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

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

ADOPTION OF MINUTES OF REGULAR MEETING of July 17, 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) Reminder: The Planning Commission Quarterly Workshop is scheduled for WEDNESDAY, August 23, 2017 at 12 noon in the City Hall Conference Room.

3) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, September 18, 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

NEW BUSINESS regarding Applications

1) S-17-22 McPoyle Site at 575 North DuPont Highway: Waiver Request – Review and Consideration of a Waiver Request for the Elimination of Upright Curbing associated with the Administrative Site Plan for the McPoyle Site at 575 North DuPont Highway. The project is located on the east side of North DuPont Highway south of Jefferic Boulevard and is zoned C-4 (Highway Commercial Zone). The owner of record is William McPoyle. Tax Parcel: ED-05-068.09-01-23.00-000. Council District 3.

NEW DEVELOPMENT APPLICATIONS

1) Z-17-04 Lands of Sarah Jones at 826/828 Forest Street – Public Hearing and Review for Recommendation to City Council on the rezoning of one parcel of land totaling 0.5 acres+/- located on the south side of Forest Street between Gibbs Drive and Lincoln Street. The

property is zoned RG-1 (General Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-1A (Limited Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Sarah E. Jones. Property Address: 826/828 Forest Street. Tax Parcel: ED-05-076.12-01-16.00-000. Council District 4. Ordinance #2017-10. *For this zoning map amendment, the First Reading was completed on July 24, 2017. Public Hearing before the Planning Commission is scheduled for August 21, 2017, and Final Reading/Public Hearing is scheduled before City Council for September 11, 2017. This application is associated with item MI-16-13: Nonconforming Uses in Residential District. The Rezoning is proposed in order to comply with City Council action requiring the sunsetting of nonconforming uses in residential zones.*

2) Z-17-05 Lands Bennie Smith Real Estate, LLC at 870-872 Forest Street – Public Hearing and Review for Recommendation to City Council on the rezoning of one parcel of land totaling of 0.7473 acres (32,552 S.F.) of area. The property is currently zoned C-1A (Limited Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning classification is IO (Institutional & Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property known as 870-872 Forrest Street is situated on the south side of Forest Street and east of Gibbs Drive. The owner of record is Bennie Smith Real Estate, LLC. The equitable owner is St. Nicholas Ukrainian Orthodox Mission. Tax Parcel: ED-05-076.12-01-08.00-000. Council District 4. Ordinance #2017-11. *For this zoning map amendment, the First Reading was completed on July 24, 2017. Public Hearing before the Planning Commission is scheduled for August 21, 2017, and Final Reading/Public Hearing is scheduled before City Council for September 11, 2017.*

3) C-17-03 Residence at 91 Saulsbury Road Conditional Use Review – Public Hearing and Conditional Use Review to permit conversion of an existing 1,360 SF two-story structure into residential use. The property consists of an 8,036.6 S.F. +/- parcel (0.1845 acres). The property is zoned CPO (Commercial and Professional Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the east side of Saulsbury Road and north of Carver Road. The owner of record is 91 Saulsbury Rd, LLC. Property Address: 91 Saulsbury Road. Tax Parcel: ED-05-076.07-01-47.00-000. Council District 4.

4) C-17-04 House of Pride Offices at 45 South New Street – Public Hearing and Conditional Use Review to convert an existing one-family dwelling structure into a philanthropic use as the administrative facility (offices) for House of Pride. The property consists of a 9,090 SF +/- parcel. The property is zoned RG-1 (General Residence Zone). The property is located on the east side of South New Street, north of Reed Street, and south of Division Street. The owner of record is House of Pride, Inc. Property Address: 45 South New Street. Tax Parcel: ED-05-077.05-03-05.00-000. Council District: 4.

5) S-17-23 Kent Pediatrics at 53 Roosevelt Avenue – Public Hearing and Review of a Site Development Plan application to permit construction of a 2,520 S.F. one-story medical office building and associated site improvements. The property consists of a 15,350 S.F. +/- parcel (0.36 acres) and is zoned C-4 (Highway Commercial Zone). The property is located on the north side of Roosevelt Avenue and west of South DuPont Highway. The owner of record is JCD Investments, LLC. Property Address: 53 Roosevelt Avenue. Tax Parcel: ED-05-077.17-05-73.00-000. Council District 2. *Waiver Requests: Alternative Format of*

Opaque Barrier; Elimination of Sidewalk Requirement; and Partial Elimination of Curbing Requirement. This property is the subject of variance applications V-17-05 approved by the Board of Adjustment on February 15, 2017 and V-17-11 approved on April 19, 2017. The variances granted were to allow an increase in parking and to reduce the rear yard setback requirement.

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 August 11, 2017

CITY OF DOVER PLANNING COMMISSION
JULY 17, 2017

The Regular Meeting of the City of Dover Planning Commission was held on Monday, July 17, 2017 at 7:00 PM at the Dover Police Department, Public Assemble Room with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Ms. Edwards, Mr. Holt, Mrs. Welsh, Ms. Maucher and Mr. Tolbert. Mr. Baldwin & Dr. Jones were absent.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Jason Lyon, Mrs. Tracey Harvey, Mr. Julian Swierczek and Mrs. Kristen Mullaney. Also present were Mr. Tolano Anderson, Mr. Gary Dodge, Mr. Doug Liberman, Mr. Dave Kuklish, Mr. Wilfred Martin, Mr. Paul Hebert Jr., Mr. Greg Scott, Mr. Bobby Tudor, Mr. Alex Schmidt, Mr. Scott Rathfon, Mr. Mike Riemann and Mr. Bill Krapf. Speaking from the public were Ms. April Hall and Mr. Scott Rathfon.

APPROVAL OF AGENDA

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JUNE 19, 2017

Mrs. Welsh moved to approve the Planning Commission Meeting minutes of June 19, 2017, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Baldwin and Dr. Jones absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the Annual Meeting of the Planning Commission is typically held at the July meeting including the election of the Chairman and Vice Chairman; however, that will be scheduled for a future meeting upon completion of the appointment process for Commission members. This is the time of year where three of the Commission members are due for appointment of those specific positions.

Mrs. Melson-Williams stated that the Planning Commission Quarterly Workshop that was to be held on Wednesday, July 19, 2017 will be rescheduled for a future meeting. They may look to have that in August when they can be back at their regular meeting facilities.

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, August 21, 2017 at 7:00pm in the City Council Chambers.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on June 26, 2017. At that meeting, Council did appoint several members to the Commission. Starting new three year terms to expire in June 2020 would be Dr. Bobby Jones, the At-large appointment and Ms. Deborah Edwards who represents the 1st District.

Mrs. Melson-Williams stated that they had to relocate meeting rooms for the month of July due to some activities for electronic improvements in the various City Hall Meeting Rooms and

Council Chambers so that's why tonight's meeting is being held in the Police Station's Public Assembly Room. The other news from the Planning Office is that they have a new staff Planner that has joined them. She is pleased to introduce Mr. Julian Swierczek; he is a recent graduate of the University of Liverpool in England and this is week two on the job in Dover. He is learning about how everything works and this is the first meeting that he gets to attend.

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

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.*
      i) *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.*

Representatives: Mr. Tolano Anderson, Faithwork, LLC; Mr. Gary Dodge of Curley, Dodge, Funk & Street; Mr. Doug Liberman, Larson Engineering Group, Inc.

Mrs. Melson-Williams stated that at the last Planning Commission meeting, application S-17-15 was deferred. The public hearing was conducted on this application and she will give a brief overview of what they heard at the last meeting and then the applicants have some additional information that they provided to the Commission that they would also like to speak to this evening.

This is Dover Station at 655 West North Street. It is a Site Development Plan application that proposes the construction of two buildings. The first being a 20,000 SF two story office building and then a second building of 6,000 SF which has been identified as a group home facility; however, it meets the definition of an "emergency shelter" which is "a facility providing

temporary housing to homeless or transient persons in a dormitory style setting." That facility may also provide social services such as counseling and vocational training. There are three waivers that the applicant is seeking. The first is a reduction in the number of loading spaces, the second is the partial elimination of the opaque barrier fence component for certain areas of the project site and then an alternative format to the opaque barrier in that it would place the fence and the landscaping in a different order than typically presented in Code. The Commission heard this application at last month's meeting. There were a number of questions related to access between this project site and the adjoining parcel that is the home of the Kidz Ink day care facility which was developed previously. This property is a Brownfield site and there was also questions about the access to the site. There was a proposal for a connection to the North Street Corridor; however, comments from DelDOT indicated that that entrance would be closed requiring the site to take access from Clarence Street. There were a number of questions about the site entrance and then the usage of Clarence Street to reach the property itself. The applicant did provide, after last month's meeting, some additional information that was provided to the Planning Commission. That includes a summary letter of information and a revised Site Plan that is shown here this evening which made some adjustments to the parking lot area and its circulation. It clearly shows the closure of the access to North Street and rearranges some of the parking on the site where there was a question at last month's meeting. Additionally, the applicant provided a cover page summary and a copy of the easement agreement that exists between what is Lot 1 and Lot 2 meaning the subject parcel and the existing day care building parcel. They also provided copies of the Final Subdivision Plat for Dover Station that dates from 2006. The Planning Commissioners this evening received a copy of what was the original Site Development Plan for the day care facility and the approved Record Plan related to this Dover Station project that's dated from 2008.

Mr. Liberman questioned if everyone was happy with the discussion on the waivers for the loading space and the opaque barrier from last time. Responding to Mr. Liberman, Mrs. Melson-Williams stated that she is not sure that there was much question about those items from last month's meeting.

Mr. Liberman stated that the primary driver for coming back to the Commission was the access to the site. They had a meeting with DelDOT the following Tuesday after the Planning Commission meeting. With the access onto West North Street, DelDOT is now requiring that to be eliminated. They offered to try to make changes to that entrance as either a rights-in/rights-out or just an entrance only. They did not get any type of positive feedback from them (DelDOT) as to maintain any type of access off of West North Street in the current location of that entrance; they consider it too close to what was happening at Clarence Street. With the original plan approval, that required us to close the entrance on North Street and now the signal at Clarence Street has been installed so access for the site would have to come through the property that extends over to Clarence Street.

One of the main questions from Kidz Ink (just adjoining them) is that they will have to use our property to get over to Clarence Street in the future. If they look at the old plans that were approved, our original plans match what was originally approved. It has some improvements that needed to be made to that plan which they have done with what the Commission is seeing. There is an existing 25-foot-wide cross access easement that was recorded with the Minor Subdivision

Plan when these two parcels were subdivided. It runs along the Kidz Ink parcel between the Dover Station property and also on the Kidz Ink property. What that easement basically does is it's for the benefit of Lot 1; that provides them with access to that area. One of the things that was a concern is that they would have cars backing onto that drive aisle and creating an unsafe situation with their deliveries and drop-offs and pick-ups for day care kids being at the front of the site. What they have done is flipped the parking. They have eliminated it off of that drive aisle and moved our parking to the west side of the building. That eliminates a lot of the points of conflict that they had with fifteen parking spaces along that drive aisle that would really only be able to use the Kidz Ink drive aisle and easement for that access. Now, they are kind of self-contained on our site as far as all of our drive aisles go and with all of our parking. There was an easement agreement between the two properties when Kidz Ink was originally developed and it stated that the Dover Station lot would grant access to the Kidz Ink lot. They kind of showed it and on their plan, they labeled it as easement area consistent with the existing cross access easement. The reason they showed it as "consistent with" is that the parties at that point had agreed that a cross access easement would be developed at that point but they didn't define an area for it. What they have done is shown the most direct route where people dropping kids off at day care are shown with this hatched area and directly on the Kidz Ink parcel, then they can use a drive aisle to come out and around. There is not a lot of zig zag like there was with the original plan.

One thing associated with that is they are adding stop bars, cross walks and stop signs throughout that route to control traffic through there so that people will actually stop, look and see where they are going. It will give them the potential to see somebody backing out of a parking space and react appropriately if they need to slow down.

One of the things with their DelDOT issue is their access onto Clarence Street. They had Mr. Jason Lyon from the City of Dover at the meeting also. One of the things that they discussed is that there would be no parking signs added to the east side of Clarence Street. That would open that drive up along Clarence Street so that traffic would not be as squeezed through there as if parking were allowed on both sides. That should address some of the concerns that they were hearing from the community on that issue.

Mr. Gary Dodge stated that he practices with a firm called Curley, Dodge, Funk & Street. When he first learned about what occurred last month he suggested that some additional study was made of this site. A FOIA Request was made and material was provided to his clients by the Planning Office. In addition to learning that there is a recorded subdivision at the Recorder of Deeds in Book 94 Page 82 which establishes that there was supposed to be a 25-foot easement that runs along the common property line between Lots 1 and 2. There were additional plans that were presented to the City that are in the City's file that dealt with the Site Development Plan of Lot 2 which is the location of the Dover Kidz Ink. At least two of those plans confirm that there was to be a 25-foot easement along that common barrier that would permit access to the original fifteen (parking) spaces that had been proposed on the original plan. There is ample evidence if you go back in the records for these properties to ascertain that that was the plan from the very beginning. If you look at the easement agreement which he believes was provides to the Commission in their materials, you will find on Page 2, Paragraph 2 of this document that the Clarence Street easement was discussed but then in the last paragraph on that page there was a

further discussion about an additional cross easement. If you read it carefully, you will find that the cross easement was to be on Lot 2 serving Lot 1 which is completed consistent with what these plans suggested. On that basis, they began to give some thought as to what was likely to happen with this challenge that there was not supposed to be an easement there. The end result was that the decision was made to take that off the table; to remove that from any area of debate and Mr. Liberman made the changes that they are speaking of. They don't believe it was necessary; they believe that they incurred unnecessary costs to accomplish this but it has been done. He doesn't think it's necessary to speak to the DelDOT issue because he thinks that it's fairly clear that the closure is inevitable as to the curb cut on North Street. He understands that there was a lot of testimony at the last hearing focusing on the use of our area and the children at the Kidz Ink site. If that was being used as a basis to argue that perhaps this plan should be rejected, the professionals in this room all know that this is a permitted use. As long as it meets Code and the conditions that this body may choose to impose that are reasonable, they pass. He is going to suggest to you that what was really happening last month and what's really happening this month is not quite what the Commission was led to believe. If you read this document and if you look at Paragraph 6 of this document, you will find that the expense to open the Clarence Street access and to pay for that location to the Kidz Ink site belongs to Kidz Ink. It is not Mr. Anderson's responsibility. That cost is going to be significant. A better way to challenge that is to try to prevent this from ever happening and therefore keep the North Street access open. He suggests to the Commission that this is what's really going on here. This plan is, from what he understands, Code compliant. They have attempted to address all of the reasonable concerns that have been raised. He understands that there are some community concerns and community concerns are always something to be considered. But at the end of the day, as long as that plan is compliant and the conditions are reasonable they are entitled to an approval.

Mr. Tolbert questioned if there were any questions or specific concerns regarding the overview of this application? Responding to Mr. Tolbert, Mr. Dodge stated that he is not proficient in what Mrs. Melson-Williams was sharing to answer that. He would defer that to Mr. Liberman or Mr. Anderson. His role is fairly specific here.

Mr. Liberman stated that the DAC Report was fine with them.

Mr. Anderson stated that he just wanted to point out that what Mr. Dodge just shared with the Commission was really what transpired last month. He is certainly sensitive to the community's concerns and they are looking to address them to the best of their abilities. The main thing is that there were issues that were raised that were not actually issues and it's very clear in the records. They went through the FOIA process through the City to get the documents to prove that the two plans approved by the City for Lot 2: Kidz Ink and for Lot 1: Dover Station were approved and that the actual easement is part of the document that was presented to the Commission. That easement document was signed by the owners and by the attorney that was present at the last meeting. He in fact notarized those documents. What's really happening here is that you have a very high cost to installing that road and that's not my cost. The only way to avoid that is to kill this project and that's what they were dealing with at last month's meeting. His final point is that he thinks the 20,000 SF and 6,000 SF buildings are going to be an enhancement in development for this area. It's going to create jobs and improve the area. This is a contaminated Brownfield site that is currently under mitigation at this point and they are getting very close to having that

completely resolved to begin construction. They simply ask for the Commission's approval for their plan. The application is presented with everything laid out on the table; there is nothing to hide. What they intend to do with both the emergency shelter and with the office building is up front and quite frankly they do have their concerns along with the community. They have met with DelDOT along with Mr. Jason Lyon. He thinks that they have answered all of the questions that were posed to them at the last meeting.

Mr. Holden stated that at the last hearing there was certainly no proof or something offered from either the applicant or the others that testified over the existence of the cross-access easement. He greatly appreciates that the information has been provided. It's certainly their job to make sure that public safety is met and that traffic is appropriate over the area and for the residents in particular. There was also ambiguity over the timing and what DelDOT was going to require related to the closure of the existing entrance onto North Street which has by a number of the people who testified for concerns of safety in the area. The Commission deferred this action so that they could get some more information. He appreciates their time and they have seemed to address that. He appreciates the timing of getting DelDOT and the City together. He did feel that it was appropriate for the Commission to push the decision based upon not having that information.

Is there concurrence that the easement has to exist to provide for access that this Site Plan is requesting? Is there concern or push back from Lot 2 or Kidz Ink that these documents as presented don't provide the cross-access easement? Responding to Mr. Holden, Mr. Anderson stated that as you can see by the plan that the concern with the cross access has been resolved because Mr. Liberman has re-engineered the site. All of the parking that required cross access is now eliminated. All of the parking is now on the left side of the building so we no longer need the cross-access easement although they can prove without a doubt that it actually exists. It's no longer a requirement and thereby not really an issue for them at this point. It was a considerable cost and they will deal with that later but the fact of the matter is that they wanted to eliminate that as a stumbling block.

Mr. Holden questioned if there has been correspondence with Kidz Ink of the cross-access easement as it exists? Responding to Mr. Holden, Mr. Anderson stated no but he is not sure what their position is. He did meet with the owner and advised him that they have re-engineered the site and that they were no longer going to need access to the fifteen spaces on the east side of the building and he seemed to be pleased with that.

Mr. Holden stated regarding the loading spaces and with the fact that you've got quite amount of square footage of office that traffic flow to Kidz Ink or Lot 2 is going to have to pass through these parking areas. How is loading going to be accomplished and not impede the flow of traffic in and out? Responding to Mr. Holden, Mr. Liberman stated that he thinks that they could use that empty drive aisle along the front of 655 West North Street for loading. They have room down there now. If you look at the site, there are basically two dead end parking bays for people that are using the building. Deliveries could come down and park along the front of 655 West North Street. There would still be a lane open if someone did chose to come around and then circle back up through the Kidz Ink side. In that situation, the truck would come down and then go out through that cross-access easement across from Kidz Ink.

Mr. Holden questioned if there was a notable hardship that you can't install the loading space? Responding to Mr. Holden, Mr. Liberman stated that there is potential that they could add it along the front if the Commission desires that they have a loading space along the front. Their only concern is that it would potentially not line up the drive aisles. They could eliminate the sidewalk along the front of the building which he doesn't think is necessary or desirable. If he has to provide additional space for a loading area, the drive aisles will not line up. He prefers to maintain the aisles lining up.

Mrs. Melson-Williams stated that this is a Site Plan application and there are three waivers that are requested: the reduction in loading spaces, the partial elimination of the opaque barrier fence component and the opaque barrier alternative format for specific areas. The Commission does have the DAC Report which includes the other recommendations from the Planning Staff and the other reporting agencies as well.

Mr. Holden moved to approve S-17-15 Dover Station at 655 West North Street inclusive of the partial elimination of the opaque barrier and the alternative format of opaque barrier; and to deny the reduction in loading space; and to include that the City Engineer confirm before Building Permits that the roadways are adequate in width and capacity for traffic as following a lot of the neighbor concerns; and that the City Solicitor ensure that the use is compliant with zoning, seconded by Mr. Holt and the motion was carried 7-0 by roll call vote with Mr. Baldwin and Dr. Jones absent. Mr. Holden voting yes; due to Staff comments and due to changes of the plan that seem to bring it in line with the concerns that have been raised. Mr. Roach voting yes; he appreciates their efforts to try to alleviate the issues. Ms. Edwards voting yes; based on Staff recommendations and for all of the reasons previously stated. Mr. Holt voting yes; based on Staff comments and also the new changes to the plan. Mrs. Welsh voting yes; for all of the reasons previously stated. Ms. Maucher voting yes; the Site Plan is in compliance with the zoning requirements and the concerns that were raised previously have been adequately addressed. Mr. Tolbert voting yes; the applicant has worked with us and we have worked with the applicant and they have shown a desire to revise their plan to adjust it in according to the Commission's concerns expressed at the last meeting.

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 acres (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.

Representatives: Mr. Dave Kuklish, Bohler Engineering

Mrs. Melson-Williams stated that this is a Minor Subdivision Plan. The Commission is familiar with the Panera Bread Restaurant site; it is under active construction. The Site Plan for development of that restaurant site was heard in late 2016 and achieved Final Site Plan approval. This application this evening is to create a stand-alone parcel for that restaurant site. It is currently part of the larger tract of land that is addressed as 515 North DuPont Highway which is where the old K-Mart building now known at the Burlington and Big Lots building is the primary tenant on the larger parcel. They are looking to divide out what would be the north pad site onto an individual tract of land just over 37,000 SF in area. In doing so, they have to confirm that the new lot being created as well as the residual continues to meet the various bulk standards of the C-4 (Highway Commercial Zone). Their proposal does achieve that, meeting the various requirements for lot width and depth. The placement of the building that is under construction continues to meet the front, side and rear setback provisions and other bulk standards of the C-4 (Highway Commercial Zone). Our Report also gives a brief summary of the parking requirements for the Panera site. A large number of them will be included on this parcel; however, with this project there are a number of easements between the proposed Panera lot and the residual lot that address things such as parking, utilities that may cross one parcel to get to the other as well as the access concern specifically. The Panera site does not implement any new access points. Those will continue to be the ones from Townsend Boulevard and the existing one from North DuPont Highway that just skirts the northern edge of the proposed Panera lot.

The Planning Office identified a number of minor plan changes and they find that the proposed Minor Subdivision does meet the standards and objectives of the *Land Subdivision Regulations*. Other commenting agencies include the City's Electric Department and Public Works. The Fire Marshal's Office for the City has no objections to the Minor Subdivision. With DelDOT, they will have to update their Record Plan with that agency and there are no objections from the Kent Conservation District.

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

Mrs. Welsh moved to approve SB-17-02 Minor Subdivision Plan for Panera Bread Restaurant at 545 North DuPont Highway, seconded by Ms. Edwards and the motion carried 7-0 by roll call vote with Mr. Baldwin and Dr. Jones absent. Mr. Holden voting yes; due to Staff comment and compliance with Code. Mr. Roach voting yes. Ms. Edwards voting yes. Mr. Holt voting yes; due to Staff comments and it meets the Code. Mrs. Welsh voting yes; the plan complies with the Subdivision Plan requirements. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; it is his understanding that Panera Bread is a popular restaurant.

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.*

Representatives: Mr. Wilfred Martin, Owner; Mr. Paul Herbert Jr., Herbert Construction LLC

Mrs. Harvey stated that this is 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 is proposing a day care that can accommodate eighty-three children. The property is zoned R-8 (One-Family Residence Zone). The owner of record is 868 South State Street LLC.

The day care center project was granted two variances from the Board of Adjustment on May 17, 2017. These variances permit the maximum number of children in a day care center located in a residential zone to increase from fifty to eighty-three children; and the maximum building coverage for a Conditional Use in the R-8 (One-Family Residence Zone) to increase from 20% to 23.7%. The requesting variances were approved on May 17, 2017. The property was the subject of a Conditional Use application for a day care center with seventy children that was approved by the Planning Commission on September 17, 1990, The Play House Nursery. However, the Child Care Licensing approved the license capacity of fifty children for this establishment. Day care centers require one parking space for every ten children and one parking space per adult attendant. Based on the number of proposed children being eighty-three and the number of adult attendants being ten, a total of nineteen parking spaces are required. The Site Plan dated March 3, 2017 indicates that there are twenty-six parking spaces. There is one existing handicapped parking space and four existing parking spaces in front of the property off of South State Street. The plan shows a proposal for twenty-one parking spaces off of the rear of the property. A revised Parking Plan was submitted for the May 17, 2017 Board of Adjustment meeting indicating fifteen individual parking spaces off of the alley at the rear of the property and the five existing parking spaces located at the front of the property including one handicapped space. The applicant must clarify which parking design they intend to propose.

The *Zoning Ordinance*, Article 6, Section 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 patron and parking areas was submitted to the Planning Office for consideration by Planning Commission. In accordance with Section 2.26 related to the 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. The overall number of children limited by the Variance granted was approved to allow up to eighty-three children; however, the building will have a maximum number of occupancy including staff and children that is governed by Building and Fire Code requirements and State Licensing provisions. Per the Code requirements for the National Fire Protection Agency, thirty-five square feet of usable space per child with the proposed additional building space would allow a total occupant load of eighty-seven including the children as noted in the Fire Marshal's comments. Other agency and department requirements related to parking for this project must be approved and updated in the Final Site Plan.

Mr. Martin stated that as far as he knows they have resolved everything with everybody accept the parking. They are accepting the DelDOT provisions that they have agreed to with the twenty something parking spots. He would like to add one thing. The primary reason that he went into this thing is because of the need in that area. The lady in charge of this license brought some of her staff with her. She had a plan. They had four years and seven month average of turnover from four different clients. Now this is going to give her the opportunity to exercise some of her views of taking the people that are in this position, raising their pay to the point that it will in fact allow them to move up from a situation normally that would have them stalemate for life and he applauds her for that.

Mr. Herbert stated that he had a meeting with DelDOT and they came to the conclusion that the entryway off of South State Street is not safe. They are in the process of having Scott Engineering design a new layout. They are actually going to close off the entryway on South State Street and all of the parking is going to be at the rear of the building.

Mr. Tolbert questioned if they would have eighty-three children or will they have ninety-five? Responding to Mr. Tolbert, Mr. Martin stated that they have the building structured for ninety-five based on Child Care Licensing but the structure itself meant eighty-seven for the Fire Marshal. They are actually only going to have up to seventy-seven children in order to have parking for the children and staff.

Ms. Maucher questioned if all access would be off that alley in the back? Responding to Ms. Maucher, Mr. Martin stated yes.

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

Mrs. Melson-Williams stated that just to remind the Commissioners, this is a Conditional Use Site Plan. There is one waiver request and that is for the elimination of upright curbing as related to the parking areas. They have heard this evening that those parking areas would be located in the rear of the property closing off an existing parking lot that currently takes access from South State Street.

Mrs. Welsh moved to approve C-17-02 Shell's Early Learning Center at 868 South State Street as a Conditional Use facility with the approval of the waiver requested for the elimination of upright curbing and inclusive of all DAC comments, seconded by Mr. Holt.

Mr. Holden questioned if Mrs. Welsh would be willing to take an amendment that we place a one year review. He has some concerns over the additional parking and the parking alignment and that much traffic through the alley. If Staff is accepting of it then he is okay to move forward with the Conditional Use but he would like to have a one year review to confirm the City's concurrence with that alignment and that the Conditional Use is satisfactory.

The motion was amended to include a one year review of the Conditional Use and carried 7-0 by roll call vote with Mr. Baldwin and Dr. Jones absent. Mr. Holden voting yes; due to the addition of the amendment and Staff support. Mr. Roach voting yes; he thinks that moving the parking to the back will definitely be an improvement because it's very difficult to access that property from State Street. Also he approves it with one year review but he knows that it would have to be anything but an improvement. Ms. Edwards voting yes; she agrees with Mr. Roach's statements. She visited the site yesterday and that parking off of State Street is much more unsafe than coming to the back of the building. Mr. Holt voting yes; he agrees with the motion and parking being in the rear. Mrs. Welsh voting yes; for all of the reasons stated in the motion. Ms. Maucher voting yes; particularly with the one year review. She is not sure that the alley going behind the property has the intent of traffic. Mr. Tolbert voting yes; he is in full agreement with Staff and the clarity of the motion that was made regarding the application.

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.*

Representatives: Mr. Gregory Scott, Scott Engineering; Mr. Bobby Tudor, Tudor Enterprises LLC;

Mrs. Harvey stated that this Site Plan application is to permit the construction of a 4,278 SF one story warehouse and office building 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 Little Creek Road and served by Otis Drive. The project improves the existing parking lot and expands the parking lot on the south and west sides of the building. The parking requirement in the C-3 (Service Commercial Zone) is one parking space per 300 SF of floor area and one

parking space per employee. Based on the area of 4,278 SF for the total building, a minimum of fifteen parking spaces are required. The applicant is proposing to provide twenty parking spaces including one handicapped parking space. Eight parking spaces are in the front of the building with the remaining five car spaces and the seven truck parking spaces within a fenced area on the south side of the building. The pavement next to the existing paved areas is unstriped on the north and west sides of the proposed building. There is an existing sidewalk along the street frontage of South Little Creek Road in accordance with *Zoning Ordinance,* Article 5 Section 18. In addition, sidewalks connecting from the street frontage sidewalk are required but not currently shown on the plan. At the proposed new building, some sidewalk improvements appear to be providing ADA accessible around to the front entrance of the building from the front parking area. The *Zoning Ordinance* Article 6 Section 3.6(b) requires upright curbing for all parking area and access drives. Most of the existing paved and parking areas in the business park site are not curbed. A written waiver request for the elimination of curbing in the new paving and parking areas was submitted to the Planning Office for consideration by the Planning Commission. In accordance with subsection 2.26 related to drainage systems, Staff recommends approval for the request to eliminate the curbing for the parking lot noting that the existing conditions for a large portion of the lot.

Mrs. Melson-Williams stated that this project because of its location in the C-3 (Service Commercial Zone) is subject to the City's Performance Standards Review Process that's outlined in the *Zoning Ordinance* which is where the application must relate how it will not be producing a number of dangerous or objectionable elements. There is a separate Staff Report specific to this Performance Standards Review Process that was submitted to the Planning Commission to know whether the project complies with these series of standards that range from fire hazards, noise, smoke, odors, glare and things of that nature. The applicant did present kind of a narrative of how the building functions. It is a warehouse facility; it is not a production facility. It does have some associated office spaces so Staff is recommending that the Commission as part of their motion, confirm that the building's proposed use as a warehouse facility with those associated offices will conform to all of the applicable Performance Standards and that is referenced here. A number of those Performance Standards are further governed by either City or State regulations like related to fire protection. If it was a type of manufacturing facility, there are State regulations that would come into play. They are providing lighting on the site and utility services are subject to City review anyway. Staff is recommending that the Commission affirm that they have met and will continue to meet the Performance Standards necessary for this project. By reference, we include their submission in regards to those items and regulations. The Planning Commission was also provided the text of the *Zoning Ordinance* itself related to that Performance Standards Review Process. As part of the motion, the Commission will need to consider that as well.

Mr. Scott stated that they are fully aware of the DAC comments and have no problem meeting those comments. They do realize that DelDOT has determined that the existing entrances are substandard and they have to work with them on what improvement to make to bring them up to par. They are really not adding any traffic in as a result of this. This is a relocation of an existing Frito Lay that's currently within the business park and they are moving it to a different location and changing what their operations are based on the current business model.

Mr. Tolbert questioned if they were in complete agreement with Staff regarding the application as they just stated their overview? Responding to Mr. Tolbert, Mr. Scott stated yes.

Mr. Tolbert further questioned if they would continue to work with Staff? Responding to Mr. Tolbert, Mr. Scott stated yes.

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

Mr. Holden stated that Staff noted in the Report that it doesn't appear to be a sharing sidewalk connection with the street. Is the intent not to include that? If so, why not? Responding to Mr. Holden, Mr. Scott stated that it's proposed. They will extend the sidewalk in from the street (South Little Creek Road) and bring it back into the site to the location that they talked about at the DAC meeting.

Mr. Roach questioned if the applicant stated that they had moved from within the Industrial Park to a new location? Responding to Mr. Roach, Mr. Scott stated that the current Frito Lay building is in more of the southern end of the park right now and they are going to be moving to this new location.

Mrs. Melson-Williams stated that as a reminder to the Commissioners, this is a Site Development Plan. There is the one waiver requested for the elimination of upright curbing and also for the Commission's consideration is the Performance Standards Review Application.

Mr. Holden moved to approve S-17-18 Frito Lay Building at Tudor Business Park inclusive of the elimination of upright curbing and implying that the application and narrative provided meets the requirements of the Performance Standards Review Application process, seconded by Mrs. Welsh and the motion was carried 7-0 by roll call vote with Mr. Baldwin and Dr. Jones absent. Mr. Holden voting yes; due to Staff comments and the applicant's concurrence with DAC and Staff comments. Mr. Roach voting yes; he hopes that it makes it more convenient for the applicant to distribute Fritos because he loves them. Ms. Edwards voting yes; based on the reasons previously stated. Mr. Holt voting yes; he is just disappointed that there weren't any samples. Mrs. Welsh voting yes; for all of the reasons previously stated. Ms. Maucher voting yes; for all of the reasons previously stated. Mr. Tolbert voting yes; the applicants have demonstrated a willingness to work with the Staff and he sees no reason for this application to not move forward.

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).*

Representatives: Mr. Alex Schmidt, Century Engineering; Mr. Scott Rathfon, Century Engineering

Mrs. Melson-Williams stated that this Site Plan is for the Bay Road Office Park. This is a Site Development Master Plan meaning the Planning Commission is looking at an overall concept for development of the site. They have outlined a series of four phases to the project. Upon approval for the concept of the overall Master Plan then each phase will move through an Administrative Site Plan process to finalize the Site Plan specific to each phase. There are proposals for a total of three office buildings for the site and then the far western building would be a flex warehouse building and that would be the building that is closest to her on the screen. Overall, the project does include parking and landscaping as part of each of the phases. The project is the subject of a variance request related to the parking in Phase 1. As currently shown, the parking exceeds the maximum parking allowed in that phase. They are seeking review of that request by the Board of Adjustment later this week. Staff felt that they could keep the project moving forward here with the Planning Commission. There is also another variance request related to the elimination of the landscape requirement portion of the opaque barrier that the Board of Adjustment will also consider. As mentioned, this is a concept for development of a series of office buildings. The central office building in the middle is the one that is most known about. The proposal for the offices of Century Engineering are a permitted use in the C-4 (Highway Commercial Zone). The DAC Report does provide a phase by phase summary of parking and as noted the first phase does exceed the maximum parking requirement; however, that balances itself out once they get into the subsequent phases.

They do have a waiver request for the requirement for loading spaces; that would be a requirement to provide a loading space at each of the office buildings. They are seeking relief from that. The warehouse building itself is setup in a fashion that the whole west elevation of it turns into what is really a large loading area. This project will have to meet bicycle parking requirements. For sidewalks, they are showing a proposal for a shared use path of ten feet in width along the Bay Road frontage of the property with sidewalks leading into the site. They do have a second waiver request in order to partially eliminate upright curbing. There are select areas of the parking lots where it may be beneficial to eliminate curbing as related to stormwater management concepts that they are thinking about for that project site. The site is providing the required number of dumpsters for it.

The architecture for the Office Building 1 which is the one that is centered to the site is basically a brick building and is two story in nature. This is the architecture for that building only. There are several waiver requests related to the landscaping component. They are meeting the overall tree planting requirements for the site; however, they are seeking a reduction in the arterial street buffer. The arterial street buffer by Code is to be thirty feet in width and they are seeking to

reduce that to a total width of twelve feet that is along the Bay Road frontage. The other landscaping component is the opaque barrier and this is a buffer that is required when a property of non-residential uses is adjacent to residential uses. This occurs along the northern property lines, basically in the vicinity of the middle office building and the warehouse building. That opaque barrier has two components: a fence component and a landscape component. They are as noted previously seeking a variance in regards to the landscape component from what they feel is limited space to actually implement it. They are intending to provide the fence in those areas as required by the opaque barrier. The Planning Staff has provided a series of comments and beginning on Page 7 and they are additional items for consideration in order to meet the Code objectives. Staff is supportive of the elimination of the loading space requirement for the office buildings. They find that they typically do not necessitate the type of loading that would involve tractor trailers and the like. Staff is also supportive of the elimination of upright curbing as specifically related to any kind of drainage systems that they may be implementing as part of the project. In regards to the waiver request for the reduction of the arterial street buffer from thirty feet to something less than that, Staff is recommending a width of twenty feet to be implemented, whereas, the applicant has requested a width of twelve feet. Staff does note that there is some green space that exists within the right-of-way because of the right-of-way of Bay Road; however, Staff feels that there are a number of adjustments on the site that can be made to increase the green space that is physically there along Bay Road in order to implement some landscaping in those areas between what would be the shared use path and the start of the parking for the two easternmost buildings: Building 2 and Building 3. As part of the consideration, Staff is also recommending implementation of cross access opportunities whether that be for vehicles or pedestrians and that specifically would be a connection to the adjacent property to the south which is currently vacant but is also here tonight with its own application for development. Staff is also recommending a cross access connection between the flex warehouse parcel and the office building parcels. They do seek additional considerations for pedestrian connections with this site. This site is accessible from both Cowgill Street and Martin Street so they think that they need to look more carefully at sidewalk connections from those areas as well. They have noted about architecture and the location of any HVAC equipment.

The other agencies have provided their comments including the City's Electric and Public Works Offices and the Office of the Fire Marshal. The applicant has been working with DelDOT and they had no particular comments at this time but it will require obviously an Entrance Plan in order for them to develop this access point to Bay Road since that is a State maintained road. The MPO is also encouraging the cross-access both for vehicle and sidewalk opportunities with the site.

The Planning Commission is considering a Site Development Master Plan. There are three waivers which are the elimination of loading spaces, the partial elimination of upright curbing and then the reduction of arterial street buffer and with that the Commission will have to be very specific as to the width that would be allowed.

Mr. Tolbert questioned what the warehouse would be used for? Responding to Mr. Tolbert, Mr. Schmidt stated that they haven't decided yet because there hasn't been a tenant established for that yet. The initial thought was that it might be a plumbing supply warehouse or an electrical supply warehouse.

Mr. Tolbert further questioned if the warehouse would have any relation to the other office buildings? Responding to Mr. Tolbert, Mr. Schmidt stated no.

Mr. Holden stated that Staff had some recommendations on the actions that the Commission has to take. There were some advisory recommended actions and comments relative to the cross-access for pedestrians. Responding to Mr. Holden, Mr. Schmidt stated that they are evaluating them. They understand the concerns that the City has and that the MPO has and they are going to try to act on those in the way that is most feasible for them. There is some concern on their part as to whether these cross accesses will be used as access solely to the southern site if they were implemented. For the safety of the people who work here, they don't want this to become just a pass through to access the south site and avoid the light that's down at the entrance into that shopping center. As Mrs. Melson-Williams mentioned, they have a shared use path on the front of the site and they encourage pedestrians to use that method if they want to walk south of their site rather than walking through their site. Other than those, they are very amenable to the recommendations from the Planning Staff. The requirements were to meet all of the requirements and recommendations; they are working to determine with ones are feasible.

Ms. Maucher asked for more information on the twenty-foot buffer as opposed to the twelve-foot arterial street buffer. Responding to Ms. Maucher, Mr. Schmidt stated that the initial thought behind asking for the waiver is that they have thirty feet from the edge of the roadway now to the front of the parking lot. Part of that is just because the right-of-way is very wide right there and it's actually wider than what is required. They went back after they received the report from the Planning Commission and reviewed what they could do. Their goal for the center of the site where they have that green space is to put the stormwater there. They feel comfortable that if a twenty-foot buffer is approved that they could still make everything else work on the site. They are willing to amend their request from a twelve-foot to a twenty-foot buffer.

Mr. Schmidt stated that there are a few things that he would like to say and he will keep it brief. There are three buildings here and only one building has a tenant identified so far. That's the approximately 25,000 SF office building that's in the center of the site. The tenant will be Century Engineering. That means that they don't walk away from this design once it's approved; they are there for thirty years or more. You'll notice on the building in the middle of the site that they have left some space open to the south. The intent of that is over the years they will be able to expand there. It has been thirty years this year since they started in Dover. They moved to an office now north of Scarborough Road so they are outside of Dover but they are really looking forward to moving back into the City and being here for hopefully a very long time.

He wanted to address some of the waivers. They talked a little bit about the buffer request. They are asking for a waiver on the curb and really there is only one or two locations on site and it's just to help the stormwater management. They will provide bumpers and wheel stops as required by Planning and Zoning. For the loading docks where they are now, they do not have loading docks or loading spaces. They have never had an issue with loading. Most of their deliveries are FedEx trucks and small office supply trucks. They feel with the office spaces there is not really any need for a loading area. The warehouse in the back will provide loading as required. They agree with the requirements of the Staff Report and they will work with Staff.

Mr. Tolbert opened a public hearing.

Ms. April Hall – 404 Cowgill Street Dover DE 19901

Ms. Hall stated that she is a resident in the area. The property is located on the southwest side of Bay Road and south of Miller Drive with access onto Cowgill Street and Martin Street. They have been residents there for twenty-one years and are raising eight children and now visitation of a grandson. The neighborhood is quiet and includes professionals and blue collared workers. What makes their neighborhood unique is that the drop-off and pick-up at the day care that's within the neighborhood. The children play in the yards and the street. Also, they reside in a dead-end and not too many people know about it aside from the day care. While they appreciate job opportunities and possible increases of home values, in talking with other residents on the street, they are against opening up their street to be used as an entrance way which will allow people to walk through their neighborhood. She also has concerns of a warehouse that does not have any intent to it.

Mr. Tolbert closed the public hearing after seeing no one else wishing to speak.

Mr. Tolbert stated that the building has a flat roof and at one time the Commission was trying hard to do away with flat roofs. If anything can be done with that please work with Staff to do something to make that building more attractive.

Mr. Roach questioned if the only access to Building 4 will be from Cowgill Street? Responding to Mr. Roach, Mr. Schmidt stated yes. Some of the concerns that they have with that is that to provide a fire code compliant fire lane in the back of that building will be pretty difficult because they will have to weave through the parking areas of the other buildings to get back there. For fire access, the safest thing to do is have that access right onto Cowgill Street.

Mr. Holden moved to approve S-17-19 Bay Road Office Park Master Plan inclusive of the elimination of loading spaces for Phase 1 of the project. He would like the request to come back to Staff in the future phases depending on what uses go into those phases. He would like to also approve the waiver for the elimination of upright curbing and the reduction of the arterial street buffer to a twenty-foot width. He thinks that they cannot require cross access either pedestrian or road both due to the applicant's statement and the concern from the residents. It will most likely create cross throughs there that he doesn't think will be intended. And to also include the DAC comments, seconded by Mr. Holt.

Mrs. Melson-Williams questioned which properties would have no cross access? Responding to Mrs. Melson-Williams, Mr. Holden stated he was referring to all properties.

The motion was carried 7-0 by roll call vote with Mr. Baldwin and Dr. Jones absent. Mr. Holden voting yes; for the reasons included in the motion. Mr. Roach voting yes; he appreciates that Century Engineering wants to stay in Dover. Ms. Edwards voting yes; based on the applicant's willingness to work with Staff recommendations and it will be nice to have that corridor improved. Mr. Holt voting yes; he thinks that it is going to be an asset to the area. Mrs. Welsh voting yes; she thinks that it will be a great improvement to that piece of land that's been vacant for quite some time. Ms. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting

yes; the application is quite nice. He would like to see something done to the rooftops of the buildings but it's not enough to stop the application. He knows that they will work cooperatively with Staff to deal with that issue.

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.*

Representatives: Mr. Mike Riemann, Becker Morgan Group; Mr. Bill Krapf, Bayroadcap LLC

Mrs. Melson-Williams stated that this is a Site Development Plan. It is the two properties that are 560 Bay Road and 600 Bay Road. This property in total is 12.93 acres of land. It may look familiar to some Planning Commission members because they have seen some previous applications for development proposals on this site. Currently, there is an approved Woodland Tree Clearing Plan to clear about 7.5 acres of trees on the site. That was approved in 2014 and got Final Plan Approval this Spring which authorizes them to cut down the trees but not disturb any stumps at this point. That Woodland Tree Clearing Plan is tied to a Woodland Tree Mitigation Plan that was approved and actually the mitigation has been implemented at the Fork Branch Nature Preserve in other parts of the City. Previously, there was a project called South Dover Plaza in 2010 for the development of the site. Tonight, they are looking at a proposal for commercial development on a C-4 (Highway Commercial Zone) piece of land. There are a series of buildings. The western most is a multi-tenant building that is anchored by a large grocery store. There is what they call the north multi-tenant building, again with a series of opportunities for multi-tenant spaces and then two restaurants in pad site locations. They do not know specific tenants at this point so a lot of the architecture is a schematic at this point in time and we will see more of that from the applicant as part of their presentation.

The parking for the site is a little bit tricky to actually calculate because of some of the unknowns with tenant opportunities. Staff has done their best because there are parking requirements for retail and then restaurants are calculated typically on a seat count scenario. With restaurant tenants being unknown, the number of seats is unknown as well. Overall, they are providing a total of six hundred sixteen (616) parking spaces as shown on the plan. That is within the maximum parking limits that are established by Code. For loading, there are a number of loading spaces that are required for the project site with these various tenant buildings. The grocery store site location has a whole series of loading spaces at its rear and it's very likely that the north

tenant building also would have kind of a designated loading space area. In addition, the application at this point does identify loading areas specifically on one side of each of the restaurant pads as well. There is a bicycle parking requirement and they started to show a series of bike racks near each of the buildings on the project site.

The entrance to this property is somewhat unique. They are proposing a right in/right out directly to Bay Road that happens just to the south of the first restaurant building that you would come to if you are coming from Dover to the site. However, the main entrance to the property will be through the signalized intersection of Bay Road and the entrance drive that currently leads into Bay Court Plaza and to also several other properties to the west. The applicant provided some information about the ability to utilize that entrance area. It is not located on their property and they hope to tap into it at three specific points to access their site. The project does require a minimum of sidewalks along the street frontage of the site. It is Staff's understanding that a shared use path again would be implemented for this area because of other linkages that exist in the area for multi-use or shared use paths as well.

The project does present a series of color renderings that give us a sense and taste of the retail buildings for the project site. There is some basic information that shows the multi-tenant opportunities and the top one including the face of what would be the grocery store. The other rendering shows the other building with tower like elements and some differences in the wall heights along the series. Another rendering shows the parking lot areas and shows landscaping proposals. Tree planting for the project will include a requirement for one hundred eighty-eight (188) trees on the site. They are showing plantings that will exceed that. A lot of the plantings are within parking lot islands or along the periphery of the development along the property lines, in some cases related to screening of the rears of buildings.

There is a waiver request related to this project for the reduction of the arterial street buffer along Bay Road. There is a requirement in the Code for a width of thirty feet and the applicant has submitted a request seeking a reduction of that in both of those points of area where their site actually fronts on Bay Road. With Planning's comments and recommendations for additional considerations, they are recommending approval of the reduction in the arterial street buffer to a minimum of twenty feet for the project site, again noting that there is some green space that ends up within the right-of-way because of the situation along Bay Road. There is an opportunity already on the site that would allow for that green space to exist between the street and the parking near the restaurant sites. They are providing a series of landscape elements in those areas. Staff also recommended cross access connections with a property to the north as an opportunity. They do note that the site access from the existing entrance drive to Bay Court Plaza needs to be carefully evaluated in terms of traffic circulation as this potentially is another high traffic generator taking access from that drive and there are certainly a number of points of access that exist along that already. If there is any opportunity to improve the traffic movement through that entire entranceway, they are certainly encouraging the applicant to pursue that. Internally, they do note that there may be some minor improvements to pedestrian facilities and they certainly recommend implementation of the multi-use/shared use path along Bay Road in lieu of just a regular sidewalk.

The project does have comments from the City's Electric Department and the Department of

Public Works. The Office of the Fire Marshal has a number of comments, some of which will be very specific to tenant spaces that are selected there. This project has had some interaction with DelDOT already in regards to its site access and implementation items there. The Kent Conservation District will be looking at any stormwater management plans for the project site. The MPO is supportive of making use of a multi-use path along the Bay Road frontage and again notes potential opportunities for cross access. This is a Site Development Plan with the one waiver request for the reduction of the arterial street buffer. She would note that this project did go through the PLUS review process and Staff has copies of the comments that were issued by the various State agencies and we have also received the applicant's response to those comments which indicates that there are a number of things that they will continue to be working with those State agencies on.

Mr. Tolbert questioned if the finished product will look like the renderings shown tonight? Responding to Mr. Tolbert, Mr. Riemann stated yes.

Mr. Roach stated that he saw Shop Rite on one the renderings. Is that locked in? Responding to Mr. Roach, Mr. Krapf stated that they do not have a signed lease. They have a signed letter of intent and Shop Rite's corporate has approved the project. They are intended to be a tenant.

Mr. Tolbert stated that they will have two restaurants. Do they know what restaurants will be there? Responding to Mr. Tolbert, Mr. Krapf stated that there will be at least two restaurants. There may be restaurants within the strip centers as well but the front two will be restaurant pad sites.

Mr. Holden questioned if the City Water/Wastewater Handbook require sewer to be extended to the property lines? Here is would be to the north and then to the existing parcel surrounded by this project. Responding to Mr. Holden, Mr. Lyon stated no it does not. They do have a stipulation to have water main loops when feasible but not sewer.

Mr. Holden further questioned if the project that the Commission just heard to the north, did the Master Plan provide sewer layouts for consideration? Responding to Mr. Holden, Mr. Lyon stated yes on Miller Drive and Cowgill Street. They loop their water mains as well.

Mr. Riemann stated that he wanted to hit on some of the highlights. As Mrs. Melson-Williams stated the property is zoned C-4 (Highway Commercial Zone) so it is appropriate for this use. There are about thirteen acres and there are some woods on the property. There was a Tree Mitigation Plan that was approved and actually the off-site trees have already been planted. They are located at the Fork Branch Nature Preserve in Dover. This has already been completed which gives them the ability to clear the trees on the site so that they can make use of it. The site was also subject to a prior application which expired on 2013 for a large shopping center as a Master Plan. He doesn't think that it ever went all the way through to approval. He thinks that it just came to the Planning Commission as a preliminary and never went to final but that was about 140,00 SF at the time. This site is about 120,000 SF so it's slightly less than the previous application. As you can see on the plan, there is the larger anchor tenant which is the larger box in the middle; that's the grocery store as intended for Shop Rite. They have two restaurant pads out front who are intended uses for those pads and then they have some in-line retail adjacent to

the grocery tenant which would be retail and they hope some restaurants. There are some opportunities for some outdoor seating that's shown on the rendering. They have great site circulation by use of an existing entranceway which is to a major light with lots of auxiliary lanes to the site which is a benefit. Their truck circulation for deliveries is intended to use that third access point in the rear to circle with the site. Screening all of loading, trash and the back of house stuff is behind all of the buildings so that these things are not seen from the street. They meet the Code with parking, both minimum and maximum. To Mrs. Melson-Williams' reference about parking, they are anticipating that some of the retail in-line space would consist of restaurant space and that has an effect on the parking calculations; they have documented that in their plan submission. They have no objection to the ten-foot multi-use path across the front. They had a pre-application meeting already with DelDOT and of course they are part of the DAC. They have requested the ten-foot multi-use path as well and they are fine with that so it will be added across the frontage. One other thing that DelDOT had requested that they do is add a bike lane between the existing right turn lane. If you are coming south on Bay Road and you make a right into the center at that light, there is not a bike lane now and they have asked that it be added. They have agreed to do that. Stormwater management would likely be in the location shown in blue in the rear. It would be screened and access would be somewhat limited obviously because it would be behind the buildings. They think that they can work some outdoor seating opportunities in there and create somewhat of a nice opportunity for a restaurant or what have you on that end unit. They also have some underground stormwater as well. They will go through that process with Kent Conservation District. Cross access was mentioned and it seems like that may be a moot point at this point given the prior application but if that was something that was desired by the neighboring properties they do not have an objection to that provided that they don't need to modify their layout.

On the waiver request, it is very similar to the prior application and really for the same reasons. There is an excessive amount of right-of-way, well beyond the Code. Normally, DelDOT would require thirty feet of right-of-way from the edge of the travel lane. (Referencing a map drawing.) The second orange line shown in the graphic shows where that buffer would be if DelDOT had its normal thirty-foot right-of-way but it's about thirty-six or thirty-seven feet along there. There is more right-of-way along here than you would normally see from DelDOT. The two green dimensions on the left show the green that exists between the new right turn lane and their parking and it's about forty-four feet. The multi-use path is in there as well. They have a significant amount of buffer there already and that is the reason for their waiver request which is very similar to the prior application because of the excessive right-of-way that exists across the frontage. There will be varying materials and varying roof lines; some gable roofs throughout will definitely break it up. It's a combination of brick and stone and Hardi-type composite materials. They definitely want to try to give it a little better aesthetics.

Graphic rendering views of the property were shown from different locations on the property.

With that, they have reviewed the Staff Report and they don't have any issues with it. They will work with Staff to continue to improve the plan.

Mr. Holden stated that they received a correspondence from B&B Delaware Investments which is the property encompassed along Bay Road requesting that sewer be extended from the

property line. What is the applicant's view on that request? Responding to Mr. Holden, Mr. Riemann stated that they don't think it's an issue. They are going to have to run sewer right by there so he thinks that would be a relatively easy thing to accomplish. One of DelDOT's requests was to actually try to provide a cross access easement opportunity for them as well which they agreed with DelDOT that they would do.

Ms. Edwards asked if they could review the traffic flow. Is there only one exit? Responding to Ms. Edwards, Mr. Riemann stated that there is an existing signalized intersection that is going into what used to be the Value City Shopping Center. There are two access points; there is this signalized intersection as well as a new right in/right out location here. Leading into their center there are going to be three points of access along the main drive. There are about four lanes so there is a multitude of auxiliary lanes along the main drive. They are going to be improving this intersection by adding a bike lane between the right turn lane and a through lane. One of the DelDOT requirements that came out of the Traffic Study was to lengthen the double left turn lanes that come into the center. If you are traveling north, there are two left lanes and they were requested to lengthen those. DelDOT would also require that they enter into a signal agreement for this particular intersection.

Ms. Edwards questioned if all of the entrances were right in/right out? Responding to Ms. Edwards, Mr. Riemann stated that one is right in/right out and some are full movement entrances. Their truck circulation is to come in and back into loading and then continue out.

Mr. Tolbert opened a public hearing.

Mr. Scott Rathfon – Century Engineering 4134 North DuPont Highway Dover, DE 19901
Mr. Rathfon stated that they are going to be at the property just north of here. The only concern that he has is that their office is going to be on the back side of the retail space. He is concerned about the cleanliness and what their requirements are for the dumpsters. Responding to Mr. Rathfon, Mr. Riemann stated that the dumpsters will be enclosed along the back and there would be landscape screening there as well.

Mr. Tolbert closed the public hearing.

Mrs. Melson-Williams stated that for the record they did receive a fax from the B&B Delaware Investments and that is the adjacent property owner of 580 Bay Road. This project site wraps around it. Their request is that the Planning Commission require the developer to bring City sewer to the property line of their particular parcel. They make note that currently it does not have City sewer available and that is what they would like to have happen. They note that it would be a benefit to the City for them to be on and utilize the City's sewer system. She thinks that it was mentioned previously in the discussions of this application that the applicants would be amenable to designing it to allow that to happen with this project as they need to be serving the adjacent restaurant sites anyway. The person who signed the letter is Mr. Bob Peterson.

This is a Site Plan with one waiver request which is the reduction of the arterial street buffer.

Mr. Holden moved to approve S-17-20 Bay Road Commercial at 560 and 600 Bay Road

inclusive of the waiver request for reduction of the arterial street buffer from thirty to twenty feet. He knows that the applicant has concurred to provide cross access and that they have volunteered to provide sanitary sewer to the property at 580 Bay Road. He requires that the applicant work with Staff to provide landscaping as submitted in the graphics, seconded by Mrs. Welsh and the motion was unanimously carried 7-0 by roll call vote with Mr. Baldwin and Dr. Jones absent. Mr. Holden voting yes; due to Staff and DAC comments. Mr. Roach voting yes; he thinks that it is a beautiful plan and an improvement for the area. Ms. Edwards voting yes; based on the reasons previously stated and as stated in the previous application, the improvement to the area is most welcomed. Mr. Holt voting yes; he thinks that it's going to be a major improvement to the area. Mrs. Welsh voting yes; it's a great plan and she thinks that it will improve the area significantly in conjunction with the prior plan. She thinks that they will both enhance the area significantly. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; the renderings that have been shown to us are very aesthetic. He is pretty sure that Dover will appreciate it once it's up and running.

NEW BUSINESS

Mr. Tolbert stated that he would like to extend a warm welcome to Mr. Julian Swierczek and he hopes that his stay with us is enjoyable and he hopes that he appreciates the Planning Commission has much as they appreciate him.

Meeting adjourned at 9:08 PM.

Sincerely,

Kristen Mullaney
Secretary

MEMORANDUM

Department of Planning & Inspections
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7196 Fax: 302.736.4217

DATE: August 10, 2017
TO: Planning Commission
FROM: Planning Office

SUBJECT: Administrative Site Plan S-17-22 McPoyle Site at 575 North DuPont Highway
Waiver Request: Elimination of Curbing Requirement

Background

Application S-17-22 was submitted to the Planning & Inspections Department on June 29, 2017 for administrative review. The project proposes a new 3,302 S.F parking lot for the State Farm Office at 575 North DuPont Highway. Under the *Zoning Ordinance,* Article 10 §2.14 this project qualified for Administrative Site Plan Review due to the small size of the impervious surface added.

The *Zoning Ordinance,* Article 6 §3.6(b) requires that all permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The Planning Commission may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. The applicant is requesting that the requirement for curbing around the five-space parking lot be waived.

Recommendation

Staff recommends the Planning Commission waive the requirement for curbing around the parking lot. The applicant has stated that construction of the small parking lot as proposed will not change the surface drainage of the site. If curbing were required; however, the grade differences would mean drainage patterns of the site would be substantially changed, and new stormwater management areas would potentially be required. The amount of expected runoff is small enough that significant erosion is not expected. As is standard for curbing waivers, Staff recommends in lieu of curbing that parking bumpers be required to prevent cars from driving out of the paved area.

Attachments:
Waiver Request dated July 8, 2017
Site Plan dated June 29, 2017

From: William J. McPoyle,sr
2001 Windswept Dr
Dover DE 19901
302-480-7187

July 8th 2017

To: Edward Diaz
City of Dover Planning Dept
P.O. Box 485
Dover DE 19903

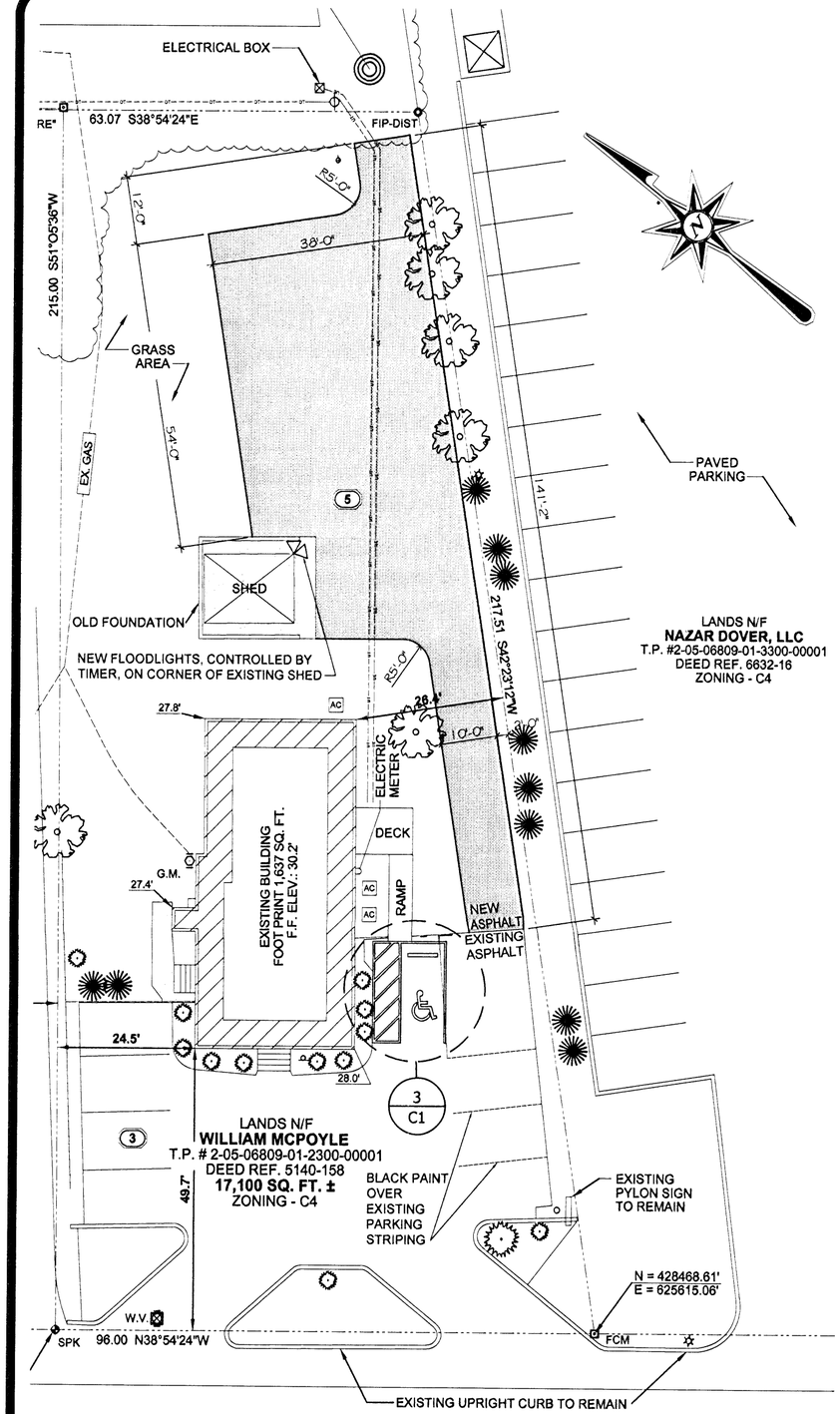
Ref: 575 N. Dupont Hwy
Dover DE 19901
RE: New Employee Parking Area
C1227-0617

I approve the site plan drawn up by William Byler, Jr Architect for the proposed new parking area at 575 N. DuPont Hwy., Dover,DE 19901.
I request that curbing be waived on this project. Mr Byler agrees that in this study no curbing would be the best case scenario. Please feel free to contact him for his direct input in this matter.

Sincerely,
William J. McPoyle, sr

William J. McPoyle, sr

cc: William Byler, Jr, Architect
P.O. Box 104
Kenton, DE 19955
Phone 302-653-3550 cell 302-359-3313 fax 302-653-6595



1 SITE PLAN SHOWING NEW WORK
1" = 20'

GRAPHIC SCALE
0' 20' 40' 60'
(IN FEET)
1 inch = 20 ft.

SITE DATA:

1. OWNER: WILLIAM McPOYLE, 2001 WINDSWEPT DRIVE, DOVER, DE 19901

2. PROPERTY ADDRESS: 575 NORTH DuPONT HIGHWAY, DOVER, DELAWARE 19901

3. MAP NUMBER: 2-05-06809-01-2300-00001 BOOK 5140 PAGE 4952

4. LOCATION: LATITUDE N39°10'36.40" WRS80 - NAD83 (2011)

5. LOT AREA: 17,100± S.F.

6. ZONING: C4 - HIGHWAY COMMERCIAL

7. BUILDING SETBACKS: FRONT YARD: 20 FEET
SIDE YARD: 15 FEET (30 FEET ADJOINING RESIDENCE)
REAR YARD: 10 FEET (30 FEET ADJOINING RESIDENCE)

8. BULK REQUIREMENTS: MINIMUM LOT WIDTH: 150 FEET
MINIMUM LOT DEPTH: 150 FEET
MAXIMUM BUILDING HEIGHT: 75 FEET
MINIMUM PARKING: 1 SPACE PER 300 S.F. OR ONE PER EMPLOYEE, WHICHEVER IS GREATER, PER CITY OF DOVER ZONING ORDINANCE SECTION 4.15

9. PRESENT USE: BUSINESS

10. PROPOSED USE: BUSINESS

11. ROAD CLASSIFICATION: PRINCIPAL ARTERIAL (40 M.P.H.)

12. SURVEYOR: BECKER MORGAN GROUP, INC., 309 SOUTH GOVERNORS AVENUE, DOVER, DE 19904. THIS SITE PLAN IS BASED ON A SURVEY PREPARED BY JEFFREY C. DODD OF BECKER MORGAN GROUP DATED 6-09-2017, AND USED BY PERMISSION

13. SURVEY DATUM: NGS MONUMENTS, VERTICAL: NAVD 88 - COLLEGE, HORIZONTAL: NAD 83 (2007) DSP - DNREC

14. IMPERVIOUS ADDITION: 3,302 S.F. ASPHALT PAVING, SHOWN SHADED.

15. THERE ARE NO PROPOSED STREETS, SPEED BUMPS, OR SPEED DIPS.

16. THERE ARE NO PROPOSED BUILDINGS.

17. THERE ARE NO PROPOSED PUBLIC PARKS, PLAYGROUNDS, OR OPEN SPACES.

18. THERE ARE TWO PROPOSED SIGNS: HANDICAP PARKING SIGN
"EMPLOYEE PARKING ONLY" SIGN ON EXISTING FENCE

19. OUTDOOR LIGHTING FOR ADDITIONAL PARKING LOT ARE A PAIR OF FLOODLIGHTS MOUNTED TO THE EXISTING SHED, AS SHOWN.

20. NEW ASPHALTIC CONCRETE DRIVEWAY AND PARKING IS SHOWN. SEEKING A WAIVER FROM RAISED CURB ON NEW PARKING & DRIVEWAY.

21. PARKING STUDY: REQUIRED PARKING BASED ON S.F.: 1,637 S.F. ÷ 300 = 6 PARKING SPACES REQUIRED.
REQUIRED PARKING SPACES BASED ON 7 EMPLOYEES = 7 PARKING SPACES REQUIRED.
MAXIMUM PARKING SPACES ALLOWED = 25% OVER REQUIRED = 7 x 1.25 = 9 ALLOWED.
PROVIDED: EXISTING SPACES TO REMAIN = 3 SPACES
NEW HANDICAP PARKING ON EXISTING ASPHALT = 1 SPACE
NEW PARKING SPACES ON NEW ASPHALT = 5 SPACES
TOTAL NUMBER OF PARKING SPACES PROVIDED = 9 SPACES

22. THERE ARE NO PROPOSED CHANGES TO SITE CONTOURS OR ELEVATIONS.

23. SURFACE DRAINAGE OF THE PROPERTY WILL REMAIN UNCHANGED.

24. THERE ARE NO PROPOSED CHANGES TO UTILITIES.

25. THERE ARE NO PROPOSED CHANGES TO LANDSCAPING. LOCATION AND 10' WIDTH OF DRIVEWAY ALLOW ALL EXISTING TREES TO REMAIN.

26. THERE ARE NO PROPOSED ARCHITECTURAL CHANGES TO THE BUILDING ELEVATIONS.

27. AREA OF DISTURBANCE: 3,302 S.F. NEW ASPHALT

28. UNDERGROUND GAS LINE IS SHOWN ON THE SITE. EXISTING GAS SHALL BE UNDISTURBED.

WASTEWATER NOTES:

1. ALL WASTEWATER UTILITY COMPONENTS MUST MEET THE REQUIREMENTS OF THE CITY OF DOVER DEPARTMENT OF PUBLIC WORKS WASTEWATER HANDBOOK, EFFECTIVE DATE: 3-22-2010.

2. EXISTING WASTEWATER LINE WILL BE UTILIZED.

3. 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. SECTION 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 SANITARY SEWER SYSTEM ARE CREATED WITH THE SITE IMPROVEMENTS.

LAND SURVEYORS CERTIFICATION

I, JEFFREY C. DODD, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE AND THAT THE SURVEY SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT AS TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING PRACTICES REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE AND THAT THE MARKERS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE ACCURATELY SHOWN

JEFFREY C. DODD DATE

ARCHITECTS CERTIFICATION

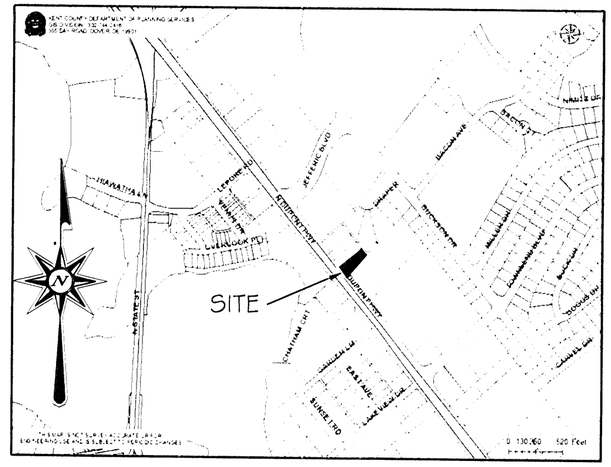
I, WILLIAM BYLER, JR., HEREBY CERTIFY THAT I AM A REGISTERED ARCHITECT IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE

WILLIAM BYLER JR. SEAL DATE

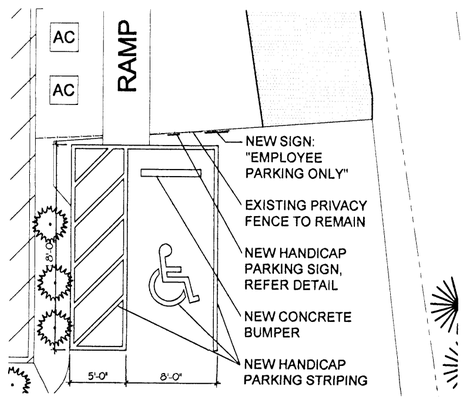
OWNER CERTIFICATION

I, WILLIAM McPOYLE., CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION AND WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE FOR THE PLAN TO BE RECORDED ACCORDING TO LAW

SIGNATURE (WILLIAM McPOYLE) DATE

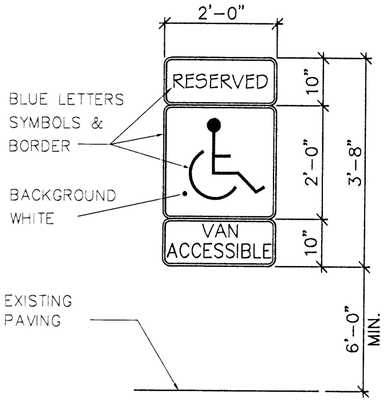


2 LOCATION MAP
1" = 800'±



GRAPHIC SCALE
0' 10' 20' 30
(IN FEET)
1 inch = 10 ft.

3 PLAN DETAIL AT HANDICAP PARKING
1" = 10'



NOTE: VAN ACCESSIBLE SIGNAGE ONLY TO BE USED IN PARKING SPACES NEXT TO 8' WIDE ACCESSIBLE AISLE. PLACE SIGN ON EXISTING PRIVACY FENCE.

4 HANDICAP PARKING SIGN DETAIL
1/2" = 1'-0"

REVISIONS	BY

WILLIAM BYLER JR
ARCHITECT, INC
P.O. BOX 104
KENTON, DE 19955
PHONE: (302) 653-3550
FAX: (302) 653-6595
E-MAIL: billjr77@gmail.com

ADMINISTRATIVE SITE PLAN FOR
LANDS OF WILLIAM MCPOYLE
575 NORTH DUPONT HIGHWAY
DOVER, DELAWARE 19901

ADMINISTRATIVE SITE PLAN, NOTES, AND DETAILS

DRAWN	MAS
CHECKED	W.B.
DATE	29 JUNE 2017
SCALE	NOTED
JOB NO.	C1227-0617
SHEET	C1
OF SHEETS	

PETITION TO AMEND THE ZONING DISTRICT
Public Hearing before the
City of Dover Planning Commission
August 21, 2017

Applicants/Owners:	Sarah E. Jones
Address:	826 Forest Street, Dover, DE (Store Addressed as 828 Forest Street)
Location:	South side of Forest Street between Gibbs Drive and Lincoln Street
Tax Parcel ID #:	ED-05-076.12-01-16.00-000
Size:	0.5 acres
Present Use:	Retail Establishment (Liquor Store)
Proposed Use:	Retail Establishment (Liquor Store)
Comprehensive Plan Designation:	Mixed Use
Present Zoning:	RG-1 (General Residence Zone)/COZ-1 (Corridor Overlay Zone)
Proposed Zoning:	C-1A (Limited Commercial Zone)/COZ-1 (Corridor Overlay Zone)
Reason for Request:	To allow the existing use to remain on site instead of sunset due to City Council action requiring the sunsetting of nonconforming uses in residential zones
File Number:	Z-17-04
Associated File Number:	MI-16-13 Nonconforming Uses in Residential Districts
Ordinance Number:	2017-10

Overview
The applicant's property consists of one parcel currently zoned RG-1 (General Residence Zone). This rezoning request would rezone the parcel from RG-1 to C-1A (Limited Commercial Zone).

The property is also subject to the COZ-1 (Corridor Overlay Zone) and would remain as such following rezoning.

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

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

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

Existing Property

The property at 826 Forest Street is the location of a retail store (liquor store) building. The retail store is addressed as 828 Forest Street and situated on the western portion of the property. Available Business License records dating back to 1998, show a Merchant License for the business known as E&J West Dover Liquors. Though in a residential zone, this store is located next to and across from several commercially zoned properties. It has a small amount of frontage on Lincoln Street but no driveway access to it; access is from Forest Street.

Surrounding Land Uses:

The surrounding uses vary. Immediately surrounding this property on the east and south are residential properties zoned RG-1 (General Residence Zone) and with properties zoned R-8 (One Family Residence Zone) further to the south. Directly adjacent on the west also fronting on Forest Street are two parcels zoned C-1 (Neighborhood Commercial Zone) which include one-family residences. This property is part of the general area of single family dwellings is known as Lincoln Park. To the north of the subject property across Forest Street is a mix of zoning including C-1A (Limited Commercial Zone), and C-3 (Service Commercial Zone). The commercial uses in this area include a laundromat, car wash, and retail store.

Comprehensive Plan:

In the *2008 Comprehensive Plan*, the Land Development Plan (Map 12-1 as amended, dated March 2012) recommends that this property be used for Mixed Use land use classification. Specifically, regarding Mixed Use in the downtown area, the *Comprehensive Plan* identifies the following goal:

> Enhance the role of Downtown Dover as a major employment, residential and commercial center as well as the symbolic and cultural heart of the community, and recognize its

unique heritage and historic resources. Provide for mixed use development allowing greatest variation of uses.

The Rezoning request is also consistent with the Land Use Classification of Mixed Use. Table 12-1: Land Use and Zoning Matrix specifies that the following zones are compatible with this land use classification. The property is not located with the Downtown Development Target Area.[1]

- C-2 (Central Commercial) *within the Downtown Development Target Area only
- C-2A (limited Central Commercial)
- TND (Traditional Neighborhood Design)
- C-1 (Neighborhood Commercial)
- C-1A (Limited Commercial)
- RGO (General Residence and Office) *within the Downtown Development Target Area only
- R-8 (One Family Residential)
- R-7 (One Family Residential)
- RG-1 (General Residential)
- RG-2 (General Residential)
- RG-4 (Multi-Story Apartments)
- C-3 (Service Commercial)
- CPO (Commercial/Professional Office)
- IO (Institutional and Office)

Request for C-1A (Limited Commercial Zone)
The uses permitted in the C-1A zoning district are listed in Article 3 §12 of the *Zoning Ordinance.* See Code excerpt below.

Article 3
Section 12. - Limited commercial zone (C-1A).

12.1 *Uses permitted.* In a limited commercial zone (C-1A), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Retail stores.
(b) Personal service establishments.
(c) Service establishments.
(d) Restaurants.
(e) Business, professional, and governmental offices.
(f) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
(g) Apartments and multi-family dwellings.

12.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Drive-throughs accessory to a permitted use.

12.3 *Uses prohibited.* The following uses are prohibited:

(a) Fuel pumps and motor vehicle storage, sales, or repairs.

[1] The 2008 Comprehensive Plan references the "Downtown Target Area." This is equivalent to the "Downtown Redevelopment Target Area" as defined and whose boundaries are described in *Dover Code of Ordinances,* Appendix C.

12.4 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than offstreet parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

12.5 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

12.6 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

The existing and proposed use as a retail store (liquor store) would be permitted in the C-1A Zone.

Corridor Overlay Zone

The provisions of the COZ-1 (Corridor Overlay Zone) in *Zoning Ordinance*, Article 3 §27 are established to "promote superior urban corridor development and the highest quality built environment." There are a series architectural, parking, and landscaping guidelines that would be required by the COZ-1 zoning district, if redevelopment of the property is proposed.

Recommendation of the Planning Staff:

Staff supports the rezoning request from RG-1 to C-1A. The zoning district of C-1A is in compliance with the *Comprehensive Plan* as the Map 12-1: Land Development Plan depicts property with a Mixed Use land use classification. The C-1A zone is the lowest density zoning classification that would permit a retail store utilized as a liquor store. There is another C-1A zoned property nearby. The property could be rezoned to C-1 (Neighborhood Commercial Zone), but in such a case it would still be a nonconforming use, albeit not in a residential zone because of the prohibition of liquor stores in the C-1 zone.

Staff recommends that the property remain subject to the COZ-1 (Corridor Overlay Zone) due to the frontage on to Forest Street. The purposes of the COZ-1 are to promote superior urban corridor development; to foster coordination and linkage among corridor properties; to preserve functionality and efficiency of the roadway for traffic movement; and to achieve a visually balanced streetscape environment friendly to the pedestrian and motorist. (*Zoning Ordinance*, Article 3 §27). This segment of Forest Street is a gateway into the Downtown area of Dover.

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

ADVISORY COMMENTS TO THE APPLICANT:

1) **In accordance with the provisions of *Dover Code, Chapter 1, Sec. 1-13 Clean Hands (b) Obligations which must be current,* the City will be unable to grant final action on this Rezoning Application as property taxes are delinquent (as of July 31, 2017) for the involved property. All payments due to the City must be paid in full into order to complete the review process and receive any final approval.**
    a. For questions regarding the property tax billing, you may contact the Tax Assessor's Office at (302) 736-7022.

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

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

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

5) The business (retail store) located on the property is required to maintain a City of Dover Business License. The new licensing year started August 1st and the applicant should have received information on the process for renewal of the Business License. For questions and processing of Business Licenses, contact the City's Permitting & Licensing Division at (302) 736-7010.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: AUGUST 2, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **LANDS OF SARAH JONES AT 826 FOREST STREET**

FILE #: **Z-17-04**

REVIEWING AGENCY: **City of Dover**

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

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

Our office has no objection to the rezoning of:

ED-05-076.12-01-16.00-000

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

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

ADVISORY COMMENTS TO THE APPLICANT

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

1. None.

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

Z-17-04

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 08/09/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: Lands of Sarah Jones at 826 Forest St

FILE #: Z-17-04 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:

Routine Comments:

1. 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)

2. 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*, the number shall measure a minimum of four inches in height, *location*, the number shall be placed on the house above or to the left or right of the front entrance, *color*, the number shall be contrasting to the background color, A*rabic numerals*, all numbers shall be Arabic numerals. *Multiple-family dwellings, measurements*, the 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)

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 2, 2017

D E L D O T

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APPLICATION: Lands of Sarah Jones at 826 Forest Street

FILE#: Z-17-04 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

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

KENT CONSERVATION DISTRICT
800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 (302) 741-2600 EXT. 3 • FAX (302) 741-0347

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
August 2017

APPLICATION: Lands of Sarah Jones at 826 Forest Street

FILE #: Z-17-04

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica Verchick* **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 re-zoning plan for the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

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

City of Dover

Department of Planning & Inspections

Application No.: Z-17-04



Title:	Lands of Sarah E. Jones
Address:	826 Forest Street
Parcel ID:	ED-05-076.12-01-16.00-000
Current Zoning:	RG-1, COZ-1 (partial)
Proposed Zoning:	C-1A, COZ-1 (partial)
Owner:	Sarah E. Jones
Date:	7/13/2017

Legend

- Subject Property
- Dover Parcels
- Zoning
- Corridor Overlay Zone
- 2012 Buildings
- Kent County Parcels
- Dover Boundary

N W E S

0 75 150 300 Feet

PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the Planning Commission
August 21, 2017

Applicants/Owners:	Bennie Smith Real Estate, LLC
Equitable Owners:	St. Nicholas Ukrainian Orthodox Mission
Address:	870-872 Forest Street, Dover, DE
Location:	South side of Forest Street east of Gibbs Drive
Tax Parcel ID #:	ED-05-076.12-01-08.00-000
Size:	0.7473 acres (32,552 SF+/-)
Present Use:	Two Buildings: Office Building & Day Care Center
Proposed Use:	Two Buildings: Place of Worship, School, and Business Office of philanthropic and charitable institution & Day Care Center
Comprehensive Plan Designation:	Mixed Use
Present Zoning:	C-1A (Limited Commercial Zone)/COZ-1 (Corridor Overlay Zone)
Proposed Zoning:	IO (Institutional and Office Zone)/COZ-1 (Corridor Overlay Zone)
Reason for Request:	To allow for the establishment of new uses of a Place of Assembly (Place of Worship), School and Business Office of a philanthropic and charitable institution in existing building.
File Number:	Z-17-05
Ordinance Number:	2017-11

This rezoning application consists of for one parcel of land totaling of 0.7473 acres (32,552 S.F.) of area. The property is currently zoned C-1A (Limited Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning classification is IO (Institutional and Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property known as 870-872

Forrest Street is situated on the south side of Forest Street and east of Gibbs Drive. The owner of record is Bennie Smith Real Estate, LLC. The equitable owner is St. Nicholas Ukrainian Orthodox Mission. Tax Parcel: ED-05-076.12-01-08.00-000.

Previous Applications:
On September 22, 2003, this property at 870 Forest Street was approved for rezoning by City Council from RG-1 (General Residence Zone) to CPO (Commercial Professional Office Zone) with the property also subject to the COZ-1 (Corridor Overlay Zone 1). Application Z-03-03.

Redevelopment of this parcel of land was then reviewed under Site Plan S-04-01and approved by the Planning Commission on January 20, 2004. The Site Plan proposed that the two existing buildings be utilized as office buildings and include site improvements for parking and landscaping.

On November 15, 2004, a Conditional Use Site Plan C-04-08 was reviewed and granted conditional approval by the Planning Commission to permit the use of the existing Building #2 (rear building addressed as 872 Forest Street) on the property as a Day Care Center. As part of the motion, the Planning Commission set the maximum number of children for this Day Care Center at sixty (60) children. Conditional Use Site Plan (C-04-08) was granted Final Plan approval on June 8, 2005. Construction activities were begun to renovate the buildings and complete the site work. During the implementation of the plan a discrepancy between the approved Site Plan and the approved Landscape Plan was identified related to the opaque barrier requirements and as a result the Planning Commission considered and approved a waiver request for the opaque barrier requirements on September 19, 2005.

On September 10, 2012, this property at 870 Forest Street was approved for rezoning by City Council from CPO (Commercial Professional Office Zone) to C-1A (Limited Commercial Zone) with the property also subject to the COZ-1 (Corridor Overlay Zone 1). Application Z-12-02.

Existing Property:
The subject property consists of one parcel of land and includes two (2) existing buildings. The use of the front building at 870 Forest Street is currently established as an office building. The rear building at 872 Forest Street currently houses a Day Care Center known as Cindy's Bright Stars Learning.

Surrounding Land Uses:
The surrounding uses vary. Immediately surrounding this property are residential properties zoned RG-1 (General Residence Zone) and with properties zoned R-8 (One Family Residence Zone) further to the south. This area of single family dwellings is known as Lincoln Park. To the north of the subject property across Forrest Street (Route 8) is zoned IO (Institutional and Office Zone) and is the location of an elementary and middle school. To the northeast of this parcel at the intersection of Forrest Street and Division Street is a mix of zoning including C-1A (Limited Commercial Zone), and C-3 (Service Commercial Zone). The commercial uses in this area include a laundromat, car wash, and retail store. Further east on Forest Street are two parcels zoned C-1 (Neighborhood Commercial Zone).

Those properties fronting on Forest Street are within the COZ-1 (Corridor Overlay Zone) which requires enhanced design requirements for development activities such as landscaping, setbacks, building placement, parking, buffering, etc. to promote superior urban design.

Comprehensive Plan:

In the *2008 Comprehensive Plan*, the Land Development Plan (Map 12-1 as amended, dated March 2012) recommends that this property be used for Mixed Use. Specifically, regarding mixed use in the downtown area, the *Comprehensive Plan* identifies the following goal:

> Enhance the role of Downtown Dover as a major employment, residential and commercial center as well as the symbolic and cultural heart of the community, and recognize its unique heritage and historic resources. Provide for mixed use development allowing greatest variation of uses.

The rezoning request is also consistent with the Land Use Classification of Mixed Use. Table 12-1: Land Use and Zoning Matrix specifies that the following zones are compatible with this land use classification. The property is not located with the Downtown Development Target Area.[1]

- C-2 (Central Commercial) *within the Downtown Development Target Area only
- C-2A (limited Central Commercial)
- TND (Traditional Neighborhood Design)
- C-1 (Neighborhood Commercial)
- C-1A (Limited Commercial)
- RGO (General Residence and Office) *within the Downtown Development Target Area only
- R-8 (One Family Residential)
- R-7 (One Family Residential)
- RG-1 (General Residential)
- RG-2 (General Residential)
- RG-4 (Multi-Story Apartments)
- C-3 (Service Commercial)
- CPO (Commercial/Professional Office)
- IO (Institutional and Office)

Request for IO (Institutional & Office Zone)

The types of permitted uses in the IO Zone are given Article 3 §10 of the *Zoning Ordinance*. The permitted uses include the following:

Article 3
Section 10. - Institutional and office zone (IO).

10.1 *Uses permitted.* In an institutional and office zone (IO), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Business, professional, or governmental offices.

(b) Banks.

(c) Research, design, and development laboratories.

(d) Public and institutional uses including hospitals, medical clinics, libraries, police stations, courthouses, transit centers, schools, colleges, universities, places of public

[1] The 2008 Comprehensive Plan references the "Downtown Target Area." This is equivalent to the "Downtown Redevelopment Target Area" as defined and whose boundaries are described in *Dover Code of Ordinances,* Appendix C.

assembly, philanthropic and charitable institutions, parks, playgrounds, public indoor recreation centers, athletic fields.

(e) Public utility rights-of-way and structures necessary to serve areas within the city.

(f) Day care centers, provided they are established in accordance with all applicable state regulations pertaining to child care and provided that they are established and maintained in accordance with article 5, section 14 of this ordinance.

(g) Emergency shelters and transitional housing.

10.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Firearm ranges, prisons, and correctional facilities.

(b) Public incinerators.

(c) Hotels and restaurants.

10.3 *Accessory uses.* The following uses shall be permitted accessory to other permitted uses on a lot.

(a) Clinics, cafeterias, and recreational facilities.

(b) Motor vehicle storage and repair facilities accessory to a public or institutional use.

(c) Restaurants that are on a campus and intended to support users of the campus.

10.4 *Uses prohibited.* The following uses are prohibited:

(a) Landfills, dumps.

10.5 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than offstreet parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants approved by the city planner.

10.6 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

10.7 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

Corridor Overlay Zone

The provisions of the COZ-1 (Corridor Overlay Zone) in *Zoning Ordinance,* Article 3 §27 are established to "promote superior urban corridor development and the highest quality built environment." There are a series architectural, parking, and landscaping guidelines that would be required by the COZ-1 zoning district, if redevelopment of the property is proposed.

Recommendation of the Planning Staff:

Staff recommends that the rezoning be granted as requested from C-1A to IO. The zoning district of IO (Institutional & Office zone) is consistent with the *Comprehensive Plan* as the Map 12-1: Land Development Plan depicts the property with a Mixed Use classification.

Staff recommends that the property remain subject to the COZ-1 (Corridor Overlay Zone) due to the frontage on to Forest Street. The purposes of the COZ-1 are to promote superior urban corridor development; to foster coordination and linkage among corridor properties; to preserve functionality and efficiency of the roadway for traffic movement; and to achieve a visually

balanced streetscape environment friendly to the pedestrian and motorist. (*Zoning Ordinance*, Article 3 §27). This segment of Forest Street is a gateway into Downtown Dover.

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

ADVISORY COMMENTS TO THE APPLICANT:

1) **In accordance with the provisions of *Dover Code, Chapter 1, Sec. 1-13 Clean Hands (b) Obligations which must be current,* the City will be unable to grant final action on this Rezoning Application as property taxes are delinquent (as of July 31, 2017) for the involved property. All payments due to the City must be paid in full into order to complete the review process and receive any final approval.**
    a) For questions regarding the property tax billing, you may contact the Tax Assessor's Office at (302)736-7022.

2) Prior to establishing any use or commencing with any construction on the subject property, including within the existing buildings, the applicant shall contact the Planning Office so that the appropriate review process can be determined and coordinated with other reviewing entities including the Fire Marshal's Office, Public Works/Utilities, and the Chief Building Inspector.

3) The applicant shall be aware that approval of any rezoning application does not represent Site Development Plan or Record Plan approval. A separate Site Development Plan must be submitted and approved if development activities are proposed on the property.

4) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit or other construction activity permit approval. A separate application submission showing all improvements is required before issuance of permits by the City of Dover.

5) All businesses operating in the City of Dover are required to obtain a City of Dover Business Licenses from the Licensing and Permitting Division located in City Hall. Certain types of uses also require a Public Occupancy permit.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: AUGUST 2, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **LANDS OF BENNIE SMITH REAL ESTATE, LLC AT 870-872 FOREST STREET**

FILE #: **Z-17-05**

REVIEWING AGENCY: **City of Dover**

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

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

Our office has no objection to the rezoning of:

ED-05-076.12-01-08.00-000

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

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

ADVISORY COMMENTS TO THE APPLICANT

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

1. None.

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

Z-17-05

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 08/09/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: Lands Bennie Smith Real Estate, LLC at 870-872 Forest Street

FILE #: Z-17-05 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:

Routine Comments:

1. 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)

2. 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*, the number shall measure a minimum of four inches in height, *location*, the number shall be placed on the house above or to the left or right of the front entrance, *color*, the number shall be contrasting to the background color, A*rabic numerals*, all numbers shall be Arabic numerals. *Multiple-family dwellings, measurements*, the 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)

ADDITIONAL / SPECIFIC COMMENTS:

1. 870 Forest St is the front building, 872 Forest St is the rear building (daycare)
2. There has been discussion about 870 Forest St becoming a place of assembly. Please contact the Fire Marshal and Chief Building Inspector to schedule a meeting to discuss the same. Additional comments would be supplied in regards to a change of use (to possibly include, but not be limited to a Fire Alarm System, Fire Suppression System, and access).

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: August 2, 2017

D E L D O T

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APPLICATION: Lands of Bennie Smith Real Estate, LLC at 870-872 Forest Street

FILE#: Z-17-05 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

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

KENT CONSERVATION DISTRICT
800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 (302) 741-2600 EXT. 3 • FAX (302) 741-0347

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
August 2017

APPLICATION: Lands of Bennie Smith Real Estate, LLC at 870-872 Forest Street

FILE #: Z-17-05

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica Verchick* **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 re-zoning plan for the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

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

City of Dover

Department of Planning & Inspections

Application No.: Z-17-05



Title:	Lands of Bennie Smith
Address:	870-872 Forest Street
Parcel ID:	ED-05-076.12-01-08.00-000
Current Zoning:	C-1A, COZ-1 (partial)
Proposed Zoning:	IO, COZ-1 (partial)
Owner:	Bennie Smith Real Estate LLC
Date:	7/13/2017

Legend

- Subject Property
- Dover Parcels
- Zoning
- Corridor Overlay Zone
- 2012 Buildings
- Kent County Parcels
- Dover Boundary

N W E S

0 75 150 300 Feet

City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF August 9, 2017

PLANNING COMMISSION MEETING OF August 21, 2017

Plan Title:	Residence at 91 Saulsbury Road, C-17-03
Plan Type:	Conditional Use Review
Property Location:	East side of Saulsbury Road north of Carver Road
Property Address:	91 Saulsbury Road
Owner/Applicants:	91 Saulsbury LLC
Tax Parcel:	ED-05-076.07-01-47.00-000
Present Zoning:	CPO (Commercial Professional Office) COZ-1 (Corridor Overlay Zone)
Site Area:	0.81 ac. +/-
Present Use:	Office building
Proposed Use:	Residential
Building Area:	1,360 S.F.
Off Street Parking:	Required – 2 spaces Existing – 5 spaces, + 1 handicapped
Sewer & Water:	City of Dover
Waivers Requested:	none

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 9, 2017

APPLICATION: Residence at 91 Saulsbury Road: Conditional Use

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

CONTACT PERSON: Julian Swierczek, Planner I PHONE #: (302) 736-4442

I. PLAN SUMMARY:

Application for Conditional Use Review to permit conversion of an existing 1,360 SF two-story structure into residential use. The property consists of an 8,036 SF +/- parcel (0.1845 acres). The property is zoned CPO (Commercial and Professional Office Zone) and is subject to the COZ-1 (Commercial Overlay Zone). The property is located on the east side of Saulsbury Road and north of Carver Road. The owner of record is 91 Saulsbury Rd, LLC. Property Address: 91 Saulsbury Road. Tac Parcel: ED-05-76.07-01-47.00-000. Council District 4.

Previous Applications

The property was the subject of a Conditional Use application to convert the site's usage from residential to office use on March 27, 2007. (Application S-07-15) which was approved.

This property was also granted a series of variances by the Board of Adjustment on July 18, 2008 (Application V-08-10) associated with the office use of the property. The variances permitted allowed for a reduction in drive lane width; a reduction in the number of parking spaces; the elimination of landscaping in the parking areas, along the lot lines, and between the building and parking areas; as well as the allowance for an additional curb cut on Saulsbury Road and the elimination of curbing in the parking area.

II. PROJECT DESCRIPTION

The project proposes the conversion of the existing structure from offices to residential use. The owner has confirmed that the conversion would be to a one dwelling unit (one family residence). Furthermore, the structure would infer that the original construction of the building was for use as a single family home. According to the *Zoning Ordinance*, "One family residences" are an acceptable Conditional Use in a C-PO Zone, "subject to the requirements of the RG-1 (General Residence) zone."

III. ZONING REVIEW

CPO Zoning District: The property is zoned CPO (Commercial Professional Office) which includes an allowance for residential use, meaning the intended conversion is allowed to be considered through the conditional use process (Article 3, Section 26.2(b)(2)). The property is also subject to the COZ-1 (Corridor Overlay Zone).

Corridor Overlay Zone

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

- No new buildings or parking facilities are proposed with this plan. Aspects of the COZ-1 that relate to building architecture, building placement, parking lot design, landscaping, etc., are not required as the site is considered an existing condition.

Considering the building as is pre-dates the implementation of the Corridor Overlay Zone, and since no additions or altercations of the building are proposed, the nonconformity with the code of the Corridor Overlay Zone is permitted.

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 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;

If the Planning Commission approves a Conditional Use, the use is granted as a Conditional Use Permit. Such permits may be permanent, subject to limitations outlined in *Zoning Ordinance* Article 10 §1.41, or be required by the Commission to undergo periodic renewal, using the procedure described in Article 10 §1.42. Any Conditional Use Permit, permanent or not, may be revoked using the procedure described in Article 10 §1.43 if the conditions prescribed by the

Commission in conjunction with the issuance of the Conditional Use Permit have not been, or are no longer being complied with.

IV. BUILDING ARCHITECTURE

No elevation plans were provided but the applicant has confirmed that there will be no major alterations to the building's appearance. The building's appearance indicates that the original use of the structure was residential. The two-story structure is covered in a light colored siding, with a grey roof, and windows on all four sides. The front of the house contains four symmetrically place windows with decorative shutters, and a dark colored door at center covered by a small gabled roof above. The door is accessed by both concrete steps and a wraparound concrete ramp with metal handrail.

V. PARKING SUMMARY

If there were to be multiple residences there would be a requirement for at least two off-street parking spaces per unit as stipulated in Article 3, Section 26.2(b)(1). Furthermore, Article 6, Section 3 adds a requirement that each unit have 0.25 parking spaces for guest parking. However, as the applicant has confirmed his intent is to return the property to one family residence, the building is subject to the parking requirements under an RG-1 (General Residence Zone) which requires at least one off-street parking space (Article 4, Section 4.2). The application indicates that the current parking situation will be maintained which includes five parking spaces plus one handicapped space.

VI. SITE CONSIDERATIONS

Access

The applicant proposes no changes to the current entrances. There are two access points to the site, both from Saulsbury Road to the west. There is one entrance leading on to a one-way drive that moves north before exiting back onto Saulsbury Road. Parking branches off of this one-way drive.

Sidewalks

The *Zoning Ordinance,* Article 5, Section 18 requires sidewalks to be installed along the public street frontages of a property. The site has an existing sidewalk approximately four feet wide along the frontage of Saulsbury Road. The plan does not currently show sidewalk leading from the building entrance to the street frontage; however, it should be noted that access to the building is currently provided via a concrete ramp and steps from a paved driveway.

VII. TREE PLANTING AND LANDSCAPE PLAN

Article 5, Section 16.62 states that "[a] lot shall attain or exceed a tree density of one tree per 3,000 square feet of lot area or fraction thereof." The lot already contains three fully grown trees on a lot of +/- 8,036 SF which meets this requirement. Based on the size of the property. Three (3) trees are required. The property meets this requirement.

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 site plan and data column must be corrected to show Corridor Overlay Zone

requirements:

a. The proper minimum set back from the front property line should be sixty (60) feet.
b. The number of off-street parking spaces required for a single unit residence is one parking space.
c. The minimum number of trees required for the property is three (3)

2) The applicant has indicated that the intended format of residential use is as a single residence unit (one family residence). However, if the applicant intends a multi-unit residence, further alterations and requirements will have to be implemented.

3) The Final Plan must include considerations and specifications for Commercial Overlay Zone (COZ-1) requirements. Also list COZ-1 as part of the zoning of the property.

4) The Final Plan must include notes indicating the action taken by the Planning Commission listing any conditions of approval. The plan must be revised to reflect all changes recommended by the Planning Commission.

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

IX. RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

In accordance with the *Zoning Ordinance*, Article 10 §1, the Planning Commission in considering and acting upon Conditional Use 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 1.1 to 1.3.

X. ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

5) For new uses in an existing building, 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.

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

7) The applicant shall be aware that Conditional Use 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. At a minimum, an Administrative Building Permit is required to establish residential use.

8) As the applicant has indicated that the residential unit will be a rental unit, the applicant is required to obtain a Rental Dwelling Permit.

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: AUGUST 2, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Residence at 91 Saulsbury Road**

FILE #: **C-17-03**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Owner is responsible for 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 receipt of final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

WATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. Due to the fact that this property is changing uses, water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan, if an upgrade is required. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.

WASTEWATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met. All proposed wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

STORMWATER/ SANITATION/GROUNDS

1. None

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.

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. 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 / GROUNDS / GENERAL

1. None

SANITATION

1. Every person occupying a residence or duplex and every owner of an apartment shall provide such premises with a sufficient number of solid waste containers to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

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

WASTEWATER

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

STORMWATER/SANITATION/STREETS/GROUNDS/GENERAL

1. None

GENERAL

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

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

C-17-03

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 08/09/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: Residence at 91 Saulsbury Rd

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

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

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

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

Routine Comments:

1. Proposed building is residential.

2. 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)

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

   Secured key systems. When required; exemption. A secured key system shall be required for any new or existing building where a fire alarm or sprinkler system is being installed. It shall be the responsibility of the owner or occupant to keep a set of keys in the secured key box that are current to the locks of the protected occupancy. Buildings with 24-hour staffing or guard service shall be exempt from this subsection. *Location.* The secured key system shall be located as close to the main entrance as possible. Should the building design not allow the secured key system to be located by the main entrance, the fire marshal and fire chief shall come to an agreement as to an alternate location for the key box. A secured key system, once installed, shall not be obstructed from view or obstructed by any means that would delay the fire department access to the box. *Required keys.* Keys to be secured in the key box shall include keys to all points of ingress or egress, whether on the interior or exterior of the building, and keys to locked mechanical rooms, electrical rooms, elevator rooms, fire alarm and sprinkler controls and any area protected by automatic fire detection. Keys to individual residential apartment units are not required. *Ordering responsibility.* It shall be the responsibility of the general contractor to order the key box for new buildings. It shall be the responsibility of the owner or tenant to order the key box for existing buildings. *Installation before testing.* No acceptance test for sprinklers or fire alarms shall be conducted before the installation of a key box. (City Code of Ordinances 46-127)

ADDITIONAL / SPECIFIC COMMENTS:

1. Need further information that this would be a single-family dwelling or a multiple family dwelling/apartments.
2. An annual housing inspection was conducted on 11/15/16
3. If this is not going to be a single-family dwelling, please contact the Fire Marshal and Chief Building Inspector to schedule a meeting to discuss the same. Additional comments would be supplied in regards to this (to possibly include, but not be limited to a Fire Alarm System, Fire Suppression System, and access).

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: August 2, 2017

DELDOT

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APPLICATION: Residence at 91 Saulsbury Road Conditional Use Review

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

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

Is the site to be a single family residence or apartments? Also, DelDOT would prefer to see the consolidation of the entrances along the road frontage.

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

KENT CONSERVATION DISTRICT
800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 (302) 741-2600 EXT. 3 • FAX (302) 741-0347

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
August 2017

APPLICATION: Residence at 91 Saulsbury Road

FILE #: C-17-03

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica Verchick* **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 Kent Conservation District has no objection to the conditional use approval of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

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

City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF August 9, 2017

PLANNING COMMISSION MEETING OF August 21, 2017

Plan Title:	House of Pride Offices
Plan Type:	Conditional Use Plan
Property Location:	On the east side of South New Street north of Reed Street
Property Address:	45 South New Street
Owner/Applicant:	House of Pride Inc.
Tax Parcel:	ED-05-077.05-03-05.00-000
Present Zoning:	RG-1 (General Residence Zone)
Site Area:	0.21 ac. +/- (9,090 SF)
Prior Use:	Residential structure
Proposed Use:	Offices
Building Area:	N/A
Off Street Parking:	Existing – 2 spaces
Sewer & Water:	City of Dover

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 9, 2017

APPLICATION: House of Pride Offices at 45 South New Street

FILE #: C-17-04 REVIEWING AGENCY: City of Dover Planning

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

I. PLAN SUMMARY

Application for Conditional Use Review to convert an existing one-family dwelling structure into a philanthropic use as the administrative facility (offices) for House of Pride. The property consists of a 9,090 SF +/- parcel. The property is zoned RG-1 (General Residence Zone). The property is located on the east side of South New Street, north of Reed Street, and south of Division Street. The owner of record is House of Pride, Inc. Property Address: 45 South New Street. Tax Parcel: ED-05-077.05-03-05.00-000. Council District: 4.

II. PROJECT DESCRIPTION

The applicant proposes to use the existing structure at 45 South New Street as administrative offices for the House of Pride. At present, it appears no changes to the site or the building are proposed as part of the new use. However, changes to both may be required in order to bring the proposed use into compliance with the *Zoning Ordinance* and applicable building and fire codes. The use itself is a Conditional Use and must be approved by the Planning Commission in order to be instated.

The applicant gave the following written description of the activities to take place on the property:

> "Our former office was sold to the City of Dover and was demolished in 2015. Business for the House of Pride was being conducted out of three different homes. We would like for the business to be conducted from an office. This type of business may include working with all types of addictions, collecting rent, work referrals, paying City of Dover utility and tax bills, Chesapeake, IRS, Insurance, holding group sessions, writing reports, conducting community service, clothing the needy, feeding families and the homeless with USDA and local restaurants contributions like KFC, Safeway, and WAWA."

The applicant also informed Planning Staff that the intended hours of operation of the property would be 8am to 5pm on weekdays, and 8am to 1:30pm on Saturdays. The planned occupancy of the building at any one time would be in the range of four to six people.

The lot currently includes a two-story detached house, a driveway, and a fenced "park area" in

the rear yard. Adjacent uses are primarily one-family residences in the RG-1 (General Residence Zone).

III. ZONING REVIEW

RG-1 Zoning District

Because of the nature of the organization seeking to set up the offices, the site's proposed use as offices would be conditionally permitted in the RG-1 Zone as a philanthropic use. According to *Zoning Ordinance* Article 3 §2.11, permitted uses in the RG-1 Zone include any uses permitted in the One-family Residence zones. *Zoning Ordinance* Article 3 §1.14(a) includes the following permitted conditional uses for One-family Residence zones:

> (a) Places of worship, including parish houses; [and] schools, including nursery schools, kindergartens and day care centers in accordance with article 5, Supplementary Regulations, section 14. Day care facilities; philanthropic and eleemosynary institutions; hospitals and sanitariums for general medical care; and funeral homes subject to the following requirements:
>
> i. Any school permitted under this paragraph [subsection 1.14(a)] shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such thereunder.
>
> ii. Any school permitted under this paragraph [subsection 1.14(a)], other than a kindergarten, nursery school, or day care center, shall occupy a lot with an area of not less than two acres, plus one acre for each 100 pupils for which the building is designed.
>
> iii. Any kindergarten or nursery school permitted under this paragraph [subsection 1.14(a)] shall be limited to a maximum of 50 children in zones R-8 thru R-20 and a maximum of 100 children in all other zones. At least 100 square feet of outdoor play space per child shall be provided. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space. Fencing or other enclosures shall be a minimum height of four feet. The minimum lot area for each ten, or remainder over the multiple of ten, children shall be the same as the minimum lot area requirement for each dwelling unit in the districts in which such uses are to be located.
>
> iv. No such building or part thereof shall be erected with less than a 50-foot front yard or nearer than 25 feet from any other street or property line.
>
> v. The sum of all areas covered by all principal and accessory buildings shall not exceed 20 percent of the area of the lot.
>
> vi. Courts shall conform to the requirements of article 5, section 3 hereof.

The regulations for the above conditional uses which are listed in subsections i through vi do not include specific provisions for philanthropic uses. Subsections iv and v would be applicable to this site. However, because the use will be in an existing building, if the building does not meet these setback and coverage requirements it would be considered a legal nonconforming building. Any proposed future additions to the building would be considered under the requirements for subsections iv and v.

Conditional Use Review

Conditional Uses are subject to the requirements of Article 10 §1 of the *Zoning Ordinance*. 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. Below are the objectives of the *Zoning Ordinance* which the Commission should consider in reviewing Conditional Use applications:

> 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.

If the Planning Commission approves a Conditional Use, the use is granted as a Conditional Use Permit. Such permits may be permanent, subject to limitations outlined in *Zoning Ordinance* Article 10 §1.41, or be required by the Commission to undergo periodic renewal, using the procedure described in Article 10 §1.42. Any Conditional Use Permit, permanent or not, may be revoked using the procedure described in Article 10 §1.43 if the conditions prescribed by the Commission in conjunction with the issuance of the Conditional Use Permit have not been, or are no longer being complied with.

For a property seeking Conditional Use approval which does not need associated Site Development Plan approval (due to occupying an existing building), Article 10 §1.8 outlines the submission requirements. These requirements include a map of the property showing existing conditions with the appropriate legal data.

IV. PARKING SUMMARY

Parking regulations in the RG-1 Zone are listed only for residences. Article 6, §3.1 of the *Zoning Ordinance* also does not list parking requirements for philanthropic uses or for offices (except medical offices). Therefore, the *Zoning Ordinance* does not have any specific parking requirements for the proposed use.

The site has a residential-style gravel driveway which can accommodate two vehicles side by side. On-street parking is also available.

Bicycle Parking

The site does not currently appear to have bicycle parking. Because a Site Development Plan is not associated with this application, there is no automatic requirement to provide new bicycle parking.

V. SITE CONSIDERATIONS

Sidewalks

There is existing street frontage sidewalk on the site as well as an entrance walk to the building. Both appear to be in good condition.

Dumpsters

For office uses less than 8,000 SF, one dumpster is required. However, because the City's Public Works Department will provide City trash service (residential type) to this site, no dumpster will be required. The applicant has stated there will be no increase in trash generation over what is needed for residential collection.

Lighting

Staff believes that existing street lighting should be sufficient to light the site. There is no specific lighting requirement for residential zones.

VI. BUILDING ARCHITECTURE

The building is an existing building and no changes are currently proposed to its exterior appearance. The building has the outward appearance of a residence and features a porch, a bay window, a gable and valley roof, and articulated architectural details.

The applicant submitted a floor plan showing the proposed layout of the interior offices. On the first floor there is a front office at the front of the building. The middle of the floor is taken up by an open area, a bathroom, and a closet. At the rear of the first floor is a kitchen. Planning Staff believes the open area may be used for meeting functions at the office. On the second floor there are three offices, each of which appears to be for an individual staff member/employee.

VII. TREE PLANTING AND LANDSCAPE PLAN

All projects requiring approval by the Planning Commission must provide enough trees to meet the minimum tree density specified in *Zoning Ordinance,* Article 5 §16.62. Based on the 9,090 SF property size, the site must have four (4) trees. The applicant did not submit a Landscape Plan with the application; however, they have stated that there are seven (7) trees on the site. This should be confirmed with a map of the property that shows the locations of the trees.

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) While the applicant has submitted a number of document items related to the property and their proposed use, the applicant must prepare a formal Conditional Use Plan which meets the requirements of *Zoning Ordinance* Article 10, Section 1.8. This plan must include:
    a. A to-scale map of the property which depicts the existing conditions.
    b. A detailed written description of the proposed activities on the property, including hours of operation.
    c. A designation of the number of off-street parking spaces.
    d. Legal Data sufficient to identify the property, the owner, and adjacent properties.

2) The Final Plan must include notes indicating the action taken by the Planning Commission with regard to any conditions of approval. The plan must be revised to reflect all changes required by the Planning Commission.

3) The map of the property must identify the locations of the seven (7) existing trees.

4) The map of the property must identify the storage location of the collection cans for trash and recycling.

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

6) All requirements by the City Building Inspector and City Fire Marshal related to a Change of Occupancy of the building from residential use to office use must be complied with. Further requirements may be in effect if the structure is converted back to residential use in the future.

7) The existing sign must obtain a Sign Permit.

IX. RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

In accordance with the *Zoning Ordinance,* Article 10 §1, the Planning Commission in considering and acting upon Conditional Use 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 1.1 to 1.3. To meet these code objectives, Planning Staff recommends the Planning Commission prescribe the following conditions and safeguards:

1) To further subsection 1.31 related to size and intensity of operations in residential zones, Staff recommends that the existing two (2) off-street parking spaces be required to be maintained.

2) To further subsection 1.31 related to size and intensity of operations in residential zones, Staff recommends that at least one (1) bicycle parking space be required to be installed.

3) To further subsection 1.31 related to size and intensity of operations in residential zones, Staff recommends that any residential use of the property, including overnight sheltering, be prohibited for as long as the structure is being used as an office.

4) To further subsection 1.32 related to site improvements, Staff recommends no exterior changes be made to the building that would alter its appearance as a residential structure.

5) To further subsection 1.2 related to harmony of location, size, and character, Staff recommends that any outside HVAC Equipment be designed to minimize impact on adjacent property owners, be adequately screened from public view, and minimize overall visible impact. Consideration must also be given to equipment placement in proximity to loading areas and public facades of the buildings.

6) To further subsection 1.2 related to harmony of location, size, and character, Staff recommends that any Conditional Use Permit granted for the office use be periodically renewed in accordance with *Zoning Ordinance,* Article 10 §1.42.

X. ADVISORY COMMENTS TO THE APPLICANT

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

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

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

5) For a new use in an existing building, 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.

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

7) The applicant shall be aware that Conditional Use 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.

8) The applicant shall be aware that Conditional Use 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. An Administrative Building Permit may be required in order to establish this use in the building.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: AUGUST 2, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **House of Pride Offices at 45 S. New Street**

FILE #: **C-17-04**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Owner is responsible for 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 receipt of final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

WATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. Due to the fact that this property is changing uses, water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan, if an upgrade is required. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.

WASTEWATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met. All proposed wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

STORMWATER/ SANITATION/GROUNDS

1. None

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.

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. 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 / GROUNDS / GENERAL

1. None

SANITATION

1. Our records indicate that this property does not have a sanitation account with the City of Dover. Please contact our office to discuss the options of this service.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

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

WASTEWATER

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

STORMWATER/SANITATION/STREETS/GROUNDS/GENERAL

1. None

GENERAL

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

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

C-17-04

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER FIRE MARSHAL

APPLICATION: House of Pride Offices at 45 S New St

FILE #: C-17-04 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:

Routine Comments:

1. Proposed building is TBD.

2. Perimeter access shall be 30% or50% (depending on the 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)

3. 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)

4. 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)

5. 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.

6. Project to be completed per approved Site Plan.

7. Full building and fire plan review is required.

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

9. 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.

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

ADDITIONAL / SPECIFIC COMMENTS:

1. I suggest a meeting take place with the Chief Building Inspector and Fire Marshal to discuss the project.
2. This is a change of occupancy. Plans will need to be submitted by a licensed design professional with requirements from the Chief Building Inspector. The plans should also address the following at a minimum:
    a. Occupancy Classification
    b. Occupant Load
    c. Perimeter access
    d. If a Fire Alarm System is needed
    e. If a Sprinkler System is needed
    f. If a kitchen hood and hood suppression system are needed
    g. Number, location, and distance to exits
    h. Emergency lighting and exit lighting
    i. Impact protection
    j. Fire Extinguisher placement
3. A letter is needed clearly stating what is taking place (is this a program, is State licenses required)
4. Additional comments may be supplied based on the information received from the above.
5. I recommend a 1 year review to ensure these comments are complied with.

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 2, 2017

D E L D O T

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APPLICATION: House of Pride Offices at 45 South New Street

FILE#: C-17-04 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

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

KENT CONSERVATION DISTRICT
800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 (302) 741-2600 EXT. 3 • FAX (302) 741-0347

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
August 2017

APPLICATION: House of Pride Offices at 45 South New Street

FILE #: C-17-04

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica Verchick* **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 Kent Conservation District has no objection to the conditional use approval of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

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


RG-1
RG-1
C-2
New St
Reed St
Governor Ave
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Marion L. Lott
Executive Director

Hoppride@aol.com

Dover, Delaware 19904

Memorandum: June 15, 2017

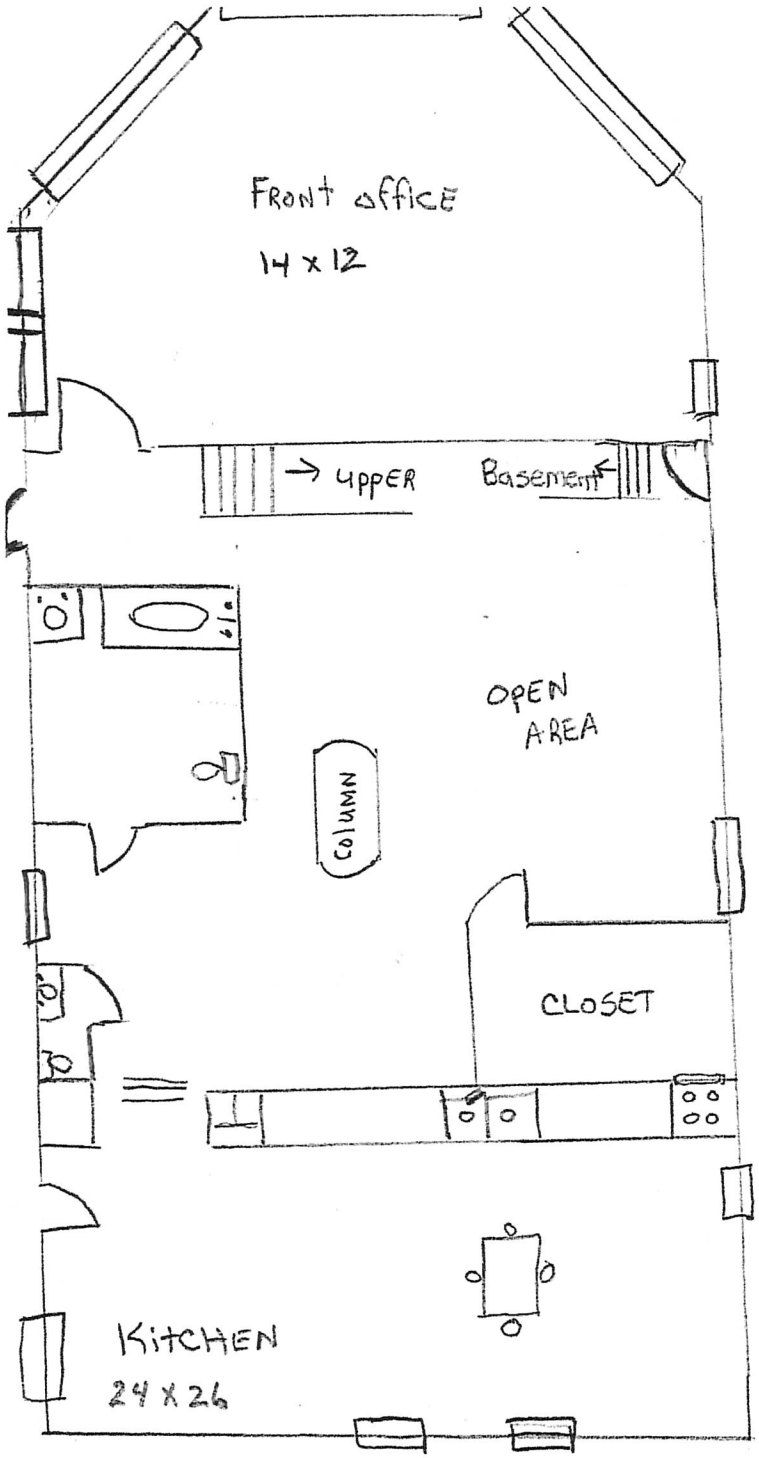
Our former office was sold to the City of Dover and was demolished in 2015. Business for the House of Pride was being conducted out of three different homes. We would like for the business to be conducted from an office. This type of business may include working with all types of addictions, collecting rent, work referrals, paying City of Dover utility and tax bills, Chesapeake, IRS, Insurance, holding group sessions, writing reports, conducting community service, clothing the needy, feeding families and the homeless with USDA and local restaurants contributions like KFC, Safeway, and WAWA.

Marion L. Lott, Sr.
Executive Director
House of Pride

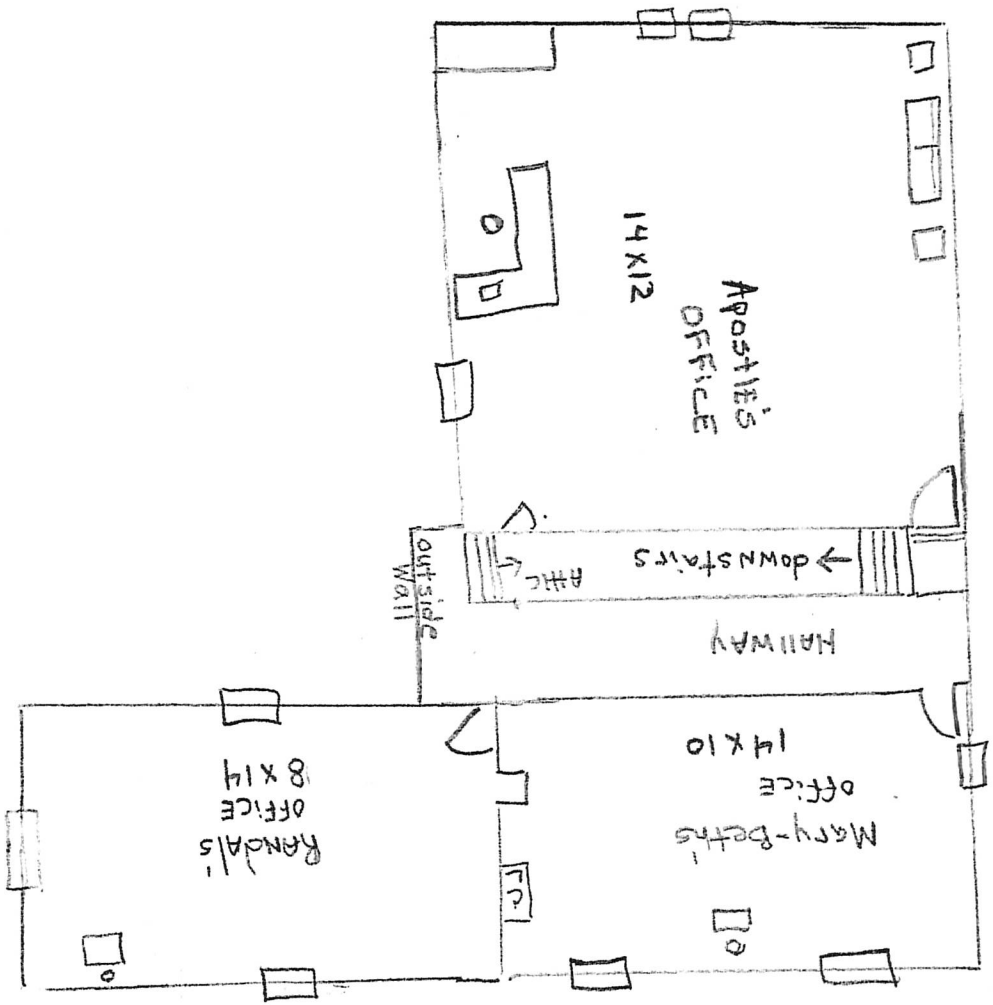
House of Pride
Our Foundation is Built on Pride
50 South New Street
(302) 677-0116
(302)-359-5054

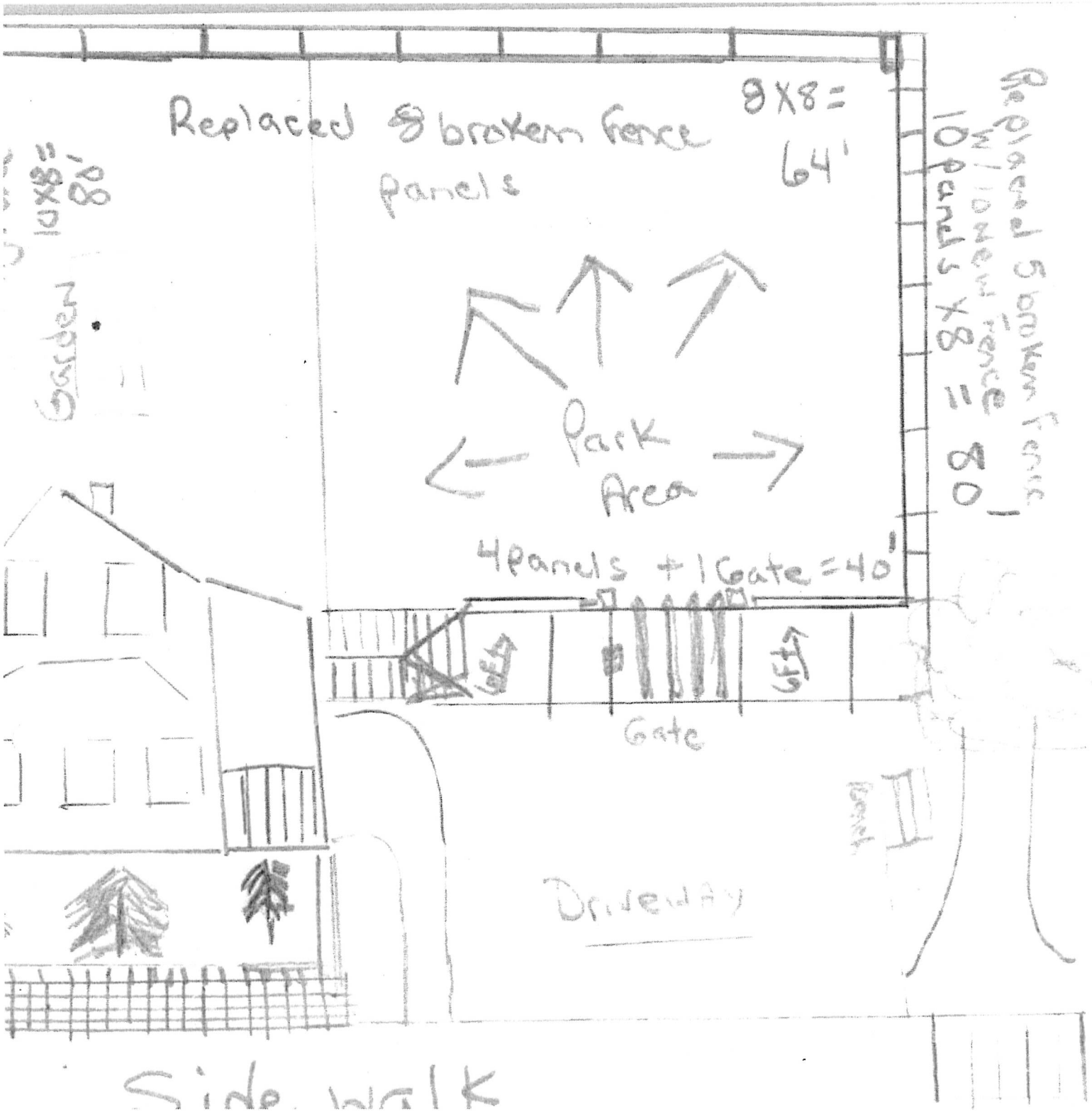
HOUSE OF PRIDE

45 S. NEW ST.
DOVER, D.E.
19904

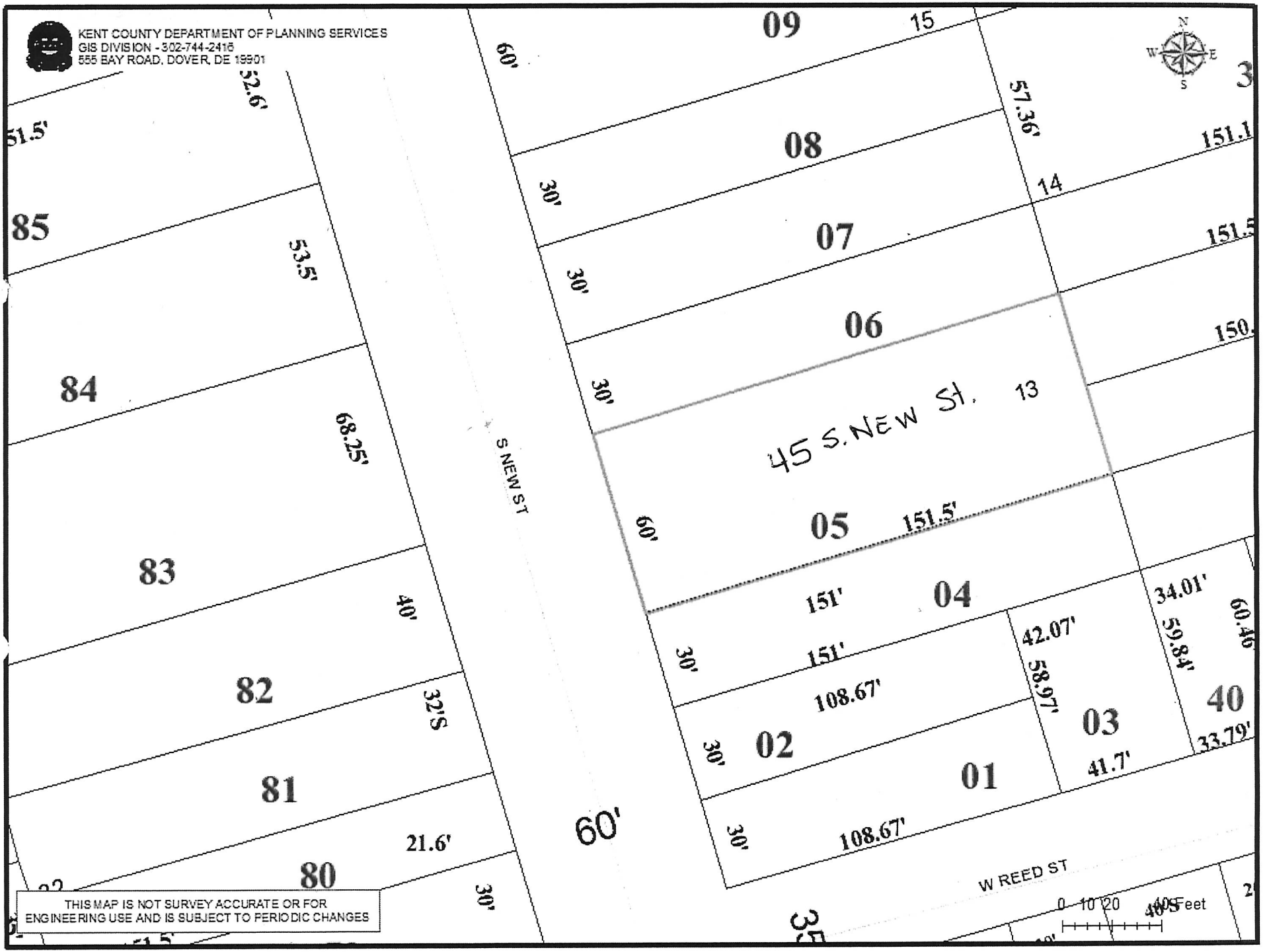


1st FLOOR





House of Pride
45
Sisters St.


KENT COUNTY DEPARTMENT OF PLANNING SERVICES
GIS DIVISION - 302-744-2416
555 BAY ROAD, DOVER, DE 19901
THIS MAP IS NOT SURVEY ACCURATE OR FOR ENGINEERING USE AND IS SUBJECT TO PERIODIC CHANGES
S NEW ST
W REED ST
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City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF August 9, 2017

PLANNING COMMISSION MEETING OF August 21, 2017

Plan Title:	Kent Pediatrics at 53 Roosevelt Avenue
Plan Type:	Site Development Plan
Location:	On the north side of Roosevelt Avenue west of South DuPont Highway
Tax Map #:	ED-05-077.17-05-73.00-000
Applicant/Owner:	JCD Investments LLC
Site Area:	0.35 acres +/-
Zoning:	C-4 (Highway Commercial Zone)
Current Use:	Vacant
Proposed Use:	Medical office
Building Area:	2,520 S.F.
Off Street Parking:	Required – 9 spaces (maximum 11 by code) Proposed – 14 spaces (permitted by Board of Adjustment Case V-17-05)
Sewer & Water:	City of Dover
Waivers Requested:	Opaque Barrier Requirement- Alternative Format Elimination of Sidewalk Requirement Partial Elimination of Curbing Requirement

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 9, 2017

APPLICATION: Kent Pediatrics at 53 Roosevelt Avenue

FILE #: S-17-23 REVIEWING AGENCY: City of Dover Planning

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

I. PLAN SUMMARY

Review of a Site Development Plan application to permit construction of a 2,520 S.F. one-story medical office building and associated site improvements. The property consists of a 15,350 S.F. +/- parcel (0.36 acres) and is zoned C-4 (Highway Commercial Zone). The property is located on the north side of Roosevelt Avenue and west of South DuPont Highway. The owner of record is JCD Investments, LLC. Property Address: 53 Roosevelt Avenue. Tax Parcel: ED-05-077.17-05-73.00-000. Council District 2. *Waiver Requests: Alternative Format of Opaque Barrier; Elimination of Sidewalk Requirement; and Partial Elimination of Curbing Requirement. This property is the subject of variance applications V-17-05 approved by the Board of Adjustment on February 15, 2017 and V-17-11 approved on April 19, 2017. The variances granted were to allow an increase in parking and to reduce the rear yard setback requirement.*

Previous Applications

This project is the subject of two approved variances. The first variance, V-17-05, was approved on February 15, 2017 by the Board of Adjustment. This variance allowed the proposed medical office use to exceed the maximum eleven (11) parking spaces permitted under the zoning and instead provide a maximum of fourteen (14) spaces. At the time of this first variance application, the applicant proposed a site plan which met the minimum setback requirements of the C-4 Zone. The site plan featured the building at the front of the site with parking in the rear. After the variance was approved, the applicant redesigned the site so that the building was towards the rear of the site, with parking in front. The building's new position did not meet the site's minimum rear setback requirement. Therefore, the project went to the Board of Adjustment for a second variance, V-17-11, on April 19, 2017. The second approved variance permitted a reduction in the minimum rear yard from thirty (30) feet to twenty (20) feet.

II. PROJECT DESCRIPTION

The Site Plan proposes a new 2,520 S.F. medical office building, with an associated parking lot, trash enclosure, stormwater management areas, and landscaping. The proposed owner-occupant is Kent Pediatrics.

The property has street frontage on the north side of Roosevelt Avenue and is near to its

intersection with South DuPont Highway. Adjacent uses include the Cuts-R-Us hair salon to the west, H&A Electric Company to the east, and one-family detached residences fronting on Orchard Avenue to the north. Across the street to the south are a number of existing medical office uses, including Kent Pediatrics' current location in a multi-tenant office building.

The new building is proposed to be located toward the northern edge of the property. The trash enclosure would be located just to the west of the building. Drive access to the site would be on the west side of the site, next to an existing access drive for the hair salon. Stormwater management would be in locations south of the parking lot and north, east, and west of the building.

III. ZONING REVIEW

C-4 Zoning District

The project's proposed use as a medical office is permitted in the C-4 Zoning District. Under *Zoning Ordinance,* Article 3 §16, "business, professional, or governmental offices" are permitted, and medical offices are considered a kind of professional office.

IV. PARKING SUMMARY

According to *Zoning Ordinance* Article 4 §4.15, off-street parking in the C-4 zone must be provided at a rate of one (1) space per 300 square feet of floor area or one (1) space per employee, whichever is greater. The number of employees to be employed on site is unknown. Article 6 §3.1 of the *Zoning Ordinance* also specifies a parking requirement specific to medical offices which is also one (1) space per 300 square feet of floor area. The parking requirement based on the building square footage would be nine (9) spaces.

According to *Zoning Ordinance* Article 6 §3.11, all uses have a maximum parking allowance 25% over the minimum requirement. For this project, the maximum number of parking spaces would be eleven (11) spaces. However, fourteen (14) spaces have been approved for this project by variance V-17-05, heard at the Board of Adjustment on February 15, 2017.

Bicycle Parking

Bicycle parking is required at a ratio of one space for every twenty parking spaces. If the site is to be served by 14 parking spaces, one (1) bicycle parking space is required. The Site Plan as proposed does not feature any bicycle parking spaces; however, the applicant has stated that one will be provided.

V. SITE CONSIDERATIONS

Traffic Circulation

Full-access movement is proposed between the parking lot and Roosevelt Avenue. The City's Public Works Department is requesting that the proposed driveway apron be replaced with an asphalt commercial entrance built to ADA requirements; the Public Works Office will continue work with the applicant on the refinement of the site entrance design. Roosevelt Avenue is a City-maintained street, and therefore not subject to DelDOT review.

Sidewalks/Pedestrian Circulation

The site does not currently have frontage sidewalk, a condition shared by most of the properties on the north side of Roosevelt Avenue between South DuPont Highway and State Street to the west. The properties across the street from the site do have frontage sidewalk. However, there is no safe crossing from this southern sidewalk to the site, as there are no crosswalks at the intersection of Roosevelt Avenue and South DuPont Highway in any direction.

The Site Plan shows that the space between the street curb and the front property line is very narrow (about five feet). If frontage sidewalk were to be constructed for the site according to City street standards, it would have to be located partially or entirely on the property. An easement would have to be granted to the City for the portion of the sidewalk on the property.

The proposed plan does not show a sidewalk connection between the building and the street. There are a few possible routes, albeit narrow ones, on the site for such a path, including on the east edge of the site and on either side of the drive entrance.

Waiver Request: Elimination of Sidewalk Requirement

Although the Site Plan currently shows frontage sidewalk, the applicant is nevertheless requesting a waiver from the sidewalk requirements of the *Zoning Ordinance* in accordance with Article 5 §18.4. This waiver request may apply to both the frontage sidewalk and the connection between the building and the street.

Lighting

The Lighting Plan proposes locations for two light poles, one on either side of the parking lot. A light fixture attached to the building is also shown. The site appears to meet the requirement that lighting of commercial uses be 1.5 footcandles at grade.

Dumpsters

Based on the building's office use and the 2,520 S.F. floor area, one dumpster would be required. Instead of a dumpster which would be accessed by a trash collection truck, the applicant is proposing a trash enclosure for storage of trash cans. The trash cans would be brought to the street frontage of the site at appropriate times for collection. The City's Public Works Department believes this method of trash collection is acceptable, but trash collection must still be private. The City will not pick up trash and/or recycling from this site. The applicants must also ensure that both the trash collection and recycling needs of the site are met.

VI. BUILDING ARCHITECTURE

The applicant has provided a rendering showing the front of the building. The building has a hipped roof with a double gable over the entrance. The entrance itself is arched and flanked by three columns. In addition to the ones around the door under the entrance arch, there are four windows on the front, three of which are smaller because they light examination rooms in the building. A stone watertable extends around the building.

The applicant also provided a floor plan of the building. The floor plan shows an employee entrance on the west side of the building as well as four additional windows. There are six windows on the north side of the building and two windows on the east. These windows are likely similar in

appearance to those on the front of the building.

VII. TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a concept for the Landscaping Plan. The total lot area is 0.35 acres (15,350 S.F.); based on this area, six (6) trees are required to meet the tree density requirements of the site. The applicant proposes to meet this requirement with ten (10) Emerald Arborvitae trees along the rear property line, two (2) Thornless Honey Locust trees on the north side of the parking lot, and one (1) Crepe Myrtle tree on the south side of the parking lot, for a total of thirteen (13) trees. Various shrub plantings are also proposed around the site.

Waiver Request: Opaque Barrier Requirement Alternative Format

Screening is required wherever a non-residential use abuts a residential use. This screening must consist of an opaque barrier (a fence, wall, or berm) at least six feet in height, accompanied by landscaping, with the landscaping on the residential side of the barrier. This requirement applies to the north side of the property. The applicant has proposed a 6-foot stockade fence accompanied by landscaping to meet this requirement.

The landscaping is currently proposed on the office's side of the barrier, instead of the residential side. To permit the use of this format, the applicant has requested a waiver from the Planning Commission regarding the opaque barrier requirements of the *Zoning Ordinance*.

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 required Opaque Barrier shall be furnished in the standard format, with trees on the residential side of the barrier, unless a waiver is granted by the Planning Commission. A written waiver request was submitted for review. Please also confirm the material of the barrier as either wood or vinyl fencing.

2) Sidewalk shall be provided along the street frontage of the site, and from the frontage sidewalk to the building entrance, unless a waiver is granted by the Planning Commission. A written waiver request was submitted for review.

3) Curbing shall be provided for all parking and drive areas, unless a waiver is granted by the Planning Commission. A written waiver request was submitted for review.

4) If a private trash collector will not service the currently proposed trash enclosure, a dumpster accessible by a trash truck must be provided on site.

5) Please specify the location of the required bicycle parking space and provide a detail for its construction.

6) Sheet 1 (Cover Sheet):
   a. In the General Construction Notes column, or in another appropriate notes column, please

add a note indicating that all new utilities to be constructed on site will be constructed at the expense of the developer.

b. In the General Notes column, under item 10, please change the variance note to say "14 parking spaces permitted" instead of "14 parking spaces proposed." This change is to make it clearer that 14 spaces is the new maximum allowed.

7) Sheet 5 (Utility, Lighting, and Landscape Plan):
   a. The Landscape Plan must be certified by a landscape architect, architect, or Delaware certified nursery professional.
   b. Please provide a calculation showing that the tree planting requirements of the site have been met (15,350 S.F. / 1 tree per 3,000 S.F of lot area = 6 trees, with 13 trees provided).

8) All plan sheets: Please show that there is a zone boundary change between 53 Roosevelt Avenue and 51 Roosevelt Avenue, where 53 Roosevelt Avenue is zoned C-4 and 51 Roosevelt Avenue is zoned C-1. Please also show a second zone boundary change between 51 Roosevelt Avenue and 40 Roosevelt Avenue, where 49 Roosevelt Avenue is zoned R-8.

9) Signs are subject to a separate review and approval process with the Planning Office. Approval of the Site Plan will not constitute approval of the currently proposed monument sign. However, the applicant is advised that the proposed sign appears to meet code requirements.

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

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

IX. RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL 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. To meet these code objectives, Planning Staff recommends the Planning Commission prescribe the following conditions and safeguards:

1) Waiver Request: Opaque Barrier Requirement Alternative Format: In accordance with subsection 2.25 related to landscaping, staff recommends approval of the waiver request to allow an alternative format for the opaque barrier, allowing the landscaping to be planted on the office's side of the fence. As the applicant describes in their waiver request, if the barrier was constructed using the standard format most of the landscaping

would be trapped between the applicant's fence and a fence belonging to a neighboring property owner, making the landscaping difficult to see and maintain. Maintenance of the landscaping is particularly important considering the electric and telephone overhead wires crossing the rear of the properties to the north. No aesthetic benefits would be gained by having the landscaping on the residential side of the barrier, so the ease of maintenance benefits of the alternative format should be favored.

2) Waiver Request: Elimination of Sidewalk Requirement: In accordance with subsection 2.21 related to safety and convenience of vehicular, transit, bicycle, and pedestrian traffic, staff recommends **partial approval** of the waiver request to eliminate sidewalk along the Roosevelt Avenue street frontage. Staff recommendation would be that sidewalk construction be waived only for the portion of the frontage west of the driveway entrance.

   The applicant's reasons for requesting a waiver are mostly related to the difficulty of constructing sidewalk along the rest of the north side of Roosevelt Avenue, which is lined with residential properties not poised for redevelopment and also has in some areas steep grades adjacent to the street. However, future pedestrian access to this site is likely to come sooner from South DuPont Highway. Although DelDOT has no current plans to construct sidewalk along this section of the highway, pedestrian upgrades have been ongoing on the highway corridor elsewhere in the City and the County. Planning Staff expects that this site will become pedestrian-accessible from the east within the lifetime of the proposed office use.

   Based on these expectations, Staff believes sidewalk should be provided to extend east toward the highway. The approximately six feet of sidewalk to the west of the entrance will not significantly add to the accessibility of the site, and it appears this section would be difficult to construct to ADA standards. It is noted that the final design of the sidewalk and the site's entrance is subject to review by the Department of Public Works since Roosevelt Avenue is a City-maintained street.

   If the Planning Commission chooses to require any frontage sidewalk, (denial or partial approval of the waiver request) the Commission should also require that a sidewalk connection be provided from the building to the frontage sidewalk. Possible routes for the sidewalk are on the east edge of the site or on either side of the entrance drive. All of the possible routes would require removal or relocation of landscaping and in some cases light poles. The stormwater management design of the site may also be impacted.

3) Waiver Request: Partial Elimination of Curbing Requirement: In accordance with subsection 2.26 related to drainage systems, staff recommends approval of the waiver request to eliminate curbing along the south side of the parking lot and the west side of the entrance drive. Eliminating curbing along the south side of the parking lot is necessary to convey stormwater to the management basin at the front of the site. Staff also believes accommodating existing stormwater flow from 51 Roosevelt Avenue is an appropriate reason to waive curbing on the west side of the entrance drive. If the applicant is going to accept stormwater runoff from a neighboring property onto theirs,

the applicant's stormwater system will need to be designed to accommodate it.

4) To further subsection 2.28 related to architectural characteristics of proposed buildings, Staff recommends that any outside HVAC Equipment be designed to minimize impact on adjacent property owners, be adequately screened from public view, and minimize overall visible impact. Consideration must also be given to equipment placement in proximity to loading areas and public facades of the buildings.

Other agencies may recommend additional conditions and safeguards in accordance with their areas of expertise. The 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) The Planning Commission should act upon any Waiver Requests as part of any motion to approve this Site Plan, or as a separate motion if necessary. Note: The recommendations are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.

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

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

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 Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted.

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

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

and permits are required.

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

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 project contact person or the Planning Office as soon as possible.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: AUGUST 2, 2017

CITY OF DOVER Electric & Public Works Departments

APPLICATION: Kent Pediatrics at 53 Roosevelt Avenue

FILE #: S-17-23

REVIEWING AGENCY: City of Dover Electric and Public Works Departments

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
    b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
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. Each water meter shall be installed inside a meter pit, 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. If the sidewalk waiver is not granted by the Planning Commission, the applicant shall install a five-foot (5') wide public sidewalk with five foot (5') wide grass strip behind the curb. A permanent easement shall be granted to the City of Dover to provide enough room for the aforementioned design requirement.
2. Please provide an asphalt driveway apron at this site, in order to meet ADA requirements, please install a crosswalk and truncated domes at each end of the entrance. The stop bar shall be behind the new crosswalk.

SANITATION / GROUNDS

1. None.

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

WATER / WASTEWATER / STORMWATER / SANITATION / GROUNDS / GENERAL

1. None.

STREETS

1. The developer shall revise the existing striping that is located within Roosevelt Avenue. The taper lane shall be shifted to the west so that the left turn lane lines up with the western edge of the proposed driveway entrance.

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. 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.
3. 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-17-23

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 08/09/17

CITY OF DOVER FIRE MARSHAL

APPLICATION: Kent Pediatrics at 53 Roosevelt Ave

FILE #: S-17-23 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:

Routine Comments:

1. Proposed building is a medical office 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 TBD 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 Alarm System may be required per occupancy code requirements.
6. Sprinkler system may be required (additional comments would then be provided). System is to be monitored by an approved Fire Alarm System.

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 Ordinances 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 COMMENTS:

1. A letter is needed clearly stating what is taking place at the location (is everyone capable of self-perseveration, is CMS approval needed)
2. Once the above is received and/or an occupancy classification is submitted, additional comments may be supplied

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: August 2, 2017

D E L D O T

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APPLICATION: Kent Pediatrics at 53 Roosevelt Avenue

FILE#: S-17-23 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 following comments are just suggestions as Roosevelt Ave is not a State maintained road:

- The full access entrance will have turning movements crossing through the taper striping which creates potential conflict points. Consider making this safer by potentially extending this left turn lane to accommodate the movement.
- Instead of installing a concrete ramp entrance, DelDOT would suggest the installation of an asphalt entrance with appropriate curb ramps for the sidewalk. As proposed, the entrance is not ADA compliant and does not encourage an efficient turning movement off of the frontage road (i.e. cars take concrete ramp entrances much slower which could cause stacking in the roadway).

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
August 2017

APPLICATION: Kent Pediatrics **FILE #: S-17-12**

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica Verchick* **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. The site is known to have the following aspects that the engineer must take into account.
   Low-Moderate Runoff Reduction Feasibility
   May be receiving water from adjoining site which must be considered for BMP sizing
2. Green Technologies (infiltration, bio retention, bio swales, filter strips etc.) must be implemented to comply with the Delaware Sediment and Stormwater Regulations.
3. The preferred methods of Stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
4. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

5-17-23

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July 6, 2017

City of Dover
City Hall
15 Loockerman Plaze
Dover Delaware, 19903

Attn: Mr. Eddie Diaz, Planner

RE: **Site Plan Approval Application**
Proposed Kent Pediatrics Medical Building
Tax Parcel # ED-05-077.17-05-73.00-000
C4 Commercial Zone
53 Roosevelt Avenue, City of Dover, Delaware
(KEI#36-42)

Dear Mr. Diaz:

Enclosed please find the following information in regard to the above referenced project for your review:

a) Three (3) copies of the application form fully endorsed.
b) Twenty-three (23) copies of Site Plan.
c) Fifteen (15) copies of the Building Architecture (11"x17").
d) Check in the amount of $450.00 for the application fee.
e) Application for Mailing List.
f) Project Contact List.
g) Completed Checklist for Site Plan Applications.
h) PDF and AutoCad files of the application submission on CD.

As you are aware, JCD Investments, LLC (aka Kent Pediatrics) is proposing to construct a one story 42' x 60' medical office building located on vacant property known as 53 Roosevelt Avenue in the City of Dover, Delaware. The total floor area of the medical office will be 2520 sf.

The parcel of land is identified as tax parcel # ED-05-077.17-05-73.00-000 is located in the C4 commercial zoning district approximately 50 feet from the intersection of U.S. Route 13. The property is surrounded by the C4 - Commercial Zone to the east and west and the R-8 Residential Zone boundary adjoins the property along the rear (north). The property consists of a vacant wooded lot that is 100 feet wide by 153.50 feet deep or 15,350 sf (0.352 acres) in area. A single family home with a

bituminous driveway existed on the property until the summer of 2007; at that time dwelling was demolished and the property has remained vacant.

In February, 2017 the Board of Adjustment approved a variance request to allow the applicant to exceed the required number of parking spaces for the site by 55 percent (Article 6, Section 3.11). The variance permitted the applicant to construct fourteen (14) 9' x 18' parking spaces where only nine (9) parking spaces were permitted by Ordinance.

In April, 2017 the applicant returned to the Board of Adjustment and was granted variance approval to reduce the rear yard building setback requirement of 30 feet (Article 4, Section 4.15 of the Municipal Code) to 20 feet. This variance permits the applicant to construct the proposed building in the rear portion of the site while allowing the proposed fourteen (14) parking spaces to be constructed in front of the building along the Roosevelt Avenue frontage.

As part of this site plan application, the applicant respectfully request the following design waivers for the proposed development:

1. The applicant is requesting a design waiver from Appendix B, Article 5, Section 7.22 a), to allow the proposed landscape buffer along the rear of the site to be constructed in front of the proposed solid vinyl fencing. The applicant requests this waiver because the subject property is separated from the adjoining residential property to the north by a 6 feet wide overhead utility easement. The easement contains a wood utility pole that carries electric and phone utilities. A 6 feet high solid wood stockade fence currently exists along the residential property line to screen and buffer the residential rear yard from the proposed development as well as the other properties along Roosevelt Avenue. As part of the requirements of this site plan application, the applicant is also proposing a 6 feet high solid white vinyl fence along the rear property line of the subject site. Appendix B, Article 5, Section 7.22 a) of the City Code specifically requires that a landscape buffer be constructed along the proposed fence line such that the vegetation is situated on the back side, or facing the residential adjoining property. Due to the existing utility easement situation, if the applicant were to construct the vegetative buffer as required, the vegetation would be facing an adjoining 6 feet high solid wood stockade fence which could not be viewed by any of the adjoining property owners. By permitting the requested design waiver, the applicant will be able to construct evergreen screening in the form of arborvitae shrubs in front of the proposed 6 feet high white vinyl solid fencing where it can be seen by the patrons utilizing the property as well as the individuals utilizing the neighboring properties to the east and the west.

2. The applicant is also requesting a design waiver from Chapter 98, Article IV, Section 98-131 (4) from the requirement for constructing 5 feet wide concrete sidewalk across the frontage of the property along Roosevelt Avenue. The applicant has proposed the sidewalk on the submitted site plan however, the existing right of way of Roosevelt Avenue is not wide enough to permit the proper construction of the sidewalk completely within the limits of the public roadway. The result will be that 2.5 feet of sidewalk will be constructed on the applicant's site and 2.5 feet of sidewalk will be constructed within the public right of way assuming that a proper grass median strip is provided between the existing curb and the proposed sidewalk. The applicant request a waiver to construct sidewalk in front of the site for the following reasons:

- The applicant is the only commercial property on the north side of Roosevelt Avenue that is capable of constructing sidewalk as part of a site plan application. The remaining twelve (12) properties on the north side of the street consist of single family dwellings and contain no sidewalk. It shall also be noted that no sidewalk exists on the west side of Route 13 north of Roosevelt Avenue.

- There is only enough available Right of Way in front of the subject property and the remaining residential properties on the north side of the street to construct a 5 feet wide sidewalk directly against the existing curbing. Therefore, no grass median strip would be provided unless a portion of the sidewalk were to be constructed within an easement. Obtaining an easement from those residential properties in the future and requesting the owners of the residential property to construct the sidewalk is unlikely.

- Four (4) of the residential properties on the north side of the street have elevation differences of 12" to 18" higher than the top of the existing curb elevation. Therefore, additional property would be affected in order to transition the grade adjacent to the back of the sidewalk.

- While the sidewalk can be constructed directly against the concrete curbing within the available right of way limits, constructing the sidewalk to meet the barrier free ADA guidelines would be impractical.

3. The applicant is requesting a design waiver from Appendix B, Article 6, Section 3.6 b), to eliminate the requirement of constructing concrete curbing on the west side of the proposed driveway entrance aisle as well as across the front of the six (6) proposed parking spaces along the frontage of the site. It shall be noted that the applicant proposes to construct concrete curbing at all other necessary and required locations within the site however, the applicant requests this waiver in order to comply with the stormwater management drainage requirements mandated by the Kent County Conservation District.

   It is the intent of the applicant to construct a stormwater infiltration basin in front of the proposed parking area along the frontage of the property. Stormwater runoff from the parking lot will be conveyed to the proposed infiltration basin by way of sheet flow. The sheet flow is proposed to be directed across a grass filter strip along the edge of the parking lot before it enters the basin. Both the grass filter strip and the basin are considered stormwater quality Best Management Design Practices (BMP's) which are required by both DNREC and Kent County Soil Conservation District. By constructing curbing along the front parking lot pavement edge, the project would not be able to comply with the intent of the BMP. The intent of the grass filter strip is to convey the runoff via sheet flow across the grass for the entire length of the paving edge. By constructing curbing, the applicant would be forced to propose an inlet and piping to

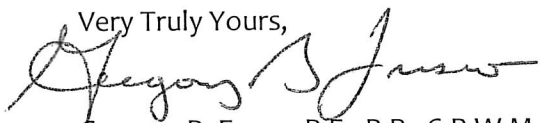
collect and discharge the runoff to the basin. This practice is not favored by the stormwater regulations for stormwater treatment.

With regard to the elimination of concrete curbing on the west side of the proposed entrance driveway aisle, at the present time surface runoff from adjoining Lot 72 (51 Roosevelt Ave) is conveyed across the common property line onto the subject site. Constructing concrete curbing along the west side of the entrance drive will interrupt the flow of stormwater onto the site.

While it is possible to excavate the entire property 6 inches lower to accommodate the curbing to maintain the existing flow pattern, approximately 300 cubic yards of additional soil will have to be removed from the site. Also, because the site will be lower in elevation, the proposed basin side slopes around the building area and the front of the parking lot will be steeper in construction. Parking lot pavement cross slopes would also have to be made steeper which is not a desirable alternative regarding life safety reasons.

If you have questions or comments in this regard please contact me at this office.

Very Truly Yours,



GBF:db

Gregory B. Fusco, P.E., P.P., C.P.W.M.

cc: Mr. James Medved, Kent Pediatrics, 53 Roosevelt Ave, Dover, DE (jamedved66@gmail.com)
Mr. Paul Lazar, Beacon Construction, 61 Lakeview Dr, Gibbsboro, NJ 08026
(paul@beaconcs.net)

Projects\36\42\docs/Site Plan Letter of TransEddie Diaz



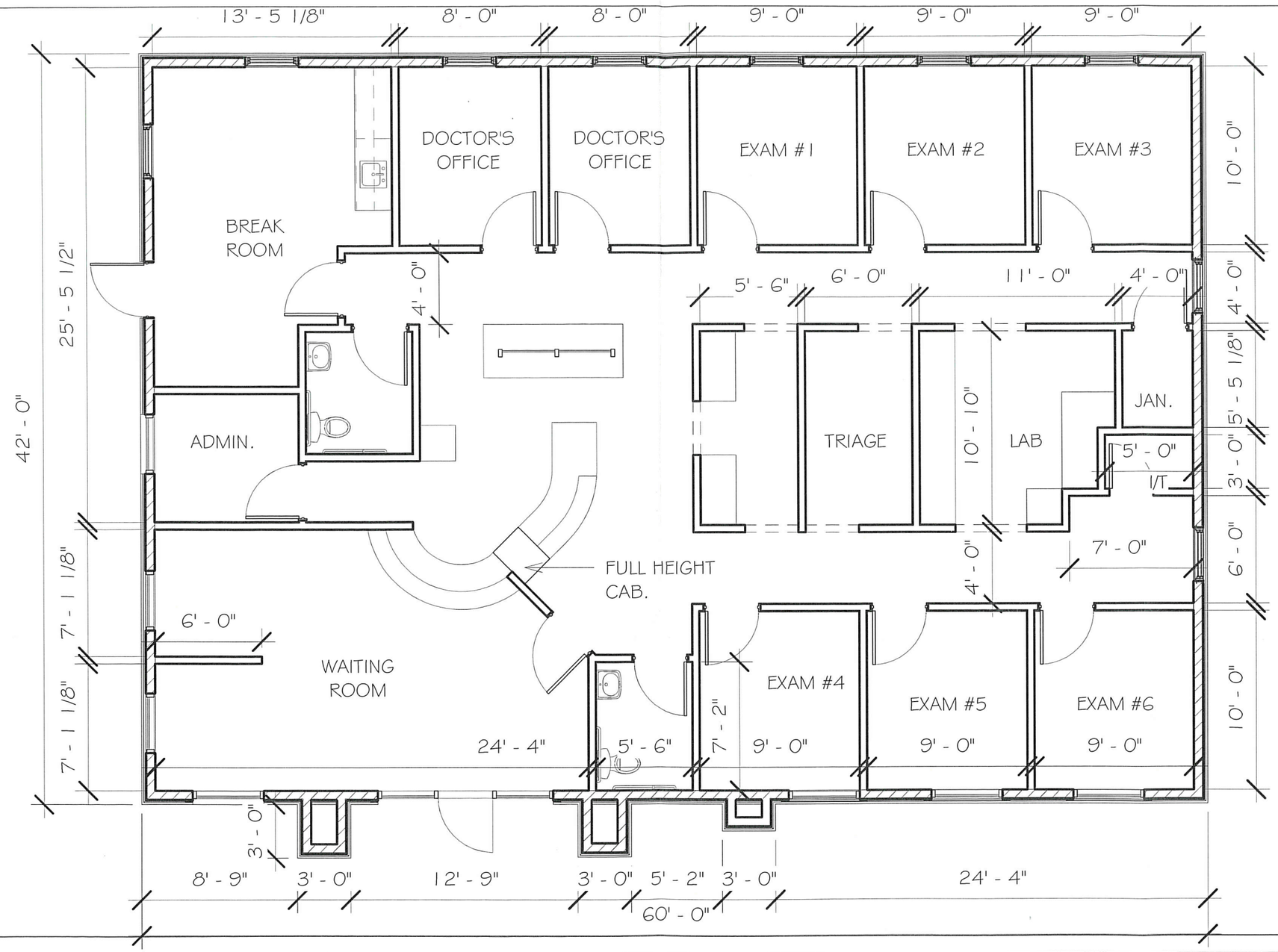
BEACON
CONSTRUCTION SERVICES INC

KENT PEDIATRICS

CONCEPT ELEVATION

Project number	
Date	06/30/17
Drawn by	Author
Checked by	Checker

11.1-r2



BEACON
CONSTRUCTION SERVICES INC

KENT PEDIATRICS

CONCEPT FLOOR PLAN

Project number	
Date	06/30/17
Drawn by	L. HEAL
Checked by	Checker

11-R2