

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

19. 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.

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Occupant load is to be determined by approved building plans. "The applicant proposes a Day Care Center that can accommodate 83 children." Site Plan states amount of approved children for the daycare (items 19 and 20). The amount of children which the use is approved for is different from the occupant load which is based on square footage. Previous discussions in regards to this project showed a total occupant load of 87 (this number includes children and staff).
2. Percentage of renovations needs to be shown, if 50% or more building needs to be brought into full compliance as a new daycare.
3. Fire alarm system required
4. Sprinkler system required

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 31, 2017

D E L D O T

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APPLICATION: Shell's Early Learning Center at 868 South State Street
FILE#: C-17-02 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

The applicant had a meeting with DelDOT on 6/8/2017 and was receptive to the idea of closing the entrance on South State Street. During the meeting, DelDOT disclosed that if this is the path they would like to take then all they would need to do for the Department is construct full height curb and sidewalk across the existing curb depressions.

ADVISORY COMMENTS TO THE APPLICANT:

The applicant has requested a meeting with DelDOT. Due to the unique nature of this application, DelDOT would like to meet with the applicant and discuss possibilities to help them move forward.

KENT CONSERVATION DISTRICT

800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 •(302) 741-260

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
June 2017

APPLICATION: Shell's Early Learning center **FILE #: C-17-02**

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jared C. Adkins, P.E.* **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: Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. The proposed site improvements are less than 5000 square feet, the site is therefore exempt from stormwater management requirements.

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.
2. Due to the high percentage of impervious cover on this site, we recommend that all new parking be gravel or pervious pavers to minimize the amount of runoff from this site.

William Byler Jr.
Architect, Inc.

RECEIVED
JUL 03 2017
CITY OF DOVER
PLANNING & INSPECTIONS

July 3, 2017

C1199-0217

Ms Dawn Melson-Williams
Principal Planner
City of Dover
PO Box 485
Dover, DE

RE: Upright Curbing Waiver Request
Shell's Early Learning Center
868 South State Street
Dover, DE
C-17-02

Dear Ms Melson-Williams,

This client requests the City of Dover requirement for upright curbing for this proposed site plan be waived. This waiver request is made because the flow of storm water for this small site would be impeded should the upright curbing be installed. Should you have any questions please do not hesitate to call.

Sincerely,

William Byler Jr.

Architect

P.O. Box 104 Kenton, DE 19955
Phone (302)-653-3550
Cell (302)-359-3313
Fax (302)-653-6595

City of Dover

DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF July 5, 2017

PLANNING COMMISSION MEETING OF July 17, 2017

Plan Title:	Frito Lay Building at Tudor Business Park S-17-18
Plan Type:	Site Development Plan
Owners of Record:	Tudor Enterprises, LLC
Location:	South Side of Little Creek Road and served by Otis Drive
Address:	Multiple Addresses within Tudor Business Park
Tax Parcel:	ED-05-077.12-01-02.00-000
Total Property:	21.04 acres
Project Area:	0.75 acres (32,500 S.F.)
Zoning:	C-3 (Service Commercial Zone)
Existing Use:	Commercial Business Park
Proposed Use:	Commercial Business Park with addition Warehouse Building

Building Area for Project: Proposed Building: 4,278 S.F
Impervious Area for Project: Proposed – 26,500 S.F.

Off Street Parking:	Required – 15 parking spaces Proposed – 20 parking spaces (13 car and 7 truck parking for business)
Sanitary Facilities:	City of Dover
Water Supply:	City of Dover
Waiver Requested:	Elimination of Upright Curbing Requirement
For Consideration:	Performance Standards Review Application

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 5, 2017

APPLICATION: Frito Lay Building at Tudor Business Park on South Little Creek Road, Dover, DE

FILE #: S-17-18 REVIEWING AGENCY: City of Dover Planning Office

CONTACT PERSONS: Tracey Harvey and Dawn Melson-Williams, AICP
PHONE #: (302) 736-7196

I. PLAN SUMMARY

This is a Site Plan to permit construction of a 4,278 S.F. +/- one story warehouse/office building and associated site improvements. This is to be an additional building within the Tudor Business Park. The property is zoned C-3 (Service Commercial Zone), located on the south side of South Little Creek Road and is served by Otis Drive. The owner of record is Tudor Enterprises LLC. Property Address: Multiple addresses in the Tudor Business Park. Tax Parcel: ED-05-077.12-01-02.00-000. Council District 2.

Previous Applications

The Tudor Business Park (also known as Tudor Industrial Park) was developed over a series of years prior to the 1990s. One of the more recent applications was for construction of the building located to the north of the subject project area as Site Plan Application S-02-19 New Building at Tudor Industrial Park. It is a multi-tenant commercial building.

The property was previously subject to the AEOZ (Airport Environs Overlay Zone); however, amendments to the Noise Zones of the AEOZ in 2013 (Ordinance #2013-01 and 2013-02; MI-12-24) removed the area from the AEOZ.

II. PROJECT DESCRIPTION

This project will construct a one story building consisting of a warehouse and office spaces. The project improves the existing parking lot and expands the parking lot on the south and west sides of the building. The area to the south of the building is enclosed by fencing with an access gate. The project area is not a separate parcel but will be lease area for the tenant Frito Lay from the Business Park owner.

III. ZONING REVIEW

C-3 Zoning District

The property is zoned C-3 (Service Commercial Zone) and subject to the regulations of *Zoning Ordinance,* Article 3 Section 15 and Article 4 Section 4.15. The proposed use of the larger building is warehousing and associated offices. The C-3 zone allows wholesale, storage, and warehousing establishments as permitted use.

Performance Standards Review

Uses in the C-3 (Service Commercial Zone) are subject to the performance standards summarized in *Zoning Ordinance,* Article 5 §8.1 and as more specifically outlined in Article 5 §8.5.

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

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

IV. PARKING SUMMARY

The parking requirement in the C-3 zoning district is one (1) parking space per 300 S.F. of floor area or one space per employee. The number of employees was not identified for this building. Based on the floor area of 4,278 S.F. for the total building, a minimum of 15 parking spaces are required. The applicant is proposing to provide 20 parking spaces including one (1) handicap parking space. Eight (8) spaces are at the front of the building with the remaining five car spaces and 7 truck parking spaces within a fenced area to the south of the building. The project connects to the existing paved areas (unstriped) on the north and west sides of the proposed building.

Loading Spaces

The requirement for loading spaces for wholesale and storage establishments is based on building square footage. The rate is one loading space for establishments of 5,000 to 10,000 square feet in floor area with an additional loading space per 10,000 square feet of floor area or fraction thereof. The overall building is not large enough to require a designated loading space; however, due to proposed building functional operations a loading space area (concrete pad at the five garage doors) has been proposed on the Site Plan.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces or a fraction thereof. Based on the number of required parking spaces at 15, one (1) bicycle parking space is required. The plan does not show bicycle parking.

V. SITE CONSIDERATIONS

Entrance

As the project site area is internal to the Tudor Business Park, it will utilize the existing entrance drive and interior circulation drives. There are no proposed changes to the access from the adjacent public streets; the overall Business Park will continue to be served by the main entrance/exit drive known as Otis Drive onto South Little Creek Road. To the north of the subject project area, there also is an exit only drive connection to South Little Creek Road.

Sidewalk

There is an existing sidewalk along the street frontage of South Little Creek Road in accordance with *Zoning Ordinance*, Article 5 §18. In addition, sidewalks connecting from the street frontage sidewalks into the site are required, but are not currently shown. At the proposed new building, some sidewalk improvements appear to be providing ADA accessible ramp to the front entrance of the building from the front parking area.

Dumpster

For warehousing establishments, one Dumpster is required for the first 40,000 S.F. of building area and one for each additional 40,000 S.F. of building area or fraction thereof. For this project with a total building area of 4,278 S.F., the requirement is for one (1) Dumpster. However, as a commercial building provisions must also be made for recycling. The plan locates a new Dumpster Pad on the south side of the proposed building. The Dumpster location has limited visibility; however, an enclosure is recommended.

Lighting

The location of the proposed lighting is not shown on the plan; The proposed lighting must be adequate to safely light all parking and pedestrian areas.

Waiver Requested: Partial Elimination of Curbing

The *Zoning Ordinance,* Article 6 §3.6(b) requires upright curbing for all parking areas and access drives. Most of the existing paved and parking areas on the Business Park site are not curbed. A written waiver request for the elimination of curbing in these new paving and parking areas was submitted to the Planning Office for consideration by the Planning Commission. See attached waiver request.

VI. BUILDING ARCHITECTURE

The architecture of the building is presented in building elevation drawings of all four elevations. It appears to be a metal building with an elevated finished floor that exposes the foundation. The one story building has a slightly pitched metal roof. Each office space includes several windows (east elevation). The front of the building (north elevation) includes a ramp with a single entry door to the office spaces and a second entry door. There are five garage doors on the west elevation serve was the warehouse loading area with a single entry door located south side of the building. Located internal to the Tudor Business Park, the building has limited visibility from South Little Creek Road.

VII. TREE PLANTING AND LANDSCAPE PLAN

A Landscape Plan in accordance with *Zoning Ordinance,* Article 5 §16 must be prepared. The tree planting requirement will be based on the project area and one (1) tree is required for every

3,000 SF of land area. This project area consists of a total area of 32,500 S.F.; therefore, eleven (11) trees are required. It appears that some existing trees may be removed to accommodate the project development.

VIII. CITY AND STATE CODE 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. The following items have been identified as elements which need to be addressed by the applicant:

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

2) Upright curbing shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request was submitted for the elimination of the curbing for consideration by the Planning Commission.

3) The Site Plan must be updated with changes recommended or approvals including any waivers granted by the Planning Commission. It is noted that the Sheet Index provided on Sheet C-1.00 anticipates a series of additional plan sheets for this plan set.

4) The Site Data Column will need to be updated prior to Final Approval with the following:
    i) Any changes recommended or approvals including information on the action taken on any waivers granted by the Planning Commission.
    ii) The tree planting requirement of one tree for every 3,000 S.F. of land area needs to be added to the plan.

5) Provide bicycle parking location and detail of bicycle parking rack.

6) Show location of site lighting.

7) Identify fence height and construction materials.

8) Add sidewalk connection from the street frontage sidewalk to lead into the Business Park site.

9) Clarify the extent of the depressed curb at the Building front near parking spaces. Clarify the end of sidewalk at the transition to parking lot at north side of building. Clarify surface along the front of building.

10) Show location of signage and required fire lanes on plan drawing.

11) The Landscape Plan must be prepared and certified by an appropriate design professional in accordance with *Zoning Ordinance,* Article 5 §16.
    a) Provide information on the tree planting locations, existing trees to remain, and tree species selected.
    b) Ensure tree planting locations satisfy the planting separation distances from utility lines, fire hydrants, etc.

c) Add tree planting diagram.

12) Add construction details for site elements such as bicycle rack, sidewalks, Dumpster enclosure, handicapped parking signage.

13) 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.

IX. RECOMMEND ADDITIONAL CONSIDERATIONS TO MEET CODE OBJECTIVES:

In accordance with the *Zoning Ordinance*, Article 10 §2.2, the Planning Commission in considering and acting upon Site Development Plans may prescribe appropriate conditions and safeguards so that the public health, safety, and welfare, the comfort and convenience of the public in general, and the residents of the immediate neighborhood in particular shall be taken into consideration. These safeguards may to the maximum extent possible further the expressed intent of the *Zoning Ordinance* and the accomplishment of several objectives in particular listed in subsections 2.21 to 2.28.

1) Waiver Request - Elimination of Upright Curbing: In accordance with subsection 2.26 related to drainage systems, Staff recommends approval of the request to eliminate the curbing for the parking lot noting the existing conditions for a large portion of the lot.

2) Architecture: To further subsection 2.28 related to architectural characteristics of proposed buildings, Staff recommends that any outside HVAC Equipment be designed to minimize the impact on adjacent property owners, adequately screened from public view and the overall visible impact. Consideration must also be given to its placement as most areas immediately adjacent to the building are parking areas or drive aisles/fire lanes

Other agencies may recommend additional conditions or safeguards in accordance with their areas of expertise.

X. ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

agency approvals have been received, copies of the Plan may be submitted for final endorsement.

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

5) For building construction, the requirements of the building code or 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.

6) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections, Pre-Construction meetings (including a City of Dover Pre-Construction meeting), and permits are required.

7) Construction may have an effect on the visitors to the Business Park, the adjacent property owners and nearby travel lanes or circulation drives. Any work requiring the closing or rerouting of potential customers or visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners.

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 28, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Frito Lay Building at Tudor Business Park**

FILE #: **S-17-18**

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) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. 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.

WASTEWATER

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

exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
6. The minimum size of all sanitary sewer laterals shall be six-inch (6").
7. 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. It is anticipated that the sanitary sewer effluent will discharge into the existing pump station, which is owned and maintained by the City of Dover. It must be proven that the existing pump station can adequately handle the additional sanitary sewer flow produced by this building.

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. 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 / STREETS / WASTEWATER / STORMWATER / SANITATION / GROUNDS / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

WATER

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

WASTEWATER

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

STORMWATER / GROUNDS / STREETS

1. None.

SANITATION

1. This building 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-17-18

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 5, 2017

CITY OF DOVER FIRE MARSHAL

APPLICATION: Frito Lay Building at Tudor Business Park

FILE #: S-17-18 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 office/warehouse.

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

6. Fire Alarm System required per occupancy code requirements.

7. 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)

8. 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: *One-family and two-family residential structures, height, t*he number shall measure a minimum of four inches in height, *location, t*he number shall be placed on the house above or to the left or right of the front entrance, *color, t*he number shall be contrasting to the background color, A*rabic numerals, a*ll numbers shall be Arabic numerals. *Multiple-family dwellings, measurements, t*he number shall measure a minimum of six inches when identifying individual apartments with exterior doors, and 12 inches when identifying buildings with apartment complexes where there are two or more buildings not assigned street addresses. Individual buildings with street addresses shall have numbers measuring six inches, *location, 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, *color, n*umbers shall be contrasting to the background color, *Arabic numerals, a*ll numbers used shall be Arabic numerals. *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, s*hould 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)

9. 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 Ordiances 46-127)

10. 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.

11. Project to be completed per approved Site Plan.

12. Full building and fire plan review is required.

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

14. 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.

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Additional information is needed to determine if a sprinkler system is required. If a sprinkler system is required additional comments will be provided.

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: June 28, 2017

D E L D O T

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APPLICATION: Frito Lay Building at Tudor Business Park

FILE#: S-17-18 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

The entrance to Tudor Industrial Park is substandard and if additional buildings are to be built, the entrance will need to be reviewed for conformity to the State's commercial entrance requirements. To familiarize the applicant with DelDOT's process, I offer the following comments:

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

- Section P.5 of the manual addresses fees that are assessed for the review of the development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review.
- In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing "Letter of No Objection" review:
  Initial Stage Fee Calculation Form
  Initial Stage Review Fee
  Gate-Keeping Checklist – Site Plan
  Design Checklist – Record Plan
  Sight Distance Spreadsheet
  Owners and Engineers' name and e-mail address
  Record Plan
  Conceptual Entrance Plan
  Submission of the Area – Wide Study Fee (If applicable)

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

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

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

  Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- In accordance with Section 3.5.4.2.A.3 of the Manual, DelDOT will require construction of a sidewalk/ Shared Use Path along the property frontage of South Little Creek Road.
- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review:
  Construction Stage Fee Calculation Form
  Construction Review Fee
  Gate-Keeping Checklist – Entrance Plan
  Design Checklist – Entrance Plan
  Auxiliary Lane Spreadsheet
  Entrance Plan
  Pipe/ Angle Spreadsheet (If Applicable)
  SWM Report and Calculations (If Applicable)

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

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

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

KENT CONSERVATION DISTRICT

800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 •(302) 741-260

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
July 2017

APPLICATION: Frito Lay Building at Tudor Business Park **FILE #:** S-17-18

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jared C. Adkins, P.E.* **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: Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

1. No stormwater management facilities are shown on this plan; however it appears that the intent is to direct runoff via stormdrain to the stormwater facility at the southern end of the industrial park.
2. The existing stormwater facility was designed under the previous Stormwater Regulations. A pre-application meeting is required to discuss how the facility would be modified to meet the current Stormwater Regulations.
3. Previous maintenance inspections revealed issues that required correction. All outstanding maintenance items must be addressed as a condition of plan approval and our "No objection to C of O"
4. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

SCOTT ENGINEERING, INC.
Consulting Engineers • Surveyors • Land Planners

June 2, 2017

Dawn Melson-Williams
City of Dover
Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903

RE: Frito Lay
Tudor Business Park
S. Little Creek Road
Dover, DE
T.M.P. No. ED-05-077.12-01-03-000

SEI Project No. 3159

Dear Dawn:

I am enclosing the following items for the Site Plan Application submission for the proposed Frito Lay project to be located in the Tudor Business Park.

1. Application Submission Checklist
2. Application Fee – Check #5201 in the amount of $450
3. Site Approval Application (signed)
4. Completed Application for Mailing List
5. Completed Project Contact List
6. Completed (as much as possible) Checklist for Site Plan Applications
7. CD with PDF files of Plans

Our client is requesting a waiver of the requirement to install upright curbing for this project due to the fact that there is no existing upright curbing throughout the entire business park and all drainage off the parking and drive areas is directed to and across grassy areas that exist along the edges of the pavement. Installing curbing for this project would make it difficult to get stormwater runoff directed to existing catch basins and grassy areas, which will be used for quality purposes.

We request that you place the plan on the Planning Commission agenda for their July 17, 2017, meeting. Should you have any questions or require additional information please let me know.

Sincerely,

SCOTT ENGINEERING, INC.

Gregory R. Scott, P.E.

FILE COPY
FILED IN FORTIS

22 Old Rudnick Lane • Suite 2 • Dover, Delaware 19901 • Tel: 302-736-3058 • Fax: 302-736-3059
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STAFF REVIEW REPORT
Of July 6, 2017 for
Review of *Performance Standards Review Application*
Before the City of Dover Planning Commission on July 17, 2017

Application for Review:	Performance Standards Review Application Frito Lay Building at Tudor Business Park
Plan Title:	Frito Lay Building at Tudor Business Park S-17-18
Applicants:	Tudor Enterprises, LLC
Location:	South Side of South Little Creek Road and served by Otis Drive
Address:	Address within Tudor Business Park
Tax Parcel:	ED-05-077.12-01-02.00-000
Project Area:	0.75 acres (32,500 S.F.)
Zoning:	C-3 (Service Commercial Zone)

INTRODUCTION

The Frito Lay Building at Tudor Business Park has submitted its *Performance Standards Review Application* for review by the City of Dover Planning Commission in accordance with the provisions of the *Zoning Ordinance*, Article 5 §8. Performance Standards. The following Staff Review Report will provide a narrative of the project background, the next steps for the project, and the procedures for the review of the *Performance Standards Review Application*.

PROJECT LOCATION: Tudor Business Park

Within the Tudor Business Park, a new building is proposed for construction for tenant Frito Lay to relocate into from another location within the Business Park.

PROJECT DESCRIPTION: Frito Lay

The Frito Lay project is for construction one story building consisting of a warehouse and office spaces. The project improves the existing parking lot and expands the parking lot on the south and west sides of the building. The area to the south of the building is enclosed by fencing with an access gate. As the project site area is internal to the Tudor Business Park, it will utilize the existing entrance drive and interior circulation drives. There are no proposed changes to the access from the adjacent public streets; the overall Business Park will continue to be served by the main entrance/exit drive known as Otis Drive onto South Little Creek Road. To the north of the subject project area, there also is an exit only drive connection to South Little Creek Road.

A total of 11 trees will be planted on the property to meet the tree planting requirements of the project area. The facility is to be served by City of Dover utilities (water and sewer) and private trash collection.

PROJECT REVIEW AND NEXT STEPS

The City of Dover Planning Commission will review Site Development Plan (S-17-18) for the Frito Lay Building project on July 17, 2017 and conduct a Public Hearing on the project. The applicant is seeking the following waiver request as part of the Site Plan review process: the partial elimination the required upright curbing in designated areas of the parking lots address stormwater management practices.

If the Planning Commission grants conditional approval of the Site Development Plan (Application S-17-18 Frito Lay Building) for this facility, the applicant is requirement revise the Site Plan for final plan approval to achieve all agency approvals and then commence authorized construction upon receipt of appropriate permits.

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

PERFORMANCE STANDARDS REVIEW

Uses in the C-3 (Service Commercial Zone) are subject to the performance standards as set forth in *Zoning Ordinance,* Article 5 §8.1 and as more specifically outlined in Article 5 §8.5.

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

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

> *Article 5 §8.6 Performance standard procedure.*
>
> 8.61 *Application.* An application for a site plan approval shall be accompanied with a performance standard review application when a use or occupancy is required, and shall be referred by the building inspector to the planning commission. The applicant

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

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

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

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

<u>Performance Standards Regulations</u>

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

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

- Liquid or solid wastes
- Traffic congestion (Level of Service E)

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

Performance Standards Review Application for Frito Lay Building.
The project engineer Scott Engineering on behalf of applicant Tudor Enterprises, LLC has submitted the *Performance Standards Review Application* (Narrative received 7/6/2017) in the format of a two-page narrative which addresses each of the performance standards noting activities and actions such as design considerations and plans for the proposed Frito Lay Building.

Staff Review of the Performance Standards Review Application submission:
The Planning Office has reviewed the *Performance Standards Review Application* submitted for the Frito Lay Building (Application S-17-18).

Staff finds that the *Performance Standards Review Application* for the new building contains adequate information to confirm the project's compliance with the performance standards of *Zoning Ordinance,* Article 5 §8.5. It is a warehouse operation with associated office spaces. The storage of product (warehousing) occurs within the enclosed building; this building does not include production of the product only the distribution component.

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

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

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

2) The Site Plan for the project must be in compliance with the comments and conditions outlined in the Development Advisory Committee Report and the adopted conditions of the Planning Commission for the Site Plan (S-17-18).

3) The fire protection needs for the facility will be reviewed as part of the Site Plan and Building Permit application processes.

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

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

6) In regards to the surrounding transportation network, the building is to utilize the existing entrance drive and interior circulation drives of Tudor Business Park. The overall Business Park will continue to be served by the main entrance/exit drive known as Otis Drive onto South Little Creek Road and the exit only drive connection to South Little Creek Road. The applicant will be working with DelDOT to confirm these current entrances/exits to the public street are satisfactory. A Traffic Impact Study is not required for the development of this building.

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

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

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

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

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

Attachments:

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

Performance Standards

Proposed Frito Lay Building
Tudor Business Park

Tudor Enterprises, LLC is submitting a site plan approval application for the construction of a 4,278± s.f. warehouse/office building and associated site improvements for Frito Lay within the Tudor Business Park located along the southerly side of S. Little Creek Road, Dover, DE.

General description of the proposed use:

The project will construct a one story building consisting of a warehouse and office spaces for the storage and distribution of packaged snack food products. There will be no processing or manufacturing of any products at the proposed facility. Products are brought in by truck and stored temporarily and then distributed to various retailers. The project is to be located along the easterly side of the business park adjacent to property zoned CPO. The project will improve the existing parking lot and expands the parking lot on the south and west sides of the building and replaces the existing Frito Lay facility within the Business Park.

Performance Standards Regulations:

The following paragraphs will address each of the performance standards regulation according to Article 5, Section 8.5, of the Dover Code of Ordinances with regards to the warehousing operations Frito Lay is and will be carrying out on the Tudor Business Park property.

8.51 Fire explosion hazards:

With regards to inflammable and explosive products, Frito Lay does not store or process any kind of explosive products for their storage needs. The only possible combustible materials would be the packaging that the snack food products are stored in. Based upon the size of the building, less than 10,000 s.f., a sprinkler system is not required and one is not proposed. However, communication with the City Fire Marshal indicated that a review of the proposed rack and storage system for the products will need to be performed by the Fire Marshal to determine the density of storage, which may require a sprinkler system be installed. If required, a sprinkler system will be installed. Once architectural plans are completed they will be provided to the City of Dover for review and determination if a sprinkler system is required. At a minimum, a fire alarm system is required and will be installed in the building.

8.52 Radioactivity or electromagnetic disturbance

Frito Lay will not perform any activities that emit radioactivity or electromagnetic disturbance.

8.53 Noise:

Frito Lay will not have any manufacturing activities within the facility. The only activities are trucking, fork lifts, and office personnel. As such, the facility will not emit any noise levels that will exceed the allowable levels stipulated in Table 1 of Section 8.53.

8.54 Vibration:

Frito Lay does not use any manufacturing or production equipment or have any vehicles that will cause vibration; therefore, no vibration will be spread across the property or even outside the building itself.

8.55 Smoke:

Frito Lay has no production or manufacturing processes that will be occurring in the building; therefore, there will be no smoke emitted at any point from the building.

8.56 Odors:

Frito Lay does not use any manufacturing processes at this facility that involves the creation or emission of any offensive odors. All materials brought into the facility are already packaged and omit no odors.

8.57 Fly ash, dust, fumes, vapors, gases and other forms of air pollution:

Frito Lay does not manufacture, produce, or process any products on site. Their warehousing operations produce no fly ash, dust, fumes, gases or other forms of air pollution.

8.58 Glare:

Frito Lay will not be installing any lighting that will cause glare. All site lighting will be directional down lighting designed to illuminate the ground surface only.

8.59 Liquid or solid wastes:

Frito Lay does not manufacture, produce, or process any materials or products on site. Any liquid or solid wastes discharged will be from the normal discharge of restrooms or small breakroom facilities.

8.60 Traffic congestion:

Frito Lay currently has their facilities within the Tudor Business Park and is relocating them to a new location within the business park. The traffic generated by the business is 1 or 2 tractor trailer trucks per week and small delivery trucks that load and distribute the products to retailers. There will also be a small number of vehicle trips each day from the 12 employees working at the facility. The number and types of trips will not change from their current operation and location and will not cause any traffic congestion from truck or car vehicle traffic.

Summary:

Tudor Enterprises, LLC and Frito Lay acknowledge and understand the performance standards of the Dover Code of Ordinances and agree to conform with the same at all times.

Zoning Ordinance, Article 5

Section 8. - Performance standards.

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

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

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

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

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

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

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

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

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

Table I

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

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

Table II

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

*Apply one of these corrections only.

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

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

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

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

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

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

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

8.6 *Performance standard procedure.*

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

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

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

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

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

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

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

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

City of Dover

DATA SHEET FOR SITE DEVELOPMENT MASTER PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF July 5, 2017

PLANNING COMMISSION MEETING OF July 17, 2017

Plan Title:	Bay Road Office Park Master Plan, S-17-19
Plan Type:	Site Development Master Plan
Property Location:	Southwest side of Bay Road and south of Miller Drive with access from Cowgill Street and Martin Street
Property Address:	550 Bay Road
Tax Parcels:	ED-05-077.00-01-10.01-000 ED-05-077.00-01-11.00-000
Property Areas:	5.0 acres+/- and 1.46 acres+/-
Owner:	Bay Road One, LLC
Building Areas:	Office Building 1: 25,120 SF Office Building 2: 17,500 SF Office Building 3: 16,250 SF Flex/Warehouse Building: 15,000 SF Total Building Area: 73,870 SF
Existing Use (to be removed):	Mobile Home/Manufactured Home Sales
Proposed Property Uses:	Offices and Flex/Warehouse Building
Off Street Parking:	Total All Phases: Required – 269 parking spaces Total All Phases: Proposed – 281 parking spaces
Sewer & Water:	City of Dover
Zoning Classification:	C-4 (Highway Commercial Zone)
Waivers Requested:	Elimination of Loading Spaces Partial Elimination of Upright Curbing Reduction of Arterial Street Buffer

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 5, 2017

APPLICATION: Bay Road Office Park Master Plan at 550 Bay Road, Dover

FILE #: S-17-19 REVIEWING AGENCY: City of Dover Planning

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

I. PLAN SUMMARY:

This is a Site Development Master Plan application to permit phased construction of Bay Road Office Park to consist of four buildings in four phases. The buildings proposed include 25,120 SF office building, a 17,500 SF office building, a 16,250 SF office building, and a 15,000 SF flax/warehouse building. The subject properties consist of a 5.00 acre =/- parcel and a 1.46 acre +/- parcel. The property is zoned C-4 (Highway Commercial Zone). The properties are located on the southwest side of Bay Road and south of Miller Drive with access from Cowgill Street and Martin Street. The owner of record is Bay Road One, LLC. Property Address: 550 Bay Road. Tax Parcels: ED-05-077.00-01-10.01-000 and ED-05-077.00-01-11.00-000. Council District 2.

Current Application

This project has concurrently filed a variance request with the Board of Adjustment (Application V-17-12) for consideration of a variance request to allow Phase 1 of the project to exceed the maximum allowable parking for that specific phase. It is noted that the remaining phases and full build-out of the project are in compliance with the parking requirements. A second variance request regarding elimination of the landscape requirement of the opaque barrier along the northern property line was also submitted. These variance requests will be considered by the Board of Adjustment on July 19, 2017. If the variance is not achieved, the design and phasing of parking space construction will need to be revised.

This development proposal S-17-19 is adjacent to Application S-17-20 Bay Road Commercial at 560 and 600 Bay Road (proposed by separate and different development entity). The review of both Site Plans has identified a number of items to be coordinated with the projects.

II. PROJECT DESCRIPTION

This Site Development Master Plan presents the general concept for the properties owned by Bay Road One, LLC. This Master Plan proposes the development of two parcels of land: one fronting directly on Bay Road with a connection to Martin Street and a second parcel immediately to the west with a frontage connection to Cowgill Street. The development consists of a series of four phases with a building and associated parking and site improvements in each. Three of the buildings are proposed as two-story office buildings and one building is a one-story

flex/warehouse building. The subject property is adjacent to several residential properties on the north. To the south is a vacant tract of land also zoned C-4 that is the subject of Site Plan S-17-20 Bay Road Commercial proposed for shopping center development of retail and restaurant uses.

III. ZONING REVIEW

C-4 Zoning District

The property is zoned C-4 (Highway Commercial Zone) and subject to the regulations of *Zoning Ordinance*, Article 3 Section 16 and Article 4 Section 4.15. The proposed use of three buildings is as offices. The C-4 zone allows business, professional and governmental offices as permitted use. The other building is proposed as a flex/warehouse building. The C-4 zone allows wholesale, storage, warehousing, and distribution establishments and also service establishments. If the warehouse building is divided into multiple tenant spaces, then each tenant must continue to be an allowable use in the C-4 zone.

Site Development Master Plan

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

> Article 10 §2.44 Site development master plans. Conceptual site development master plans shall be reviewed by the planning commission in accordance with the provisions of subsection 2.43. Conceptual site development master plans shall depict a site development proposal that reflects general compliance with the provisions of the zoning ordinance and shall also reflect the following information on the plan:
>
> (A) Conceptual Master Plan. Conceptual Master Plan shall include the proposed general layout of building, streets, parking, open space, landscape concepts, and stormwater management areas.
>
> (1) Detailed site construction plans, details, and specifications are not required as part of a site development master plan submission.
>
> (2) The plan shall illustrate distinct phase boundaries for each proposed construction phase and shall depict proposed construction and site improvements planned for each phase. Bulk quantities and area totals for each construction phase, and for the total site, shall be tabulated in a data column on the plan.
>
> (3) Each construction phase shall be enumerated in sequential order on the site development master plan according to the order of construction contemplated by the plan. Phases shall be implemented in accordance with the approved site development master plan unless the city planner approves an alternate phasing.
>
> (4) Each construction phase represented on the master plan shall be planned and designed to function independent of construction and site improvements contemplated in future construction phases in all respects, including but not limited to bulk area provisions of the zoning district in which the site is located, off-street parking requirements, site entrances, emergency access requirements, site utilities, and stormwater management improvements except where the requirements and needs of a later phase are met and remain met by a previous phase of completed construction.
>
> (5) Any special agreements or conditions of approval relative to the overall development that have been specified by regulatory agencies shall be documented on the site development master plan.
>
> (B) Phased site plan approval. Individual phased components of the Conceptual Master Plan are to be reviewed and approved as an Administrative Site Plan. Final site

construction plans, including detailed site grading, paving, utilities, stormwater management, and tree planting and preservation plans shall be submitted for final approval by the city planner and/or authorized designee, and to other agencies having jurisdiction, on a phase by phase basis in accordance with the approved site development master plan, and all regulations of the City of Dover governing the approval of site plans as set forth in subsection 2.4 and 2.5.

IV. PARKING SUMMARY

The parking requirement for C-4 (Highway Commercial Zone) is based on a rate of one parking space per 300 square feet of floor area. See the following table summary of the parking requirement by phase. The Plan is shows 281 parking spaces in total. The overall site as currently shown appears to exceed the overall parking requirement of 246 spaces but is within the maximum allowable.

Phase	**Building Size (SF)**	**Parking Required**	**Parking to be Constructed**	**Parking Provided**
Phase 1	25,120 SF	84 spaces	119 spaces*	119 spaces
Phase 2	17,500 SF	59 spaces	58 spaces	177 spaces
Phase 3	16,250 SF	55 spaces	54 spaces	231 spaces
Phase 4	15,000 SF	50 spaces	50 spaces	281 spaces
TOTAL	73,780 SF	246 spaces		281 spaces

*Subject to Review of V-17-12

Waiver Request: Elimination of Requirement for Loading Spaces

Each of the office buildings is required to provide one (1) loading space. No loading spaces are specifically labeled on the plan for the office buildings. The warehouse building based on its size would be required to provide at least two loading spaces. The area on the west side of the warehouse building is intended to serve as a large loading area. A written request for the elimination of the loading spaces for the office buildings was submitted for consideration by the Planning Commission.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) regular vehicle parking spaces. Based on the 281 parking spaces shown, at least fifteen (15) bicycle parking spaces are required for the site in total. The bicycle parking racks must be labeled the plan; there appears to be a rack at each building.

V. SITE CONSIDERATIONS

Entrance

The Master Plan shows an access point as a right-in/right-out on Bay Road. Each of the parcels also includes access to the City street network located to the north of the site as the streets of Martin Street and Cowgill Street each dead-end at the subject site. Currently, there is no cross access or interconnection shown to the adjacent vacant parcel to the south. Also there is no interconnection between the office development parcel and the flex warehouse parcel.

Sidewalks

Sidewalks are required along all street frontages of a site (*Zoning Ordinance*, Article 5 Section 18). The plan proposes a shared use path of 10 ft. width along the Bay Road frontage. Sidewalks

flank the main entrance drive from Bay Road leading into the site thus marking the connection from the street frontage sidewalk. There are sidewalks and crosswalk linkages to the three office buildings. There is not a sidewalk linking the office buildings area to the warehouse building. There are no sidewalk connections shown from Martin Street and Cowgill Street.

Waiver Request: Partial Elimination of Upright Curbing

The upright curbing for the parking lots and drive aisles is required the requirements of Article 6 Section 3.6(b) of the *Zoning Ordinance*. This curb type appears to be utilized throughout most of the site layout. The applicant has filed a request to eliminate curbing in portions of the parking lot for Building 1 as part of a stormwater management design concept. See attached waiver request.

Dumpsters

Each office building requires two Dumpsters based on their individual sizes. The warehouse building requires a minimum of one Dumpster but provided two. 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.

Signage

A separate sign permit application is required to be submitted for review prior to the installation of signage on the property pertaining to the buildings/site.

VI. BUILDING ARCHITECTURE

Elevation Drawings were submitted for the Building 1- Office Building. The office building is proposed as a two story building with what appears to be a flat roof with taller parapet at the front entry location. The building includes the exterior finishes of brick masonry with detailing in the brickwork at sills, headers, columns, etc., metal panels in select locations, and horizontal bands of windows on all elevations. The roof line is accented by a heavy cornice detailing of brickwork and metal. There is a projecting canopy over the main entry on the front (east) elevation.

VII. TREE PLANTING AND LANDSCAPE PLAN

The submitted plan includes the Landscaping approach for the overall project. The 5-acre parcel requires seventy-three (73) trees and the 1.46-acre parcel required twenty-two (22) trees. The Landscape Plan is providing a mixture of deciduous trees, evergreen trees, and ornamental trees to provide a total of ninety-five (95) trees.

Waiver Request: Reduction of Arterial Street Buffer

In order to reduce the required width of the Arterial Street Buffer from the required thirty feet, the applicant must receive a waiver from the Planning Commission. In accordance with *Zoning Ordinance* Article 5 §7.3, the Planning Commission may approve a waiver if it can be demonstrated, due to specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties, that compliance would severely limit the development potential of the property, or would cause the property to be out of character with the surrounding built environment; provided the basic objective of establishing landscaped green space

along arterial roadways is achieved. A waiver request was submitted for consideration to reduce the Arterial Street Buffer to a width of 12 feet.

Opaque Barrier

The *Zoning Ordinance* requires a buffer between a residential use and a non-residential use (Article 5 Section 7.2). The buffer has two components: an opaque barrier consisting of a wooden fence, a masonry wall or an earthen berm and a landscape component. For this project, a buffer is required for certain areas along the north property lines of the parcels. The plan shows a fence along the north property line from the west to Cowgill Street and then from Cowgill Street to Martin Street. The opaque barrier component (fence) is limited to four feet in height in the front yard setback which occurs on the westernmost parcel as its front yard is in relation to Cowgill Street.

Variance Requested: Elimination of Opaque Barrier (Landscape Component)

The plan does not show the required landscape component (evergreen plantings or hedge); the elimination of this landscaping requirement of the opaque barrier would require a variance as the Planning Commission is not given the authority to grant its relief. The variance request for the elimination of this landscape component has been submitted to the Board of Adjustment for consideration (with Application V-17-12) as a variance. Alternatively, the site layout design may be revised to implement the landscape component. The Planning Commission can consider a waiver request to eliminate the opaque barrier (fence component).

VIII. CITY AND STATE CODE 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. The following items have been identified as elements which need to be addressed by the applicant:

1) The loading space requirement shall be complied with unless a waiver is granted by the Planning Commission for the elimination of the loading spaces. A written waiver request was submitted for consideration by the Planning Commission.

2) Upright curbing shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request was submitted for the elimination of the curbing for consideration by the Planning Commission.

3) This property is subject to the Arterial Street Buffer requirement along the Bay Road frontage. The requirement is 30 feet in width. A written waiver request was submitted for consideration by the Planning Commission to reduce the width to 12 feet.

4) Staff notes that a variance request regarding the maximum number of parking spaces allowable by Phase 1 of the project has been filed for consideration as Application V-17-12. The Board of Adjustment will consider this variance at their meeting on July 19, 2017. Each phase must be in compliance with the parking requirements/limitations which may necessitate design revisions if variance is not approved.

5) Staff notes that a variance request to eliminate the landscape component of the opaque barrier has been filed for consideration as part of Application V-17-12. The Board of Adjustment

will consider this variance at their meeting on July 19, 2017. The Site plan must be in compliance with the opaque barrier requirements which may necessitate design revisions if the variance is not approved. The Planning Commission may only waive the opaque barrier (fence, wall or berm) portion of the buffer; the continuous 6-foot-tall landscape component shall be planted along all residential boundaries.

6) Staff notes that need for review of building architecture for Buildings 2-4 can be evaluated during the Administrative Site Plan submission for each phase proposal. The building architecture may be required to come before the Planning Commission for review if the building is visible from the public street and varies in style from Building 1.

7) Cover Sheet, Sheet M100:
    a. Recheck parking space calculations as there are some revisions based on rounding of calculations: Phase 2 total required is 143; Phase 3 total required is 197 and allowable maximum is 246.
    b. Recalculate Phase 4 parking as it does not include the Phase 3 building square footage. Update total spaces provided.
    c. Ultimate Build-out Summary section: Add calculation of FAR (Floor Area Ratio) for each parcel.
    d. Phase Plan Sheets: Add size of building footprints to each building label and distinguish from total square footage of each building. This will allow confirmation of the building footprint tallies given in the Ultimate Build-out listings.

8) Existing Conditions, Sheet M101:
    a. Provide right-of-way width of Cowgill Street and Martin Street.
    b. For both parcels, note that the rear yard setback is 10 feet or equal to the building height.

9) A separate Record Plan sheet will need to be prepared to record and document any proposed easements, right-of-way dedications, etc.

10) Phasing Plans – Sheets M102, M103, M104, and M105:
    a. Clarify Dumpster enclosure systems.
    b. Update parking calculations as noted above and include listing of parking requirement and number provided by previous phases.
    c. Show Arterial Street Buffer area.
    d. Clarify outfall from western infiltration basin.
    e. Update parking count label in front of Building 4.
    f. Label the location of bike racks including number of spaces per rack.
    g. Update curbing design if waiver of upright curbing for the Building 1 median is successful.

11) Landscape Plan, Sheet M106:
    a. Ensure tree planting locations and landscaping maintain the required spacing distances or access provisions from utility lines, fire hydrants, etc. There are conflicts with the trees on the north side of the entrance drive and a proposed water

line.

b. In Tree List tables provide common name of trees and abbreviations
c. Identify height and material of opaque barrier fencing. It is limited to four feet in height within the front yard setbacks.

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

13) 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.

14) Any signage (freestanding and wall signage) is subject to a separate Sign Permit application and review process per the City's Sign Regulations of the *Zoning Ordinance*, Article 5 §4. The property would be eligible for submission of a Unified Comprehensive Signage Plan.

IX. RECOMMENDED ADDITIONAL CONSIDERATIONS TO MEET CODE OBJECTIVES:

In accordance with the *Zoning Ordinance*, Article 10 §2.2, the Planning Commission in considering and acting upon Site Development Plans may prescribe appropriate conditions and safeguards so that the public health, safety, and welfare, the comfort and convenience of the public in general, and the residents of the immediate neighborhood in particular shall be taken into consideration. These safeguards may to the maximum extent possible further the expressed intent of the *Zoning Ordinance* and the accomplishment of several objectives in particular listed in subsections 2.21 to 2.28.

1) Waiver Request – Elimination of Loading Spaces: In accordance with subsections 2.21 and 2.23 related to transportation and off-street parking, Staff recommends approval of the request to eliminate the loading space requirement for the office building. Staff concurs that the anticipated types of deliveries to these office buildings do not necessitate a designated loading space.

2) Waiver Request - Elimination of Upright Curbing: In accordance with subsection 2.26 related to drainage systems, Staff recommends approval of the request to eliminate the curbing for the parking lot noting the existing conditions for a large portion of the lot.

3) Waiver Request – Reduction of Arterial Street Buffer: In accordance with subsection 2.25 related to landscaping, Staff recommends the Planning Commission approve a reduction of the Arterial Street Buffer from the required thirty (30) feet to a minimum of twenty (20) feet along Bay Road for this project. The applicant requested a width of twelve (12) feet. In reducing for the required buffer, the Planning Commission should consider the following factors:
   a) Existing conditions include a green space between the curb of the roadway and the property line, depending on the position of the deceleration lanes and travel lanes of Bay Road.

b) For the Arterial Street Buffer, the actual available green space between the property line and the onsite rows of parking for the office buildings is reduced by the location of the shared use path partially into the same buffer area. With the shared use path's location, the green space will be approximately seven (7) feet in width which will limit the ability to landscape with shrubs or trees.
c) The location of green space areas in the center of the site design would allow for the office buildings (Buildings 2 and 3) and the surrounding parking lots to be adjusted to the west to relocate some of the open green space to the Bay Road frontage of the property. This adjustment would be about eight (8) feet thus expanding the green space along the street frontage.
d) The adjacent properties to this parcel are vacant with one proposed for redevelopment. The parcel to the south is the subject of a proposal for redevelopment with Site Plan S-17-20 Bay Road Commercial. Application S-17-20 is also seeking to reduce the Arterial Street Buffer; in their case to a width of twenty (20) feet with their green space shown to be planted with trees.
e) A wider green space area for the Arterial Street Buffer can accommodate some tree planting and provide for potential freestanding sign locations.

4) Cross-Access: In accordance with subsection 2.21 related to safety and convenience of vehicular, transit, bicycle and pedestrian traffic, Staff recommends implementation of cross access opportunities (drive aisles, sidewalks, pathways, etc.) for vehicles and pedestrians to facilitate designated locations for movement between buildings and developments.
   a) Add a cross access connection with the vacant adjacent property to the south. This will require coordination with its currently proposed site development plan (S-17-20).
   b) Add a cross access connection between the flex warehouse parcel and the office parcel.

5) Pedestrian Connections: In accordance with subsection 2.21 related to safety and convenience of vehicular, transit, bicycle, and pedestrian traffic, Staff recommends the following pedestrian access improvements:
   a) Create sidewalk connections from Cowgill Street and Martin Street into the site.
   b) Evaluate the presence of existing sidewalk on Cowgill Street and Martin Street for any necessary improvements.

6) Architecture: To further subsection 2.28 related to architectural characteristics of proposed buildings, Staff recommends that any outside HVAC Equipment be designed to minimize the impact on adjacent property owners, adequately screened from public view and the overall visible impact especially on the public facades of the buildings.

Other agencies may recommend additional conditions and safeguards in accordance with their areas of expertise. The Recommended Additional Considerations to Meet Code Objectives may be accepted or rejected by the Planning Commission.

X. ADVISORY COMMENTS TO THE APPLICANT:

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

waiver requests.

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

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

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

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

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

6) 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 development or ground disturbing activities on the site the appropriate site inspections and permits are required. This includes activities to clean-up existing vegetation, the import of fill dirt, etc.

8) Construction may have an effect on the adjacent property owners. 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 Master Plan approval does not represent a Sign Permit,

nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign may require a Sign Permit from the City of Dover prior to placement of any such sign in accordance with *Zoning Ordinance* Article 5 §4.

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 28, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Bay Road Office Park Master Plan**

FILE #: **S-17-19**

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) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. 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. This site shall be served by connecting to the existing ten-inch (10") water main that is located in Bay Road. The existing water mains that are within Cowgill Street and Martin Street shall be tied into the new water service to create a water loop.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.

b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

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

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District 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. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

WATER / WASTEWATER / STORMWATER / SANITATION / GROUNDS / GENERAL

1. None.

STREETS

1. Provide an interconnection between Building 4 and the remainder of the proposed site.

2. Please provide the Average Daily Trip (ADT) that will enter both Cowgill Street and Martin Street from this development, depending on the results, additional improvements may be necessary.
3. Provide a signing and striping plan for the property adjacent to Cowgill Street and Martin Street.

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. These buildings 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-17-19

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 5, 2017

CITY OF DOVER FIRE MARSHAL

APPLICATION: Bay Road Office Park Master Plan

FILE #: S-17-19 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 three office buildings and 1 warehouse (four phases).

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 N/A for office buildings and 50% for warehouse 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 25% of the proposed buildings. 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. Street width shall be in accordance with City of Dover Code of Ordiances, Article VII, Section A. 13, 24 feet wide with no parking, 30 feet wide with parking on one side, or 36 feet wide with parking on both sides Or 24 feet wide with no parking, 28 feet wide with parking on one side, or 34 feet wide with parking on both sides Any dead end road more than 300 feet in length shall be provided with a turn around or cul-de-sac as outlined in the 2015 Delaware State Fire Prevention Regulations 705,chapter 5, 2.3.

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)
The owner is responsible if the hydrant is private.

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)
The owner is responsible if the hydrant is private.

15. Fire Alarm System required per occupancy code requirements (all buildings).

16. Sprinkler system required (all buildings). System is to be monitored by an approved Fire Alarm System.

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: *One-family and two-family residential structures, height, t*he number shall measure a minimum of four inches in height, *location, t*he number shall be placed on the house above or to the left or right of the front entrance, *color, t*he number shall be contrasting to the background color, A*rabic numerals, a*ll numbers shall be Arabic numerals. *Multiple-family dwellings, measurements, t*he number shall measure a minimum of six inches when identifying individual apartments with exterior doors, and 12 inches when identifying buildings with apartment complexes where there are two or more buildings not assigned street addresses. Individual buildings with street addresses shall have numbers measuring six inches, *location, 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, *color, n*umbers shall be contrasting to the background color, *Arabic numerals, a*ll numbers used shall be Arabic numerals. *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, s*hould 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 Ordiances 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. All new passenger elevators in a building shall be provided with a car sized to accommodate an ambulance cot 24 inches (609 mm) by 84 inches (2133 mm) in its horizontal open position. Where two or more new passenger elevators are located in a single hoist way and serve all or the same portion of the building, only one elevator car that provides a car sized to accommodate an ambulance cot 24 inches by 84 inches in its horizontal position for each hoist way shall be required. Elevator cars required to comply with 15.1 or 15.2 shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoist way door frame. Firefighter recall keys shall be provided in a manner acceptable to the local fire department. (2015 Delaware State Fire Prevention Regulations 705, Chapter 1, 15)

26. Buildings over 25,000 Sq. Ft (Building 1) are to have radio performance testing done by Delaware State Communications prior to Final CO. This must be scheduled in advance with Delaware State Communications.

27. Project to be completed per approved Site Plan.

28. Full building and fire plan review is required.

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

30. 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.

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Please review plans to ensure item # 18 is followed.

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: June 28, 2017

D E L D O T

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APPLICATION: Bay Road Office park Master Plan

FILE#: S-17-19 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 6-28-2017

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Bay Road Office Park Master Plan

FILE #: S-17-19 REVIEWING AGENCY: Dover/Kent County MPO

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

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

City of Dover Planning Commission 7-17-2017
Project Review
S-17-19 Bay Road Office Park Master Plan

The MPO has reviewed the site plan and offers these comments;

The site is adjacent to another development proposed to the immediate south. The sites should provide cross access to allow patrons to visit both locations without having to return to Bay Road for a few hundred feet.

In accordance with the Department of Transportation Complete Street Policy, sidewalks into thew site should be installed at Cowgill and Martin Streets.

Cross access between the portions of the site, between building 1 and building 4, should be provided.

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.

Application No.: S-17-19

Applicant: Bay Road One, LLC

Waiver Request #1: Waiver from City of Dover Code, Appendix B, Article 6, Section 4.

Waiver Requested: Waiver from the required off-street loading berth.

Project Background Information: The proposed project is located on Bay Road (US113) in Kent County, Delaware, within the limits of the City of Dover. The project also has access from Cowgill Road and Martin Street. The proposed project includes phased construction of four buildings, parking areas, and associated amenities.

A waiver is being requested from providing a loading space for each proposed office building (Building Nos. 1-3). Building No. 4 will be provided with loading areas. Office Building No. 1 will be the future home of Century Engineering, Inc. We do not have any loading areas at our current office and do not expect to have a need for any loading areas at our future office. The largest vehicles that provides deliveries to our building is an office material supply truck, a water cooler supply truck, and a Fed-Ex/UPS truck. These deliveries are short in duration and usually involve temporarily parking near the building entrance. If a loading area were provided, it is likely that it would not be utilized by these delivery vehicles. Ample space is available around the building for this temporary parking. Based on the proposed use for Building Nos. 2 and 3 we believe the same condition applies to these buildings.

Waiver Request #2: Waiver from City of Dover Code, Appendix B, Article 5, Section 7.3

Waiver Requested: Waiver from required arterial street buffer.

Project Background Information: The proposed project is located on Bay Road (US113) in Kent County, Delaware, within the limits of the City of Dover. The project also has access from Cowgill Road and Martin Street. The proposed project includes phased construction of four buildings, parking areas, and associated amenities.

A waiver is being requested from the required minimum 30 feet arterial street buffer. Due to the proposed design, the proposed site plan is proposing a 12-foot arterial street buffer along US113, Bay Road. A reduction in the arterial buffer from 30-feet to 12-feet is requested for several reasons. First, the reduced buffer allows for potential for future parking along the stub road from Martin Street. Currently the plan shows a grassed area along each side of this stub road, however this grass area could potentially be converted to parking if the need arises. Providing a 30-foot arterial buffer will require Building Nos. 2 and 3 be shifted further away from Bay Road and will reduce grassed area and eliminate the ability to provide future parking. We also note most surrounding properties do not provide a 30' landscaped buffer and believe that providing this buffer will be out of place with the rest of the area. Lastly, the existing right-of-way is currently greater than what is required by DelDOT. Including the area within the right-of-way provides a buffer from the edge of the new turn land to the closest parking lot on the site frontage of approximately 32 feet.

Waiver Request #3: Waiver from City of Dover Code, Appendix A, Article 6, Section G1.c.

Waiver Requested: Waiver to allow for limited installation of curb.

Project Background Information: The proposed project is located on Bay Road (US113) in Kent County, Delaware, within the limits of the City of Dover. The project also has access from Cowgill Road and Martin

Street. The proposed project includes phased construction of four buildings, parking areas, and associated amenities.

The site plan proposes curb around the perimeter of the parking lots in all phases.

A waiver is being requested from installing curb along the interior island for Building No 1. The drainage is designed to sheet flow across the proposed pavement into the parking lot island where it will enter an underground stormwater facility. The applicant initially considered maintaining a curb and constructing curb cuts, however the number of curb cuts required will be excessive and would create an area for debris and leaves to build up along the edge of the parking. Parking bumpers will be provided at all areas where curb is eliminated.

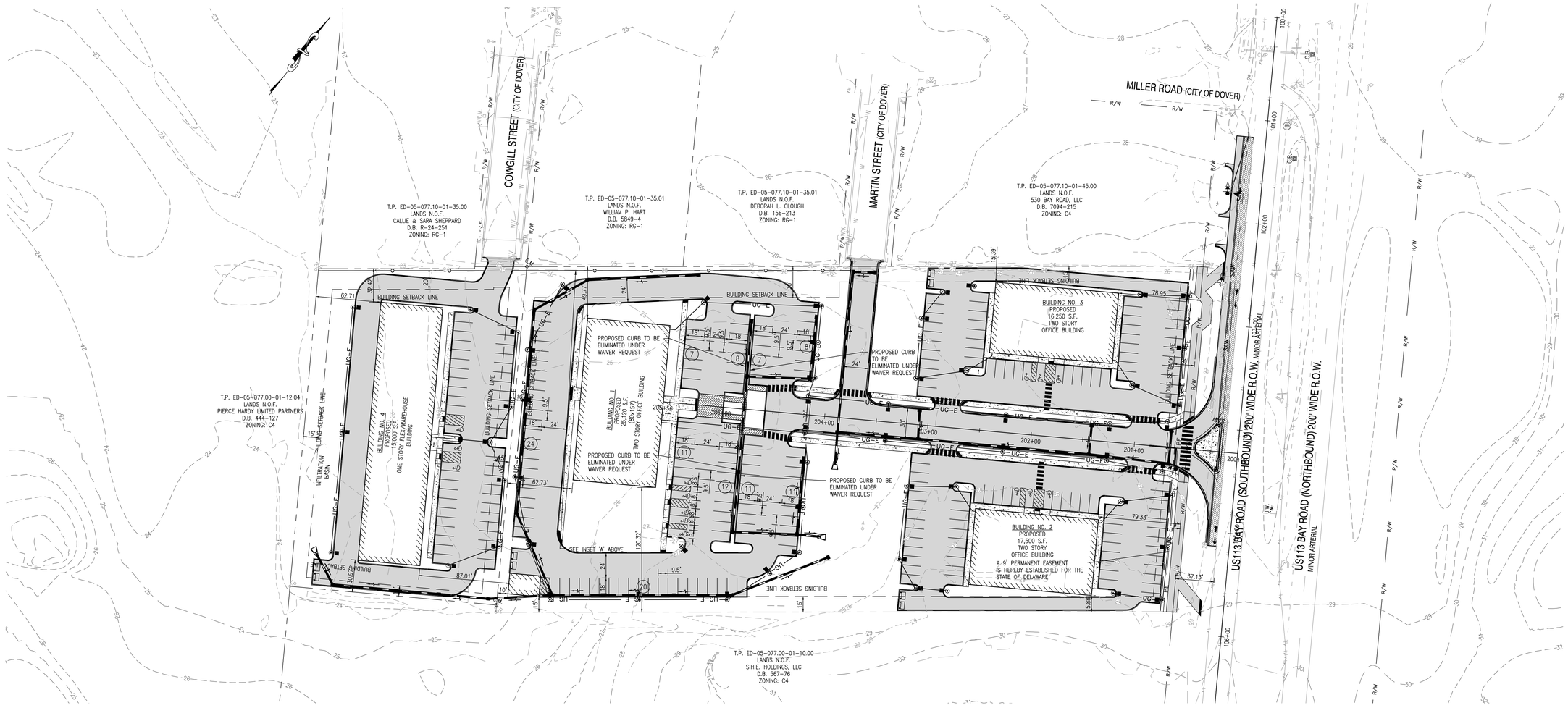
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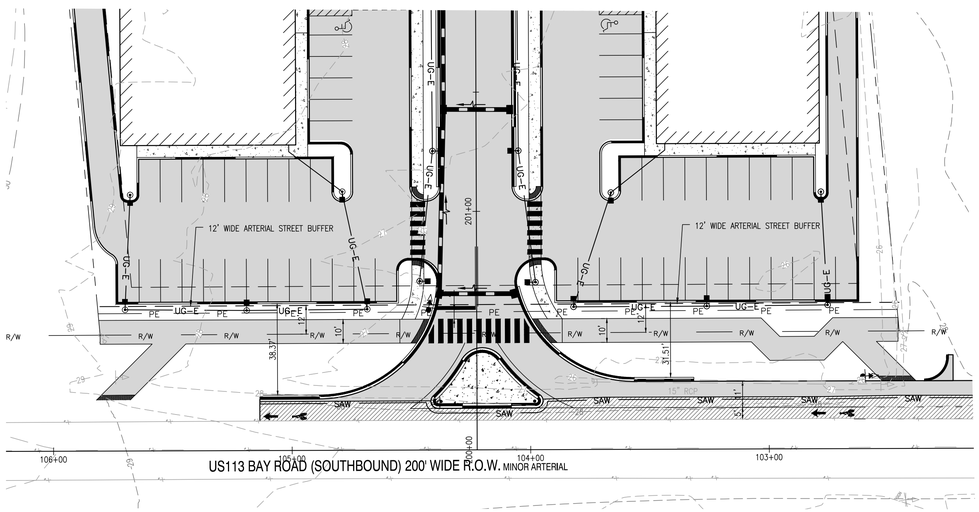
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REVISIONS

ADDENDUM

△	DESCRIPTION	DATE





PHASING BREAKDOWN
PHASE 1 PROPOSED TWO STORY 25,120 S.F. OFFICE BUILDING, PROPOSED ONE STORY 600 S.F. ACCESSORY STRUCTURE, PROPOSED PARKING LOT, ACCESS ROAD AND ENTRANCE, SHARED USE PATH, BAY ROAD WIDENING AND STORMWATER MANAGEMENT.
PHASE 2 PROPOSED TWO STORY 17,500 S.F. OFFICE BUILDING, PROPOSED PARKING LOT AND STORMWATER MANAGEMENT.
PHASE 3 PROPOSED TWO STORY 16,250 S.F. OFFICE BUILDING, PROPOSED PARKING LOT AND STORMWATER MANAGEMENT.
PHASE 4 PROPOSED ONE STORY 15,000 S.F. FLEX/WAREHOUSE BUILDING, PROPOSED PARKING LOT AND STORMWATER MANAGEMENT.

PROJECT
WAIVER REQUEST
FOR
BAY ROAD OFFICE PARK
TP. ED-05-077.00-01-10.01, 530 BAY ROAD &
T.P. ED-05-077.00-01-11.00, COWGILL STREET
CITY OF DOVER, KENT COUNTY, DELAWARE

SHEET TITLE
WAIVER REQUEST DISPLAY

CITY OF DOVER SUBMISSION

DRAWN	CHK'D/DESIGNER
DLD	AES
SCALE	SHEET NO.
AS NOTED	D101

PROJECT NO.
175009.01

G:\PROJECTS\175009.00 (500 Bay Road)\175009.01 (Master Site and Phase 1 Design)\CAD\ EXCS\Sheet\Option\10101 #WaiverRequest.dwg, 7/5/2017 3:26 PM

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF July 7, 2017

PLANNING COMMISSION MEETING OF July 17, 2017

Plan Title:	Bay Road Commercial at 560 and 600 Bay Road, S-17-20
Associated Plan:	S-14-08 Woodland Tree Clearing Plan of 560 Bay Road
Plan Type:	Site Development Plan
Property Location:	Southwest side of Bay Road
Property Addresses:	560 and 600 Bay Road
Tax Parcels:	ED-05-077.00-01-09.00-000 ED-05-077.00-01-10.00-000
Property Area:	12.9366 acres+/-
Owner:	SHE Holdings, LLC (Owner of Record) Bayroadcap, LLC (Equitable Owner)
Building Areas:	West Multi-Tenant Building: 70,646 SF grocery store (anchor tenant) and 18,000 SF of multi-tenant space North Multi-Tenant Building: 20,800 SF Restaurant: 6,400 SF Restaurant: 4,200 SF Total Building Area: 120,046 SF
Existing Use (to be removed):	Commercial Building at 600 Bay Road (to be demolished)
Proposed Property Use:	Retail and Restaurants
Off Street Parking:	Required parking spaces for restaurants: 106 spaces (146 spaces*) Required parking spaces for grocery and retail: 365 spaces (352 spaces*) Total Required: 471 spaces (498 spaces*) Maximum Allowed: 588 spaces (622 spaces*) Total Proposed: 616 parking spaces shown *(*Data Column Tally Listing)*
Sewer & Water:	City of Dover
Zoning Classification:	C-4 (Highway Commercial Zone)
Waiver Requested:	Reduction of Arterial Street Buffer

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 7, 2017

APPLICATION: Bay Road Commercial at 560 and 600 Bay Road

FILE #: S-17-20 REVIEWING AGENCY: City of Dover Planning

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

I. PLAN SUMMARY:

This is a Site Development Plan application to permit construction of a 120,046 SF of commercial development on a 12.9366 acre+/- parcel currently named Bay Road Commercial. The development is proposed to include two restaurants of 4,200 SF and 6,400, a 70646 SF grocery store, a 18,000 SF multi-tenant building segment, and a 20,800 SF multi-tenant building. The property is zoned C-4 (Highway Commercial Zone). The properties are located on the southwest side of Bay Road. The owner of record is SHE Holdings, LLC c/o Mike Longwill and the equitable owner is Bayroadcap, LLC c/o Bill Krapf. Property Addresses: 560 Bay Road and 600 Bay Road. Tax Parcels: ED-05-077.00-01-09.00-000 and ED-05-077.00-01-10.00-000. Council District 2.

Previous Applications

Currently, the site is under the authorization for tree clearing (cut tree only, no removal of stump) as per Site Development Plan S-14-08 Woodland Tree Clearing to permit the clearing of approximately 7.45 acres +/- of trees on a 12.67 acre +/- parcel. S-14-08 was granted approval by Planning Commission in April 2014 and was granted Final Plan Approval in April 2017. The Woodland Tree Clearing Plan is associated with the Woodland Tree Mitigation Plan at the Anne McClements Woodland Tract (Fork Branch Nature Preserve) previously approved by the Planning Commission on April 19, 2010 with Application S-10-03 South Dover Plaza. The Woodland Mitigation Plan was implemented and completed by October 2013.

In a previous development proposal, the Planning Commission granted conditional approval on April 19, 2010 of a Site Development Master Plan (S-10-03) for the construction of a four commercial retail buildings known as the South Dover Plaza on the properties at 560 and 600 Bay Road. The project was granted an extension of approval for the start of Phase 1 on March 21, 2011 and a second extension of approval on February 21 2012. However, the approval for the South Dover Plaza project expired on April 30, 2013 as the Administrative Site Plan for first phase was not finalized and no construction activity commenced. An associated application (V-10-02) to the Board of Adjustment where variances associated with required lot width per building were granted in March 2010 has also expired.

Preliminary Land Use Services Review (PLUS)

The Bay Road Commercial Plan application (PLUS Review #2017-05-08) was reviewed on May 24, 2017 by the Preliminary Land Use Services as required by the City of Dover's Memorandum of Understanding (MOU). This MOU requires that non-residential developments of over 75,000 square feet complete the PLUS Review process prior to application submission. The PLUS Review Comments are attached; the applicant needs to supply their responses to the issued comments. Previous an earlier plan for development also went through the PLUS Review process as #2006-12-03.

II. PROJECT DESCRIPTION

This Site Development Plan presents the shopping center style commercial development to be known as Bay Road Commercial. It proposes the development of two parcels of land that front on Bay Road to be served by access points from the entrance drive to Bay Court Plaza (an existing shopping center located to its south). This commercial development consists of two pad site restaurants, a grocery store with a multi-tenant building segment and a second multi-tenant building along with the associated parking and site improvements. To the north is a tract of land also zoned C-4 that is the subject of a separate Site Plan S-17-19 Bay Road Office Park: Master Plan proposed for development of three office buildings and one flex/warehouse building.

The major features of the Bay Road Commercial site are proposed to include the following buildings.

- Northeast Building: A 6,400 S.F. restaurant building at a pad site located adjacent to Bay Road. Parking surrounds the building on three sides and has a loading space at the rear (west elevation).

- Southeast Building: A 4,200 S.F. restaurant building at a pad site located adjacent to Bay Road and the Bay Court Plaza entrance drive. Parking surrounds the building on three sides and has a loading space on three sides and has a loading space at the rear (west elevation).

- Grocery Store (Anchor Store): A 70,646 S.F. grocery store in the northwest portion of the site which is attached to the West Multi-Tenant Building Segment. The Grocery Store is served by the large field of parking to the east and its rear (west) elevation consists of a series of loading spaces.

- West Multi-Tenant Building Segment (attached south side of Grocery Store): A building segment consisting of a series of 2,000 S.F. retail spaces for a total of 18,000 S.F. Served by large field of parking to the east and a smaller parking lot on its west side.

- North Multi-Tenant Building: A building consisting of a series of 1,600 S.F. retail spaces for a total of 20,800 S.F. It is served by the large field of parking to its south and the rear elevation (north) appears to accommodate loading areas.

III. ZONING REVIEW

C-4 Zoning District

The property is zoned C-4 (Highway Commercial Zone) and subject to the regulations of *Zoning Ordinance*, Article 3 Section 16 and Article 4 Section 4.15. The proposed use of commercial,

retail and restaurants. The C-4 zone allows retail and service establishments and restaurants as permitted uses. As several of the building segments are proposed for division into multiple tenant spaces then each tenant must continue to be an allowable use in the C-4 zone.

IV. PARKING SUMMARY

The parking requirement for C-4 (Highway Commercial Zone) is based on a rate of one parking space per 300 square feet of floor area. The grocery store and the multi-tenant building segments must meet this requirement. The restaurants are additionally subject to the specific parking requirements outlined in *Zoning Ordinance* Article 6 §3.1 for eating and drinking places. Each restaurant in the development must have one (1) parking space for every four (4) dining seats plus one parking space for every three (3) bar seats.

The information provided on the plan drawing indicates that 109,446 S.F. of space, including the grocery store, is to be provided for retail tenants. Based on this total square footage, 365 parking spaces are required for the retail and grocery uses on site.

The Plan clearly identifies two buildings as restaurants for a total of 10,600 S.F. of space is to be for restaurant uses; however, the data column calculations indicate an additional 4,000 SF for restaurants (likely indicating restaurants in select spaces of the multi-tenant buildings). Based on the square footage under the C-4 zoning classification, 36 parking spaces would be required for the two restaurant buildings. For the two restaurant buildings based on an estimated seat count of 424 seats, then 106 parking spaces would be required. However, data provided indicate 14,600 SF of restaurant use and estimates there are to be 584 seats thus requiring 146 parking spaces. The number of parking spaces based on seat count of the restaurants supersede the parking requirements based on building size in the C-4 Zone. It is not yet clear how many restaurants there will be or how the seats will be divided up between them.

The total parking requirement for the retail, grocery, and restaurant uses as labeled on the plan drawing is 471 spaces. However, the data column calculations for parking (a different summary of uses) results in a required of 498 parking spaces with a maximum of 622 parking spaces. For the development, 616 parking spaces are shown on the plan.

Because the tenants have not been finalized, the square footage provided for retail and restaurant uses may be subject to change, and therefore also the parking requirements. Per *Zoning Ordinance* Article 6 §3.11, the maximum number of parking spaces the development shall not exceed 25% of the parking required by Code.

Loading Spaces

For buildings with retail sales of at least 8,000 S.F., one loading berth is required for the first 8,000 to 25,000 S.F., and an additional berth is required for each additional 25,000 S.F. or fraction thereof. Based on the building square footages Multi-Tenant Building/Grocery Store require four loading spaces and the North Multi-Tenant Building requires one loading space; the Restaurant buildings are too small to require loading spaces. The Grocery Store Building has at least seven (7) loading spaces at the rear and the North Multi-Tenant Building appears to have a loading area at the rear of the building. Each of the Restaurant Buildings is provided with one (1) designated loading space at the rear.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) regular vehicle parking spaces. Based on the 616 parking spaces shown, at least thirty-two (32) bicycle parking spaces are required for the site in total. While the location of several, bike racks are shown for the retail buildings, the bicycle parking racks must be added to the plan for the restaurant buildings.

V. SITE CONSIDERATIONS

Entrance

The Plan shows an access point as a right-in/right-out on Bay Road in the north portion of the site. The main access points to the Bay Road Commercial site appears to be from the Bay Court Plaza entrance drive (labeled on plan on Existing Entrance Boulevard) which intersects with Bay Road at a signalized intersection of Bay Road and Blue Hen Boulevard (to the east). This plan proposes three (full movement) entrances from the Bay Court Plaza entrance drive into the subject site but shows no traffic or circulation improvements to the existing drive. The Plan also does not document to the ability of this subject property to utilize the entrance drive i.e. easement or agreement.

Currently, there is also no cross access or interconnections shown to the adjacent parcel to the north (550 Bay Road proposed for development with Site Development Master Plan S-17-19) or to the adjacent parcel on Bay Road (580 Bay Road surrounded by this project and owned by B & B Delaware Investments, LLC).

Sidewalks

Sidewalks are required along the Bay Road street frontages of a site (*Zoning Ordinance*, Article 5 Section 18). The plan shows a sidewalk; however, a shared use path of 10 ft. width will be required along the Bay Road frontage. Sidewalk is proposed on the north side of the Bay Court Plaza entrance drive from Bay Road with two connections leading into the commercial site. Additional sidewalk linkages must be made to the Restaurant sites from Bay Road.

These multi-use (shared use) paths are needed based on the policies of the City's Bicycle Plan and the Complete Streets policy, shared between the City and DelDOT, requiring that all road reconstruction projects in the State right-of-way consider all transportation modes and accommodate them accordingly. Based on traffic speed on the adjacent roads, off-road trails are the best way to accommodate bicyclists to this site. In addition, there are existing shared use paths along the Bay Road corridor in the vicinity.

Curbing

The upright curbing for the parking lots and drive aisles is required the requirements of Article 6 Section 3.6(b) of the *Zoning Ordinance*. This curb type appears to be utilized throughout the site layout.

Dumpsters

According to *Zoning Ordinance* Article 5 §6.12, the dumpster requirements for a shopping center are two (2) for the first three (3) stores plus one (1) for each additional store. In addition, the grocery store (as an anchor tenant) requires an additional two (2) dumpsters. Based on an apparent twenty-two (22) retail tenants, plus the grocery store, the total dumpster requirement for the shopping center would be twenty-one (21) dumpsters. Each of the Restaurants would require

three Dumpsters each; currently only two are shown. 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.

Signage

A separate sign permit application is required to be submitted for review prior to the installation of signage on the property pertaining to the buildings/site. The subject site would qualify for submission of a Unified Comprehensive Signage Plan for consideration by the Planning Commission.

VI. BUILDING ARCHITECTURE

Elevation Drawings along with a series of color renderings were submitted for the West Multi-Tenant Retail Building and the North Multi-Tenant Building. These one story buildings are divided into multiple tenant spaces with large aluminum storefront windows systems with entry doors and clad in brick and stone veneers or ground face CMU with cast stone and ground face CMU accents. Columns with material/color accents divide the front elevations between unit bays and a location for wall signage or an awning element is located above each entry door. The end units of each retail building add a hipped roof tower-like element to extend the height. The Grocery Store also appears to be of masonry finish. A notation on the rendering indicates the design of the Grocery Store portion will be coordinated with the future tenant. The renderings also show elements of benches, table seating and planting beds in the pedestrian areas at the front of the retail spaces. No architectural information was provided for the restaurant buildings.

VII. TREE PLANTING AND LANDSCAPE PLAN

The submitted plan includes the Landscaping approach for the overall project. The 12.9366 acre parcel requires 188 trees. The Landscape Plan is providing a mixture of deciduous trees, evergreen trees, and ornamental trees to provide a total of 226 trees. Currently, the Bay Road frontage is extensively treed and tress are also proposed within parking lot islands and medians and along the south property line parallel to the adjacent entrance drive. Evergreen tree plantings are also utilized as screening on the north and west property lines.

Waiver Request: Reduction of Arterial Street Buffer

In order to reduce the width of the Arterial Street Buffer from the required thirty (30) feet to the proposed twenty (20) feet, the applicant must receive a waiver from the Planning Commission. In accordance with *Zoning Ordinance* Article 5 §7.3, the Planning Commission may approve a waiver if it can be demonstrated, due to specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties, that compliance would severely limit the development potential of the property, or would cause the property to be out of character with the surrounding built environment; provided the basic objective of establishing landscaped green space along arterial roadways is achieved. A waiver request has been submitted.

VIII. CITY AND STATE CODE 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. The following items have been identified as elements which need to be addressed by the applicant:

1) Please submit a copy of the Applicant's response to the PLUS Review Comments.

2) Provide documentation as to the ability of this subject property to utilize the entrance drive (existing entrance to Bay Court Plaza shopping center) i.e. easement or agreement.

3) Provide a copy of the 2010 Traffic Impact Study review and approval letter from the earlier development project that is referenced in the DelDOT comments in the PLUS Review.

4) A 30-foot wide arterial street buffer must be provided along the North DuPont Highway frontage unless a waiver is granted by the Planning Commission. A waiver request has been submitted for review.

5) A ten-foot-wide multi-use path is required to be installed along the Bay Road frontages in accordance with DelDOT requirements and the 2015 *Bicycle Plan. The applicant has indicated the intent to provide the multi-use/shared use path.*

6) Staff notes the need to review the building architecture for the Grocery Store building. A significant portion of this building will also be visible on its south elevation beyond the multi-tenant section Building segment.

7) Staff notes that need for review of building architecture for the Restaurant buildings. It is required to be presented for Planning Commission review at a future meeting prior to approval for construction.

8) The parking calculations for the required and maximum number of parking spaces must be clarified as the plan information results in two different calculations based on the proposed uses within the development.

9) Cover Sheet, Sheet C-001:
    a. Add addresses of both properties involved in the project.
    b. Provide listing of each building size.
    c. Item #9: Recheck parking space calculations. Be specific as to how the square footage by building is being assigned a use.
    d. Add bicycle parking calculation.
    e. Item #11: Add reference to previous Woodland Tree Clearing Plan.
    f. Update Items #14 and #15 as water connections and sewer are required for this development.
    g. General Notes #12: Add reference to Application File S-14-08 and its Final Plan approval.
    h. Update plan drawing as per other review comments.

10) Existing Conditions, MC-101:
    a. For the parcels, note that the rear yard setback is 10 feet or equal to building height.
    b. The removal of the building at 600 Bay Road will require a Demolition Permit.
    c. Appropriate authorization will be required for demolition and improvement activities on the adjacent property in the vicinity of the existing entrance

boulevard.

11) Site Plan, Sheet C-201:
    a. Recheck all parking row tally labels especially in the main parking field.
    b. Add bike rack locations at restaurants.
    c. Provide information on entrance improvements to "existing entrance boulevard."
    d. Provide location of cross access points to adjacent parcels.
    e. Add sidewalk connections to the Bay Road frontage path.

12) A Record Plan sheet will need to be prepared to record and document the parcel consolidation (of 560 and 600 Bay Road) along with any proposed easements, right-of-way dedications, etc.

13) Landscape Plan, Sheet L-101 and L-102:
    a. Ensure tree planting locations and landscaping maintain the required spacing distances or access provisions from utility lines, fire hydrants, site lighting, etc.
    b. Check tree planting locations near restaurants as some are shown in proposed paving areas.
    c. We have been advised by DelDOT that trees may not be planted within the Permanent Easement along Bay Road. Adjust tree planting locations.
    d. Any proposed changes to the proposed trees must also be approved by the Planning Office. Add to Note #11.
    e. The Landscape Notes are repeated on sheet L-102.

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

15) Identity the location of all bicycle parking racks; as none are shown at the Restaurant Buildings.

16) Add marked crosswalks at key internal sidewalk crossings.

17) Provide a Details sheet in the plan set to include details on Dumpster enclosures, sidewalks, curbing, bike racks, light fixtures, sanitary sewer and water systems, and any other utility details required.

18) Provide a plan sheet showing paving striping, markings, and signage for fire lanes and for traffic control measures, etc.

19) 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.

20) Any signage (freestanding and wall signage) is subject to a separate Sign Permit application and review process per the City's Sign Regulations of the *Zoning Ordinance*, Article 5 §4.

21) As associated with S-14-08 Woodland Tree Clearing Plan for this site, Staff notes that the Tree Mitigation Plan has been implemented. The Woodland Mitigation Plan was developed in conjunction with DNREC-Division of Parks & Recreation for the McClements Woodland Tract at the Fork Branch Nature Preserve (Forest Mitigation Plan dated March 2006 and as proposed for amendment by Letter of 10/16/2009). The project is required to submit to the Planning Office copies of the Monitoring Reports as listed in the Mitigation Plan following completion of any monitoring activities of the reforestation area.

IX. RECOMMENDED ADDITIONAL CONSIDERATIONS TO MEET CODE OBJECTIVES:

In accordance with the *Zoning Ordinance*, Article 10 §2.2, the Planning Commission in considering and acting upon Site Development Plans may prescribe appropriate conditions and safeguards so that the public health, safety, and welfare, the comfort and convenience of the public in general, and the residents of the immediate neighborhood in particular shall be taken into consideration. These safeguards may to the maximum extent possible further the expressed intent of the *Zoning Ordinance* and the accomplishment of several objectives in particular listed in subsections 2.21 to 2.28.

1) Waiver Request – Reduction of Arterial Street Buffer: In accordance with subsection 2.25 related to landscaping, Staff recommends the Planning Commission approve a narrower Arterial Street Buffer of a minimum of twenty (20) feet along Bay Road for the project. The required width of the Arterial Street Buffer is thirty (30) feet. In choosing a narrower width for the buffer, the Planning Commission should consider the following factors:
   a) Existing conditions include a green space between the curb of the roadway and the property line, depending on the position of the deceleration lanes and travel lanes of Bay Road.
   b) Additionally, there is proposed green space between the property lien and the onsite rows of parking at the restaurant sides. The northern Restaurant provides about 28 feet of width while the southern Restaurant shows about 21 feet of width.
   c) The green spaces are shown to be planted with trees. The developer and design should evaluate the level of tree plantings within the buffer to ensure adequate visibility of the proposed buildings and potential freestanding sign locations.

2) Cross-Access: In accordance with subsection 2.21 related to safety and convenience of vehicular, transit, bicycle and pedestrian traffic, Staff recommends a cross access connection with the adjacent property to the north. This will require coordination with its currently proposed site development plan (S-17-19). Another cross access connection is also recommended to the property at 580 Bay Road.

3) Site Access: To further subsection 2.21 related to safety and convenience of vehicular, transit, bicycle, and pedestrian traffic, Staff recommends careful evaluation of the traffic circulation of the existing entrance drive to Bay Court Plaza and the impact of this project's additional access points. As shown, there are multiple potential traffic movement conflicts along this entrance especially with the additional vehicle and pedestrian trips generated by this new development. This is an opportunity to improve the traffic movements through the entranceway as it serves multiple high traffic generation entities. Various concepts for

improvements such traffic control signage, pavement markings, and other physical improvements to travel lanes or medians, etc. may be implemented as a means of organizing the traffic flow at the connection points to this project site and to the Bay Court Plaza site and the other properties served by the entranceway.

4) Internal Pedestrian Facilities: To further subsection 2.21 related to safety and convenience of vehicular, transit, bicycle, and pedestrian traffic, Staff recommends the Planning Commission ask for improved pedestrian routes into the interior of the site. The pedestrian facilities should follow the following principles if possible:
   a) Sidewalks should not dead-end in the parking lots. Additional sidewalks and crosswalks should be used to delineate paths to building entrances, so as to reduce walking in the parking lots.
   b) Each individual building should have as direct a path to the nearest street frontage as possible.

5) Multi-use path: To further subsection 2.21 related to safety and convenience of vehicular, transit, bicycle, and pedestrian traffic, Staff recommends the Planning Commission express support for the installation of shared-use path along the Bay Road frontage. It is a high-traffic street where multi-use/shared use paths have been installed along the segments of its frontage to address bicycle safety concerns and City and State "Complete Streets" policies.

6) Arterial Street Buffer landscaping: To further subsection 2.25 related to landscaping, Staff recommends the Planning Commission pay special attention to the landscaping of the Arterial Street Buffer and determine acceptability. Consideration should be given to the density of trees, visibility of the buildings, the ability to place signage, etc.

7) Architecture: To further subsection 2.28 related to architectural characteristics of proposed buildings, Staff recommends that any outside HVAC Equipment be designed to minimize the impact on adjacent property owners, adequately screened from public view and the overall visible impact especially on the public facades of the buildings.

Other agencies may recommend additional conditions and safeguards in accordance with their areas of expertise.

X. ADVISORY COMMENTS TO THE APPLICANT:

1) This property qualifies for consideration of a Unified Comprehensive Sign Plan to address signage on the site. The applicant is encouraged to discuss this option with the Planning Office before applying for any new signs to be placed on site.

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

3) In the event, that major changes and revisions to the Site Plan occur in the finalization of the Site Plan contact the Planning Office. Examples include reorientation of or size

changes of the buildings, relocation of site components, 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.

4) 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.

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

6) 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 development or ground disturbing activities on the site the appropriate site inspections and permits are required. This includes activities to clean-up existing vegetation, the import of fill dirt, etc.

8) Construction may have an effect on the adjacent property owners and nearby travel lanes. Any work requiring the closing or rerouting of potential customers or 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: JUNE 28, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Bay Road Commercial at 560 and 600 Bay Road**

FILE #: **S-17-20**

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) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. 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. Install a Powerseal 3490AS tapping sleeve and valve at both water connections to the existing water main in Bay Road.
8. Each principal structure shall have its own water meter.
9. Each water meter shall be installed in a non-traffic bearing location, including pedestrian traffic.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.

   b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

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

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District 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. Provide profiles for all utility crossing locations on the proposed plan.
3. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

WATER

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

WASTEWATER

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

STORMWATER / GROUNDS / STREETS

1. None.

SANITATION

1. This building 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-17-20

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 5, 2017

CITY OF DOVER FIRE MARSHAL

APPLICATION: Bay Road Commercial at 560 and 600 Bay Road

FILE #: S-17-20 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 two restaurants, a grocery store and multi-tenant building, and a multi-tenant building.

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% (all buildings) 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 25% of the proposed buildings. 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. Speed Reduction Devices must be approved, please see City of Dover Ordinance 98-10 in reference to this process.

12. 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)
The owner is responsible if the hydrant is private.

13. 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)
The owner is responsible if the hydrant is private.

14. Fire Alarm System required per occupancy code requirements (Grocery store and multi-tenant building, multi-tenant building, and possibly two restaurants).

15. Sprinkler system required. System is to be monitored by an approved Fire Alarm System (Grocery store and multi-tenant building, multi-tenant building, and possibly two restaurants).

Any proposal that is presented to the Office of the State Fire Marshal for review and approval for a building rehabilitation as defined in the 101 Life Safety Code, for less than 50% of the gross square footage of a non-sprinklered building, may not have another such project for the same building submitted for review and approval any sooner than three (3) years after the date of the final inspection unless sprinkler projection is provided throughout the entire building. In all buildings exceeding 10,000 square feet of aggregate, gross floor area. In all buildings in excess of 40 feet in height or more than four (4) stories in height. In all buildings or areas thereof used for the storage, fabricating, assembling, manufacturing, processing, display or sale of combustible goods, wares, merchandise, products, or materials when more than two (2) stories or 25 feet in height. In all basement areas exceeding 2,500 square feet floor area. In residential occupancies when of: Type V (0,0,0) or Type III (2,0,0) construction and exceeding two (2) stories or 25 feet in height. Type V (1,1,1) and Type III (2,1,1) or Type IV (2,H,H) construction exceeding three (3) stories or 3In all residential apartment buildings storage areas except individual unit closets that are located within individual residential living units. In all buildings used as health care occupancies as defined in the Life Safety Code, NFPA 101, as adopted and/or modified by these Regulations. In all buildings or areas classified as "high hazard" under the Life Safety Code, NFPA 101, or "extra hazard" under the Standard for the Installation of Sprinkler Systems, NFPA 13, as adopted and/or modified by these Regulations. All buildings used as dormitories, in whole or in part, to house students at a public or private school or public or private institution of higher education. (16 **Del.C.** Ch. 88) This applies to all such dormitories regardless if new or existing. (2015 State of Delaware fire Prevention Regulations, 702, Chapter 4)

16. 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.

17. 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)

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

19. 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)

20. Standpipes shall be provided in all areas and buildings as required in the codes and standards listed in Regulation 701 as well as the following areas or buildings: In all Class A and Class B places of assembly and institutional occupancies two (2) stories or 25 feet in height or over, In any building over three (3) stories, In any building over 35 feet in height, In any building that has a floor above the first floor over 10,000 square feet gross floor area, In all buildings where the 1st floor exceeds 60,000 gross square feet, a Class I horizontal standpipe system installed in accordance with the applicable codes and standards listed in Regulation 701 of these Regulations shall be provided. All standpipe systems shall be installed in accordance with the applicable codes and standards listed in Regulation 701.The standpipe system shall be carried up with each floor and shall be installed and ready for use as each floor progresses. Standpipes shall not be more than one floor below the highest forms of staging, The 2½-inch of hose connections on Class I systems shall be provided in the following locations, At the highest intermediate landing between floor levels in every required exit stairway, Where intermediate landing are not provided, hose connections shall be permitted to be located at the main floor landings in exit stairways when approved by the authority having jurisdiction, Where the local fire department has the capability of providing the required pressure, hydraulically designed standpipe systems in fully sprinklered, non-highrise buildings shall be designed to provide the required waterflow rate. A sign shall be provided at each landing, in all interior stairways, designating the floor level. (2015 Delaware State Fire Prevention Regulations 702, Chapter 4, 2)
Fire department connections. Unless otherwise approved by the fire marshal, fire department connections shall be on the street side of the building and shall be located and arranged so that hose lines can be readily and conveniently attached to without interference from any nearby obstructions as defined by the fire marshal's office. Fire department connections shall be a five-inch Storz. Fire department connections shall be within 300 feet of an approved City of Dover Fire Hydrant and within 50 feet of the main entrance of the structure it serves. All fire department connections shall be not less than three feet nor more than five feet in height above finished grade. The fire marshal shall have the authority to require more stringent requirements when deemed necessary. (City of Dover Code of Ordinances 46-162)

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: *One-family and two-family residential structures, height, t*he number shall measure a minimum of four inches in height, *location, t*he number shall be placed on the house above or to the left or right of the front entrance, *color, t*he number shall be contrasting to the background color, A*rabic numerals, a*ll numbers shall be Arabic numerals. *Multiple-family dwellings, measurements, t*he number shall measure a minimum of six inches when identifying individual apartments with exterior doors, and 12 inches when identifying buildings with apartment complexes where there are two or more buildings not assigned street addresses. Individual buildings with street addresses shall have numbers measuring six inches, *location, 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, *color, n*umbers shall be contrasting to the background color, *Arabic numerals, a*ll numbers used shall be Arabic numerals. *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, s*hould 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 Ordiances 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. Buildings over 25,000 Sq. Ft (Grocery store and multi-tenant building) are to have radio performance testing done by Delaware State Communications prior to Final CO. This must be scheduled in advance with Delaware State Communications.

26. Project to be completed per approved Site Plan.

27. Full building and fire plan review is required.

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

29. 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.

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Need additional information on the two restaurants at which time additional comments may be provided
2. Hydrants need to be shown
3. Grocery store and multi-tenant building appear to be one building
4. Ensure # 17 above is followed

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: June 28, 2017

D E L D O T

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APPLICATION: Bay Road Commercial at 560 and 600 Bay Road

FILE#: S-17-20 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

- This project had a pre-submittal meeting with DelDOT on June 6, 2017 and should adhere to the guidance provided in this meeting.
- In the meeting we discussed that a 10 foot wide shared use path will be required along the frontage of Bay Road. Please revise the 5 foot path shown to a 10 foot path.
- Please remove all trees from the State's right-of-way and the permanent easement dedicated to the State.

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

KENT CONSERVATION DISTRICT

800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 •(302) 741-260

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
July 2017

APPLICATION: Bay Road Commercial at 560 and 600 Bay Road **FILE #:** S-17-20

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jared C. Adkins, P.E.* **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: Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

1. The on-site soils are mapped as being suitable for infiltration and the proposed approach meets the requirements of the current Stormwater Regulations.
2. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
3. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 6-28-2017

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Bay Road Commercial at 560 and 600 Bay Road

FILE #: S-17-20 REVIEWING AGENCY: Dover/Kent County MPO

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

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

City of Dover Planning Commission 7-17-2017
Project Review
S-17-20 Bay Road Commercial at 560 and 600 Bay Road

The MPO has reviewed the site plan and offers these comments;

There is access to the site via a multi-use path along Bay Road and into the site via a sidewalk along the north side of the entrance drive that essentially to a parking lot with unmarked or protected crossings. Pedestrian access should be marked at the interior of the site leading to other sidewalks in front of the building(s).

The site is adjacent to another development proposed to the immediate north. The sites should provide cross access to allow patrons to visit both locations without having to return to Bay Road for a few hundred feet. Similarly, cross walks should be provided across the Existing Entrance Boulevard.

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.

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENTS' SUCCESS

WAIVER REQUEST

BAY ROAD COMMERCIAL
560 Bay Road, Dover, DE
6/2/2017

ARTERIAL STREET BUFFER
Article 5, Section 7.3

REQUEST:

We request the relaxation of the 30 foot wide arterial buffer requirements for the site.

EXTENT OF THE REQUEST:

By code, a 30 ft wide landscape buffer is required along road frontage that is classified as an arterial road by the Delaware Department of Transportation (South Bay Road). We are requesting a reduction of the buffer.

BASIS FOR REQUEST:

Article 5 Section 7.3 (b) states: When it can be demonstrated to the satisfaction of the planning commission through the plan review process that, due to specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties, that compliance with this [sub]section would severely limit the development potential of the property or would cause the property to be out of character with the surrounding built environment, the planning commission may approve a lesser amount of buffering, provided that the basic objective of establishing landscaped green space along arterial roadways is achieved.

Due to the roadway classification of South Bay Road, DelDOT requires 30' of right-of-way from the outermost edge of the through lane. This dedication has previously occurred for the property, and therefore the existing property line is approximately 25 feet from the road. Although this dedication has previously occurred, no roadway widening projects are planned within the right-of-way and the area will largely remain green space. Our design provides over 40' of green space from the road to the parking lot. Requiring the full 30' wide arterial buffer would prohibit the development of a large portion of major road frontage and reduce the amount of developable area for the project.

The proposed 20 ft buffer area will include a variety of tree plantings to provide a visual buffer between the road and the development. Additionally, approximately 20 feet of green space is provided within the right-of-way. Therefore, we believe the proposed design meets the basic objective of establishing landscaped green space along arterial roadways.

BECKER MORGAN GROUP, INC.

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