CITY OF DOVER PLANNING COMMISSION
AGENDA
Tuesday, February 20, 2018 – 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 December 18, 2017

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, March 19, 2018 at 7:00pm in the City Council Chambers.

2) Notice: The Planning Commission Quarterly Workshop scheduled in February 2018 has been canceled.

3) Update on City Council Actions

4) Update from Planning Office
    a. Educational and Training Opportunities

OPENING REMARKS CONCERNING APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

2) Revisions to Applications:
    A. S-17-29 Delaware State University Residence Hall at 1200 N. DuPont Highway: Master Plan – Update on Revisions to Site Plan and Building Architecture associated with the Site Development Master Plan application for the Residence Hall project approved by the Planning Commission on November 20, 2017. The Site Development Master Plan has been Revised to consist of a new 192,141 S.F. five-story Student Residence Hall of 620 Beds (increased from 600 Beds and including refinement of building footprint with increase in building size) and architectural changes to exterior finishes. The project phases consist of the following: Phase 1- Relocation of Utilities, Phase 2 - Construction of Residence Hall and Demolition of Laws Hall, and Phase 3 - Demolition of Tubman Hall. The subject project area is internal to the Delaware State University Campus of 287.32 +/- acres. The property is zoned IO (Institutional and Office Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) – Tier 3: Excellent Recharge Area. The campus is location west of North DuPont Highway and north of College Road. The owner of record is State of Delaware c/o Delaware State University. Property Address: 1200 North DuPont Highway. Tax Parcels: ED-05-057.00-01-19.00-000, ED-05-057.00-01-20.00-000, and ED-05-057.00-01-21.00-000. Council District 4. *The associated Administrative Site Plans are S-17-31 Phase 1, S-17-33 Phase 2, and S-17-34 Phase 3.*

NEW APPLICATIONS

1) C-18-01 Governors Café Kitchen Addition at 144 Kings Highway SW – Public Hearing and Review of Conditional Use Site Plan Application to permit the construction of a one-story, 344 SF addition to the kitchen for the Governors Cafe. The Governors Café is located within the existing building at 144 Kings Highway SW. The property consists of 0.7419 +/- acres and is located at the southernmost intersection of American Avenue and Kings Highway. The property is zoned RG-O (General Residence and Office Zone) and is subject to the H (Historic District Zone). The owner of record is Cahall Properties, LLC. Address: 144 Kings Highway SW. Tax Parcel: ED-05-077.05-04-40.00-000. Council District 2. *Application HI-17-04 was reviewed by the Historic District Commission on December 21, 2017.*

2) S-18-01 DGKP Property: Office/Warehouse at 1351 West North Street – Public Hearing and Review of a Site Development Plan Application to permit construction of a two-story, 71,775 SF office and warehouse complex and adjoining parking spaces. The property consists of a 5.01 +/- acres and is located on the north side of North Street, east of Mifflin Road and west of Commerce Way. The property is zoned IPM (Industrial Park and Manufacturing Zone). The submission is subject to Review of a Performance Standards Review Application. The owner of record is DGKP North Street LLC. Address: 1351 West North Street. Tax Parcel: ED-05-076.14-01-07.00-000. Council District 1. *Waivers Requested: Elimination of Opaque Barrier (Opaque Component) and Partial Elimination of Upright Curbing. Consideration of Performance Standards Review Application.*

3) SB-18-01 Minor Subdivision Plan for 747 North DuPont Highway – Public Hearing and Review of a Minor Subdivision Plan application to permit the subdivision of a 25.01 +/- acre parcel into: Lot 1 of 10.007 acres and Lot 2 of 15.004 acres. The property is located on the northeast side of North DuPont Highway and south of Leipsic Road. The property is zoned SC-2 (Community Shopping Center: Shopping Center Development Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 3: Excellent Recharge Area). The owner of record is Rojan DD 15 LLC. Property Addresses: 747 North DuPont Highway. Tax Parcel: ED-05-068.05-01-15.00-000. Council District 3.

4) MI-18-01 Text Amendments: *Zoning Ordinance*, Article 3 Section 28 for Fuel Pumps as Conditional Use in TND zone - Public Hearing and Review for Recommendation to City Council on Text Amendments to the Appendix B: *Zoning Ordinance,* Article 3 – District Regulations. The proposed Ordinance is to amend Section 28 - Traditional Neighborhood Design Zone (TND), Subsection 28.52 – Neighborhood Commercial District. The proposed text revision seeks to allow fuel pumps as Conditional Use as accessory to a convenience retail store and subject to the requirements of Article 10, Section 1 – Approval of Conditional Uses. Ordinance #2017-16. *The City Council Public Hearing on this Text Amendment request is scheduled for March 12, 2018.*
    - A copy of the Proposed Ordinance #2017-16 is available on the City's website www.cityofdover.com under the Government Heading: Ordinances, Resolutions & Tributes. https://www.cityofdover.com/ordinances-and-resolutions
    - *The Legislative, Finance, and Administration Committee reviewed the proposed Text Amendments on December 12, 2017 and the First Reading before City Council occurred on January 8, 2018. The Public Hearing before the Planning Commission is set for February 20, 2018 and Public Hearing and Final Reading before City Council is on March 12, 2018.*

NEW BUSINESS

1) S-17-28 Multiplex at 299 College Road: Review of Cash-in-lieu of Active Recreation Area Payment – Review of the payment amount for Cash-in-lieu of Active Recreation Area construction as associated with the Site Development Plan to permit construction of a three (3) unit multiplex residential building (multi-family dwelling) with adjoining parking spaces. The property consists of a 18,244 S.F. +/- parcel (0.42 +/- acres) and is zoned RM-2 (Medium Density Residence Zone). The property is located on the northwest side of College Road and adjacent to Conwell Street. The owner of record is Stephen E. Lumor (Enyam, LLC). Property Address: 299 College Road. Tax Parcel: ED-05-067.00-02-26.00-000. Council District 4. *Cash-in-lieu amount of $4,000 was accepted by the Parks, Recreation & Community Enhancement Committee on December 12, 2017 and by City Council on January 8, 2018.*

2) Update on Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance,* Article 10 §2.28)

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: February 9, 2018

CITY OF DOVER PLANNING COMMISSION
DECEMBER 18, 2017

The Regular Meeting of the City of Dover Planning Commission was held on Monday, December 18, 2017 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Ms. Edwards, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present were Mr. Mark Strickland, Mr. Mark Parker and Mrs. Kim Diehl.

APPROVAL OF AGENDA

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

Mrs. Melson-Williams stated that she just wanted to make sure that the members of the audience are aware that the Conditional Use Application C-17-06 Pride of Dover Elks Lodge at 217 North Kirkwood Street will not be heard this evening by the Planning Commission at the request of the applicant. The applicant wished to defer consideration of that application. The application and it's public hearing will be rescheduled for a future meeting of the Planning Commission and there will have to be public notice completed again for that specific meeting. There may have been some members of the public that saw the initial public notice for the hearing on that application that was at one point scheduled to be heard this evening.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF NOVEMBER 20, 2017

Mrs. Welsh moved to approve the Planning Commission Meeting minutes of November 20, 2017, seconded by Mr. Baldwin and the motion was unanimously carried 9-0.

COMMUNICATIONS & REPORTS

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Tuesday, January 16, 2018 at 7:00pm in the City Council Chambers.

Mr. Hugg provided an update on the regular City Council and various Committee meetings held on November 27 & 28, 2017 and December 11 & 12, 2017.

Mrs. Melson-Williams stated that Mr. Dave Hugg is officially the City Planning Director. City Council took action as a result of their meetings on December 11, 2017 to make that appointment permanent from an "acting" status. Staff has been working on their schedule of deadlines and meetings for 2018. The schedules pertaining to the types of applications that the Planning Commission considers has been placed on the Commissioner's desks. Any application that would be appearing before the Planning Commission is subject to a process for applying for that application which starts with a pre-application meeting with Planning Staff that can be scheduled at any time and then they can file an application. These are the schedules related to Conditional Uses, Site Plans, Subdivisions, Rezoning and Annexation.

Mr. Tolbert took a moment to congratulate Mr. Hugg as being the Director of Planning. He doesn't think that they could have gotten a better, more experienced person and we are going to do everything to make his appointment a pleasant one.

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) Revisions to Applications:
   A. S-16-24 Advantech at 151 Garrison Oak Drive, Garrison Oak Technical Park Lot #13 – Revised Plan & Architecture – Update on Revisions to Site Plan and Building Architecture associated with the Site Development Plan application for Advantech approved by the Planning Commission on November 21, 2016 with Final Plan approval granted June 16, 2017. The size and configuration of the building has been reduced in size to 14,700 S.F. from a 15,989 S.F. office building and light manufacturing facility. Associated revisions are also proposed for the outdoor loading and parking areas and other site improvements. The Performance Standards Review Application was previously approved indicating the project as conforming to the applicable performance standards as outlined in *Zoning Ordinance*, Article 5 §8 Performance Standards. The subject property consists of 10.06 acres and is located on the east side of Garrison Oak Drive north of White Oak Road; also known as Lot 13 of the Garrison Oak Technical Park. The property is zoned IPM-2 (Industrial Park Manufacturing Zone - Technology Center). The owner of record is Protective Properties, LLC. Property Address: 151 Garrison Oak Drive. Tax Parcel: LC-05-068.00-02-13.00-000. Council District 3.

Representative: Mr. Mark Strickland, Century Engineering, Inc

Mrs. Melson-Williams stated that this is the project known as S-16-24 Advantech. It's a proposal for an office and light manufacturing facility to be located in the Garrison Oak Technical Park. What is seen on the screen is the architecture of the building that was presented a little over a year ago, specifically at the Planning Commission's November 21, 2016 meeting. The Planning Commission, at that point, did grant conditional approval of the architecture of the building as well as the Site Plan for the project. Ultimately, the project moved through the process to achieve Final Site Plan approval. Final Site Plan approval for the project was granted in June 2017. Over time, there have been some design revisions to the building architecture and the Site Plan. What you see on the screen now is the revised architecture for this building. Specifically, the building footprint has been reduced in size from what was originally proposed at 15,989 SF to a building of 14,700 SF. By doing that, they also have simplified the building architecture. The main entry still remains on what is the southwest side of the building that faces Garrison Oak Drive but the overall massing of the building has slightly changed in the roof configuration as well as the exterior finish materials for the project. You see a slightly different roof form with the front part of the building being the office area and then the rear of the building is more of the manufacturing type facility with the larger roll up doors on the sides of the facility.

The Site Plan did achieve Final Site Plan approval. Basically, you can see from Garrison Oak Drive that there are two entry points into the site with circulation across the front of the building and then parking on either side of the building including the larger area which was more of a loading and work yard area surrounding the building. The building itself that the Planning Commission saw and what ultimately had Final Site Plan approval was more of a "T" shaped building. The next slide shows that while the entrances from Garrison Oak Drive and the general location of parking remains relatively the same, the shape of the building has changed. It's more of a standard rectangular shape at this point. In reducing the building footprint, there has been a reduction in the total impervious cover of the site. They have basically maintained the general grading on the site because of the stormwater management that was already done at the facility. There are a number of changes to some of the parking locations; some of which provide a better accessibility and alignment to getting into those spaces and also to react to the changes in the building itself.

This evening, they bring this Revised plan and the building architecture as an update to the project. What the applicant will need to be doing now is updating the plans in order to once again achieve Final Site Plan approval because of the changes to the site and the building information. It is not subject to public hearing. The applicant submitted a detailed cover letter and then the series of plans and elevations that they just ran through. She's sure that they can identify any additional things that she has missed with what has changed with the project. This is an informational item brought to the Planning Commission to make them aware of the changes in order to get Final Site Plan approval. For the Revised plan, Planning Staff will be confirming compliance with the *Zoning Ordinance* for things like parking and any of the changes that may have been triggered by the reduction in the building size.

Mr. Tolbert questioned if the changes that are proposed will substantially change what the applicant originally wanted to do? Responding to Mr. Tolbert, Mr. Strickland stated no, not at all.

Mr. Strickland stated that he thinks Mrs. Melson-Williams covered everything pretty well. If anyone has any more questions about the specific details of it, he will be glad to go into more detail but he doesn't want to repeat everything that she just said. The site is going to be the exact same purpose. The building is just a little smaller because they are trying to do cost saving and value engineering and reduce the overall cost of the project. They brought in the parking areas around the building to accommodate the small building so that there was not a big open space between the parking areas and the building. They shifted a few parking spaces around to better use the layout of the site with the smaller building. The purpose of the project is exactly the same.

Mr. Tolbert questioned if the applicant was in agreement with Mrs. Melson-Williams' overview of the application? Responding to Mr. Tolbert, Mr. Strickland stated yes.

Mr. Holt questioned the reason for the change in the roofing material from asphalt to metal? Responding to Mr. Holt, Mr. Strickland stated that he is not the architect who did that but the

whole purpose of the architectural changes was all cost reduction. He is going to assume that it was a cost reduction measure but he is not 100% positive.

Mr. Tolbert stated that Mr. Hugg says that there is a longer life involved with a metal roof.

Mr. Hugg stated that he is just speculating but he would assume that compared to an asphalt roof you have at least twice as much life and much less maintenance. Wasn't a portion of the original building metal roofed to begin with? Responding to Mr. Hugg, Mr. Strickland stated yes; a portion of the warehouse was going to be metal roofed to begin with.

Mr. Hugg stated that this is a change but it's not a significant change. Responding to Mr. Hugg, Mr. Strickland stated that the office building up front is now going to be all metal.

Mr. Holden questioned if this application needs a motion to approve or is this advisory? Responding to Mr. Holden, Mrs. Melson-Williams stated that this is brought to the Commission as an advisory update on the project. The Commission could certainly accept the revision and direct the applicant to continue to work with Staff in achieving a Revised Site Plan Approval.

Mr. Holden moved to approve S-16-24 Advantech at 151 Garrison Oak Drive, Garrison Oak Technical Park Lot #13-Revised Plan & Architecture, to grant Planning Commission approval of this advisory plan and to require the applicant to continue to work with Planning Staff towards Final Site Plan Approval, seconded by Mr. Holt and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; the plan retains compliance with Code and the Performance Standards and they are going to be a welcomed addition in the Technical Park for the City. Mr. Roach voting yes; for all of the reasons previously stated. Ms. Edwards voting yes; based on all of the reasons previously stated. Mr. Holt voting yes; he thinks that it's going to be a nice addition to the Technical Park. Mr. Baldwin voting yes; based on the reasons previously stated. Dr. Jones voting yes; based on previous reasons stated. Mrs. Welsh voting yes; for all for the reasons previously stated. Mrs. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; for all of the reasons stated and they can appreciate the work that's being done there. The changes and revisions are not substantially changing the original plan.

NEW APPLICATIONS

1) US-17-02 Chesapeake Utilities Dover Campus Unified Comprehensive Sign Plan – Public Hearing and Review of a Unified Comprehensive Sign Plan for the campus of Chesapeake Utilities and Eastern Shore Natural Gas consisting of a series of freestanding signs, wall signs, and canopy signs to identify the various aspects of the campus. The campus consists of an office building, warehouse building, vehicle and material storage areas, compressed natural gas dispensers and associated site improvements of parking and landscaping. The property consists of 20.57 +/- acres and is located on the south side of Krisko Circle between Bay Road and State Route 1. The property is zoned IPM (Industrial Park Manufacturing Zone) and is partially subject to the SWPOZ (Source Water Protection Overlay Zone). The owner of record is Eastern Shore Natural Gas. Property Addresses: 500 and 600 Krisko Circle. Tax Parcel: ED05-077.00-03-06.00-000. Council District 2. *The campus is currently under development as per Site Plan S-16-11. Also under review is a Request for a Street Name Change (MI-17-07) which*

seeks to have the name of Krisko Circle changed to Energy Lane.

Representatives: Mr. Mark Parker, Eastern Shore Natural Gas; Mrs. Kim Diehl, Kent Sign Co.

Mr. Diaz stated that this is a Unified Comprehensive Sign Plan for Chesapeake Utilities and Eastern Shore Natural Gas. They are building a new complex in the Stover Professional Campus that is just off of Bay Road. That area is zoned IPM (Industrial Park Manufacturing Zone). This property was previously addressed as 500 and 600 Krisko Circle but as of last Monday, is now addressed as 500 and 600 Energy Lane after a successful reading at City Council.

This property qualifies for a Unified Comprehensive Sign Plan because it contains four principle structures that are under common ownership and in this case, an office building towards the north of the site, a warehouse building that is towards the east, a truck shelter at the south portion of the site and then a gas station in the very southwest portion of the site. As a reminder, Planning Commission approval of a Unified Comprehensive Sign Plan supersedes the standard Sign Regulations of the *Zoning Ordinance* so that the applicant is no longer held to the typical standards of size, number or type of signs. They are instead held to what the approved Comprehensive Sign Plan allows.

The display slides show the specific signs that the applicant has asked for. They instead have two monument signs labeled "A" and "B", three wall signs labeled "C" and "D" and six gas station canopy signs labeled "E1" and "E2". There is a total of 297 SF and the applicant's sign book contains the specifics of all of the signs that they are asking for. Monument sign A is about 24 SF of signage with the structure being a bit larger than that. Monument sign B is also on a relatively large structure. Another rendering shows two of the wall signs; one is a "Customer Care" that is just over their entrance and then two copies of a bird logo that would be mounted on the second floor. Finally, they have an example of the gas canopy signage with the specific labels that they would like to adhere to that canopy.

In the process of reviewing the application, they came across a few uncertainties. They couldn't get a good look at the bird logo sign that was on the east side of the building and they weren't sure how that would be mounted. They also weren't sure whether the "Customer Care" letters were a wall sign or a roof sign. But they did learn from the applicant that the bird sign on the eastern side would be mounted at the same height and would have the same lighting scheme as the bird sign that you see on the slide shown on the display. They learned that the "Customer Care" letters would be a roof sign. Roof signs aren't typically permitted but they can be allowed through a Comprehensive Sign Plan. They also learned that the bird signs would be with a halo affect rather than the face of it being lit up which does make them a bit dimmer than they first thought they would be. They were a little leery at first about the amount of signage on the gas canopy because this gas station is right next to Route 1. They typically try to limit the amount of private signage that's visible from Route 1 but they worked with the applicant to reduce the signage to what they believe is an acceptable level. Staff thinks that the rest of the signage is appropriate to the nature of the use and the size of the campus so their recommendation now is just that the Planning Commission approve the Unified Comprehensive Sign Plan as presented.

Mr. Parker stated that there are no further comments at this time.

Mr. Tolbert questioned if the applicant was willing to cooperate and work with the Planning Staff regarding the signage? Responding to Mr. Tolbert, Mr. Parker stated yes.

Ms. Maucher questioned if the fueling station would be operating 24/7? Responding to Ms. Maucher, Mr. Parker stated that it likely will be. It's a natural gas fueling station; it's a destination location and he thinks that the intention is to have it available for 24/7 operation.

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

Mrs. Welsh moved to approve US-17-02 Chesapeake Utilities Dover Campus Unified Comprehensive Sign Plan inclusive of all of the DAC Comments, seconded by Ms. Edwards and the motion was carried 8-0 by roll call vote with Mr. Holden recused. Mr. Roach voting yes. Ms. Edwards voting yes; based on Staff recommendations. Mr. Holt voting yes; he will know where to go when he goes to pay his bill. Mr. Baldwin voting yes; based on Staff recommendations. Dr. Jones voting yes; based upon previous discussion and the applicant's willingness to work with the Planning Staff and consider the DAC Comments. Mrs. Welsh voting yes; the proposal is well thought out and well done. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; the signage presents no problem and is very tastefully done.

Mrs. Melson-Williams noted for the record that Mr. Holden recused himself because he is an employee of said applicant.

NEW BUSINESS

1) Nomination and Election of Officers (Chairman and Vice-Chairman)

Mrs. Melson-Williams stated that a copy of the By-laws of the Planning Commission was on their desks. The officers of the Commission consist of a Chairman and a Vice-Chairman. The Chairman shall preside at the meetings and hearings of the Planning Commission and shall have the duties usually conferred upon a presiding officer. He/She continues to exercise the perogative of an individual member of the Planning Commission while performing their duties of presiding officer. Meaning that they could make motions if they so choose. The Vice-Chairman is the presiding officer in the absence of the Chairman. The By-laws in Section 6 go on to explain how the election of the officers is to occur. The officers are supposed to be elected by the Commission at the annual organizational meeting which is typically scheduled in July of each calendar year. However, because of the continued delay for fully appointing the Commission, they pushed the annual meeting until this evening. The By-laws do note that the election of officers shall be held by secret ballot once the nominations are put forth. A motion to suspend rules can be made if the Commission doesn't feel that a secret ballot is necessary. Obviously,s the candidate receiving the majority vote of the entire membership is declared elected and serves for a period of one year until their successor takes office. The Chairman and Vice-Chairman are limited to three consecutive one year terms in that office. Once you have held either of those positions for three consecutive terms, you have to vacate the position for at least one year before you could be elected again. Mr. Tolbert was elected Chairman in July 2015 and then again in July 2016 so as of today he would be finishing up his second term and is eligible for re-election

to the Chairman position for one additional year.

Nominations for Chairman were opened to the floor.

Dr. Jones nominated Mr. Tolbert to serve as the Chairman.

Mr. Holt moved that the nominations for Chairman be closed on the said name, seconded by Mr. Roach.

Mr. Holden moved to suspend the secret ballot confident that they have one very qualified applicant nominated and nominations have been closed, seconded by Mr. Roach and the motion was unanimously carried.

Mr. Tolbert will serve as Chairman.

Nominations for Vice-Chairman were opened to the floor.

Mr. Roach nominated Mr. Holden to serve as the Vice-Chairman, seconded by Ms. Maucher.

Mr. Roach moved that the nomination for Vice-Chairman be closed on the said name and to suspend the secret ballot, seconded by Mrs. Welsh and the motion was unanimously carried.

Mr. Holden will serve as Vice-Chairman.

2) Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance,* Article 10 §2.28)

Mrs. Melson-Williams stated that included in the packets is the one page summary that gives the Code citation from the *Zoning Ordinance* in regards to this Subcommittee of Planning Commission. It is very specific in its membership in that two of the members are to be Planning Commission members, two additional people are to be design professionals and then the Mayor has seat on that Committee or his designee. There is also the opportunity to provide for alternates for the design professional positions. The one page sheet includes the current appointees as of the July 18, 2016 seating of the Subcommittee. This evening, the Planning Commission needs to address the membership of this Subcommittee. It only meets and is called upon if you so choose to refer the architecture of a particular application to that Committee for some additional consultation. In her experience here, they have had that happen at least once. It is something that is allowed in the Code and as part of the Planning Commission's annual meeting activities, the Commission needs to set the membership of that Subcommittee.

Mr. Tolbert questioned if the people who are currently serving on the Subcommittee could no longer serve on the Committee? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that there is no guidance given to the Planning Commission membership of this Subcommittee. They could continue to serve if the Commission so desires.

Mr. Tolbert questioned if they should have nominations for this Subcommittee?

Mr. Roach questioned if they should entertain the idea of asking the two Planning Commission members if they want to continue serving in that role before we decide to re-elect them or vote for someone else? Responding to Mr. Roach, Mr. Tolbert stated that they certainly can. The members from the Planning Commission who are involved are Mrs. Welsh and Mr. Holden. If we want them to continue, we can state that. If you want to nominate other members, we can do that as well.

Mr. Tolbert asked if Mrs. Welsh and Mr. Holden would still want to continue on the Subcommittee. Responding to Mr. Tolbert, Mr. Holden stated that he would be pleased to still serve if desired by the Commission.

Mr. Holt questioned how many times they have been called upon to render their opinions on architecture? Responding to Mr. Holt, Mrs. Melson-Williams stated that she can think of one project where the Committee did meet. It's probably been over five years now. It was the school building project at the Seventh Day Adventist Church that is on Wyoming Avenue. That project was referred to the Subcommittee to look at the architecture of that new building proposed on that site. That is the only one that readily comes to mind.

Mr. Holden mentioned that the other two individuals, Mrs. Keiffer and Dr. Chandler joined the Architectural Review Board when Mrs. Welsh and himself did and he believes that it was about a year and a half ago. They had been willing at that time but he is not sure if they need to address their positions as well. If they were interested before and haven't had to serve, if we would like to keep them we should probably check back with them just to be sure. Responding to Mr. Holden, Mrs. Melson-Williams stated that Planning Staff has not reached out to them. She knows that Mrs. Keiffer is still in her position as the Director with Kent County. She is not sure if Dr. Chandler is still with Delaware Tech but he certainly has the background. If the Commission would like those individuals to continue to serve, Planning Staff could certainly confirm that for you. If they are unwilling, then Planning Staff could come back to the Commission to seek other alternative appointments if necessary.

Mr. Tolbert questioned if the Commission has to vote on those positions too? Responding to Mr. Tolbert, Mrs. Melson-Williams stated yes, the *Zoning Ordinance* says that the Subcommittee is appointed by the Commission so that would include these two design professionals. You also have the opportunity to appoint alternative design professionals as well.

Mr. Tolbert questioned if they are also supposed to vote on the Mayor's designee? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that the Mayor serves by name or he may designate somebody. She thinks that typically it is just listed as the Mayor. It would be in the best interest if you did have alternative design professionals. She thinks that they are placed as alternates in the instance where one or both of the other appointed design professional members are unavailable for a meeting of the Subcommittee.

Mr. Holden stated that he believes that what they did last time so that after the meeting where Mrs. Welsh and himself were put forth, they sought out and got some buy in from Mrs. Keiffer and Dr. Chandler and then brought them back at a later time.

Mr. Roach questioned if they could vote on the Planning Commission members and then table Mrs. Keiffer and Dr. Chandler until we reach out to them on their willingness to continue to serve on the Subcommittee and also have time to reach out for alternates? Responding to Mr. Roach, Mrs. Melson-Williams stated that you could certainly do that. If there are alternates that you have in mind, Planning Staff could certainly check as to their availability.

Mr. Holden stated that as an alternative, they could nominate Mrs. Keiffer and Dr. Chandler and if they wanted out then they could address that later too.

Mr. Tolbert stated that he is a little confused as to what they should be doing at this point. They are sure of Mrs. Welsh and Mr. Holden but they can't be sure of Mrs. Keiffer and Dr. Chandler.

Dr. Jones questioned if it would be more important to reach out to those individuals and then come back to vote or must we complete this process this evening? Responding to Dr. Jones, Mr. Tolbert stated that he would like to see the Planning Staff reach out to the members first and then they will know what they are doing.

Mrs. Melson-Williams stated that they could consider that proposal. It needs to be in the form of a motion so that we can move forward with something.

Ms. Maucher questioned if we could also ask Staff to make recommendations for the alternate? Responding to Ms. Maucher, Mrs. Melson-Williams stated that you could certainly ask Staff to do that as well.

Dr. Jones moved to approve that the Commission withhold any action on appointing the Design Professionals until Staff has reached out to the individuals, Ms. Keiffer and Dr. Chandler to determine whether or not that are willing to serve again and also that Staff be in the position to offer a name of a Design Professional as an alternate member of the Architectural Review Subcommittee, seconded by Mr. Holt.

Mr. Tolbert questioned if that included getting the name from the Mayor? Responding to Mr. Tolbert, Mr. Roach stated that Dr. Jones included the alternates.

Dr. Jones stated that she thinks that in her motion she did not included that based upon what Mrs. Melson-Williams had indicated about the Mayor's person.

Mr. Tolbert stated that he is aware of what Mrs. Melson-Williams said. They are going to reach out to Ms. Keiffer and Dr. Chandler but while they are reaching out, they can ask the Mayor as well. He may have an answer or he may not. But when they come back to the Commission, they will have whatever information that they have at that time which will certainly be more than what we have now.

Dr. Jones moved to approve that the Commission withhold any action on appointing the Design Professionals until Staff has reached out to the individuals, Ms. Keiffer and Dr. Chandler to determine whether or not that are willing to serve again and also that Staff be in the position to offer a name of a Design Professional as an alternate member of the Architectural Review

Subcommittee, seconded by Mr. Holt and the motion was unanimously carried 9-0.

Mr. Roach stated that he didn't think that the Commission had officially done a vote to nominate Mr. Holden and Mrs. Welsh.

Mrs. Melson-Williams stated that she is not sure that Dr. Jones addressed the Planning Commission membership so if someone would like to make a motion to nominate the two Planning Commission members of the Subcommittee they could since you have some indication of willingness to serve.

Mr. Holt moved to approve that the Planning Commission members, Mr. Holden and Mrs. Welsh be appointed to the Architectural Review Subcommittee if they are willing to serve, seconded by Dr. Jones and the motion was unanimously carried 9-0.

Meeting adjourned at 7:58 PM.

Sincerely,

Kristen Mullaney
Secretary

Professional Development and Training Opportunities for Local Government

offered through the

Institute for Public Administration at the University of Delaware

PLANNING 103

Land-Use and Development Administration

March 2, 2018

9 a.m. to noon

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

University of Delaware
Paradee Center
69 Transportation Circle
Dover, DE 19901

$50 Registration Fee
Includes refreshments

Registration Deadline
March 1, 2018

Planning 103 focuses on the principal strategy for implementing comprehensive plans. Participants will be introduced to zoning, subdivision, and land-use codes and how they are linked to comprehensive plans. The course will identify typical contents of land-use, zoning, and subdivision codes. It will also cover the procedures and issues governing changes to the zoning map. Finally, the issues involved in the day-to-day administration of land-use codes will be discussed.

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

COURSE INSTRUCTORS



Ann Marie Townshend, AICP
City Manager
City of Lewes



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

Dare to be first.
UNIVERSITY OF DELAWARE

Register for this and other training events online at
www.ipa.udel.edu/events.html

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

Professional Development and Training Opportunities for Local Government

offered through the

Institute for Public Administration at the University of Delaware

PLANNING 203

Advanced Land-Use and Development Administration

March 23, 2018

9 a.m. to noon

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

University of Delaware Paradee Center

69 Transportation Circle
Dover, DE 19901

$50 Registration Fee
Includes refreshments

Registration Deadline
March 22, 2018

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

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

COURSE INSTRUCTORS



Ann Marie Townshend, AICP
City Manager
City of Lewes



Linda Raab, AICP
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Dare to be first.
UNIVERSITY OF DELAWARE

Register for this and other training events online at
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Note: Registration for this event can only be done online.

MEMORANDUM

Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903
Phone: (302) 736-7196 Fax (302) 736-4217

DATE: February 9, 2018

TO: Members of the Planning Commission
FROM: Planning Office

SUBJECT: **S-17-29 Delaware State University Residence Hall at 1200 N. DuPont Highway: Master Plan: Revised Site Plan & Building Architecture**

At its November 20, 2017 meeting, the Planning Commission granted conditional approval for Site Development Master Plan Application for the Delaware State University Residence Hall project. The project phases consist of the following: Phase 1- Relocation of Utilities, Phase 2 - Construction of Residence Hall and Demolition of Laws Hall, and Phase 3 - Demolition of Tubman Hall. The subject project area is internal to the Delaware State University Campus of 287.32 +/- acres. The property is zoned IO (Institutional and Office Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) – Tier 3: Excellent Recharge Area. The campus is located west of North DuPont Highway and north of College Road. The owner of record is State of Delaware c/o Delaware State University. Property Address: 1200 North DuPont Highway. Tax Parcels: ED-05-057.00-01-19.00-000, ED-05-057.00-01-20.00-000, and ED-05-057.00-01-21.00-000.

As the project design has progressed in the Administrative Site Plan review process for each Phase, there have been design and programmatic changes. The Administrative Site Plan S-17-31 for Phase 1 – Relocation of Utilities achieved Final Plan approval on January 16, 2018 and this construction activity is underway. Administrative Site Plans for S-17-33 Phase 2: Residence Hall and Demolition of Laws Hall and S-17-34 Phase 3: Demolition of Tubman Hall are currently under review. A recent submission for Phase 2 identified changes to the proposed Residence Hall.

The Site Development Master Plan (and associated Administrative Site Plan S-17-33) are proposed for Revision to consist of a new 192,141 S.F. five-story Student Residence Hall of 620 Beds and with architectural changes to exterior finishes. The communication from the Applicants highlights the following changes to the Site Plan and the Building Architecture:

1. Increase in the total square footage of the Residence Hall building from the approved 190,000 SF to 192,141 SF.
2. The total bed count of the Residence Hall building has increased from the approved 600 beds to a total of 620 beds. (Achieved through re-programming of first floor areas.)
3. Revisions in appearance of the Building Architecture include changes to exterior finish materials in certain areas and the refinement of building footprint and wall projections.

Attached are copies of the Revised Site Plans and a series of color renderings of the Revised Building Architecture. The information is presented to the Planning Commission as an update on the project and as a revision to the approved Master Plan. The applicant will be working with Planning Staff and the various other agencies to seek approval of the associated Administrative Site Plans which will incorporate the revisions.

City of Dover

DATA SHEET FOR CONDITIONAL USE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF February 07, 2018

PLANNING COMMISSION MEETING OF February 20, 2018

Plan Title:	Governors Café Kitchen Addition at 144 Kings Highway SW, C-18-01
Plan Type:	Conditional Use Site Plan
Property Location:	Southern intersection of American Avenue and Kings Highway
Property Address:	144 Kings Highway SW, Dover
Owner:	Cahall Properties, LLC
Applicant (Lessee):	Raymond R. Searles
Tax Parcel:	ED-05-077.05-04-40.00-000
Present Zoning:	RG-O (General Residence and Office Zone) H (Historic District Zone)
Site Area:	0.7419 +/- acres
Present Use:	First Floor: Restaurant (cafe) Upper Floors: Offices
Proposed Addition Use:	First floor: Restaurant (cafe) with expanded kitchen area
Addition Area:	344 S.F.
Parking:	Required – None required for café; parking spaces required for office square footage Existing – 13 off-street spaces 18 on-street spaces adjacent to property
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: February 7, 2018

APPLICATION: Governors Café Kitchen Addition at 144 Kings Highway SW: Conditional Use Site Plan

FILE #: C-18-01 REVIEWING AGENCY: City of Dover Planning

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

I. PLAN SUMMARY:

This is a Conditional Use Site Plan Application to permit the construction of a one-story, 344 SF addition to the kitchen for the Governors Cafe. The Governors Café is located within the existing building at 144 Kings Highway SW. The property consists of 0.7419 +/- acres and is located at the southernmost intersection of American Avenue and Kings Highway. The property is zoned RG-O (General Residence and Office Zone) and is subject to the H (Historic District Zone). The owner of record is Cahall Properties, LLC. Address: 144 Kings Highway SW. Tax Parcel: ED-05-077.05-04-40.00-000. Council District 2.

Previous Applications

At its December 21, 2017 meeting, the Historic District Commission granted approval of the Architectural Review Certificate for HI-17-04 Governors Café Kitchen Addition at 144 Kings Highway. The application included the current plans for the 344 SF, one-story addition to the kitchen at the Governors Café.

The restaurant was initially established following the Planning Commission action to approve Conditional Use Application C-11-03 at its June 20, 2011 meeting which established the restaurant (café) use in the building used for offices. At its meeting of August 20, 2012, the City of Dover Planning Commission moved to approve the Revised Conditional Use application allowing the applicant to operate as a restaurant with the capacity to serve beverages with alcohol. The approval allows for the use as a café/sandwich shop with the sale of alcohol on the first floor of the existing building located at 144 Kings Highway. The Planning Commission moved to approve the continuation of the Condition Use Permit at its August 19, 2013 meeting.

II. PROJECT DESCRIPTION

The applicants are proposing a kitchen addition to the restaurant located within the existing structure. According to the *Zoning Ordinance*, “restaurants” are an acceptable Conditional Use in

a RG-O Zone when the property is in the Historic District Zone, as stipulated in *Zoning Ordinance*, Article 3, Section 9.14 (b).

The plans submitted by the applicant further identify an area for a "special events tent" with seating for 56 people, as well as a further 24 seats outside the designated tent area for special events seating around an existing fountain. The applicant states that this event space would only be erected on Saturdays during business hours for special events and would be dismantled at the end of the day when no longer needed, so as to cause no inconvenience to neighbors. They also plan to provide porta-potties for the use of guests of the special event tent.

III. ZONING REVIEW

RG-O Zoning District: The property is zoned RG-O (General Residence and Office Zone) which includes an allowance for restaurant use, meaning the present use as a cafe is permitted under a Conditional Use Permit (Article 3, Section 9.14 (b)). The property is also subject to the H (Historic District Zone). This application is required as the restaurant use is expanding.

Historic District Zone

The parcel involved with this application is within the H (Historic District Zone). The *Zoning Ordinance* details the requirements of the Historic District Zone in Article 3, Section 21 and its subsections. The purpose of the Historic District Zone regulation is to preserve and enhance the unique character and value of the old portion of Dover as an area of special charm and interest. It is particularly intended that the regulations prevent, in the historic district, any change of conditions that would be deemed to be a disfigurement or degradation of the present unique visual and architectural qualities of the district. To this end, more stringent standards are applied to development taking place in this zone.

The *Zoning Ordinance* notes that an Architectural Review Certificate shall be required for the demolition, construction, reconstruction, alteration or restoration of any new or existing structure or where general exterior repairs are made within the Historic District, as provided in Article 10, Section 3 of this ordinance. The proposed architecture for the building addition has been reviewed by the Historic District Commission. See the Historic District Commission Report on Architectural Review Certification.

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;

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.

IV. BUILDING ARCHITECTURE

The applicant has submitted color architectural elevations showing the proposed kitchen addition at the rear of the existing building. The one-story addition to the building is covered in a light colored horizontal siding on the northern and western facades, and the base is clad in a red brick veneer to match the existing brick of the building. There is a flat roof with a new parapet to match the existing architecture of the building. There is also a set of concrete steps with black aluminum railing leading to a new 6-panel door, in the same light color of the siding.

V. PARKING SUMMARY

Article 3 Section 9.14 (v) states that no parking shall be required for a retail user on a site that is zoned RG-O (General Residence and Office Zone) in the H (Historic District Zone). The use of a restaurant is here considered a "retail use," meaning no off-street parking is required. The site however still proposes to maintain the current thirteen (13) off-street parking spaces, including one (1) handicapped parking space. It should also be noted that the existing structure includes a parking garage for two (2) vehicles.

The second and third floors of the building are noted as being office space which is still required to have one parking space per 300 square feet of floor space as noted in Article 4, Section 4.15. With the office space noted as totaling 4,338 SF, that would put the off-street parking requirement for the site at 15 spaces, exceeding the currently existing total of 13 off-street parking spaces on the site. However, Article 6, Section 3.9 (a) states that site plan proposals within the Downtown Redevelopment Target Area may be granted a 20 percent reduction in the amount of off-street parking normally required due to the availability of mass transit, municipal parking and existing pedestrian amenities. This parking reduction would put the required off-street parking for the site at 12 spaces, making the proposed parking layout complaint with code.

VI. SITE CONSIDERATIONS

Access

Vehicular Access to the site is via a drive at the front that connects to both Kings Highway SW to the southeast and American Avenue to the west. There is also vehicle access to the site from the rear alley. There is also pedestrian only access via a sidewalk leading to the building from the Kings Highway frontage. This plan includes no changes to the current accessibility of the site. An opportunity for bicycle parking is known to exist on the site.

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 (4) feet wide along the frontage of Kings Highway SW as well as American Way. This application proposes no changes to the sidewalks on the site.

VII. TREE PLANTING AND LANDSCAPE PLAN

The tree planting requirements are based on the project property or the project's development area. 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 development area or fraction thereof." Based on this, the lot's size of 32,315 SF would require a minimum of 11 trees. No changes are planned to the current landscaping or tree count; therefore, the site's current count of 20 trees will remain compliant with code.

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 Final Plan must include considerations and specifications for Historic District Zone (H) requirements. Also list Historic District Zone as part of the zoning of the property.

2) The Plan must include the current location and capacity for bicycle parking.

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

4) Identify the location, direction, power and time of use for any proposed outdoor lighting, as found in Article 10, Section 2.54 (h).

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.

1) The building addition is subject to the Architectural Review Certification as approved by the Historic District Commission (HI-17-04).

X. ADVISORY COMMENTS TO THE APPLICANT:

1) Chapter 46, Article IV of the *Dover Code of Ordinances* states that "No person shall use or permit to be used any public occupancy structure which does not comply with the most currently published edition of NFPA Life Safety Code 101." The applicant should therefore note that before special events may be held in any temporary structure on the site, they should first ensure that they are compliant with the NFPA Life Safety Code 101. This review process for Special Event Activities is administered by the Office of the Fire Marshal.

2) 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 regarding the plan.

3) 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.

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

6) 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.

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

8) 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 Permit from the City of Dover.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JANUARY 31, 2018

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Governor's Café Kitchen Addition at 144 Kings Highway SW**

FILE #: **C-18-01**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Owner is responsible for 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 / WASTEWATER

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

STORMWATER

1. If there is any excavation or earth disturbance during construction activity for this project a Stormwater/Erosion and Sediment Control Plan shall be submitted to the City of Dover for review and approval.

SANITATION/GROUNDS/STREETS

1. None

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. 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. This site is currently being serviced by the City of Dover. If a change to the service is required, please contact our office to discuss options.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

1. Water impact fees may be associated with this project.
2. This lot shall be served by a single water service line, which shall be furnished and installed by the property owner. In the event a property contains multiple principal structures, the property shall be served by a single water main where a water service line may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate water facilities.

WASTEWATER

1. Wastewater impact fees may be associated with this project.
2. This lot shall be served by a single sanitary sewer lateral, which shall be furnished and installed by the property owner. In the event a property contains multiple principal structures, the property shall be served by a single sanitary sewer main where a sanitary sewer lateral may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate wastewater facilities.

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-18-01

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 02/07/18

CITY OF DOVER FIRE MARSHAL

APPLICATION: Governors Café Kitchen Addition 144 SW Kings Hwy

FILE #: C-18-01 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is mixed use/assembly.

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

3. Gated Areas: Fire Department access shall be provided to the property through the use of a system or device approved by the Fire Marshal. The system or device required shall be located in an area accessible to the fire department and approved by the Fire Marshal. All gates shall be either automatic or manual.

   An automated system shall consist of one manual and one automated means to open the gate. The owner or their representative shall meet with the Fire Marshal prior to submission to agree on the system. A letter of agreement shall be created, and signed by both parties. The letter shall include a detailed description of both the manual and automated means.

   A manual gate shall consist of one manual means to open the gate. The owner or their representative shall meet with the Fire Marshal prior to submission to agree on the means to open. A letter of agreement shall be created, and signed by both parties. The letter shall include a detailed description of the manual means to open.
   To be considered accessible for fire department apparatus the actual clear openings shall be not less than 14 feet, the paved surface through the gate shall be not less than 12 feet, and the gate shall be setback from the perpendicular street by at least 50 feet.

   Please contact this office to discuss options available to comply with this requirement.
   (2015 Delaware State Fire Prevention Regulations 705, Chapter 5, 2.6)

4. Fire Alarm System required per occupancy code requirements.

Fire alarm in place of assembly. *Fire alarm required.* Any new occupancy or new portion of an occupancy determined to be a place of assembly by the fire marshal, and is capable of receiving an occupant load of 75 persons or greater, shall be required to install a fire alarm in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Fire alarm system required. Any existing occupancy or portion of an existing occupancy determined to be a place of assembly by the fire marshal, and is undergoing renovations in excess of 50 percent of the assessed value of the building and is capable of receiving an occupant load 75 persons or greater or is being enlarged to receive an occupant load of 75 persons or greater, shall be required to install a complete fire alarm system in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Public mode audible requirements. To ensure that audible public mode signals are clearly heard by occupants of a structure, they shall have a sound level at least 15 decibels (dB) above the average ambient sound level or five decibels (dB) above the maximum sound level having a duration of at least 60 seconds, whichever is greater, measured five feet (1.5m) above the floor in the area required to be served by the system using the A-weighted scale dBA. In the event the stated requirement cannot be met a shunt trip relay/switches shall be the approved method of meeting the intent of this section of the Code.
(City Code of Ordinances 46-171)

5. 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)

6. 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*, the number shall be contrasting to the background color, *Arabic 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*, numbers 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*, numbers shall be contrasting to the background color, *Arabic numerals*, all numbers used shall be Arabic numerals.

Commercial, industrial and office buildings, height, the numbers shall measure a minimum of 12 inches in height, *location generally*, numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot,

property line or driveway, should the building be located far enough from a public or private road so that the numbers are not clearly visible from the street, then the street address shall also be posted on the property at or near the property line or driveway to said building,

color; each building, numbers shall be contrasting to the background color and shall be placed on each building in the complex,

Arabic numerals, all 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)

7. 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)

Knox Box to be mounted 6 feet above ground level

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

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

10. Project to be completed per approved Site Plan.

11. Full building and fire plan review is required.

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

13. 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.

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Need to know if this will be an occupied renovation.
2. Need to know if the existing kitchen stays as is.
3. When building plans are submitted to the Chief Building Inspector, ensure that the occupant load is calculated properly. This may result in additional comments especially if the occupant load is over 100.
4. A shunt trip switch may be required as outlined in item #4 above.
5. Hood exhaust location must be code compliant.
6. Public Health approval will be needed.

7. A hood may be needed for the smoker.
8. The hood will require a hood suppression system which will need to be tied to the fire alarm panel.
9. Impact protection may be required as outlined in item #5 above.
10. Tent portion
    a. This would require a City of Dover special event permit for each function.
    b. Public Health approval will be needed.
    c. ABC approval will be needed.

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: January 31, 2018

D E L D O T

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APPLICATION: Governor's Café Kitchen Addition

FILE#: C-18-01 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua J. Schwartz PHONE#: 760-2768

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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 site does not have access from a state maintained roadway.

KENT CONSERVATION DISTRICT

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
January 2018

APPLICATION: Governors Café Kitchen Addition at 144 Kings Highway SW **FILE #: C-18-01**

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica L. Verchick, EIT* **PHONE #:** *741-2600 ext.3*

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

Source: Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

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

City of Dover

ARCHITECTURAL REVIEW REPORT
Architectural Review Certification by the Dover Historic District Commission
Meeting of December 21, 2017

Application:	Governors Café Kitchen Addition at 144 Kings Highway SW, HI-17-04
Project Location:	Northern corner of Kings Highway SW where Kings Highway and South America Avenue merge, just west of Woodburn, the Governor's mansion.
Property Address:	144 Kings Highway SW, Dover
Tax Parcel:	ED-05-077.05-04-40.00-000
Owner:	Cahall Properties, LLC
Present Zoning:	RGO (General Residence and Office Zone) H (Historic District Zone)
Current Use: Proposed Uses:	First Floor: Restaurant (café) First Floor: Restaurant (café) with expanded kitchen area

Project Description:
The Historic District Commission conducted a Public Hearing on December 21, 2017 and granted conditional approval of the Architectural Review Certificate for the Governors Café Kitchen Addition project at 144 Kings Highway SW. This project has made Application for consideration of a Conditional Use Plan (C-18-01) for the expansion of the restaurant (café) use; it has been filed for review by the Planning Commission.

The application consists of a project involving a one-story addition to the kitchen at the rear of the existing building. The property is zoned RGO (General Residence and Office Zone) and is subject to the H (Historic District Zone). The property is located at the northern corner of Kings Highway SW and South American Avenue where the two roads merge, immediately west of Woodburn.

ACTION OF THE HISTORIC DISTRICT COMMISSION:
The application was considered at the December 21, 2017 meetings of the Historic District Commission. The following members were present at the December Meeting: Chairman Mr. Joe McDaniel, Mrs. Ann Horsey, and Mr. Czerwinski. Mr. Terry Jackson was absent. The application was represented by Mr. William Byler, Architect and Mr. Raymond Searles. No Public testimony was received during the Public Hearing

Action Taken by Historic District Commission:
The motion to recommend approval passed 3-0 of the members present at the December meeting. **The Historic District Commission recommends approval of the Architectural Review Certificate for application HI-17-04 Governors Café Kitchen Addition at 144 Kings**

Highway SW to include the Staff Recommendations (Items #1-5 on page 4 of this Report); and to authorize the use of a six (6) metal door, black aluminum railings (for addition entry steps), and painted wood siding on the proposed addition.

The following information was considered by the Historic District Commission in marking their recommendation including the initial recommendations made by Planning Staff in regards to the application.

Property Information:
The project site is located with the local Historic District Zone (H) and subject to the provisions of the *Zoning Ordinance*, Article 3 §21 and referenced sections.

This building is also located within the boundaries of a National Register Historic District, specifically the Victorian Dover Historic District. It is a listed as a contributing resource of this National Register Historic District. Provided below is the building summary from the building inventory listing found within the National Register nomination completed for the Victorian Dover Historic District (nomination completed 1978-79). The building is identified as K-396.475 in the Delaware Cultural Resource Survey. The nomination dates the origin of the structure to before 1885 and mentions particularly the "2-story wing" where the current kitchen is located.

> *K-396.475 144 Kings Highway Southwest – pre-1885, 3-story with 2-story wing, brick residence; common-bond brickwork; hip roof, bracket cornice with paneled frieze; 3-story octagonal tower added at corner in the late 19th century, slate roof, modifies mansard with straight sides, double bracketed cornice; 2/2 and 4/4 sash; façade porch, tapering Doric columns, turned balusters; elaborate ornamental iron porch at wing entry.*

A series of historic maps were reviewed by Planning Staff for preliminary information on this area of Kings Highway. The *1859 A.D. Byles Map of Kent County* (Dover insert) shows this subject property as part of a larger tract owned by N.B. Smithers with the existing structure being the only residence on the property. The subject property remains part of the large parcel on the *1868 Beers Map published by Pomeroy & Beers* listed in the ownership of William M. Shakespeare. The *1885 Bird's Eye View of Dover* and the *1887 Map of the Town of Dover* continues to show this residence in the triangular shaped block.

Other map series such as the *Sanborn Fire Insurance Maps* would be a likely reference source for information on this dwelling. For Dover, this series of maps dated from 1897-1944.

PROJECT PROPOSAL (Drawings dated 10/30/2017 and 11/14/2017):
The application proposes an addition to the kitchen of the existing structure. A series of photographs show the existing state of the structure. the applicant provided drawings showing the addition in the context of the overall structure, the building elevations in the subject area, and a floor plan of the kitchen. The addition is presented in color renderings. The elements of the project are as follows:

1. Addition to the kitchen of the existing building: The proposal is for a 344 S.F. addition to the kitchen of the existing structure. The addition would be on the west side of the 2-story

rear wing of the building. This area is adjacent a small parking lot area. The addition is one story in height and consists of a brick veneer foundation and painted wood horizontal siding. The flat roof system includes a parapet wall to assist in screening the roof mounted vent/equipment elements. There is one paneled entry door on the west wall of the addition providing access to the kitchen.

2. Access/Parking: Access to the site remains unchanged and includes a small parking lot off an alley to the west of the building. Also in front of the building is a horseshoe shaped driving with parallel parking spaces. Nearby on-street parking is often utilized by the patrons and the existing sidewalk network leads to the building. The main entry to the restaurant (café) in the building is from the south facing wrap-around porch. On the east side of the rear wing there is a handicapped accessible entry point.

3. Existing Landscaping: The Site Plan drawings shows a series of existing mature trees and shrubbery throughout the property. Landscaping on the site is not proposed to change.

4. Site Features: The plan drawing submission also includes a diagram for the establishment of temporary event seating areas on the property. This are proposed as the addition of table seating within the existing circular paved patio area at the corner of American Avenue SW and Kings Highway SW. Also shown in two options for the placement of 20 ft. x 40 ft. tent with seating in adjacent lawn areas to be associated with temporary events.

Review of DESIGN STANDARDS AND GUIDELINES

In the Historic District Zone, the uses and bulk requirements are governed by the provisions of the *Zoning Ordinance* related to the zoning of the property. In this case, these are the provisions of the RGO zone (Article 3 §9 and Article 4 §4.13). The Historic District Commission can consider (if necessary) alternatives to the bulk requirements relating to building height, bulk, and setbacks as related to the Architectural Review Certification process.

The subject project site is located in the Dover Historic District Zone within Victorian Historic Context. The Victorian Historic Context is described on pages 2-5 through 2-7. Location within the Dover Historic District Zone requires proposals for demolition, new construction, additions, and certain renovation or rehabilitation activities to existing buildings to receive an Architectural Review Certificate.

As stated in the *Design Standards and Guidelines for the City of Dover Historic District Zone*, an Architectural Review Certificate will be granted "if it is found that the architectural style, general design, height, bulk and setbacks, arrangement location and materials affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district." In accordance with Article 10 §3.2, the Historic District Commission will take action regarding the project's compliance with the architectural review standards.

This proposal should be reviewed for conformity with the design criteria and development guidelines found in the *Design Standards and Guidelines* of Chapter 4: New Construction, Additions, Demolition, and Relocation. More specifically the sections on found on 4-8 through 4-10

focus on Additions to Existing Buildings. For Additions, it recommends their placement at the rear of the building and that it should be smaller in scale and mass to the primary structure but with same or subordinate materials. These *Guidelines* also highlight the consideration that should be given to the proportions, massing, materials, form, orientation, and siting as described on pages 4-8 through 4-10. Chapter 3 of the *Design Standards and Guidelines* should also be consulted regarding the selection of materials and their form.

STAFF COMMENTS AND RECOMMENDATIONS

The following are Staff comments and recommendations for this application regarding project activities and Architectural Review Certification.

1) Staff recommends conditional approval of the Architectural Review Certificate for the rear kitchen addition based on the proposal presented in the plans and drawings dated 10/30/2017 and 11/14/2017. The location and massing of the kitchen addition proposed is subordinate to the main building structure and its existing rear wing (addition). The materials selected of brick veneer foundation and the exterior wall finish of horizontal siding and trimwork fit the character of the existing building and the Historic District. This recommendation is made subject to the following comments and suggested revisions.

2) The following conditions are recommended by Staff to improve project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. The following are recommended conditions:
    a. Approval to allow the minor encroachment of the proposed addition into the side yard/rear yard setback. The existing structure (construction prior to the establishment of zoning regulations) already encroaches into this setback to a greater degree and is considered legal non-conforming. An irregular shape of the property (and therefore setbacks) occurs due to the shape of the block and its internal alley.
    b. Clarify the material and type of the paneled door and the associated railing system for this entry proposed for the addition.
    c. Continue to retain existing trees and/or replant trees to maintain the existing landscape plantings as screening of this rear area from the adjacent streets.
    d. All mechanical equipment should be located so as to not be visible from the streets. Appropriate screening by plantings, screening elements, etc. must be implemented.
    e. The kitchen addition is subject to compliance with the requirements of the City's adopted Building Codes and Fire Codes. Its construction is subject to the Building Permit application process.

3) In the event, that major changes and revisions to the design, materials, or site layout occur with the project contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Historic District Commission.

4) The establishment of the temporary seating areas on the property is subject to separate compliance reviews related to Special Event activities and the public occupancy

regulations as administered by the Office of the Fire Marshal.

5) The restaurant (café) use in the building was established through a Conditional Use Application (C-11-03). The expansion of the kitchen area with require submission and review of an updated Conditional Use Application to the Planning Commission. Contact the Planning Office regarding the application process and submission requirements.

Historic District Commission Action on December 21, 2017

The Historic District Commission considered the proposal and took action to grant the Architectural Review Certification for the project reflecting consideration of the *Design Standards and Guidelines.* The specific conditions of the recommendation are noted in the Report under the heading of "Action of the Historic District Commission."

City of Dover Planning Office

CITY OF DOVER DEVELOPMENT ADVISORY

COMMITTEE APPLICATION REVIEW

COMMENTARY

D.A.C. MEETING DATE: February 7, 2018

APPLICATION: Governors Café Kitchen Addition at 144 Kings Highway SW: Conditional Use Site Plan

FILE #: C-18-01 REVIEWING AGENCY: City of Dover Planning

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

I. PLAN SUMMARY:

This is a Conditional Use Site Plan Application to permit the construction of a one-story, 344 SF addition to the kitchen for the Governors Cafe. The Governors Café is located within the existing building at 144 Kings Highway SW. The property consists of 0.7419 +/- acres and is located at the southernmost intersection of American Avenue and Kings Highway. The property is zoned RG-O (General Residence and Office Zone) and is subject to the H (Historic District Zone). The owner of record is Cahall Properties, LLC. Address: 144 Kings Highway SW. Tax Parcel: ED-05-077.05-04-40.00-000. Council District 2.

Previous Applications

At its December 21, 2017 meeting, the Historic District Commission granted approval of the Architectural Review Certificate for HI-17-04 Governors Café Kitchen Addition at 144 Kings Highway. The application included the current plans for the 344 SF, one-story addition to the kitchen at the Governors Café.

The restaurant was initially established following the Planning Commission action to approve Conditional Use Application C-11-03 at its June 20, 2011 meeting which established the restaurant (café) use in the building used for offices. At its meeting of August 20, 2012, the City of Dover Planning Commission moved to approve the Revised Conditional Use application allowing the applicant to operate as a restaurant with the capacity to serve beverages with alcohol. The approval allows for the use as a café/sandwich shop with the sale of alcohol on the first floor of the existing building located at 144 Kings Highway. The Planning Commission moved to approve the continuation of the Condition Use Permit at its August 19, 2013 meeting.

II. PROJECT DESCRIPTION

The applicants are proposing a kitchen addition to the restaurant located within the existing structure. According to the *Zoning Ordinance*, “restaurants” are an acceptable Conditional Use in

a RG-O Zone when the property is in the Historic District Zone, as stipulated in *Zoning Ordinance*, Article 3, Section 9.14 (b).

The plans submitted by the applicant further identify an area for a "special events tent" with seating for 56 people, as well as a further 24 seats outside the designated tent area for special events seating around an existing fountain. The applicant states that this event space would only be erected on Saturdays during business hours for special events and would be dismantled at the end of the day when no longer needed, so as to cause no inconvenience to neighbors. They also plan to provide porta-potties for the use of guests of the special event tent.

III. ZONING REVIEW

RG-O Zoning District: The property is zoned RG-O (General Residence and Office Zone) which includes an allowance for restaurant use, meaning the present use as a cafe is permitted under a Conditional Use Permit (Article 3, Section 9.14 (b)). The property is also subject to the H (Historic District Zone). This application is required as the restaurant use is expanding.

Historic District Zone

The parcel involved with this application is within the H (Historic District Zone). The *Zoning Ordinance* details the requirements of the Historic District Zone in Article 3, Section 21 and its subsections. The purpose of the Historic District Zone regulation is to preserve and enhance the unique character and value of the old portion of Dover as an area of special charm and interest. It is particularly intended that the regulations prevent, in the historic district, any change of conditions that would be deemed to be a disfigurement or degradation of the present unique visual and architectural qualities of the district. To this end, more stringent standards are applied to development taking place in this zone.

The *Zoning Ordinance* notes that an Architectural Review Certificate shall be required for the demolition, construction, reconstruction, alteration or restoration of any new or existing structure or where general exterior repairs are made within the Historic District, as provided in Article 10, Section 3 of this ordinance. The proposed architecture for the building addition has been reviewed by the Historic District Commission. See the Historic District Commission Report on Architectural Review Certification.

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;

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.

IV. BUILDING ARCHITECTURE

The applicant has submitted color architectural elevations showing the proposed kitchen addition at the rear of the existing building. The one-story addition to the building is covered in a light colored horizontal siding on the northern and western facades, and the base is clad in a red brick veneer to match the existing brick of the building. There is a flat roof with a new parapet to match the existing architecture of the building. There is also a set of concrete steps with black aluminum railing leading to a new 6-panel door, in the same light color of the siding.

V. PARKING SUMMARY

Article 3 Section 9.14 (v) states that no parking shall be required for a retail user on a site that is zoned RG-O (General Residence and Office Zone) in the H (Historic District Zone). The use of a restaurant is here considered a "retail use," meaning no off-street parking is required. The site however still proposes to maintain the current thirteen (13) off-street parking spaces, including one (1) handicapped parking space. It should also be noted that the existing structure includes a parking garage for two (2) vehicles.

The second and third floors of the building are noted as being office space which is still required to have one parking space per 300 square feet of floor space as noted in Article 4, Section 4.15. With the office space noted as totaling 4,338 SF, that would put the off-street parking requirement for the site at 15 spaces, exceeding the currently existing total of 13 off-street parking spaces on the site. However, Article 6, Section 3.9 (a) states that site plan proposals within the Downtown Redevelopment Target Area may be granted a 20 percent reduction in the amount of off-street parking normally required due to the availability of mass transit, municipal parking and existing pedestrian amenities. This parking reduction would put the required off-street parking for the site at 12 spaces, making the proposed parking layout complaint with code.

VI. SITE CONSIDERATIONS

Access

Vehicular Access to the site is via a drive at the front that connects to both Kings Highway SW to the southeast and American Avenue to the west. There is also vehicle access to the site from the rear alley. There is also pedestrian only access via a sidewalk leading to the building from the Kings Highway frontage. This plan includes no changes to the current accessibility of the site. An opportunity for bicycle parking is known to exist on the site.

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 (4) feet wide along the frontage of Kings Highway SW as well as American Way. This application proposes no changes to the sidewalks on the site.

VII. TREE PLANTING AND LANDSCAPE PLAN

The tree planting requirements are based on the project property or the project's development area. 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 development area or fraction thereof." Based on this, the lot's size of 32,315 SF would require a minimum of 11 trees. No changes are planned to the current landscaping or tree count; therefore, the site's current count of 20 trees will remain compliant with code.

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 Final Plan must include considerations and specifications for Historic District Zone (H) requirements. Also list Historic District Zone as part of the zoning of the property.

2) The Plan must include the current location and capacity for bicycle parking.

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

4) Identify the location, direction, power and time of use for any proposed outdoor lighting, as found in Article 10, Section 2.54 (h).

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.

1) The building addition is subject to the Architectural Review Certification as approved by the Historic District Commission (HI-17-04).

X. ADVISORY COMMENTS TO THE APPLICANT:

1) Chapter 46, Article IV of the *Dover Code of Ordinances* states that "No person shall use or permit to be used any public occupancy structure which does not comply with the most currently published edition of NFPA Life Safety Code 101." The applicant should therefore note that before special events may be held in any temporary structure on the site, they should first ensure that they are compliant with the NFPA Life Safety Code 101. This review process for Special Event Activities is administered by the Office of the Fire Marshal.

2) 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 regarding the plan.

3) 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.

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

6) 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.

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

8) 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 Permit from the City of Dover.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JANUARY 31, 2018

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Governor's Café Kitchen Addition at 144 Kings Highway SW**

FILE #: **C-18-01**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Owner is responsible for 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 / WASTEWATER

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

STORMWATER

1. If there is any excavation or earth disturbance during construction activity for this project a Stormwater/Erosion and Sediment Control Plan shall be submitted to the City of Dover for review and approval.

SANITATION/GROUNDS/STREETS

1. None

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. 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. This site is currently being serviced by the City of Dover. If a change to the service is required, please contact our office to discuss options.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

1. Water impact fees may be associated with this project.
2. This lot shall be served by a single water service line, which shall be furnished and installed by the property owner. In the event a property contains multiple principal structures, the property shall be served by a single water main where a water service line may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate water facilities.

WASTEWATER

1. Wastewater impact fees may be associated with this project.
2. This lot shall be served by a single sanitary sewer lateral, which shall be furnished and installed by the property owner. In the event a property contains multiple principal structures, the property shall be served by a single sanitary sewer main where a sanitary sewer lateral may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate wastewater facilities.

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-18-01

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 02/07/18

CITY OF DOVER FIRE MARSHAL

APPLICATION: Governors Café Kitchen Addition 144 SW Kings Hwy

FILE #: C-18-01 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is mixed use/assembly.

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

3. Gated Areas: Fire Department access shall be provided to the property through the use of a system or device approved by the Fire Marshal. The system or device required shall be located in an area accessible to the fire department and approved by the Fire Marshal. All gates shall be either automatic or manual.

   An automated system shall consist of one manual and one automated means to open the gate. The owner or their representative shall meet with the Fire Marshal prior to submission to agree on the system. A letter of agreement shall be created, and signed by both parties. The letter shall include a detailed description of both the manual and automated means.

   A manual gate shall consist of one manual means to open the gate. The owner or their representative shall meet with the Fire Marshal prior to submission to agree on the means to open. A letter of agreement shall be created, and signed by both parties. The letter shall include a detailed description of the manual means to open.
   To be considered accessible for fire department apparatus the actual clear openings shall be not less than 14 feet, the paved surface through the gate shall be not less than 12 feet, and the gate shall be setback from the perpendicular street by at least 50 feet.

   Please contact this office to discuss options available to comply with this requirement.
   (2015 Delaware State Fire Prevention Regulations 705, Chapter 5, 2.6)

4. Fire Alarm System required per occupancy code requirements.

Fire alarm in place of assembly. *Fire alarm required.* Any new occupancy or new portion of an occupancy determined to be a place of assembly by the fire marshal, and is capable of receiving an occupant load of 75 persons or greater, shall be required to install a fire alarm in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Fire alarm system required. Any existing occupancy or portion of an existing occupancy determined to be a place of assembly by the fire marshal, and is undergoing renovations in excess of 50 percent of the assessed value of the building and is capable of receiving an occupant load 75 persons or greater or is being enlarged to receive an occupant load of 75 persons or greater, shall be required to install a complete fire alarm system in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Public mode audible requirements. To ensure that audible public mode signals are clearly heard by occupants of a structure, they shall have a sound level at least 15 decibels (dB) above the average ambient sound level or five decibels (dB) above the maximum sound level having a duration of at least 60 seconds, whichever is greater, measured five feet (1.5m) above the floor in the area required to be served by the system using the A-weighted scale dBA. In the event the stated requirement cannot be met a shunt trip relay/switches shall be the approved method of meeting the intent of this section of the Code.
(City Code of Ordinances 46-171)

5. 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)

6. 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*, the number shall be contrasting to the background color, *Arabic 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*, numbers 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*, numbers shall be contrasting to the background color, *Arabic numerals*, all numbers used shall be Arabic numerals.

Commercial, industrial and office buildings, height, the numbers shall measure a minimum of 12 inches in height, *location generally*, numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot,

property line or driveway, should the building be located far enough from a public or private road so that the numbers are not clearly visible from the street, then the street address shall also be posted on the property at or near the property line or driveway to said building,

color; each building, numbers shall be contrasting to the background color and shall be placed on each building in the complex,

Arabic numerals, all 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)

7. 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)

Knox Box to be mounted 6 feet above ground level

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

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

10. Project to be completed per approved Site Plan.

11. Full building and fire plan review is required.

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

13. 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.

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Need to know if this will be an occupied renovation.
2. Need to know if the existing kitchen stays as is.
3. When building plans are submitted to the Chief Building Inspector, ensure that the occupant load is calculated properly. This may result in additional comments especially if the occupant load is over 100.
4. A shunt trip switch may be required as outlined in item #4 above.
5. Hood exhaust location must be code compliant.
6. Public Health approval will be needed.

7. A hood may be needed for the smoker.
8. The hood will require a hood suppression system which will need to be tied to the fire alarm panel.
9. Impact protection may be required as outlined in item #5 above.
10. Tent portion
    a. This would require a City of Dover special event permit for each function.
    b. Public Health approval will be needed.
    c. ABC approval will be needed.

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: January 31, 2018

D E L D O T

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APPLICATION: Governor's Café Kitchen Addition

FILE#: C-18-01 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua J. Schwartz PHONE#: 760-2768

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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 site does not have access from a state maintained roadway.

KENT CONSERVATION DISTRICT

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
January 2018

APPLICATION: Governors Café Kitchen Addition at 144 Kings Highway SW **FILE #: C-18-01**

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica L. Verchick, EIT* **PHONE #:** *741-2600 ext.3*

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

Source: Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

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

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF February 07, 2018

PLANNING COMMISSION MEETING OF February 20, 2018

Plan Title:	DGKP Property: Office/Warehouse at 1351 West North Street
Plan Type:	Site Development Plan
Location:	On the north side of North Street, east of Mifflin Road and west of Commerce Way
Tax Map #:	ED-05-076.14-01-07.00-000
Applicant/Owner:	DGKP North Street LLC
Site Area:	5.01 +/- acres
Zoning:	IPM (Industrial Park and Manufacturing Zone)
Current Use:	Vacant
Proposed Use:	Office/ Warehouse
Building Area:	71,775 SF
Off Street Parking:	Required – Building 1: 47 (maximum 59) Building 2: 120 (maximum: 150) Total: 167 (maximum: 209) Proposed – Building 1: 58 Building 2: 150 Total: 208
Sewer & Water:	City of Dover
Waivers Requested:	Elimination of Opaque Barrier (Fence Component) Partial Elimination of Upright Curbing Requirement
For Consideration:	Performance Standards Review Application

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 7, 2018

APPLICATION: DGKP Property: Office/Warehouse at 1351 West North Street

FILE #: S-18-01 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Julian Swierczek, Planner I PHONE #: (302) 736-7196

I. PLAN SUMMARY

Review of a Site Development Plan application to permit construction of a two-story, 71,775 SF office and warehouse complex and adjoining parking spaces. The property consists of a 5.01 +/- acre parcel and is zoned IPM (Industrial Park Manufacturing Zone). The property is located on the north side of North Street, east of Mifflin Road and west of Commerce Way. The owner of record is DGKP North Street LLC. Property Address: 1351 West North Street. Tax Parcel: ED-05-076.14-01-07.00-000. Council District 1.

Previous Applications

In January 2006, the Planning Commission granted conditional approval to project S-06-03 West North Street Mini-Storage at this property and then a one-year extension in January 2007. However, when the plan was not finalized and no development activity occurred the plan expired in January 2008.

Then Site Plan Application S-08-02 was filed proposing the construction of an administrative office building with a total of 41,372 S.F. of space, a 16,280 S.F. utility yard, and associated site improvements. Consideration of Application S-08-02 was deferred on 1/22/2008 by the Planning Commission at the request of the applicant; following no further action to proceed, the project file was closed for lack of activity.

In January of 2011, Application S-11-01 for development of the site as a mini-storage facility by owner Data Center, LLC did not proceed to Planning Commission review because project was required to complete PLUS Review prior to the application proceeding with the local review process. Following PLUS Review in 2012, a new application was filed.

The Planning Commission granted conditional approval to Site Plan S-12-06 West North Street Mini-Storage on April 26, 2012. The Final Site Plan approval of S-12-06 was granted on January 16, 2014. A one-year extension was granted setting the plan expiration date for April 2015.

In May of 2015 the Planning Commission moved to grant conditional approval to the most recent application for the site, file S-15-05 West North Street Mini-Storage. This was a Site Plan to

permit the construction of a self-storage facility consisting of three (3) buildings totaling 108,940 SF. These were to include an office building and two (2) storage buildings with 519 units with boat and RV storage parking and associated site improvements. The applicant had also requested a waiver for the partial elimination of the curbing requirements. An Extension of Approval was applied for and granted by the Planning Commission in their May 2017 meeting and will expire in May 2018.

II. PROJECT DESCRIPTION

The property has street frontage on the north side of West North Street and lies between Mifflin Road to the west and Commerce Way to the east. The large parcel of land immediately south of this site is zoned IPM (Industrial Park and Manufacturing Zone) and contains a factory owned by Proctor & Gamble. The site to the immediate east is also zoned IPM and contains offices owned by the Capital School District. The land immediately to the west is zoned R-8 (One-Family Residence Zone) and the site to the north is zone RG-2 (General Residence Zone).

The Site Development Plan proposes two (2) new buildings with accompanying site improvements. Building 1 is one story and 37,125 SF, while Building 2 is two-stories and is 34,650 SF and intended to be the main Dover office space for the Delaware Department of Insurance. The two (2) new buildings proposed to adjoin one another with Building 1 located to the north and Building 2 located to the south. The plan proposes a total of 208 off-street parking spaces and 4 loading spaces. The trash enclosure would be located at the rear of the buildings, towards the north end of the parking lot. Drive access to the site would be via a full access entrance on the south side of the site from West North Street.

III. ZONING REVIEW

IPM (Industrial Park Manufacturing Zone)

The property is zoned IPM (Industrial Park Manufacturing Zone) and subject to the regulations of *Zoning Ordinance,* Article 3 Section 20 and Article 4 Section 4.16. The proposed uses of professional offices and warehouse are permitted uses in the IPM Zone under Article 3, Section 20.

PERFORMANCE STANDARDS REVIEW

Uses in the IPM zone are subject to the Performance Standards Procedure set forth in the *Zoning Ordinance,* Article 5, Section 8.1 and 8.2 and referenced sections.

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

The project's compliance with a series of performance standards for the "dangerous and objectionable elements" is to be considered by the Planning Commission. The "dangerous and objectionable elements" are as follows:

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

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

As part of this procedure, a separate *Performance Standard Review Application* is required to accompany the application for Site Plan approval. The applicant has submitted a Performance Standard Review Application letter (dated February 9, 2018) indicating the intended uses and how the proposed development is not likely to involve the emission of dangerous and objectionable elements detailed in *Zoning Ordinance,* Article 5, Section 8.5. The letter provides details on the intended tenants of the office and office/warehouse buildings. The Planning Commission may refer the Application to expert consultants for review if deemed necessary. The Planning Commission is charged with determining if the proposed use conforms to the applicable performance standards.

IV. PARKING SUMMARY

According to *Zoning Ordinance* Article 4 §4.16, off-street parking in the IPM zone must be provided at a rate of one (1) space per 800 square feet of floor area or one (1) space per employee, whichever is greater. A letter has been provided by the applicant attesting that they will intend to employ approximately 120 employees in Building 2. The number of employees in Building 1 is approximately 8-10 persons. Article 4 §4.16 of the *Zoning Ordinance* specifies a parking requirement for offices in the IPM Zone as being one (1) space per 800 square feet of floor area. The parking requirement based on the building square footage for Building 1 would therefore be 47 spaces. The following chart shows the parking requirements as stated in the *Zoning Ordinance* for both sets of guidelines.

PARKING (IN IPM ZONE)	MINIMUM	MAXIMUM	PROPOSED
Building 1 (based on square footage)	47	59	58
Building 2 (based on employee count)	120	150	150
Total Combined	167	209	208

According to *Zoning Ordinance* Article 6 §3.11, all uses have a maximum parking allowance 25% over the minimum requirement. With this maximum allotment of parking spaces and the provided letter stipulating the number for employees expected in Building 2, the proposed number of parking spaces of 208 is permitted by code.

Loading Space Requirement

According to Article 6, Section 4.16, for buildings up to 150,000 SF a maximum of three (2) loading berths will be required. Additional loading berths are permitted if need by the property owner or tenant. The applicant has indicated four (4) off-street loading berths. Article 6, Section 4.11 further indicated that one required off-street loading berth shall have minimum dimensions of 12 feet wide and 60 feet long. Any further loading berths may have minimum dimensions of 12 feet wide and 40 feet long. Of the 4 loading berths proposed by the applicant, 3 will be 12 feet wide and 60 feet long, and the fourth loading berth will be 12 feet wide and 40 feet long. The proposed loading berths are therefore permitted by code.

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 208 parking spaces, eleven (11) bicycle parking spaces are required. The Site Plan as proposed does not feature any bicycle parking spaces.

V. SITE CONSIDERATIONS

Traffic Circulation

Full-access movement is proposed between the parking lot and West North Street. West North Street is a DelDOT maintained street, and therefore the proposed entrance configuration is subject to DelDOT review.

Sidewalks/Pedestrian Circulation

Article 5 Section 18 sets the guidelines for sidewalks. The site currently has a sidewalk along the West North Street frontage. There is a multi-use trail on the south side of West North Street. There is no existing access from the sidewalk along the West North Street frontage to the site itself, nor is one proposed. Sidewalks are indicated on the site in the proposed plan immediately surrounding Buildings 1 and 2, but show no handicap accessible ramps.

Waiver Requested: Partial Elimination of Curbing

The *Zoning Ordinance,* Article 6 §3.6(b) requires upright curbing for all parking areas and access drives. The plan does not include curbing for the outer perimeter of the parking lot areas to facilitate proposed stormwater management. A written waiver request for the elimination of curbing on the outside of the parking lot was submitted to the Planning Office for consideration by the City Planner.

Lighting

Article 5 §7.1 stipulates that lighting shall provide no less than 1.5 footcandles at grade. Light shall also be deflected away from adjacent residential areas and shall not be distracting to traffic on adjacent roads. There is a note included in the plans that indicate lighting is planned for both the exterior of the building and from light posts, and that the light will be facing inwards and downwards so as not to disturb any neighboring properties. The plans do not however indicate any specific locations for new lighting.

Dumpsters

Article 5 §6.12 states that Office & Retail greater than 50,000 SF requires two (2) dumpsters for the first 50,000 SF, and one (1) is required for each additional 24,000 SF. With 71,775 SF, this would mean that three (3) dumpsters are required for the site. The Plans as presented identify a dumpster pad with an enclosure at the northern end of the side, but does not specify the number of dumpsters or method of trash collection. The City will not pick up trash and/or recycling from this site. The applicants must ensure that both the trash collection and recycling needs of the site are met.

VI. BUILDING ARCHITECTURE

The applicant has provided a color rendering showing the western side elevation of the building. The building has a flat roof and is shown to have two sections. The southern portion of the building, facing West North Street is Building 2. It is a two-story building, with four (4) windows on each floor. There is an entrance with a roof structure over it, and a two story "window wall." The northern portion, or Building 1, is one story and shows 8 windows as well as its own entrance with a similar roof covering as is found on Building 2.

The two (2) buildings overall present a cohesive façade of red brick on the first level, and a grey/ beige stucco-like material on the upper level, marked as an "Exterior Insulation System" or EIFS. There is also a white colored cornice presented at the roofline.

VII. TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a concept for the Landscaping Plan. The total lot area is 5.01 +/- acres (218,235.6 SF); based on this area, 73 trees are required to meet the tree density requirements of the site. The applicant proposes to meet this requirement with twenty-five (25) October Glory Maples to be planted primarily in the central median of the parking lot, thirty-four (34) Willow Oaks along the main entrance drive and West North Street Frontage, and fourteen (14) Greenspire Linden trees that are planned to be planted along the western and southern sides of the buildings. Various shrub plantings are also proposed around the site.

Waiver Request: Opaque Barrier Requirement Alternative Format

Article 5 §7.2 states that visual and sound screening shall be provided on a non-residential use when abutting a residential use, except in front yard areas. Article 5 §7.22 goes on to require that any opaque barrier must be accompanied by a durable or continuous evergreen planted screen or a hedge that will grow to a height of at least six (6) ft. at maturity. The opaque barrier component can consist of a fence, wall, or berm. The applicant has requested a waiver from the Planning Commission regarding the opaque barrier requirements of the *Zoning Ordinance* to eliminate of fence requirement and to utilize site grading (berm-like) with the required landscaping.

VIII. CITY AND STATE CODE REQUIREMENTS

The subject proposal has been reviewed for code compliance, plan conformity, and completeness in accordance with this agency's authority and area of expertise. The following items have been identified as elements which need to be addressed by the applicant:

1) Review and Approval of the *Performance Standards Review Application* is required for the property development in accordance with *Zoning Ordinance,* Article 5 §8.6. A Letter as the *Performance Standards Review Application* was submitted for consideration by the Planning Commission.

2) Eleven (11) bicycle parking spaces shall be provided for the site in accordance with the requirements of the *Zoning Ordinance*. Please identify on the plans where such bicycle parking will be provided.

3) Please indicate the number of dumpsters to be provided within the dumpster enclosure as well as the method of trash and recycling removal. Details on the requirements for dumpsters can be found in Article 5, Section 6.12 of the *Zoning Ordinance.*

4) Pedestrian access into the site must be provided, as well as handicap accessibility to the sidewalks providing access to the building itself. Details for the Pedestrian access/ sidewalk requirement can be found in Article 5, Section 18 of the *Zoning Ordinance.*

5) The Applicant must indicate on the plans where any lighting features are planned. Details for lighting requirements can be found in Article 5, Section 7.1 of the *Zoning Ordinance.*

6) Identify the curbing type that will be the utilized. Details for curbing requirements can be found in Article 6, Section 3.6 (b) of the *Zoning Ordinance.*

7) 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, for maximum number of parking spaces required, please correct the figure given from 208 to 209 spaces.
    c. Provide the dimension measure on the plan from the building to the nearest property line.

8) Sheet 4 (Landscape Plan)
    a. Clarify the status of the existing trees on the site by identifying their location and type.
    b. Clarify the system proposed to meet the opaque barrier requirement and the proposed landscaping element (i.e. existing trees or new tree and hedge plantings).

9) The Applicant has indicated in the general notes that they are aware signs are subject to a

separate review and approval process with the Planning Office. However, the applicant may identify where on the site the monument sign is/ will be located to assist in design planning of the site.

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.

1) Staff recommends, pursuant to Article 10, Section 2.25 on "Landscaping of the site" that the applicant vary the planting of the tree species. The applicant identifies three (3) different tree types (25 October Glory Maples, 34 Willow Oaks, and 14 Greenspire Lindens) to be planted on the site, but has them grouped together based on tree species. Planning Staff recommends that for the health of the tree species, the tree species be more varied in their location as a condition of approval.

2) Partial Elimination of Curbing: The City Planner grants approval of the partial elimination of curbing on the outside of the parking lot area as it will facilitate the management of stormwater. The Plan should indicate the installation of parking bumpers at the head of parking spaces lacking upright curbing the area west of the truck parking canopy.

3) Waiver Request for the Opaque (fence, wall, or berm) Component of the Opaque Barrier Requirement: Staff recommends approval of the waiver of the opaque barrier component, as the applicant has indicated in their plans to construct an earth berm along the property lines that border neighboring residential areas. There is a minimum height requirement of the berm for full compliance; therefore, this waiver is sought. They have further indicated their intention to add landscaping on the residential side of the earth berm. The applicant must identify the intended location of the landscaping on their plans and comply with the landscape planting of evergreen trees or a hedge with trees in accordance with *Zoning Ordinance*, Article 5 §7.22.

4) *Performance Standard Review Application*: Staff recommends the Commission affirm that the site's proposed use as an office building and warehouse building will conform to all the applicable performance standards of the *Zoning Ordinance,* Article 5, Section 8. The proposed use is not expected to generate excessive dangerous or objectionable elements or emissions.

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

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: JANUARY 31, 2018

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **DGKP Property: Office/Warehouse at 1351 West North Street**

FILE #: **S-18-01**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
    b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan.
5. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
6. In the event a property contains multiple principle structures, the property shall be served by a single water main where a water service line may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate water facilities. A master meter will be required. If a technical infeasibility exists, please submit a letter to the Department of Public Works for review. A waiver to this requirement may be granted.
7. 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.
8. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.

WASTEWATER

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

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

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

STORMWATER

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

STREETS

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

SANITATION

1. None.

GROUNDS

1. Only trees listed as small to medium shall be planted under power lines; and no trees shall be planted within ten feet of any underground water line, sewer line, transmission line or other utility.

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. Profiles of all utility crossings, including services, must be provided with the construction plans. All water, sanitary sewer and storm sewer crossings must be shown on the profiles. Eighteen inches (18") of cover is the minimum allowable vertical separation.
3. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. Electric will need projected load requirements to calculate Primary fees.

WATER

1. The City of Dover water system is available to this site. The developer is responsible for all costs associated with extending and providing service to the proposed development.
2. Prior to plan approval, the water system plans may be required to be submitted to the Division of Public Health, Office of Drinking Water for review and approval. The owner/developer will be responsible for providing all completed forms and plan sets to the City of Dover as required for submission to the Office of Drinking Water. Plans will not be submitted to the Office of Drinking Water until review has been completed by our office.
3. Hydrant flow testing is currently only performed during the spring and fall. The applicant must call the Department of Public Works directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.
4. Water impact fees 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-18-01

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 02/07/18

CITY OF DOVER FIRE MARSHAL

APPLICATION: Office/Warehouse at 1351 W North St

FILE #: S-18-01 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is office/warehouse.

2. Building Access shall be no further than 50 feet from a primary entrance

   Where buildings are provided with an automatic sprinkler system installed in accordance with NFPA 13, access shall be no further than 100 feet from the primary entrance.
   (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3)

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

4. Perimeter access shall be 50% (if warehouse) and clearly shown on the plans.

   Perimeter Access minimum width shall be 15 feet measured from the face of the building at grade with a maximum slope of ten percent (10%). Plantings and utility services (includes condenser units, transformers, etc.) shall be permitted within the perimeter access, and shall not interfere with emergency services fire ground operations.

   If a physical barrier (fence, pond, steep slope, etc) prevents access, that portion of the building perimeter shall not be included in the calculation of Percent of Perimeter Access.
   (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3)

5. Fire lanes shall cover 25% of the proposed building.

Fire lanes are required to be 24 feet wide and run along the front of the building as determined by the primary entrance(s). In cases where there is more than one primary entrance(s), each shall be served by a fire lane even if this exceeds the percentage as required.

The closest edge of fire lanes shall not be located closer than ten (10) feet to the exterior wall and the closest edge of fire lanes shall not be located further than 50 feet from the exterior wall if one or two stories in height; 40 feet if three or four stories in height, or 30 feet if over four stories in height.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5)

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

7. All Fire Lanes shall be marked as follows:

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

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

9. Fire lane signs shall be located as follows:

see Figure 5-16 – Approved Sign For Marking Fire Lanes, fire lane signs shall be spaced at 150 foot intervals maximum, all fire lane signs shall be located no less than six feet (6') and no higher than eight feet (8') above the pavement, signs shall be placed at each end of the fire lane, and signs shall face all oncoming traffic.

Where parking is not restricted roadway markings shall utilize the words "FIRE" and "LANE" in lieu of fire lane signs, and shall conform to the specifications of 7.6.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

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

11. Gated Areas: Fire Department access shall be provided to the property through the use of a system or device approved by the Fire Marshal. The system or device required shall be located in an area accessible to the fire department and approved by the Fire Marshal. All gates shall be either automatic or manual.

An automated system shall consist of one manual and one automated means to open the gate. The owner or their representative shall meet with the Fire Marshal prior to submission to agree on the system. A letter of agreement shall be created, and signed by both parties. The letter shall include a detailed description of both the manual and automated means.

A manual gate shall consist of one manual means to open the gate. The owner or their representative shall meet with the Fire Marshal prior to submission to agree on the means to

open. A letter of agreement shall be created, and signed by both parties. The letter shall include a detailed description of the manual means to open.
To be considered accessible for fire department apparatus the actual clear openings shall be not less than 14 feet, the paved surface through the gate shall be not less than 12 feet, and the gate shall be setback from the perpendicular street by at least 50 feet.

Please contact this office to discuss options available to comply with this requirement.
(2015 Delaware State Fire Prevention Regulations 705, Chapter 5, 2.6)

12. All fire hydrants shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation.

    All fire hydrants shall have minimum of four-inch (4") solid yellow demarcation lines to define specific areas, where fire hydrants are located along a curb line with permitted parking, the area between the fire hydrant and the street or fire lane shall be stenciled with four inch (4") demarcation lines and the words "NO PARKING", demarcation lines shall be measured from the center line of the fire hydrant and extend for a distance 15 feet on both sides.

    Where fire hydrants are located in parking lots or other areas susceptible to blockage by parked vehicles they shall be treated as follows: fire hydrants shall be protected in all directions for a distance of seven feet (7') with barriers or curbing, Minimum four-inch (4") diameter steel bollards filled with concrete and marked yellow shall be installed at the outermost corners of the fire hydrant demarcation area. The minimum height of the bollard shall be 36 inches above the finished grade of the adjacent surface, and the steamer connection of all fire hydrants shall be positioned so as to be facing the edge of the street, or traffic lane.
    (2015 Delaware State Fire Prevention Regulations, 705, Chapter 6, 2)
    The owner is responsible if the hydrant is private.

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

14. Fire Alarm System required per occupancy code requirements.

Fire alarm in place of assembly. *Fire alarm required.* Any new occupancy or new portion of an occupancy determined to be a place of assembly by the fire marshal, and is capable of receiving an occupant load of 75 persons or greater, shall be required to install a fire alarm in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Fire alarm system required. Any existing occupancy or portion of an existing occupancy determined to be a place of assembly by the fire marshal, and is undergoing renovations in excess of 50 percent of the assessed value of the building and is capable of receiving an occupant load 75 persons or greater or is being enlarged to receive an occupant load of 75 persons or greater, shall be required to install a complete fire alarm system in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Public mode audible requirements. To ensure that audible public mode signals are clearly heard by occupants of a structure, they shall have a sound level at least 15 decibels (dB) above the average ambient sound level or five decibels (dB) above the maximum sound level having a duration of at least 60 seconds, whichever is greater, measured five feet (1.5m) above the floor in the area required to be served by the system using the A-weighted scale dBA. In the event the stated requirement cannot be met a shunt trip relay/switches shall be the approved method of meeting the intent of this section of the Code.
(City Code of Ordinances 46-171)

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

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

Any proposal that is presented to the Office of the State Fire Marshal for review and approval for a building rehabilitation as defined in the 101 Life Safety Code, for less than 50% of the gross square footage of a non-sprinklered building, may not have another such project for the same building submitted for review and approval any sooner than three (3) years after the date of the final inspection unless sprinkler projection is provided throughout the entire building.

In all buildings exceeding 10,000 square feet of aggregate, gross floor area.

In all buildings in excess of 40 feet in height or more than four (4) stories in height.

In all buildings or areas thereof used for the storage, fabricating, assembling, manufacturing, processing, display or sale of combustible goods, wares, merchandise, products, or materials when more than two (2) stories or 25 feet in height.

In all basement areas exceeding 2,500 square feet floor area.

In residential occupancies when of: Type V (0,0,0) or Type III (2,0,0) construction and exceeding two (2) stories or 25 feet in height. Type V (1,1,1) and Type III (2,1,1) or

Type IV (2,H,H) construction exceeding three (3) stories or 3In all residential apartment buildings storage areas except individual unit closets that are located within individual residential living units.

In all buildings used as health care occupancies as defined in the Life Safety Code, NFPA 101, as adopted and/or modified by these Regulations. In all buildings or areas classified as "high hazard" under the Life Safety Code, NFPA 101, or "extra hazard" under the Standard for the Installation of Sprinkler Systems, NFPA 13, as adopted and/or modified by these Regulations.

All buildings used as dormitories, in whole or in part, to house students at a public or private school or public or private institution of higher education. (16 **Del.C.** Ch. 88) This

applies to all such dormitories regardless if new or existing. (2015 State of Delaware fire Prevention Regulations, 702, Chapter 4)

Places of assembly shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply:

All new indoor places of assembly with an occupant load of 150 persons or greater.

Any interior renovations of 50 percent or more to an existing place of assembly with an occupant load greater than 150 persons.

Any additions or increase in interior size to an existing place of assembly that would create an occupant load of 150 persons or greater.

Places of assembly where alcohol is served for consumption on the premises shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply:

All new indoor places of assembly with an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises.

Any interior renovation of 50 percent or more to an existing place of assembly with an occupant load greater than 100 persons and where alcohol will be served for consumption on the premises.

Any additions or increase in interior size to an existing place of assembly which would create an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises.

New educational occupancies of 5,000 square feet or greater shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13.
(City of Dover Code of Ordinances 46-162)

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

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

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

19. If there is any type of rack storage, the following will be required: 1) a diagram showing the layout and type of rack system 2) a list and quantity of items being stored 3) a letter from an authorized/licensed fire suppression contractor stating that in rack sprinklers are or are not needed. If in rack sprinklers are not needed, a letter may be requested from

an authorized/licensed fire suppression contractor to ensure that the sprinkler system is adequate for the storage presented.

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

21. Standpipes shall be provided in all areas and buildings as required in the codes and standards listed in Regulation 701 as well as the following areas or buildings:

    In all Class A and Class B places of assembly and institutional occupancies two (2) stories or 25 feet in height or over,

    In any building over three (3) stories, In any building over 35 feet in height,

    In any building that has a floor above the first floor over 10,000 square feet gross floor area,

    In all buildings where the 1st floor exceeds 60,000 gross square feet,

    a Class I horizontal standpipe system installed in accordance with the applicable codes and standards listed in Regulation 701 of these Regulations shall be provided. All standpipe systems shall be installed in accordance with the applicable codes and standards listed in Regulation 701.

    The standpipe system shall be carried up with each floor and shall be installed and ready for use as each floor progresses.

    Standpipes shall not be more than one floor below the highest forms of staging,

    The 2½-inch of hose connections on Class I systems shall be provided in the following locations, At the highest intermediate landing between floor levels in every required exit stairway,

    Where intermediate landing are not provided, hose connections shall be permitted to be located at the main floor landings in exit stairways when approved by the authority having jurisdiction, Where the local fire department has the capability of providing the required pressure, hydraulically designed standpipe systems in fully sprinklered, non-high-rise buildings shall be designed to provide the required waterflow rate.

    A sign shall be provided at each landing, in all interior stairways, designating the floor level. (2015 Delaware State Fire Prevention Regulations 702, Chapter 4, 2)

Fire department connections. Unless otherwise approved by the fire marshal, fire department connections shall be on the street side of the building and shall be located and arranged so that hose lines can be readily and conveniently attached to without interference from any nearby obstructions as defined by the fire marshal's office. Fire department connections shall be a five-inch Storz. Fire department connections shall be within 300 feet of an approved City of Dover Fire Hydrant and within 50 feet of the main entrance of the structure it serves. All fire department connections shall be not less than three feet nor more than five feet in height above finished grade. The fire marshal shall have the authority to require more stringent requirements when deemed necessary. (City of Dover Code of Ordinances 46-162)

22. The installation of natural gas and LP gas meters, regulators, valves, and LP gas bottles shall be protected from impact damage by impact protection. Natural gas and LP gas meters, regulators, and valves located inside structures shall have impact protection, except when located in separate protected utility rooms.

    Dimensions of bollards. Bollards shall be a minimum of six-inch diameter filled with concrete. The bollard shall be set into the ground at a depth of at least 36 inches (three ft.) embedded in concrete at a minimum of 18 inches surrounding the bollard. The bollards must be a least 48 inches (four ft.) in height above the finish grade elevation. Any deviation of the stated requirements must be approved by the fire marshal and/or chief building inspector. The above dimensions shall serve as the requirement for installation; however, the fire marshal and/or chief building inspector shall have the authority to require more stringent dimensions to fit the needs of devices warranting impact protection.

    Color of bollards. Bollards should be of the following colors; yellow, amber or orange. All colors shall be of fluorescent or have a reflective coating. Any deviation of the stated requirements must be approved by the fire marshal and/chief building inspector.
    (City of Dover Code of Ordinances, 46-4)

23. Every house, building or structure used or intended for use as living quarters or as a place for conducting business, and having any wall facing or abutting any public or private street or alley, shall have displayed on that wall, in legible, easily read characters which are of contrasting color to the background, the proper street number for such house, building, or structure in accordance with the following:

    One-family and two-family residential structures, height, 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, *Arabic 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*, numbers 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*, numbers shall be contrasting to the background color, *Arabic numerals*, all numbers used shall be Arabic numerals.

Commercial, industrial and office buildings, height, the numbers shall measure a minimum of 12 inches in height, *location generally, n*umbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot,

*property line or driveway, s*hould the building be located far enough from a public or private road so that the numbers are not clearly visible from the street, then the street address shall also be posted on the property at or near the property line or driveway to said building,

*color; each building, n*umbers shall be contrasting to the background color and shall be placed on each building in the complex,

*Arabic numerals, a*ll numbers used shall be Arabic numerals,

Shopping centers. Shopping centers consisting of two or more stores shall have a tenant or suite number affixed to the front of the tenant space and on the outside of the rear door which corresponds with that tenant space. Numbers shall measure six inches in height.
(City of Dover Code of Ordinances, 98-344)

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

Secured key systems. When required; exemption. A secured key system shall be required for any new or existing building where a fire alarm or sprinkler system is being installed. It shall be the responsibility of the owner or occupant to keep a set of keys in the secured key box that are current to the locks of the protected occupancy. Buildings with 24-hour staffing or guard service shall be exempt from this subsection.

Location. The secured key system shall be located as close to the main entrance as possible. Should the building design not allow the secured key system to be located by the main entrance, the fire marshal and fire chief shall come to an agreement as to an alternate location for the key box. A secured key system, once installed, shall not be obstructed from view or obstructed by any means that would delay the fire department access to the box.

Required keys. Keys to be secured in the key box shall include keys to all points of ingress or egress, whether on the interior or exterior of the building, and keys to locked mechanical rooms, electrical rooms, elevator rooms, fire alarm and sprinkler controls and any area protected by automatic fire detection. Keys to individual residential apartment units are not required.

Ordering responsibility. It shall be the responsibility of the general contractor to order the key box for new buildings. It shall be the responsibility of the owner or tenant to order the key box for existing buildings.

Installation before testing. No acceptance test for sprinklers or fire alarms shall be conducted before the installation of a key box.
(City Code of Ordinances 46-127)

Knox Box to be mounted 6 feet above ground level

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

26. All new passenger elevators in a building shall be provided with a car sized to accommodate an ambulance cot 24 inches (609 mm) by 84 inches (2133 mm) in its horizontal open position. Where two or more new passenger elevators are located in a single hoist way and serve all or the same portion of the building, only one elevator car that provides a car sized to accommodate an ambulance cot 24 inches by 84 inches in its horizontal position for each hoist way shall be required. Elevator cars required to comply with 15.1 or 15.2 shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoist way door frame. Firefighter recall keys shall be provided in a manner acceptable to the local fire department.
(2015 Delaware State Fire Prevention Regulations 705, Chapter 1, 15)

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

28. Project to be completed per approved Site Plan.

29. Full building and fire plan review is required.

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

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

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Need to clarify if this is office buildings or office/warehouse.
2. If any of the current concrete area is going to be utilized, please contact the Chief Building Inspector in regard to the same.
3. Need to show the hydrant locations.
4. Need to ensure parking is in compliance with item #6 listed above.
5. Fire alarm system required.
6. Sprinkler system required.
7. Standpipe system required.
    a. See item #'s 15, 16, 18, 20, and 21 above in reference to 5, 6, 7).
8. Two Knox boxes required, see item # 24 listed above.
9. Please refer to item # 19 listed above in reference to rack storage.
10. Please refer to item #27 above in reference to required state radio testing

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: January 31, 2018

D E L D O T

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APPLICATION: DGKP Property

FILE#: S-18-01 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua Schwartz PHONE#: 760-2768

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

The proposed development of the property will need to be analyzed by DelDOT. A pre-submittal meeting has been held at DelDOT. The submitted plans to DelDOT for review shall reflect the discussions of this meeting

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

- The site access on West North Street must be designed in accordance with DelDOT's Development Coordination Manual.

- A Traffic Impact Study (TIS) will be required for this project, since the proposed development exceeds 50 VPH (Vehicle per Hour) or 500 VPD (Vehicle per Day). When the study is completed, DelDOT will review it and send the recommendations of the improvements to the City. The improvements contained in the study will be implemented by the developer per DelDOT's discretion. To set up a scoping meeting for this project, please contact Mr. Troy Brestel at (302) 760-2167 or via e-mail at

Troy.Brestel@state.de.us. In addition, if the site generates between 500 and 2000 VPD and does not exceed 200 VPH the department will allow the proposed development to make a payment towards an Area-Wide Study Fee in lieu of performing the TIS. The Area-Wide Study Fee is calculated at $10 per daily trip, and it would be payable to DelDOT prior to the issuance of a Letter of No Objection. Payment of the TIS would exempt the developer from performing the study, but would not exempt them from participation in off-site improvements or a Traffic Operational Analysis if one is required during the review of the entrance plans. If the developers would like to pay the fee in lieu of doing a TIS, the developer should contact me at (302) 760-2768.

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

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

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

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

  Depiction of all existing entrances within 300 feet of the proposed entrance.

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

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

- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review:
  Construction Stage Fee Calculation Form
  Construction Review Fee
  Gate-Keeping Checklist – Entrance Plan

Design Checklist – Entrance Plan
Auxiliary Lane Spreadsheet
Entrance Plan
Pipe/ Angle Spreadsheet (If Applicable)
SWM Report and Calculations (If Applicable)

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

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrance and how long those lanes should be.

- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task.

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

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

- Section 5.8 requires Stormwater facilities to be a minimum of 20 feet from the edge from the required Right-Of-Way per the roads functional classification.

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

DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW
2017

APPLICATION: DGKP Property: Office/Warehouse at 1351 West North Street

FILE #: S-18-01

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica L. Verchick, EIT* **PHONE #:** *741-2600 ext.3*

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

Source:
2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the approval of and/or issuing of permits for the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

1. Davis, Bowen, and Friedel has already held a pre-application to discuss stormwater requirements.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE:

Dover/Kent County Metropolitan Planning Organization

APPLICATION: DGKP Property: Office/Warehouse at 1351 West North Street

FILE # S-18-01: REVIEWING AGENCY: Dover/Kent County MPO

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

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

City of Dover Planning Commission 2/20/2018

Project Review

S-18-01 DGKP Property: Office/Warehouse at 1351 West North Street

The MPO has been asked by the Kenton Road improvement Project Managers to consider a new DE 8 study to evaluate from Saulsbury Road to Artis Drive given the significant changes to the corridor over the past 10 years, including the construction of the Dover High School between Mifflin Road and Artis Drive. It is currently being prioritized among the studies proposed and will likely be considered in the next few UPWP's/work programs.

The property has an existing sidewalk at the road frontage and a multiuse path across the street that serves from Wyoming Mill Road to the DELMARVA Central Railroad tracks at West Street. However, there is no existing or proposed connection from the frontage into the site parking lot or building entrance. Please add such a connection.

I saw no bicycle parking or access to the site. As stated above, the City of Dover's bicycle-related standards are sufficient for both and should be applied without relief.

The proposal includes office space There is a potential, therefore, for employees to use transit service to get to the site. The nearest transit stop is at Commerce Way and West North Street and is connected by sidewalks. I will provide a copy of this report to DART route planners to consider route expansion.

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.

From: Jamie Sechler
To: Swierczek, Julian D.
Subject: S-18-01 DGKP Property: Office/ Warehouse at 1351 West North Street
Date: Wednesday, February 07, 2018 7:51:46 AM

Julian,

The applicant would like to request a waiver for the upright concrete curbing Article 6, 3.6(b) to allow for the parking areas and drive aisle to properly drain into adjacent swales. The applicant is proposing upright curbing around the building, entrance and landscaped islands.

Thank you for your consideration,

Jamie Sechler, P.E. | Associate | Davis, Bowen & Friedel, Inc.
1 Park Avenue | Milford , DE 19963 | www.dbfinc.com
Office: 302-424-1441| Fax: 302-424-0430 | Email: jls@dbfinc.com

DAVIS BOWEN & FRIEDEL, INC.
ARCHITECTS • ENGINEERS • SURVEYORS

From: Jamie Sechler
To: Swierczek, Julian D.
Subject: S-18-01 DGKP Property: Office/ Warehouse at 1351 West North Street
Date: Tuesday, February 06, 2018 11:22:24 AM

Julian,

The applicant would like to request a waiver for the opaque requirement for this site. (Article 5, Section 7.2) The applicant is proposing a landscaped buffer with berm and would like to remove the fence or wall component of the requirement.

Thank you for your consideration,

Jamie Sechler, P.E. | **Associate** | **Davis, Bowen & Friedel, Inc.**
1 Park Avenue | Milford , DE 19963 | www.dbfinc.com
Office: 302-424-1441| Fax: 302-424-0430 | Email: jls@dbfinc.com



City of Dover

DATA SHEET FOR MINOR SUBDIVISION PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF February 7, 2018

PLANNING COMMISSION MEETING OF February 20, 2018

Plan Title:	Minor Subdivision Plan for 747 North DuPont Highway, SB-18-01
Plan Type:	Minor Subdivision Plan
Property Location:	East side of North DuPont Highway and south side of Leipsic Road
Property Addresses:	747 North DuPont Highway
Tax Parcel:	ED-05-068.05-01-15.00-000
Existing Site:	25.01 +/- acres
Parcels to be Created:	Lot 1: 10.007 acres (435,905 SF) Lot 2: 15.004 acres (653,574 SF)
Owner:	Rojan DD 15 LLC
Zoning Classification:	SC-2 (Community Shopping Center Zone) SWPOZ (Source Water Protection Overlay Zone- Tier 3: Excellent Recharge Area)
Present Uses:	Vacant
Sewer & Water:	City of Dover

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 7, 2018

APPLICATION: Minor Subdivision Plan for at 747 North DuPont Highway

FILE #: SB-18-01 REVIEWING AGENCY: City of Dover Planning

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

I. PLAN SUMMARY:

Review of a Minor Subdivision Plan application to permit the subdivision of a 25.01 +/- acre parcel into: Lot 1 of 10.007 acres and Lot 2 of 15.004 acres. The property is located on the northeast side of North DuPont Highway and south of Leipsic Road. The property is zoned SC-2 (Shopping Center Development Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 3: Excellent Recharge Area). The owner of record is Rojan DD 15 LLC. Property Addresses: 747 North DuPont Highway. Tax Parcel: ED-05-068.05-01-15.00-000. Council District 3.

Previous Applications

This property most recently was the subject of a proposal to build a Golden Corral Restaurant. On February 18, 2015, the Board of Adjustment moved to grant Variance Application V-15-04 to eliminate the maximum parking requirements of the site. The applicant did not follow up with an application to the Planning Commission, and the Variance has since expired.

The property was rezoned from C-4 (Highway Commercial Zone) to SC-2 (Community Shopping Center Zone) as part of Rezoning Application Z-07-05. The rezoning was recommended for approval by the Planning Commission on March 21, 2007 and approved by City Council on April 9, 2007. The rezoning was followed later that year by Site Development Plan Application S-07-39 for a 216,650 SF shopping center known as "Dover Crossroads." This plan was granted conditional approval by the Planning Commission on August 20, 2007, but has since expired. The associated Comprehensive Sign Plan US-08-01 for Dover Crossroads also expired.

This property became subject to the SWPOZ with the adoption of the provisions for the SWPOZ in 2007 and 2008. In 2011-2012, the property was part of an area that underwent re-evaluation of its Source Water Protection Overlay Zone status (project #MI-11-16). As a result of the study, the boundary of the SWPOZ: Tier 3 area was adjusted and approved through application MI-12-06 Comprehensive Rezoning: SWPOZ Tier 3- Route 13 at Leipsic Road. This Comprehensive Rezoning was recommended for approval by the Planning Commission in May 2012, and was approved by City Council on June 11, 2012 (Ordinance #2012-11).

II. PROJECT DESCRIPTION

This Minor Subdivision Plan proposes to subdivide the main parcel at 757 North DuPont Highway into (2) separate parcels. See the following Table for summary of the parcels.

Site	Proposed Acreage	Square Feet
Lot 1	10.007 acres	435,905 SF
Lot 2	15.004 acres	653,574 SF
Total	25.01 acres	1,089,479 SF

Lot 1 is at the southeast end of the overall property and has frontage on North DuPont Highway. Lot 2 is at the northwest end and has frontage on Leipsic Road. The division will be made by one new property line struck diagonally across the site. Both proposed lots are currently vacant, with Lot 1 largely being taken up by parking surfaces and building foundations for the former Berry Van Lines site and Lot 2 largely being taken up by grass field parking often used for motorsports and festival events.

III. ZONING REVIEW

SC-2 Zoning District

The property is zoned SC-2 (Community Shopping Center Zone) and is subject to the regulations of *Zoning Ordinance*, Article 3 §17 and Article 4 § 4.15. According to Article 3 §17.4, the design standards of the SC-2 Zone are the same as those for the C-4 (Highway Commercial) Zone, unless specifically excepted in Article 3 §17 or waived by the Planning Commission. The following table highlights some of the lot design standards for the SC-2 Zone:

Minimum Required	**SC-2**
Lot Width (ft.)	150
Lot Depth (ft.)	150
Setback from Street ROW (ft.)	50
Setback from Nonresidential Zone (ft.)	50
Setback from Residential zone (ft.)	100
Off-Street Parking Spaces Per 300 sq. ft. gross leasable area	1
Maximum Permitted	**SC-2**
Building Height: Stories Feet	 6 75
Floor Area Ratio	4.0

Zoning Ordinance, Article 3 §17.2 states that no area shall be zoned SC-2 unless it is at least 15 acres in size. When the property was rezoned to SC-2 in 2007 it met this criterion. Following the

proposed subdivision, Lot 1 will be too small to be considered a Community Shopping Center on its own. Therefore, the subdivision must be accompanied by provisions which link the two parcels together, by recording cross access and entrance easements, establishing bulk standards requirements held in common between the parcels, and addressing all other requirements of the SC-2 Zone for the development as a whole, in order to ensure the two parcels will attain a unified character in their eventual development.[1]

SWPOZ (Source Water Protection Overlay Zone)

The entirety of Lot 1 and a portion of Lot 2 are located within the SWPOZ (Tier 3: Excellent Recharge Area) and are subject to Article 3 Section 29 of the *Zoning Ordinance*. For Tier 3: Excellent Recharge Areas, the maximum lot coverage for the portion of the site within the SWPOZ is 30% unless infiltration is utilized, in which case the maximum lot coverage allowable is 60%. Any future Site Development Plan submitted for either of the two parcels will need to demonstrate that the requirements of the SWPOZ are met. The current impervious surface coverage of the site is unknown.

V. SITE CONSIDERATIONS

Easements

The plan states that a blanket cross access and entrance easement will be recorded with the subdivision in order to ensure the unified character of the parcels. In addition, the plan depicts several utility easements originally created for the previous proposed development of the property (Plat Book Volume 100 Page 84). These easements never had City utilities constructed in them, and the applicant has stated an intention to extinguish them. According to the City's Public Works Department, a number of older utility easements dating to 1994 not currently shown on the plan are also on the property, and these do contain utilities (Plat Book Volume R54 Page 19). The older, not shown easements cannot be extinguished unless the associated utilities are also removed, or new easements are recorded.

Setbacks

As the property does not adjoin any residential zones, uniform 50-foot setbacks are proposed on all lot lines. The plan does not currently specify which of the yards are front yards, side yards, or rear yards.

Entrances

At present, there are entrances to the site from both North DuPont Highway and Leipsic Road. Following subdivision, each lot will have at least one entrance. Upon development of the properties however, the entrances will likely need to be relocated and redesigned to meet the needs of the new development and DelDOT requirements.

Parking

Article 3 Section 17.5 notes that all shopping centers shall have no less than one parking space for every 300 square feet of gross leasable area. The parking requirements for the two lots will be determined when they are proposed for development.

[1] A Zoning Verification Letter containing the Planning Office's interpretation of the SC-2 Zone, with regard to whether the "contiguous area" had to be one parcel or could be several adjoining parcels, was issued to the applicant on January 3, 2018. It is from this interpretation that the requirements for cross-access and other linkages come.

Pedestrian and Bicycle Considerations

According to *Zoning Ordinance*, Article 5 §18, sidewalks will be required along all street frontages of the properties upon their redevelopment. The site is currently bicycle accessible, featuring a bicycle lane along the North DuPont Highway frontage and a wide shoulder along the Leipsic Road frontage. Both of these tie into the City's wider bicycle network. DelDOT also has a multi-use path in design for the North DuPont Highway frontage, which will need to be accounted for in any future development.

Landscaping and Tree Planting

Landscaping requirements are subject principally to the regulations found in *Zoning Ordinance* Article 5 Sections 15 and 16, and are also addressed in other various sections of code related to buffering, screening, and open space. Based on the 435,905 SF in Lot 1 and the 653,574 SF in Lot 2, and a required planting rate of one tree per 3,000 SF of development area, the tree planting requirements of the property could be as high as 146 trees for Lot 1 and 218 trees for Lot 2, depending on how much of each lot is developed. The properties will be required to provide landscaping and tree planting when they are developed.

VI. 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) On the plan drawing, please label the yards of each lot as follows:
    a. Lot 1:
        i) North DuPont Highway frontage: front yard
        ii) Curve C2 and newly struck property line: rear yards
        iii) All other property lines: side yards
    b. Lot 2:
        i) Leipsic Road frontage: front yard
        ii) Curve C1 and southeastern property line: rear yards
        iii) All other property lines: side yards

2) Because the width of the adjacent roads varies, please show the center line of each road, or other roadway information, in order to confirm compliance with Right-of-Way requirements. DelDOT may require dedication of additional right-of-way with this plan.

3) Please list the Lands of Dover International Speedway as being zoned RC (Recreation and Commercial Zone) instead of CPO (Commercial and Professional Office Zone). The adjoining property was rezoned from CPO to RC on May 9, 2016.

4) Please provide the total square footage of the property in addition to the total acreage.

5) Please provide the square footage and percentage of Lot 2 that falls within the SWPOZ.

6) Please move the note about the site partially being in the SWPOZ from the Notes column to the Site Data column.

7) There appears to be one unlabeled existing easement on the property, running along the southwestern property line of Lot 2, along the northwestern property line of Lot 1, and cutting across Lot 1 to Lot 1's southeastern property line.

8) If possible, please provide more information on the existing utility easements, including date of recordation, whether in currently in use and by whom, and whether they are proposed for continued usage. Ensure all existing easements are shown on the plan, and specify which ones are to be extinguished with this plan.

9) Please add the project's application number, SB-17-02, to the plan sheet.

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

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

VII. RECOMMENDED ADDITIONAL CONSIDERATIONS TO MEET CODE OBJECTIVES:

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

1) This Minor Subdivision Plan creates two parcels out of one, both zoned SC-2. The Subdivision Plan complies with the *Land Subdivision Regulations*. The Subdivision Plan also includes adequate safeguards to ensure the two parcels will maintain a cohesive character as a single community shopping center.

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

VII. ADVISORY COMMENTS TO THE APPLICANT:

1) This property is potentially impacted by the Dover/Kent County MPO's *2007 US Route 13 Circulation Study,* which proposes several road improvements in the immediate vicinity of the site. Information on the Study may be found on the MPO's website at https://doverkentmpo.delaware.gov/north-dover-study/

2) In the event, that major changes and revisions to the Minor Subdivision Plan occur in the finalization of the Plan contact the Planning Office. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other

agencies and commissions making recommendations in regards to the plan.

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

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) A separate Site Development Plan application to the Planning Commission will be required for future development of either parcel. Any future property line alterations not recorded with the current application will also be subject to Planning Commission review.

6) Development of the parcels may require review through the Preliminary Land Use Service (PLUS) process. If the proposed development includes 125 or more residential units or 75,000 square feet or greater of non-residential use, review through the PLUS process is required prior to submitting an application for Site Development Plan.

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JANUARY 31, 2018

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Minor Subdivision Plan for 747 North DuPont Highway**

FILE #: **SB-18-01**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

GENERAL

1. Unless the applicant will be utilizing the referenced utility easement areas from Plot Book 100-84 on the site plan, the applicant shall formally extinguish these lines as there are currently no existing City of Dover Department of Public Works maintained utilities located in the referenced easement areas. The applicant shall revise the site plan to show the 1994 recorded easement between the Dover Development Co., Inc and the City of Dover, Volume R54 Page 19, or extinguish and submit a new easement plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

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

SB-18-01

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 02/07/18

CITY OF DOVER FIRE MARSHAL

APPLICATION: Minor Subdivision Plan for 747 N DuPont Hwy

FILE #: SB-18-01 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. This office has no objections

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):
2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
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: January 31, 2018

D E L D O T

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APPLICATION: 747 North DuPont Highway (Minor Plan)

FILE#: SB-18-01 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua Schwartz PHONE#: 760-2768

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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:

1. Per Section 3.2.5 of the Development Coordination Manual Adopted April, 2016, the Kent County Classification Maps, KCR 007 (North DuPont Hwy) is classified as a multi lane minor arterial road. If the existing right-of-way does not have the proper width along the frontage of the site, the department will require 30 feet of right-of-way from outermost edge of the through lane for public use.

2. Per Section 3.6.5 of the Development Coordination Manual Adopted April, 2016, an 80-foot wide right-of-way (40-feet from the centerline) is required for a two-lane minor arterial. According to the Kent County Classification Maps, KCR 088 (Leipsic Road) is classified as a minor arterial road. If the existing right-of-way does not have the proper width along the frontage of the site, the department will require 40-feet of right-of-way dedication from the physical centerline of road, for public use.

3. When development is proposed, this project should be submitted to DelDOT for a formal review. The site access points on North DuPont Highway and Leipsic Road must be designed in accordance with DelDOT's Development Coordination Manual.

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
2018

APPLICATION: *Minor Subdivision Plan for 747 North DuPont Highway*

FILE #: SB-18-01

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica L. Verchick, EIT* **PHONE #:** *741-2600 ext.3*

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

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

1. A detailed Sediment and Stormwater Management Plan must be approved by our office prior to any land disturbing activity (i.e. clearing, grading, filling, etc.) over 5000 square feet.

PETITION TO AMEND ZONING ORDINANCE TEXT

Report to the
Dover Planning Commission
February 20, 2018

Proposed Changes:

Text Amendments to the following:

- *Zoning Ordinance*, Article 3 – District Regulations
  - Section 28 – Traditional Neighborhood Design Zone (TND)
    - 28.52 Neighborhood Commercial District, subsections 28.521 and 28.523

Summary of Amendment:

The proposed amendment to allow fuel pumps as a Conditional Use as accessory to a convenience retail store in the Neighborhood Commercial District of the Traditional Neighborhood Design Zone (TND).

Key features of the Provisions:

- To allow for fuel pumps as an accessory use to convenience retail stores in the Neighborhood Commercial District of the TND zone.
- Establishes the review process for this accessory use to be review by the Planning Commission as a Conditional Use per *Zoning Ordinance*, Article 10, Section 1 – Approval of Conditional Uses.
- Eliminates the exclusion of gasoline filing stations as a type of service establishment.

Request for Amendment:

This Request for a Text Amendment was received by City Council from a constituent request. The associated Ordinance to adopt such Text Amendment is sponsored by Councilman Cole, Councilman Lindell, and Councilman Polce.

Process:

The Legislative, Finance, and Administration Committee reviewed the proposed Text Amendment on December 12, 2017 and the First Reading occurred on January 8, 2018. A Public Hearing before the Planning Commission is scheduled for February 20, 2018 and a Public Hearing and Final Reading before City Council is scheduled for March 12, 2018.

Ordinance Number: Proposed Ordinance #2017-16
File Number: MI-18-01

Request for Text Amendment

The initiation of a proposed Text Amendment to the *Zoning Ordinance* can occur in several ways as per Article 10 §5. Proposals for Zoning Text Amendment can be initiation by the City Planner or can be under the sponsorship of three members of City Council. This proposed Text Amendment was a constituent request to City Council received from John W. Paradee on behalf of Pettinaro; three members of City Council are sponsoring the request.

Process for Review of Proposed Text Amendments

As text amendments are proposed to the *Zoning Ordinance*, a Public Hearing and Recommendation by the Planning Commission is required. Then City Council will conduct a Public Hearing and take Final Action on the proposed Ordinance #2017-16 at their meeting of March 12, 2018. The *Zoning Ordinance* also outlines the requirements for a report evaluating the proposed amendment. See Code excerpt below.

Article 10 Section 5. Amendments

5.2 *Procedure for zoning text amendments in accordance with subsection 5.11.*

5.21 *Public hearing and notice.* An amendment to the ordinance text shall be subject to public hearing before the planning commission and city council prior to adoption. Such hearing shall be advertised in a newspaper of general circulation at least 15 days prior to the planning commission hearing. Such notices shall state the date, time and place of the planning commission and city council hearings and a brief description of the proposed zoning text amendment, and specify that documents are available in the planning office for review.

5.22 *City planner report.* For each proposed zoning text amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that evaluates the following factors:

(A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and

(B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

5.23 *Report of the planning commission.* Regarding each proposed amendment to the ordinance text, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and

(B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

Consideration of Text Amendment by the City Planner

This Text Amendment is a proposed amendment to the Traditional Neighborhood Design (TND) zoning district. The following provides some background information on this unique zoning district.

Traditional Neighborhood Design (TND) Zone

History of Development of the TND Zoning District and Its Provisions

The development of the Traditional Neighborhood Design Ordinance began circa 2002-2004 with discussions of the future of the Eden Hill Farm property. A working group involved the property owners, DelDOT, the Office of State Planning, the City of Dover, consultant WRT (Wallace, Roberts & Todd), and others. During the same timeframe, the City's *2003 Comprehensive Plan* included a goal to create a new zoning district for a Mixed Use Traditional Development Zone focused on a mixed commercial, residential, and employment uses which are developed in a traditional town pattern (commonly known as "neo-traditional" or "new urbanism." Following collaboration of the City Planning Office, the consultant, and others, the resulting draft Ordinance for a new zoning district (TND) was reviewed and recommended by the Planning Commission in Summer-Fall 2004.

On November 8, 2004 the Dover City Council approved an amendment to the City of Dover Code, Appendix B: *Zoning Ordinance*, Article 3 - District Regulations creating Article 3, Section 28: Traditional Neighborhood Design Zone (TND). (Application MI-04-05) The amendment established the development criteria, uses, and procedure for the Traditional Neighborhood Design Zone (TND). The first step of the Traditional Neighborhood Design Zone is an application for rezoning to TND which includes review of a Master Plan. The subsequent steps in the process for development of a TND include review of the Implementation Plan and Site Plans/Subdivision Plans.

As the *Zoning Ordinance* states, "the intent of the Traditional Neighborhood Design (TND) zone is to create a walkable and pedestrian-friendly, economically viable professional, commercial and mixed use residential neighborhood for people of different ages and incomes that draw from the best architectural and community design features of Delaware and the Delmarva Peninsula from its colonial past to the mid-20th century. Its intent is also to preserve and enhance the natural landscape, celebrate the history of the site, and buffer the development from adverse external influences." The TND zone intends to encourage greater integration of land-uses and diversity of lot sizes than is permitted under other provisions of the *Land Subdivision Regulations* and *Zoning Ordinance* of the City of Dover.

The first area (and currently the only area) of Dover to be rezoned to the Traditional Neighborhood Design (TND) zone is the Eden Hill Farm property. In 2005, it was rezoned to TND with Rezoning Application Z-05-03. The Eden Hill Farm TND has approved Implementation Plans for a Residential District, a Neighborhood Commercial District, and a Professional Office, Medical & Financial District. Development activities have occurred in each district area and development is subject to Comprehensive Design Standards Manuals (Pattern Books).

2008 Comprehensive Plan

In the *2008 Comprehensive Plan*, Chapter 12: Land Development Plan discusses Mixed Use Areas. Table 12-1 Land Use and Zoning Matrix outlines the possible zoning categories for each of the land use classifications (*2008 Comprehensive Plan*, page 162). The Traditional Neighborhood Zone zoning district is found in only the Land Use Category of Mixed Use. See excerpt below.

Excerpt of Table 12-1 Land Use and Zoning Matrix
2008 Comprehensive Plan (as amended), page 162

Land Use Category	Zoning District
Mixed-Use	C-2 (Central Commercial) (Downtown 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) (Downtown Target Area Only) R-8 (One Family Residence) R-10 (One Family Residence) RG-1 (General Residence) RG-2 (General Residence) RG-4 (Multi-Story Apartments) C-3 (Service Commercial) CPO (Commercial/Professional Office) IO (Institutional and Office)

In addition, the *2008 Comprehensive Plan* discusses the area of Eden Hill Farm. Specifically, the *Comprehensive Plan* identifies the following goal in Chapter 12:

Excerpt from Chapter 12: Land Development Plan
2008 Comprehensive Plan (as amended), page 149

Eden Hill Farm

Eden Hill Farm is the City's first Traditional Neighborhood Design development. Construction of this mixed-use community is currently underway and will continue to move forward during this five year planning horizon. Eden Hill Farm comprises 272 acres of land including a medical/professional office district, commercial district, residential district, and open space areas. The overall Master Plan for the TND and implementation plans for each district are complete. It will be important for the City to ensure that the intent of the Master Plan Comprehensive Design Standards Manual (Pattern Book) and Traditional Neighborhood Design concept remain in the forefront as the various phases unfold.

Goal: *Eden Hill Farm*

1. Continue to facilitate project development processes for construction in accordance with approved Master Plan Pattern Book and TND concept.

2. Support efforts to implement the road and walking trail connections linking Eden Hill Farm TND to the existing circulation network.

3. Encourage quality architecture within the development in accordance with the Pattern Book and intent of the TND Ordinance.

4. Participate in the planning for the project's open space areas including the area of the historic farm complex, alleys, and southern portion of the project near Puncheon Run.

Review of *Zoning Ordinance* Provisions

The intent of the *Zoning Ordinance* is "to provide for the orderly and desirable development and use of land" with the ordinance "providing the specifications, procedures and a precise plan to guide new development while improving, conserving or facilitating desirable change in the existing portions of the City." Article 1 §2 outlines a series of objectives to further the purpose of protecting and promoting the general welfare.

Traditional Neighborhood Design (TND) Zone

The Traditional Neighborhood Design (TND) Zone also begins with a purpose and intent statement.

Article 3
Section 28. - Traditional Neighborhood Design Zone (TND).

28.1 *Purpose and intent.* The intent of the Traditional Neighborhood Design (TND) zone is to create a walkable and pedestrian-friendly, economically viable professional, commercial and mixed use residential neighborhood for people of different ages and incomes that draw from the best architectural and community design features of Delaware and the Delmarva Peninsula from its colonial past to the mid 20th century. Its intent is also to preserve and enhance the natural landscape, celebrate the history of the site, and buffer the development from adverse external influences. The provisions of this section are intended to encourage greater integration of land-uses and diversity of lot sizes than is permitted under other provisions of the Land Subdivision Regulations and Zoning Ordinance of the City of Dover. Lastly, it may provide locations for other uses that will aid in the fulfillment of the City of Dover's Comprehensive Plan and allow people to live near their work.

Comparison of Uses in Commercial Zoning Districts

In the evaluation of the proposal for Fuel Pumps as a Conditional Use in the Neighborhood Commercial District of the TND zoning district, the following summary of uses in comparable commercial zoning districts is given. The focus is on the commercial (non-residential) uses in each zoning districts, but the complete listing of uses can be found in the various sections of *Zoning Ordinance,* Article 3. The evaluation only looks at the commercial zoning districts that are also identified in the Mixed Use Land Use Category.

Zoning District	Permitted Uses	Conditional Uses	Prohibited Uses
C-1	• Retail stores* • Personal Service establishments* • Restaurants* * Uses are limited in size to 2,500 SF per establishment	----	• Fuel pumps • Motor vehicle storage, sales, or repairs • Drive-throughs • Liquor stores • Fire arm sales • Tobacco shops
C-1A	• Retail stores • Personal Service establishments • Service establishments • Restaurants • Business, professional & government offices	• Drive-throughs accessory to a permitted use	• Fuel pumps • Motor vehicle storage, sales, or repairs
C-2	• Retail stores • Restaurants • Hotels, bed & breakfast inns • Art galleries and studios	• Parking Lot and Parking Structures as principal use • Places of public	• Fuel pumps • Motor vehicle storage, sales, or repairs

	• Service Establishments • Business, professional & government offices	assembly • Manufacturing with conditions	
C-2A	• Retail Stores • Business, professional & government offices • Personal service establishments • Restaurants • Service establishments • Hotels • Places of public assembly • Drive-throughs	• Parking Lot and Parking Structures as principal use • Fuel pumps accessory to permitted use	----
C-3	• Service establishments • Personal service establishments • Business, professional & governmental offices • Retail uses accessory to permitted use • Drive-through accessory to permitted use • Wholesale, storage and warehousing establishments • Indoor Recreation and amusement establishments • Motor vehicle, boat, or farm equipment sales or service subject to regulations • Manufacturing with conditions • Mini-storage facilities subject to regulations	• Crematory subject to requirements	----
CPO	• Business, professional & government offices • Banks • Medical Laboratories • Drive-in Facilities accessory to permitted use	• Conditional use accessory to permitted use on lot: cafeteria, restaurant, barbershop, beautyshop, copy center, office supply, retail store, newsstand, spa & health club, associated laboratories	
TND	Neighborhood Commercial District: • Civic uses • Convenience retail stores (drug stores, grocery stores, restaurants, variety stores) • Drive-through drugstores with conditions • Personal service stores (barber shops, beauty parlors, laundry/dry cleaning establishments) • Service establishments furnishing services other than personal nature • Business, professional & government offices • Banks • Drive-through banks with conditions • Philanthropic or not-for-profits offices • Financial Institutions	----	• Drive-through restaurants • Gasoline filing stations • Motor vehicle storage, repair or service

Review of these commercial zones shows that the uses of the TND: Neighborhood Commercial District are most comparable to the uses in the C-2 and C-2A zoning districts. In comparison, the use of fuel pumps is specifically prohibited in the C-2 zone while the C-2A zone allows fuel pumps as an accessory to a permitted use through the Conditional Use process.

The Conditional Use process is outlined in *Zoning Ordinance,* Article 10 §1. 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. It outlines a series of objectives for consideration of a Conditional Use including such items as accessibility for emergency response and the harmony of location, size and character.

Agency Review of Text Amendment

As part of review by Development Advisory Committee (DAC) members, the Planning Office received comments from the Department of Public Works, Office of the Fire Marshal, and DelDOT.

City Planner's Recommendation Regarding Text Amendment

The City Planner's recommendation must address the following factors as noted in *Zoning Ordinance,* Article 10 §5.22:

> (A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and
>
> (B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

The Traditional Neighborhood Design (TND) zone allows for a mix of uses from residential to commercial with the intent to create a mixed-use community neighborhood. A variety of commercial uses are permitted in the Neighborhood Commercial District of the TND zone. A review of the types of commercial uses in the TND zoning district with similar commercial districts like the C-2 and C-2A zones show comparable uses. While this review shows that fuel pumps are specifically prohibited in C-2 zone, fuel pumps can be considered through a Conditional Use process when they are accessory to a permitted use in the C-2A zone. This amendment proposing fuel pumps as an accessory use to a permitted use and to require review as a Conditional Use in the TND zone would be consistent with the C-2A zone which is also part of the Land Use Category of Mixed Use as found in the Land Development Plan of the *2008 Comprehensive Plan*. This amendment would only allow the fuel pump use to be established in the Neighborhood Commercial District of the TND and not within the Residential District or the Professional Office, Medical & Financial District TND. In addition, it could not be the primary use but must be an accessory use that is incidental to a primary use.

The requirement for review of the fuel pump use as a Conditional Use is important as during that review process the compliance with the intent and development provisions of the Traditional Neighborhood Design zone can be carefully analyzed and the appropriate conditions added to ensure compatibility with the neighborhood. This review process will assist in safeguarding the goals established for the Eden Hill Farm in the *2008 Comprehensive Plan*. This amendment adding an accessory use to the commercial uses will continue to facilitate opportunities for development

in the TND zone while ensuring construction is completed in accordance in the General Overall Master Plan/Implementation Plan and the Comprehensive Design Standards Manual (Pattern Book) for the specific Traditional Neighborhood Design project. The ongoing review of the types of commercial uses permitted is a necessity to reflect a changing economy and market conditions. This also corresponds with the *2008 Comprehensive Plan*'s Land Development Plan goal for Commercial Land Uses to provide citizens "with convenient access to needed goods and services through well designed and spaced community and neighborhood commercial centers."

Advisory Comments

The applicants shall be aware that recommendations and/or approval of a text amendment to the Traditional Neighborhood Design Zone does not represent approval of a development plan or use. A specific application process must be completed prior to commencement of construction activities.

CITY OF DOVER

APPLICATION REVIEW COMMENTARY

JANUARY 31, 2018

CITY OF DOVER
Public Works
Departments

APPLICATION: **Text Amendment Zoning Ordinance, Article 3 Section 28 for Fuel Pumps as Conditional Use in TND zone**

FILE #: **MI-18-01**

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

CONTACT PERSON: **Jason A. Lyon, P.E. – Public Works**

CONTACT PHONE #: **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. No objections to the proposed amendments.

WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

2. Our office has no objections to the proposed text amendments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None.

GENERAL

1. Convenience retail stores shall be required to follow all federal and state guidelines when installing fuel pumps to their site.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / 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.

MI-18-01

CITY OF DOVER FIRE MARSHAL

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 02/07/18

APPLICATION: Text Amendment Zoning Ordinance Article 3 Section 28 Fuel Pumps

FILE #: MI-18-01 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. This office has no objections.

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):
2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
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: January 31, 2018

DELDOT

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APPLICATION: Text Amendments: Zoning Ordinance, Article 3 Section 28
FILE#: MI-18-01 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua Schwartz PHONE#: 760-2768

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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 comments

If you have any questions, please call the above contact person and the planning department as soon as possible.

FIRST READING

CITY OF DOVER ORDINANCE #2017-16

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Appendix B - Zoning, Article 3 - District Regulations, Section 28 - Traditional Neighborhood Design Zone (TND), Subsection 28.52 – Neighborhood Commercial District, of the Dover Code, be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikeout as follows:

28.52 *Neighborhood commercial district:* Additional uses permitted in this district include the following subject to the requirements set forth in subsection 28.7:

28.521 Convenience retail stores such as, but not limited to, drug stores, grocery stores, restaurants, variety stores, or combinations thereof. **Fuel pumps accessory to a convenience retail store may be permitted as a conditional use, 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.** Drive through drug stores shall be allowed if they are of superior design and screening consistent with the intent of the TND zone. There shall be no drive-through restaurants.

28.522 Personal service stores such as, but not limited to, barber shops, beauty parlors, and laundry/dry cleaning establishments.

28.523 Service establishments furnishing services other than of a personal nature, but excluding ~~gasoline filling stations and~~ motor vehicle storage, repair, or service.

28.524 *Business, professional, and government offices, banks, philanthropic or not-for-profit offices, and financial institutions.* Drive through banks shall be allowed if they are of superior design and screening consistent with the intent of the TND zone.

28.525 Any of these uses mixed with residential uses in the same building.

ADOPTED: *

S:\ORDINANCES\2017\DRAFT\ORDINANCE #2017-16 APPDX B, ART 3, SEC 28 (TND), SEC 28.52 - NEIGHBORHOOD COMMERCIAL DIST\ORDINANCE #2017-16 APPDX B, ART 3.doc

SYNOPSIS

This Ordinance would allow the Planning Commission to approve a convenience retail store with fuel pumps as a conditional use in the Traditional Neighborhood Design (TND) Zone.

(SPONSORS: COLE, LINDELL, AND POLCE)

Actions History

01/08/2017 - Scheduled for First Reading – City Council
12/12/2017 - Introduction – Council Committee of the Whole/Legislative, Finance, and Administration Committee

DRAFT

Appointment of the Architectural Review Oversight Subcommittee of Planning Commission

As part of the Annual Meeting of the Planning Commission, one of the responsibilities of the Planning Commission is to appoint the Architectural Review Oversight Subcommittee. The following excerpt from the *Zoning Ordinance* is provided.

Appendix B: Zoning Ordinance, Article 10 Section 2. Site development plan approval.

2.28 Consideration shall be given to the physical orientation and architectural characteristics of proposed buildings, the relationship of proposed buildings to existing buildings and to other proposed buildings, and their contributions to the overall image of the immediate vicinity by considering the building and architectural design guidelines as set forth in article 5, section 19. Design characteristics of proposed buildings and building additions shall not detract or devalue existing buildings in the immediate vicinity.

(A) If the planning commission determines that the proposed physical orientation and architectural characteristics of the proposed buildings do not meet the intent and objectives of this section, then the planning commission shall refer the proposal to the architectural review oversight subcommittee for review and comment.

(B) The subcommittee shall meet and review the proposal with the applicant, and return its comments to the planning commission by the next regularly scheduled meeting.

(C) The architectural review oversight subcommittee shall be appointed by the commission at its annual meeting, and membership shall consist of two planning commission members, and two design professionals with experience in construction, and the mayor or the mayor's designee. Two alternate design professionals with experience in construction shall also be appointed.

As part of the Annual Meeting of the Planning Commission shall appoint the membership of the Architectural Review Oversight Subcommittee. This is an opportunity to consider individuals to serve on this subcommittee.

At the Annual Meeting of the Planning Commission on December 18, 2017, the following individuals were appointed to the Architectural Review Oversight Subcommittee of Planning Commission.

- Kathleen Welsh, Planning Commission member
- Dean Holden, Planning Commission member
- Mayor or Mayor’s designee

The Planning Commission directed Planning Staff to contact other the previous Subcommittee members to determine their willingness to continue as a member.

- Ms. Sarah Keifer, Director of Planning Services for Kent County, Design Professional
- Dr. R.G. Chandler, former Director of Architecture at DelTech Community College, Design Professional
- Alternates (Design Professionals): To Be Determined