CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, August 15, 2016 – 7:00 P.M.
City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

ADOPTION OF MINUTES OF REGULAR MEETING of July 18, 2016

COMMUNICATIONS & REPORTS

1) The Planning Commission Quarterly Workshop originally scheduled for WEDNESDAY, August 17, 2016 has been combined with the Regular Meeting of August 15, 2016.

2) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, September 19, 2016 at 7:00pm in the City Council Chambers.

3) Update on City Council Actions

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW BUSINESS Regarding APPLICATIONS

1) S-16-16 Eden Hill Farm Traditional Neighborhood Design: Professional Office, Medical & Financial District – Phase 2, Eden Hill Skilled Nursing Facility (Building 4**) -** Review and Consideration of Minor Amendments related to building size & form, parking requirements, and site improvements proposed with the Administrative Site Plan S-16-16 for Phase 2: Building 4 of the Professional Office, Medical and Financial District component of the Eden Hill Farm Traditional Neighborhood Design. The Implementation Plan S-06-26 for the POMF District as approved consists of nine buildings, parking areas, open space areas, and the street layout in multiple phases. The project is located on an overall parcel consisting of 25.47 acres ± of land and is zoned TND (Traditional Neighborhood Design). The project is located on the south side of West North Street and west of the railroad corridor flanking Banning Street. The owner of record is Eden Hill Medical Center, LLC. Tax Parcel: ED-05-076.00-01-13.02-000. *POMF Implementation Plan S-06-26 was granted final approval on October 2, 2007 and Phase 1 of the POMF District was constructed under Administrative Site Plan S-06-42.*

2) C-15-04 The Grande, Building 4: Planned Neighborhood Design – Senior Citizen Housing Option: 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 Conditional Use Site Plan to establish The Grande: Planned Neighborhood Design development of Senior Citizen Housing. The Active Recreation Area Plan for The Grande,

an apartment complex to consist of a total of 192 apartment units of Senior Housing, is comprised of 22,569 SF of recreation area with amenities and a deficit of 6,231 SF of recreation area. This application detailed construction of Building 4 on The Grande property which consists of a total of 6.7326 acres ± and is zoned RG-5 (General Residence Zone for Mid-Rise Apartments) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue (Route 8) just west of the Saulsbury Road intersection. The owner of record is Doveview Investors, LLC. Property Addresses: 101-405 Doveview Drive. Tax Parcel: ED05-076.07-01-30.00-000. Council District 1. *Cash-in-lieu amount of $22,914 was accepted by the Parks, Recreation & Community Enhancement Committee on July 12, 2016 and by City Council on July 25, 2016.*

NEW DEVELOPMENT APPLICATIONS

1) C-16-04 90 Saulsbury Road Clubhouse and Pool, Associated with The Grande: Planned Neighborhood Design – Senior Citizen Housing Option – Public Hearing and Review of a Conditional Use Site Plan application to permit the construction of a 2,500 S.F. +/- clubhouse building, pool, parking and access walkway connecting to The Grande apartment complex. The project may include a Parcel Consolidation Plan to join the clubhouse property to the main Grande property. The clubhouse property consists of 1.48 acres and is located on the west side Saulsbury Road near Carver Road. The property is zoned C-2A (Limited Central Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone), and will become part of The Grande PND-SCHO. The owner of record is 90 Saulsbury Associates, LLC. Property Address: 90 Saulsbury Road. Tax Parcel: ED-05-076.07-01-28.00-000. Council District 1. *Waiver Request: Partial Elimination of Upright Curbing. This application is associated with development applications for The Grande (previously known as Doveview Apartments) at 101-405 Doveview Drive, including C-15-04 (Building 4), S-11-12 (Buildings 1-3) and C-06-02 (for establishment of the Planned Neighborhood Design - Senior Citizen Housing Option).*

NEW BUSINESS

1) MI-16-12 Text Amendment: Height in COZ-1 (Corridor Overlay Zone) – Public Hearing and Review for Recommendation to City Council on a Text Amendment to the *Zoning Ordinance*, Article 3, Section 27.66 – Building Height. The proposed amendment would revise the building height limitation for a defined area on properties within the Corridor Overlay Zone (COZ-1). Specifically, areas within one hundred (100) feet of a right-of-way line of the roadways referenced in the *Zoning Ordinance*, Article 3, Section 27.3 – Zone Boundaries would remain subject to the current two-story, 35-foot height limitation, while areas outside this buffer would have no height restrictions other than those applying to underlying zoning. Ordinance #2016-18. *Final Reading/Public Hearing is scheduled before City Council for September 12, 2016.*
   A. A copy of the Proposed Ordinance #2016-18 is available on the City's website http://www.cityofdover.com/ under the Government Heading: Ordinances, Resolutions & Tributes.

QUARTERLY WORKSHOP SESSION

1) Planning Commissioner Comments and Concerns

2) Department of Planning & Inspections Update
   a. Summary of 2016 Applications

b. Research Activities
    i. Update on Research for Ordinance Amendments
        1. Residential Zones
    ii. Status of Ordinance Amendments
        1. Manufactured Housing

c. Current Studies and Projects
    i. Transportation Improvement District
    ii. Evaluation of Non-Conforming Uses in Residential Districts
    iii. Senator Bikeway
    iv. Dover/Kent County MPO Regional Bicycle Plan

d. Updates on Program and Plan Activities
    i. Downtown Development District Program/Restoring Central Dover Community Plan
    ii. Delaware Plan4Health
    iii. Division Street/Forest Street Design Charrette
    iv. Bradford Street Streetscape Enhancement project

3) Education and Training Opportunities
    a. APA Maryland/Delaware Regional Planning Conference: October 14-16, 2016 in Towson, Maryland
    b. APA Webinars: Series to Resume in Fall 2016

4) Open Discussion

ADJOURN

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

Posted Agenda: posted August 5, 2016

CITY OF DOVER PLANNING COMMISSION
July 18, 2016

The Regular Meeting of the City of Dover Planning Commission was held on Monday, July 18, 2016 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert.

Staff members present were Mrs. Ann Marie Townshend, Mrs. Dawn Melson-Williams, Mr. Jason Lyon, Mr. Bill Cook, Mr. Eddie Diaz and Mrs. Kristen Mullaney. Also present were Mr. Troy Adams, Mr. Doug Liberman, Mr. Shawn Smith, Mr. Dave Kuklish, Mr. Brent Wensel and Mr. Jim Brockton. Speaking from the public were Mr. Jim Burdran, Mr. Stephen Jones, Mr. Ken Richter and Mr. Paul Brooks.

APPROVAL OF AGENDA

Mrs. Townshend stated that there is one amendment to the agenda. Application S-16-13 Revised Dunkin Donuts at 1116-1128 Forrest Avenue has been removed. Staff received something from the applicant today requesting that this item be removed from the agenda.

Mr. Baldwin moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 8-0.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JUNE 20, 2016

Mrs. Welsh moved to approve the Planning Commission Meeting minutes of June 20, 2016, seconded by Mr. Baldwin and the motion was unanimously carried 8-0.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, August 15, 2016 at 7:00pm in the City Council Chambers.

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop meeting is scheduled for Wednesday, August 17, 2016 at noon in the City Hall Conference Room.

Mrs. Townshend stated that she does not have the update on the regular City Council and various Committee meetings prepared so she can give a two (2) month update at next month's meeting.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW BUSINESS Regarding APPLICATIONS

1) S-16-15 Family Dental Associates at 385 Saulsbury Road: Waiver Request – Review and Consideration of a Waiver Request for the Elimination of Upright Curbing as associated

with the Administrative Site Plan for a 1,615 SF expansion of an existing parking lot to increase the lot by four (4) spaces. The project is located on the east side of Saulsbury Road and south of Walker Road. The property is zoned C-PO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The owner of the property is Christopher A. Nacrelli. Tax Parcel: ED-05-067.19-02-02.06-000. Council District 4. *At its meeting of June 15, 2016 the Board of Adjustment granted variance V-16-05 to allow an increase in the number of parking spaces.*

Representatives: Mr. Troy Adams, Mountain Consulting, Inc.

Mr. Cook stated that this application is S-16-15 Family Dental Associates at 385 Saulsbury Road. This is a review and consideration of a waiver request for the elimination of upright curbing as associated with the Administrative Site Plan for a 1,615 SF expansion of an existing parking lot to increase the lot by four (4) spaces. The project is on the east side of Saulsbury Road and south of Walker Road. It is zoned C-PO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone).

There was a Board of Adjustment application in regards to this property V-16-05 approved at the meeting of the Board of Adjustment on June 15, 2016 to allow an increase in the number of parking spaces by four (4) spaces. What the Planning Commission is considering is the upright curbing waiver request. The project itself doesn't come through for a full Site Development Plan approval because it falls under the threshold for impervious surface for review. To the Commissioners that are new, these occasionally come up every few months or so. The only mechanism within the *Zoning Ordinance* to seek relief from the requirement for a curbing is to come to the Planning Commission for a waiver request. In the *Zoning Ordinance*, there is a requirement that parking areas have to have an upright curb of six (6) inches. The existing parking lot at the site does not have a curb so rather than having to retro-fit the entire parking lot with the upright curbing they requested the waiver. Staff has recommended in favor of approving the waiver and they gave the rationale that it would assist in accommodating stormwater runoff from the area. Also consistent with what Staff has recommended in the past, they recommend the approval of the waiver conditional upon the installation of concrete of parking bumpers at the heads of spaces in lieu of the curbing to control vehicle movements.

Mr. Adams stated that he did not have any questions and he agrees with Staff. They are on board to place the parking bumpers as recommended.

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

Mr. Holt moved to approve S-16-15 Family Dental Associates at 385 Saulsbury Road: Waiver Request for the upright curbing and to include the installation of parking bumpers (as a requirement), seconded by Dr. Jones and the motion was unanimously carried 8-0.

NEW DEVELOPMENT APPLICATIONS

1) US-16-03 Outback Steakhouse Restaurant Signage at Dover Town Center - Public Hearing and Action on Review of a Unified Comprehensive Signage Plan application which would

amend the applicant's existing approved Signage Plan (US-15-02) to permit construction and implementation of signage for a pad site restaurant at Dover Town Center. The new signage would consist of five wall signs totaling 219.3 S.F. and a 32 S.F. tenant panel on a previously-approved north pylon sign serving the shopping center. The property is located on the west side of North DuPont Highway between KW Boulevard and Cedar Chase Drive. The property is zoned C-4 (Highway Commercial Zone). The owner of record is Onix Dover LLC. Property Address: 1574 North DuPont Highway, Suite 800. Tax Parcel ED-05-057.00-01-05.01-000. Council District 4. *This application is associated with Comprehensive Signage Plan US-15-02 approved by the Planning Commission on September 21, 2015 with Final Plan approval on October 28, 2015.*

Representatives: Mr. Doug Liberman, Larson Engineering; Mr. Shawn Smith, Outback Steakhouse

Mr. Cook stated that this application US-16-03 Outback Steakhouse Restaurant Signage at Dover Town Center is for a Public Hearing and Action on Review of a Unified Comprehensive Signage Plan application that would amend an existing approved Signage Plan (US-15-02) to permit construction and implementation of signage for a pad site restaurant at Dover Town Center. The new signage would consist of five wall signs totaling 219.3 S.F. In the Staff Report, he gave a little bit of background. The existing property has a Unified Comprehensive Signage Plan. This is the Dover Town Center site that used to be known as Wal-Mart. The existing plan for the property when it was approved consisted of the signage only for the main large building as well as the free standing pylon signs. The pylon signs are the large ones. One is located north of the site as you come down Route 13 south and there is another located at the intersection of Route 13 and KW Boulevard. Those signs were previously approved and when that plan was approved the Site Plan for the restaurant and a smaller multi-tenant building was not completed yet. At the time, the applicant opted not to include those buildings in the Unified Comprehensive Signage Plan for the center. The restaurant and the small multi-tenant new building to the rear will be subject to the regular provisions of the *Sign Ordinance*. The regular provisions of the *Sign Ordinance* for the restaurant would allow four (4) wall signs. Two (2) of them would be sized for what is called the Urban Principal Arterial. They would also be allowed two (2) more signs because it would be considered a corner lot so they would have two (2) street frontages. They would also be allowed two (2) more wall signs for the frontage of KW Boulevard which they consider an Urban Local Collector. The sizes would vary for an Urban Local Collector. It could be up to a maximum of thirty-two (32) SF each and for the two (2) signs allotted for the Urban Principal Arterial, the maximum is 15% of the wall area. The standard regulations of *Zoning Ordinance* would allow you to place them on any wall so it doesn't really matter what street it faces. It gives you a count and then the applicant can place them anywhere.

The applicant's proposal for this building is five (5) signs total. They want three (3) at a size of 66.9 SF. The display shows that there is a sign that says "Outback" and another which says "Steakhouse". Where it faces DuPont Highway, he believes that one sign says "Outback" and another says "Take Away." On the front elevation which is going to be facing the parking lot to the shopping center, there is one sign at the 66.9 SF limit. Table 3 in the Report gives a comparison of the proposal against what would be allow under normal Code.

A Unified Comprehensive Sign Plan would be for campuses that have multiple buildings on them or in certain situations there is a minimum street frontage which permits an applicant to apply for a

Unified Comprehensive Sign Plan. The design guidelines for this plan should be in harmony with the overall architectural scheme and it should comply with the design guidelines for a Unified Comprehensive Signage Plan; it should be harmony, character and unity of signs.

In terms of the Planning Commission's consideration of a Unified Comprehensive Signage Plan, they will want to look at the criteria from the *Zoning Ordinance*. Planning Commission duties are listed on Page 5 of the Report. They should look at if the size and complexity of the campus warrant it, if the number of entrances and the placement of signage warrant the additional signage and if the proposed signage is adequate to direct traffic safely and guide the public to the use. They should also look at if there is an adverse impact in regards to visibility of adjacent signs and if the proposed signs are of style and color that complement the site. One of the criteria of the Unified Comprehensive Sign Plan is that it does allow for additional signage than what would be allowed under the terms of the standard sign ordinance.

Staff's recommendation was to approve; they found that it was generally in harmony with the rest of the site and what you would expect to see on a property such as this. Also in the rundown that they gave in the packet where they did the comparison, Table 3 Page 7, Staff gave the percentages of the wall area of the proposed signage relative to what they could have. They found overall that the signage was not excessive and that the signage was appropriate.

Mr. Liberman stated that he was with Mr. Shawn Smith from Site Enhancement Solution. He was the one who prepared the signage package; he does a number of these sites for Outback Steakhouse throughout the country. He can help with any technical questions on the site signs or the entire package. They are in agreement with Staff; Staff is supporting the signs that they are requesting on the site. As far as Table 3 goes, he thinks the percentage of the sign wall area is significantly under the 15% maximum for all the signs on the site so he thinks it's a very tasteful signage package that has been presented for the Outback Steakhouse.

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

Mr. Holden moved to approve to US-16-03 Outback Steakhouse Restaurant Signage at Dover Town Center and updates including Staff comments as presented, seconded by Mr. Holt and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes; it looks like a good signage plan that is well under the maximum percentage and the additional signs are of no concern. He thinks it's fitting for the area. Mr. Roach voting yes. Mr. Holt voting yes; the sign package is not excessive and it will certainly show people the way to get a good steak. Mr. Baldwin voting yes; based on the Comprehensive Sign Plan that has been presented. Dr. Jones voting yes; it is in compliance with the requirements for signage as specified and based upon the review of Staff. Mrs. Welsh voting yes; the package is well within the limits for the size of the signage and it's very tastefully done. Ms. Maucher voting yes; it's not excessive and it improves the visibility of the restaurant which has an impact on the surrounding businesses. Mr. Tolbert voting yes; the signage is not distasteful and it's in compliance with the rules and regulations governing signs.

2) S-16-14 Lidl Grocery Store at North DuPont Highway and Kings Highway NE – Public Hearing and Action on Review of a Site Plan application to permit the construction of an approximately 36,185 S.F. retail grocery store and associated site improvements. The project

is to include a Parcel Consolidation Plan to re-subdivide the six parcels on site into three and abandon the unimproved right-of-way known as Midland Road. Construction would involve demolition of all existing buildings on site. The property consists of 6.95 acres (7.275 acres prior to right-of-way dedication) and is located on a site bounded by North DuPont Highway, Maple Parkway, and Kings Highway. The property is zoned C-4 (Highway Commercial Zone) and IO (Institutional and Office Zone) with all site improvements to occur in the C-4 zone. The owners of record are Davis H. Wood, Wells Fargo Bank NA, and Kings Highway Land Partners, LLC. The equitable owner is Lidl US Operations, LLC. Property Addresses: 122, 136, 140 and 162 North DuPont Highway and 321 Kings Highway NE. Tax Parcels: ED-05-068.18-01-20.00-000, ED-05-068.18-01-21.00-000, ED-05-068.18-01-22.00-000, ED-05-068.18-01-23.00-000, ED-05-068.18-01-24.00-000 and ED-05-068.18-01-25.00-000. Council District 2. *Waiver Requested: Partial Elimination of Sidewalks and Consideration of Area Subject to Tree Planting Requirement*

Representatives: Mr. Dave Kuklish, Bohler Engineering; Mr. Brent Wensel, Lidl Operations LLC

Mr. Diaz stated that this project is to construct a 36,000 S.F. grocery store. The chain is known as Lidl. The site is between North DuPont Highway and Kings Highway just to the north of the old Playtex Plant property and it's zoned C-4 (Highway Commercial) and IO (Institutional and Office). There are a couple of things that the developers are doing to prepare the site for the grocery store. The first is that they are proposing to re-subdivide the site. Right now, there are six (6) parcels on-site and they are proposing two (2). One would be the main grocery store parcel and the other would be a residual parcel to the west of the site. The residual area will take up the part of the site that is zoned IO (Institutional and Office Zone). The only part that is developed will be in the C-4 (Highway Commercial Zone). The second thing they are doing is recording easements for the benefit of the adjacent Wells Fargo property which is to the southeast. They don't have a Site Plan for proposed improvements on that property yet but there is a proposal for additional parking in that easement where the drive aisle leading out onto Maple Parkway is. If that parking is constructed, then it will follow the joint maximum parking regulations for the main grocery store parcel and the Wells Fargo parcel.

There is one waiver request for this property and that is to eliminate the sidewalk requirements along the portion of the property that would be in the IO (Institutional and Office Zone) along Kings Highway from the State Office Building to where they are going to add new sidewalk to the north on Kings Highway. Staff recommendation is for approval of that waiver.

They also have several design considerations for the site. First, the applicant is requesting that the tree planting requirements for the site be based just on the parcel that is to be developed and to exclude the acreage of the residual parcel. For those of you who are new to the Planning Commission, the tree density planting requirements of the site are based on the acreage so they would like to exclude the acreage of the part that is not going to be built upon. Staff would like that to be a point of discussion at this meeting. Second, Staff is recommending that the applicant consider removing the proposed fencing that would be along the northeast corner property line separating it from the existing Pay Day Loans property on the corner of Kings Highway and North DuPont Highway and also along the new property line that would separate the grocery store parcel from the residual parcel. Staff's recommendation would be that they consider changing out that fencing for some sort of landscape screening. Finally, Staff is recommending that the applicant add

some additional sidewalk on-site to improve internal pedestrian circulation as well as coordinate better with the outside sidewalk network. Kings Highway is one proposed route of the Senator Bikeway and they would like to see a clear path from where pedestrians and bicyclists would be using this bikeway to the entrances to the site and bicycle facilities on the site. They would at the very least like to see sidewalk along the entrance driveway that leads to Maple Parkway.

Mrs. Melson-Williams stated that she wanted to make sure that it's in the record that the Development Advisory Committee Report also includes comments from other agencies including the City's Public Works Department and Electric and the Fire Marshal's Office. There are comments from DelDOT as this project is in the middle of a Traffic Impact Study. There are also comments from the Kent Conservation District related to stormwater management planning and also comments from the Dover/Kent County MPO.

Mr. Holt stated that's one of his questions. The traffic in that area is very congested now and he thinks that it's really important that they look at the TIS with DelDOT or at least he hopes that they can come up with a plan that would eliminate some of the traffic problems in that area. Responding to Mr. Holt, Mr. Diaz stated that they are still waiting on the results of the Traffic Impact Study. If it comes to the Planning Office, they could see that it has substantially changed the location of the entrances to the site; right now there is one proposed off of Kings Highway, one off of North DuPont Highway and one proposed off of Maple Parkway. If the location of those are changed or the numbers change, then that would be a substantial enough revision to the Site Plan that it would come back before the Planning Commission for a second hearing.

Mr. Kuklish stated that they are acceptable with the removal of the fence behind the proposed store and its replacement with additional landscaping. They are also acceptable with Staff's recommendation for the extension of sidewalk from the store down to Maple Parkway. As mentioned, the TIS is in review with DelDOT; the City had input on the scoping of that. They counted and studied nearly a dozen intersections within the vicinity of the site and that's under review with DelDOT. They know as required that they need to meet those requirements.

Mr. Holden stated that he is not sure if Staff articulated it this way or if they are addressing if Staff did but the sidewalk along the residual parcel of Kings Highway, is there a stance of adding that to the plan? His understanding is that currently they are not showing it. Responding to Mr. Holden, Mr. Kuklish stated that they currently have a waiver request to not have sidewalk along the IO (Institutional and Office Zone) portion of the site.

Mr. Holden questioned if they are seeking that waiver? Responding to Mr. Holden, Mr. Kuklish stated yes, because if and when that parcel gets developed as required they will have to installed sidewalk. In their initial meetings and discussions with DelDOT, they are acceptable with not showing that sidewalk and proposing that sidewalk at this time.

Mr. Tolbert opened a public hearing.

Mr. Jim Burdran – Dover DE

Mr. Burdran stated that he lives right across the street. He is delighted to see something happening with this property after so many years of deteriorating blacktop and rusty fence. He is concerned about a barrier between the back of the property to his house. Is the entrance in front of Dunkin

Donuts and the exit near the bank on Maple Parkway? He is delighted to hear that this is happening. Responding to Mr. Burdran, Mr. Kuklish stated that there is an entrance on Kings Highway and a proposed entrance on Maple Parkway within the existing Wells Fargo entrance. All of these existing curb cuts (on Route 13) are going to be consolidated into one curb cut. Obviously that is a big safety upgrade.

Mr. Burdran questioned if there was going to be two separated entrances and exits or will they be in the same location? Responding to Mr. Burdran, Mr. Kuklish showed where the right in/right out would be located (on Route 13). He also showed on the display where there would be a full movement entrances and exits.

Mr. Burdran stated that the only other question that he had was regarding retention plan. As he understood from looking at the plot plan briefly is that there is one by Maple Parkway. Is there any consideration for one on or near the IO property that they are not going to address right now? Responding to Mr. Burdran, Mr. Kuklish stated that all of it currently drains to the back. As required, they have to reduce post development runoff. They are required to capture everything within their parcel according to DNREC regulations. The resulting runoff to the existing portion which is significantly less than what is currently going there. This area is impervious which is also going to further reduce the runoff.

Mr. Burdran stated that they are going to re-route it so that the water will come over towards Maple Parkway and be cleaned there before it runs off as clean water. Responding to Mr. Burdran, Mr. Kuklish stated that was correct. They have met with Kent Conservation District and reviewed that approach with them.

Mr. Stephen Jones – 290 Kings Highway NE Dover DE 19901

Mr. Jones stated that they are happy to see that a grocery store is going to be right across the street from them. That makes it really nice. One question that they have is regarding the sidewalk, especially in the non-developed area. The bus stop for DART is right at the entrance to the Probation and Parole and there is no shoulder on that road. It's not a safe area to be walking down. There is no cross over for pedestrians until you get down to Route 13. Without having a sidewalk there, people could get hurt. About a month ago, a car came around the corner just pass the Silver Lake entrance and ran up on the curb sidewalk. The speed limit is 25 MPH. There is no police patrol and there is excessive speeding down that road. Police officers, fire apparatuses speed down that road. It's already a safety concern as it is now and now they are going to add a grocery store into that mix. He understands that DelDOT is doing a Traffic Impact Study. Right now at peak hours during rush hour, the traffic can back up all the way to the entrance of Probation and Parole from the Route 13 near the Dunkin Donuts. That is going to cause concern with a new entrance going into a shopping center where it's already hard enough to get into that intersection and out of the Dunkin Donuts intersection. He is just trying to figure out what can be done with that and of course the Traffic Impact Study will help to figure out where it's going to go. Right now, it's just an unsafe area especially for pedestrians to be walking down with no sidewalk.

There are a couple of businesses in Dover that the police have decided to close in the after midnight hours to make sure there is no loitering as well as rubbish and trash. At the current Edgehill Shopping Center, if you go behind that building the trash is insane. The dumpsters behind that building are not policed well and they are not emptied well. If you go to the Target shopping center,

the retention ponds are filled with trash. He has a concern with living at the back of this proposed store. Will he be picking up trash out of his yard? He already picks up trash now when people walk from Dunkin Donuts and throw their trash in his yard. Everyone is going to get that no matter what street they live on but with an added grocery store there could be more rubbish in his yard.

Mr. Ken Richter – Luther Towers 430 Kings Highway NE Dover DE 19901

Mr. Richter stated that he is here as a member of the Board of Directors for Luther Towers. This facility is certainly a welcomed project in the area. As the owners of the property across the street that houses a lot of old people, they are going to be tickled to death to be able to get their groceries and meet that need. At the present time, they bus them around town and this is going to be a real blessing for them. The concern that he has is that there would be an ingress and egress on Kings Highway close to the entrance to Dunkin Donuts. There is already an issue with the entrance into Dunkin Donuts at that location. Responding to Mr. Richter, Mrs. Townshend stated that proposed entrance is off set about fifty (50) feet.

Mr. Richter stated that traffic backs up going onto Route 13 on Kings Highway a lot at the present time and for someone coming off the highway and trying to get into this parcel by having to cross the exiting traffic is going to cause a lot of congestion. He really doesn't think that's a good access to the property. He is concerned also about the sidewalk situation because they are going to have a lot of pedestrians walking across the street and going into this property. He thinks that sidewalks are very important. He knows that DelDOT was considering some changes to the property adjacent to them where the car wash is now and one of the issues that came up there was having access in and out of the car wash there by Dunkin Donuts which they still have. He is really quite surprised that DelDOT would permit that. He is not sure if that's been addressed or not. Responding to Mr. Richter, Mr. Diaz stated that it has not been addressed yet. It will be subject to the Traffic Impact Study and that may result in the movement of that particular entrance.

Mr. Richter stated that the DART bus route goes into Luther Towers just at the entrance of Luther Towers and then back out on Lakeview Drive. He is just concerned that this will cause a lot of congestion in that area. Other than that he thinks it's a wonderful idea and is looking forward to having a store close by.

Mr. Paul Brooks – 302 Kings Highway NE Dover DE 19901

Mr. Brooks stated that he wanted to voice support for this project. He thinks whether or not there is a sidewalk on the other side because there are currently sidewalks all along Kings Highway on the house side and if there was at least one designated crossover, he thinks that would address possibly eliminated the need for the other sidewalk because it's already there on the housing side. It would be nice to have something versus a bunch of deteriorating properties in front.

Mr. Tolbert closed the public hearing.

Mr. Holden questioned if DelDOT was in favor of not requiring the sidewalk along Kings Highway? Are they asking for fee in lieu monies? Would that be done here or an easement currently along that parcel? Responding to Mr. Holden, Mr. Kuklish stated that it's part of the TIS. They are looking at pedestrian circulation and two questionable cross walks and how pedestrians make it to the site.

Mr. Holden stated that he saw the letter from Mr. Brockenbrough. Have they gotten any comments back form them or any expectation on the timing there? Responding to Mr. Holden, Mr. Kuklish stated that they have not received a response.

Mr. Holden stated that he has been remiss here in this parcel overall in the past that they have offered or allowed sidewalk waivers. He is curious about Staff comments because they thought that they might be unpractical at this location. They have heard some comments from the residents about concern over the bus stop and having people who get off the bus get somewhere. He knows that's an issue and he knows there are a number of people that visit the State office and are left to walk or get themselves elsewhere without a vehicle. He thinks that they should strongly consider the sidewalk along Kings Highway. Relative to the trees, the trees are an issue that Staff has authority to offer some leeway. Responding to Mr. Holden, Mrs. Townshend stated that they would only be subject to the tree planting for the development portion and then that residual area would subject to tree planting when it comes through.

Mr. Holden questioned if that was something that the Planning Commission was tasked to act on or is that something that Staff handles? Responding to Mr. Holden, Mrs. Townshend stated that she thought that was something that Staff was able to delineate.

Mrs. Melson-Williams stated in this case, the Planning Commission should probably recognize it; it's not a formal waiver in the Code as it's setup. The Commission has in the past with projects that designate a specific area to exclude pending the future development of that area to have it be subject to the tree planting at the time of that future development rather than with the immediate project. It should be recognized by the Planning Commission as part of any motion.

Mr. Holden stated that he thinks the removal of the residual parcel in terms of the tree count makes sense and it makes sense because you don't know how that site might develop in the future. If you could plant trees throughout the bulk of that site, there's a great likelihood that they would have to come out to reflect a parking lot layout or other. He would personally like to see the sidewalk go in on Kings Highway with street trees along it and not necessarily needing to meet the overall project area or site area tree requirement, but for that corridor it would be a very nice component that adds value to the residual parcel.

Dr. Jones questioned if the Traffic Impact Study has already begun? Responding to Dr. Jones, Mrs. Townshend stated that the way it works is that the applicant has their engineer do the Traffic Impact Study and then it gets submitted to DelDOT for review. At this point, it is submitted to DelDOT for review.

Mr. Kuklish stated that they agreed upon the scope of where they were going to do the study and what intersections need to be counted. They counted those intersections and submitted that count information to DelDOT for review. That process takes months to complete.

Dr. Jones questioned if there have been conversations with businesses in that immediate area like Dunkin Donuts or Luther Towers for any feedback other than what they have gotten tonight? Responding to Dr. Jones, Mr. Kuklish stated no they have not spoken with any businesses.

Dr. Jones stated that this area is very congested and it's congested an awful lot. You go in to get a cup of coffee and you might not get out for a while. Also, there is the idea of the safety issue for the pedestrians; Dover is quickly becoming a walking community. She has a real concern about the pedestrians and the sidewalks.

Ms. Maucher stated that she saw the MPO was recommending a bus stop inside the property. Is that something that the applicants will consider so that they are not impeding traffic since there is no sidewalks? Responding to Ms. Maucher, Mr. Kuklish stated that they are reviewing that now.

Ms. Maucher stated that she thinks that's important. Also, there's an entrance to the City park in that vicinity as well so she thinks pedestrians need a central crosswalk.

Mr. Roach questioned if there would be any way possible to be able to have a crosswalk near the State office building along the side where the trees are? That may help some of the traffic as far as the pedestrian aspect. Responding to Mr. Roach, Mrs. Townshend stated that she tends to be very adamantly opposed to sidewalk waivers because she is very much in favor of a walkable community but there's a lot that's going on here. They have talked about the TIS and some mention was also made of the Senator Bikeway. DelDOT and the City and the MPO are working on plans for a multi-use path that will go across the City. It will be on low stress routes such as Fulton Street but then also have some off-road components on some of the major roads. This is one of the areas that they are really looking at. When you look at Lewis Mill Drive where park entrance is, her only concern with doing a sidewalk now is will it invite more people to cross before we have the traffic controls that go with crossing? She is wondering if it might be better to wait to see what the results of the Traffic Impact Study are and the Senator Bikeway plans so that they can best plan for the safe passage. The reality is that if you put the sidewalk all along there we may end up having people cross where we don't want them to cross so there is some benefit to the pedestrian facilities being planned together. She is not in favor of a sidewalk waiver but she also knows that they have dealt with areas where people are making unsafe crossings and sometimes the sidewalk encourages that.

Mr. Holden stated that currently we have an issue where the people who visit the State office building or people who get off at the bus stop don't have a route. It would be his motion to install the sidewalk unless DelDOT came up with a plan to resolve pedestrian access from the State building and from the bus stop. He would like to resolve the issue that they have now but allow for a financially reasonable path if DelDOT comes up with a better plan. He thinks better than what they have now is sidewalk along both sides of Kings Highway. How can we add it if Planning Commission felt that way as a whole, how would we adequately convey that but allow the builder a better financial path and not require the sidewalk if DelDOT came up with a better plan that resolved those issues? Responding to Mr. Holden, Mrs. Townshend stated that you could refuse the sidewalk waiver with the caveat that if something additional comes up during the Traffic Impact Study or the Senator Bikeway Study then we would then bring it back to the Planning Commission to reconsider the sidewalk waiver.

Mr. Holden moved to approve S-16-14 Lidl Grocery Store at North DuPont Highway and Kings Highway NE to include all Staff comments and denial of the elimination of sidewalk and adding the caveat that if DelDOT or the Senator Bikeway Plan comes back with a project that would remove the concerns that they have over the pedestrian's access to other pedestrian ways from the bus stop or from the State facility that the developer could return to remove the requirement for sidewalk

along the residual parcel. He would like to petition Staff to consider requiring street trees along that sidewalk; not to satisfy the overall site tree count but to provide an aesthetically pleasing element and value to both the parcel and the residents, seconded by Mr. Holt and the motion was carried 7-1 by roll call vote. Mr. Holden voting yes, for the reasons stated. Mr. Roach voting yes; considering the fact that they are still keeping account of the Traffic Impact Study and also the concerns for traffic by the Dunkin Donuts. Mr. Holt voting yes; for the same concerns about the traffic and waiting for the TIS. Mr. Baldwin voting yes, for all of the reasons previously stated. Dr. Jones voting no; she would rather have benefit of the Traffic Impact Study regarding congestion. Mrs. Welsh voting yes, for the reasons previously stated. Mrs. Maucher voting yes, for the reasons previously stated. Mr. Tolbert voting yes; particularly because of the recommendation Mr. Holden gave regarding this application.

3) MI-16-06 Abandonment of Topaz Circle Stub Street at Emerald Pointe – Public Hearing and Review for Recommendation to City Council of a proposal to abandon the stub street connecting Topaz Circle and planned street Senior Way. The abandonment would result in the Emerald Pointe subdivision having only one connection onto a major road, McKee Road and would eliminate the interconnection to The Arbors via the planned street of Senior Way and to College Road. This matter was referred by the Safety Advisory and Transportation Committee of City Council to the Development Advisory Committee and Planning Commission for a recommendation. Council District 1. *Emerald Pointe Subdivision (SB-02-01) was approved by the Planning Commission in 2002 with Final Plan approvals in 2003-2004 and has since been developed. Application S-16-07 The Arbors Senior Garden Apartments was conditionally approved by the Planning Commission on March 21, 2016. This Abandonment proposal is as a result of its referral for review from the City Council on June 27, 2016.*

Representatives: None

Mrs. Townshend stated that following the Commission's approval of The Arbors on March 21, 2016, members of City Council heard from a number of constituents particularly in Emerald Pointe about concerns with the interconnection of Topaz Circle and Senior Way. The topic of interconnection was brought to the Safety Advisory and Transportation Committee for discussion on April 26, 2016. At this meeting, Staff provided a history of The Arbors and the interconnection between Emerald Pointe and The Arbors. Ultimately, following that discussion and the Minutes are in the packet the Committee approved a motion that asked that the process for abandonment of the stub street at Topaz Circle be considered. On June 27, 2016 at the City Council meeting, Council took action to waive portions of the process for street abandonment and refer the proposal for abandonment of the Topaz Circle stub street to the Planning Commission for public hearing this evening. The display on the screen is showing where the interconnection is between Senior Way in The Arbors and Topaz Circle stub street. This was referred to the Development Advisory Committee in preparation for the Planning Commission. The Planning Commission's role is to make a recommendation to the Council Committee of the Whole Utility Committee who will then consider the matter on August 9, 2016. They will then report out to City Council.

The recommendation of the Planning Staff as well the other departments on the Development Advisory Committee, in particular the Department of Public Works, the Fire Marshal's Office, DelDOT and the Dover/Kent County MPO was not to recommend in favor of the abandonment of

the stub street. The *Land Subdivision Regulations* provide language on the requirement for interconnection for subdivisions that contain twenty (20) or more lots or site developments that contain one hundred fifty (150) or more dwelling units. The Emerald Pointe Subdivision Plan was approved in 2002 by the Planning Commission and included two points on interconnection. One connecting to what is now The Arbors and then one connecting to another piece of property to the west that is not very easily developable. This is the major way that they can connect to another roadway. The cross access between The Arbors has been in place during all previous iterations of review of The Arbors and Senior Way was actually recorded in June 2009. We have seen throughout the City many cases where we have not in the past done interconnection and it creates challenges for both daily travel; there is one way in and one way out. It also is not ideal for emergency access. The idea is that once this interconnection is built there will be multiple accesses to public roads. Not having those accesses could increase response times in cases of emergency and it also is less than ideal for traffic flow. There are a number of developments on the west side of town for example the neighborhood across from Dover High, where you have one way in and one way out. If your children are friends with someone in the neighboring development you have to go out onto Route 8 to turn back into the development. It's inefficient and puts more traffic out on the roads and provides fewer alternatives for travel.

The comments from the Planning Office as well as the other departments are located in the packet. A public hearing is required this evening. The minutes of when this was discussed at the Safety Advisory and Transportation Committee are also included in the packet. At that point, there were a number of members of the public who shared concerns.

Ms. Maucher stated that as a member of the Legislative Finance Committee, previously she was present during that public hearing at the Safety Advisory and Transportation Committee meeting.

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

Mr. Holden questioned if this request initiated by Council needs to be a recommendation, approval or denial by the Planning Commission? Responding to Mr. Holden, Mrs. Townshend stated that the Commission would make a recommendation.

Mr. Holden stated that he thinks Mr. Koenig stated that the City has been moving in the path of having interconnected neighborhoods for decades and that they bring pros and cons but that they have decided as a City that the pros outweigh the cons. When you have over one hundred (100) homes and only one way a traffic accident or something else could block access. The main driver to go cut through this neighborhood to him doesn't seem to be there. He doesn't think it makes an easier path if traffic is busy on either one of the roads. That cut through traffic can be addressed. He thinks that there is great reason to have interconnection. It's tough when it happens after the fact because people are used to the reality of what they see today expecting that it's always going to look like that. He thinks there is a really strong basis to keep the interconnection and he is supportive of it.

Ms. Maucher questioned if the connection to the other property would be a straight cut through from Emerald Pointe to the next road or are there going to be turns that you have to make to get to

the other entrance? Responding to Ms. Maucher, Mrs. Townshend stated that the Exhibit shows that Senior Way curves so it's not a straight road but there are not intersections.

Ms. Maucher stated that having been present for the larger public comment, she does appreciate that there are concerns about people cutting through the development to get from one main roadway to another to avoid traffic. Is there anything else that can be done? She knows that for Independence Boulevard she was present for a discussion regarding bump outs and things like that to slow down the traffic. Responding to Ms. Maucher, Mrs. Townshend stated that there could be traffic calming measures that could be put in place but typically the traffic calming comes into effect when you have more of a straightaway. With Independence Boulevard, part of the challenge is that you have a straight road that goes right through that neighborhood. Here this is somewhat of a circuitous route if you were going to try to cut through it. It's not really going to save you much. It certainly could be something that if problems were to arise that there could be traffic calming measures but she thinks that just by virtue of design they wouldn't anticipate those types of problems.

Mr. Holden moved to recommend denial to City Council for MI-16-06 Abandonment of Topaz Circle Stub Street at Emerald Pointe and following the recommendations of the Department of Public Works, the Fire Marshal's Office, DelDOT, Dover/Kent County MPO and Planning Staff, seconded by Dr. Jones and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes, for the reasons stated. Mr. Roach voting yes, for the reasons stated and due to the fact that emergency vehicles need different ways to enter and exit. Having one way in and out is a lot more dangerous than having people who just want to kill time and pass through the neighborhood. But to have access for someone in need is more important than trying to make it to work on time. Mr. Holt voting yes, for the reasons previously stated. Mr. Baldwin voting yes, for the reasons previously stated. Dr. Jones voting yes; based upon the recommendations of Staff and others who have involvement. Mrs. Welsh voting yes, for the reasons previously stated in regard to the safety issues. Ms. Maucher voting yes, for public safety reasons. Mr. Tolbert voting yes, for all of the reasons stated and it seems to be in the best interest for the City of Dover.

4) MI-16-10 Text Amendments: Manufactured Homes – Public Hearing and Review for Recommendation to City Council of Text Amendments to the *Zoning Ordinance* and the *Dover Code of Ordinances*, principally *Zoning Ordinance* Article 3, Section 8 – Mobile Home Park Zone (MHP) and *Dover Code of Ordinances*, Chapter 66 – Manufactured Homes and Trailers. Article 3, Section 8 is proposed to be renamed "Manufactured Housing Zone (MH)" and Chapter 66 is proposed to be renamed "Manufactured Homes, Mobile Homes, and Land Lease Communities." The purpose of the text amendment is to update standards and terminology throughout the Dover Code as they relate to manufactured homes, and to implement standards for management and maintenance of land lease communities. Ordinance #2016-16. *Public Hearing before the Planning Commission is scheduled for July 18, 2016, and Final Reading/Public Hearing is scheduled before City Council for August 8, 2016.*
   A. A copy of the Proposed Ordinance #2016-16 is available on the City's website www.cityofdover.com under the Government Heading: Ordinances, Resolutions & Tributes

Representatives: None

Mrs. Townshend stated that this is a series of text amendments, some to the *Zoning Ordinance* but also to other sections of the Code that are part of a comprehensive review of the Code of Ordinances as it relates to manufactured housing. Commissioners may recall that Staff brought a piece of this forward back in December 2015 with some definitions for "manufactured home" and "dwelling, one family". This is kind of a second piece of that. This started when there was a Building Permit issued for the construction of a manufactured home within the One Family Residence Zone. After receiving feedback from several residents and several members of City Council, Staff brought forward a plan for changing the Code that included the immediate change of some definitions and then a thorough review to bring all of the terminology and requirements up-to-date. There are a number of things that are completed in this Ordinance. In looking at Page 3 of the DAC Report, the key components being the update of the related terminology, taking out mobile home when the intent is manufactured home because definitionally they are different, updating the definitions, defining and establishing regulations for land-lease communities, limiting placements of recreational vehicles in the Floodplain; and the licensing, taxation and placement provisions in Chapter 66 which is really the licensing of manufactured homes. There were some places where manufactured homes, mobile homes and recreational vehicles were even used interchangeably so Staff kind of broke that out. They are looking to rename the MHP (Mobile Home Park Zone) to the Manufactured Housing Zone. It would update the Land Use Compatibility Table in the AEOZ (Airport Environs Overlay Zone). It would also add definitions for condominium, land-lease community, mobile home, and modular home. Modular homes are stick built off-site and assembled on-site and a lot of people use that terminology interchangeably with mobile homes and manufactured homes and they are different. It also establishes a Business License and associated fees for a Land-Lease Operator. It really is a very thorough review of anything in the Code that touches manufactured housing or mobile homes to bring the terminology up-to-date. One of the effects of this is that it would phase out mobile homes. Mobile homes being those that are pre-1976 that are not built to the current HUD specifications. They have fewer safety standards so obviously they would want to phase them out.

There were a couple of agency DAC comments. One from the Electric Department to add a requirement that land-lease community owners and occupants of manufactured homes coordinate with the City Customer Service regarding electric services and to clarify the approving authority in regards to NFPA Publication 501A from the Fire Marshal's Office. She thinks that Staff can come up with simple fixes to take forward to the City Council as amendments for the Final Reading.

Mr. Holden questioned what drove the changes to the placement of recreational vehicles in the Special Flood Hazard Zone? Responding to Mr. Holden, Mr. Diaz stated that the original text of the *Dover Code of Ordinances* stated that if a recreational vehicle was to be situated in a Special Flood Hazard Area it would have to be upgraded to the standards of a manufactured home but unfortunately that wasn't really something that physically can be done because a recreational vehicle is a vehicle. A manufactured home may be transportable but it's really supposed to be a building. There isn't really a way to do that sort of retrofitting.

Mrs. Townshend stated that if you look at the Ordinance lines 26-31, it says that recreational vehicles in Special Flood Hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than one hundred eighty (180) days. The idea is on the next one where they are prohibiting them is that there are not fully licensed and ready for highway use or being

used as living quarters for longer than one hundred eighty (180) days. Other sections of the Code would prohibit people from using recreational vehicles as living quarters.

Mr. Holden questioned if a mobile RV would fit this definition? Responding to Mr. Holden, Mrs. Townshend stated yes.

Mr. Holden further questioned that if you are fully licensed and ready for highway use, does that mean that you have to park it in a different spot for half the year? Responding to Mr. Holden, Mrs. Townshend stated that for the Floodplain Regulations that the City has adopted what FEMA and DNREC have put forward as model ordinances. The ability to deviate too much from them could put the City out of compliance with the National Flood Insurance Program. The way that it reads currently without the revision is that if it's not for highway use or if it's going to be there for more than one hundred eighty (180) days then it would need to be flood proofed or it would need to be above base flood elevation. If there's a house where they store a recreational vehicle that's in the driveway and it comes and goes as they travel, she does not believe that they would look at it under this. The way that the model ordinance for the Floodplain is developed kind of makes it look like people will be living in them.

Mr. Holt stated that it looks like Staff has covered a lot of ground with this. Responding to Mr. Holt, Mrs. Townshend stated that she wants to make sure that Mr. Diaz gets all of the credit. He really did a lot of work to put this together and did just a comprehensive sweep of the Code.

Mr. Holt stated that Mr. Diaz did a good job; it's very inclusive and covers a lot of ground.

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

Mrs. Welsh moved to recommend approval to City Council for MI-16-10 Text Amendments: Manufactured Homes, seconded by Ms. Maucher and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes; it seems to be a well thought out update to our current regulations. Mr. Roach voting yes; it looks like a lot of work was done and it makes it a lot easier. Mr. Holt voting yes; a lot of work went into this and he thinks that it's going to be a big improvement for the City of Dover. Mr. Baldwin voting yes, for the reasons previously stated. Dr. Jones voting yes, for all of the aforementioned reasons. Mrs. Welsh voting yes; the text amendments are well thought out and very extensive. Ms. Maucher voting yes; she is a strong proponent of going through regulations to make sure they are consistent, clean and understandable. Mr. Tolbert voting yes; this amendment is very sorely needed and he is glad to see that the job has been done to bring it together.

NEW BUSINESS

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

Nominations for Chairman were opened to the floor.

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

Mr. Baldwin moved that the nomination for Chairman be closed on the said name, seconded by Mr. Holt. Mr. Tolbert will serve as Chairman.

Nominations for Vice-Chairman were opened to the floor.

Dr. Jones nominated Mr. Holden to serve as the Vice-Chairman, seconded by Mr. Roach.

Mr. Roach moved that the nomination for Vice-Chairman be closed on the said name, seconded by Mr. Holt. 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 the current two (2) Planning Commission members are Mrs. Kathy Welsh and Mr. Dean Holden. In addition, there is Ms. Sarah Kiefer, Director of Planning Services for Kent County and Dr. R. G. Chandler, Director of Architecture at Del-Tech Community College as the outside design professionals. The Mayor has an opportunity to either sit himself on the Committee or his own designee and then there is also the opportunity to appoint alternates to the design professionals.

Mr. Holt moved to continue with the existing members of the Committee, seconded by Ms. Maucher. Mrs. Welsh and Mr. Holden will serve as the Planning Commission members of the Architectural Review Oversight Subcommittee.

Meeting adjourned at 8:34 PM.

Sincerely,

Kristen Mullaney
Secretary

City of Dover

SUMMARY of ADMINISTRATIVE SITE PLAN REVIEW

S-16-16 Eden Hill Farm Traditional Neighborhood Design:
Professional Office, Medical and Financial District
Phase 2, Eden Hill Skilled Nursing Facility - Building 4

Project:	Eden Hill Farm – Traditional Neighborhood Design
Associated Plans:	Eden Hill Farm TND, Z-05-03 Professional Office, Medical and Financial District, S-06-26 Phase 1, S-06-42
Plan Type:	Traditional Neighborhood Design Administrative Site Plan
Phase 2 Location:	Located on south of West North Street on the west side of Banning Street adjacent to State owned allee area
Tax Parcel:	ED-05-076.00-01-13.02-000
Applicants/Owners:	Eden Hill Medical Center, LLC
Area of TND:	272.04 acres +/-
Area of POM&F District:	25.47 acres +/-
Area of Disturbance for Phase 2:	2.67 acres +/-
Zoning:	TND (Traditional Neighborhood Design Zone)

This is a Summary of Administrative Site Plan submission for the *Eden Hill Farm Traditional Neighborhood Design: Professional Office, Medical and Financial District*. This is the next step of the process for each project phase of a Traditional Neighborhood Design (TND) project following approval of an Implementation Plan. The Implementation Plan for the *Professional Office, Medical and Financial Distric*t of the Eden Hill Farm TND was reviewed as application S-06-26 with the Planning Commission granting conditional approval on August 22, 2006 and Final Plan approved granted on October 2, 2007. Approval of the Administrative Site Plan (S-06-42) for Phase 1 of the project was a component of the October 2, 2007 approval. The Administrative Site Plan review is intended to ensure compliance of each phase with the overall Implementation Plan. This process is described in the *Zoning Ordinance*, Article 3 §28.43.

DISTRICT SUMMARY

The *Professional Office, Medical and Financial District* is a component of the Traditional Neighborhood Design project known as Eden Hill Farm. The Implementation Plan for the District consists of buildings, parking areas, open space areas, and the street layout. The *Professional Office, Medical, and Financial District* includes of a series of nine buildings and associated site improvements. See Site Plan Sheet SP-1 from Application S-06-42 and Pattern Book Pages 5-6.

The *District* has a main street known as Banning Street, sidewalks, pedestrian network, parking options, and landscaping. This *Professional District* area is connected to the existing road network via the North Street intersection with Banning Street and via a roundabout from North Street known as the Garrett House Circle.

The Phasing Plan for the *Professional Office, Medical, and Financial District* depicted a series of phases. Phase 1 of the project consisting of two buildings (Buildings 1 and 2) with a central connection building element was constructed in 2007-2008; known as Eden Hill Medical Center. A previous Administrative Site Plan was submitted for Phase 2 as application S-08-33 for a medical office building; however, it was not constructed and the current submission S-16-16 will supersede that plan.

ADMINISTRATIVE SITE PLAN REVIEW:

For this project, the Administrative Site Plan application submission is S-16-16 Eden Hill Farm Traditional Neighborhood Design: Professional Office, Medical and Financial District - Administrative Site Plan Review of Phase 2: Eden Hill Skilled Nursing Facility (Building 4). See Plan Sheet C 1.2 Overall Construction Plan Site Plan. Phase 2 focuses on Building 4 as a three story 65,000 SF building to serve as a Skilled Nursing Facility and along with the improvements to the Charles Ridgely Green area.

The Administrative Site Plan for Phase 2 has been reviewed by Planning Staff for compliance with the Implementation Plan for the *Professional Office, Medical and Financial District* and reviewed for compliance with the approved Comprehensive Design Standards Manual (Pattern Book) as approved in October 2007 for the *District*. This document is entitled Eden Hill Farm *Professional Office, Medical, and Financial District* Pattern Book 5th Edition dated August 6, 2007. See the excerpt regarding this review process from the *Zoning Ordinance,* Article 3 §28.43 given below.

> Article 3 §28. Traditional Neighborhood Design
> 28.43 Following implementation plan approval, the city planner shall perform an administrative review of subsequent site development plans or subdivision Plans for compliance with the approved implementation plan in accordance with the following:
>
> 28.431 *Site development plan:* The application for neighborhood commercial districts, professional office districts, condominium complexes, and apartment buildings shall adhere to the site development plan submission materials identified in article 10, section 2 of the zoning ordinance.
>
> 28.432 *Subdivision plat:* The application for subdivision of residential parcels shall adhere to the City of Dover land subdivision regulations submission requirements and the approved implementation plan shall be considered as the approved preliminary plan required in the subdivision regulations.
>
> 28.433 *Implementation plan amendments:* The city planner will entertain only minor, clarifying amendments to the plans or the Comprehensive Development Standards Manual in considering the Site Development Plan or Subdivision Plat for final approval. Minor amendments may include, but are not limited to, the addition of a material for buildings or landscaping, adjustments to the specific street or alley placement of less than 50 feet, or change in location of structures in an active recreation space. Any major amendments, as determined by the city planner, will be required to be approved by the Planning Commission.

Planning Staff Review

The Planning Staff completed a review of the Phase 2, Eden Hill Skilled Nursing Facility (Building 4) Administrative Site Plan and has issued review comments to the applicant (Via letter of August 4, 2016). Other participating departments and agencies of the Development Advisory Committee have also issued comments on the project. In reviewing Administrative Site Plan in the TND process, Staff can approve minor and clarifying amendments to the plans or Pattern Book. The following chart summarizes the minor amendments observed for Phase 2.

S-16-16 Eden Hill Farm Traditional Neighborhood Design: Professional Office, Medical & Financial District – Phase 2, Eden Hill Skilled Nursing Facility (Building 4)

Revision Topic	**Proposal**	**Staff Review Comments**
Change of Phase Order	Phase 2 to consist of Building 4 and the improvements to a portion of the Charles Ridgely Green area. This is a change from the original phasing plan where Phase 2 consisted of Building 3.	Phase 2 may consist of Building 4; Phase 3 will then consist of Building 3. Area remains adjacent to currently developed areas of the District.
Building Size	Building 4 is proposed as a three story building of 65,000 S.F. This is a revision to the original proposal (S-06-26/S-06-42) for Building 4 as a three story building of 35,500 S.F.	While the number of stories remains at three, the floor area of the building has increased in size. This is related to the proposed facility use. The use as a Skilled Nursing Facility is allowed in the TND: POMFD. The specific uses of each building were not identified in the Implementation Plan. The maximum floor area for the District is not exceeded and the maximum building footprint limitation is not exceeded.
Building Height	Conceptual color renderings (dated 7.1.2016) were submitted depict three of four building elevations for Building 4. The top of wall and parapets are shown at 45 feet and 49 feet with a flat roof system.	Staff will work with designer to clarify building height and associated wall parapet system. Building Height is limited to 40 feet and 3 stories. Other elements that screen roof top equipment or are unoccupied space may extend above the roof top to a total of 65 feet above grade. (PB page 11)

Building Footprint & Parking Lot Design	The Building 4 footprint (T-shape) and adjoining parking lot have been reconfigured as part of this change.	While the building has changed from a L-shape to a T-shape, the building is still placed along the Banning Street frontage and includes a corner element. The parking is behind the building in relationship to the public street.
Parking Calculation	The Administrative Site Plan proposes total of 95 parking spaces to be constructed with the ability to also access the existing parking facilities constructed for Phase 1 of the District. Parking for Phase 1 was built in excess of the requirement based on building square footage in that Phase. The applicant has submitted a letter outlining the type of staffing and visitation anticipated for the Skilled Nursing Facility which estimates 75-85 parking spaces would meet their needs.	The Implementation Plan S-06-26/S-06-42 identifies that the parking calculation for the POMF District to be one parking space per 250 S.F. floor area of building (it states as per Pattern Book but exact reference was not found). Based on Building #4 being 65,000 S.F., this would require 260 parking spaces. Under the provisions of the *Zoning Ordinance*, parking rate would be the rate for this type of facility (classified like a hospital) at one parking space per three beds. This project continues to build a portion of the parking lots conceptualized in the Implementation Plan. Due to the type of facility use, Staff finds that a parking calculation based on floor area to be excessive and there are opportunities for shared parking. A TND project is intended to be walkable and pedestrian friendly; this project includes sidewalks and multi-modal options as well. Staff accepts the proposed 95 parking spaces to satisfy the parking requirement for this building.
Entrance from Banning Street	The plan shows construction of a site entrance/exit from Banning Street to serve the proposed service entry drive on the south side of the building.	This service drive will segregate service/deliveries to Building 4 from the one-way entrance drive aisle loop serving as access to all the buildings on the west side of Banning Street. This site service

		entrance/exit route is similar in placement to North Greenberry Drive that was proposed as a public street within the adjacent State-owned allee property; North Greenberry Drive (unbuilt) was previously discussed for elimination from the TND Plan.
Community Walking Trail	The applicant has made a request to delay construction of the Community Walking Trail until Phase 6 of the POMF District. The Implementation Plan and approval of Phase 1 (Building 1 and 2) identified that the construction of the Community Walking Trail segment within the POMF District would be required prior to the Certificate of Occupancy for Phase 2: Building #4.	It is recommended that the Community Walking Trail construction not be required with this Phase due to the trail location versus Phase 2 project area and that the timing of construction such trail be evaluated with each Phase. Construction made be necessitated earlier than Phase 6 if other segments of this Community Trail network are constructed with other project areas of the TND.

With Phase 2, Planning Staff is also evaluating the impact of the development on existing traffic flow and movement in the *Professional Office, Medical and Financial District* and associated areas of the Eden Hill Farm TND. Staff will be working with the applicant and the appropriate agencies (City Department of Public Works and DelDOT) regarding the following items;

- On-Site Traffic Movement: Planning Staff recommends the establishment of a three way stop at the intersection of the south Phase 1 parking area, entry drive one-way loop and the crossway drive aisle (west end of Charles Ridgely Green). The owner should also consider changing the format of the head -in parking spaces just west of this intersection to parallel spaces for better visibility.

- Banning Street Intersection at North Street: The Planning Office is recommending the pursuit of a project to design and implement designated turn lanes for northbound traffic of Banning Street at its intersection with North Street. Additional coordination between the property owners, the City of Dover Planning office and Department of Public Works, and DelDOT regarding this transportation improvement will be necessary.

This Summary has been presented to the Planning Commission as an update on the progress of development of the *Eden Hill Farm: TND – Professional Office, Medical and Financial District*. The Planning Staff will recognize these Phase 2 revision items as minor amendments to the Implementation Plan as per *Zoning Ordinance* Article 3 §28.433.

City of Dover

DATA SHEET FOR RECREATION PLAN REVIEW
Approval of Cash Donation

PLANNING COMMISSION MEETING of August 15, 2016

Plan Title:	The Grande, Building 4: Planned Neighborhood Design – Senior Citizen Housing Option, C-15-04
Plan Type:	Active Recreation Area – Approval of Cash Donation (Cash-in-lieu of Recreation Area Construction) Associated with Conditional Use Site Plan for PND-SCHO
Property Location:	West of Saulsbury Road and on the north side of Forrest Avenue
Property Addresses:	101-405 Doveview Drive
Owner/Applicants:	Doveview Investors, LLC
Tax Parcel:	ED-05-076.07-01-30.00-000
Present Zoning:	RG-5 (General Residence for Mid Rise Apartments Zone) COZ-1 (Corridor Overlay Zone)
Site Area:	6.7326 ac. +/-
Present Use:	3 Apartment Buildings (Total 144 units)
Proposed Use:	Planned Neighborhood Design Senior Citizen Housing Option 4 Apartment Buildings (Total 192 units)

Proposed Cash-in-lieu Donation: $22,914

Project Summary:
The project for The Grande, Building 4 was reviewed as a Conditional Use Site Plan to establish a Planned Neighborhood Design development of Senior Citizen Housing. The plan proposes construction of a four story 62,240 SF apartment building consisting of 48 units (Building 4) and other associated site improvements to join the existing apartment complex which consists of three apartment buildings now known as The Grande (previously developed under Site Plan S-11-12 Dove View). With this project for a fourth building, the complex will consist of a total of 192 apartment units of Senior Citizen Housing.

Active Recreation Area Plan Summary:
As part of the Plan review process for this project, the applicant prepared a Conceptual Recreation Plan which illustrates how The Grande: Building 4 development will provide recreation amenities in accordance with the design specifications described in Article 3 § 24.61 Common Open Space and Article 5, Section 10 Open space, recreation, and other public facilities of the *Zoning Ordinance*.

Due to the property size and unit density, The Grande PND-SCHO project qualifies for Active

Recreation Area exemption for small developments under *Zoning Ordinance,* Article 5 §10.514. The Active Recreation Area for this project is required at a rate of 150 square feet per dwelling unit or 10,000 SF whichever is greater. Based on a total of 192 dwelling units, 28,800 SF of active recreation area is required. The Plan indicates that 22,569 S.F. of land would be reserved as Active Recreation Area including the amenities of walking paths, horseshoe pits, shuffleboard, swing set, benches, and picnic tables. The deficiency of 6,231 SF of active recreation area for the project was proposed to be satisfied by a cash-in-lieu donation.

The Parks, Recreation and Community Enhancement Committee reviewed the Active Recreation Area for The Grande, Building 4: Planned Neighborhood Design – Senior Citizen Housing Option at their meeting on December 14, 2015. The developer's proposal received a favorable recommendation from the Parks, Recreation & Community Enhancement Committee, and the Active Recreation Plan was conditionally approved by the Planning Commission following a public hearing on December 16, 2015 as part of the Conditional Use Site Plan. As part of the approval of Active Recreation Area Plan for the project, the Planning Commission accepted the applicant's proposal for a cash-in-lieu payment for the deficiency of active recreation area not constructed.

CODE SUMMARY AND ANALYSIS:

Article 5, Section 10 of the *Zoning Ordinance* addresses Open Space, Recreation and Other Public Facilities. This includes in subsection 10.5 where exemptions for small developments are outlined with reference to the process and calculation of the amount for cash-in-lieu of recreation area construction. Subsection 10.7 further specifies that City Council, through the Parks, Recreation and Community Enhancement Committee, must approve the cash donation amount prior to final acceptance by the Planning Commission.

Regarding the calculation of the amount of the cash donation, the *Zoning Ordinance* specifies that the "cash donation shall be equivalent to the appraised value of land required…" and that this value shall be "based on the appraisal prepared for the developer to secure construction financing."

An appraisal performed by WR McCain & Associates., dated September 4, 2014, was submitted to the Planning Office. This appraisal identifies a land value per unit which was utilized to generate a land value per acre. Based on the value of the 6,231 SF of land required to satisfy the Active Recreation Area requirement, the cash-in-lieu amount was determined. See calculation below:

2014 Appraisal of Land Value: 144 units @ $7500 per unit = $1,080,000
The Grande property consists of 6.74 acres of land
Land Value per acre = $160,237 per acre

Active Recreation Area Deficiency = 6,231 SF = 0.143 acre
Cash-in-Lieu Amount = $160,237 per acre value x 0.143 acre = $22,914

CODE CITATIONS:

Dover Code of Ordinances, Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 10 – Open Space, Recreation and Other Public Facilities:

Article 5 Section 10

10.1 *Recreation Areas.*

10.17 *Cash in lieu of recreation area construction.*

10.171 Determination of suitability for cash donation. If the commission determines that the construction of recreation is not practical due to close proximity to existing available recreation facilities or infeasible due to natural characteristics of the land or will not benefit the residents of the development, the commission shall require a full or partial cash in lieu of areas of donation to be made by the developer in lieu of a full or partial dedication of land.

10.172 Separate recreation account. The cash donation shall be deposited in a separate account to be used for parks, playgrounds or recreational purposes.

10.173 Amount of cash donation. The cash donation shall be equivalent to the appraised value of land area required in section 10.16. The land area value shall be based on the appraisal prepared for the developer to secure construction financing. This submitted appraisal shall be a copy of the original supplied to the lending institution, with that institution identified, and shall conform in all ways to the Uniform Standards of Professional Appraisal practice and be performed by an appropriately qualified certified appraiser. If an appraisal prepared for construction financing is not available, then the developer shall have an appraisal done in accordance with the procedures set forth in [sub]section 10.174.

10.174 Appeal of appraised value. If the city does not accept the land value established by the appraisal detailed in [sub]section 10.173, the city may, at the developer's expense, require another appraisal be performed. This appraisal will be let on a bid basis between at least three appropriately qualified, certified appraisers selected by the city. The appraiser(s) who prepared the original appraisal in [sub]section 10.173 cannot be a party to this appeal appraisal.

10.175 Payment of cash donation. One hundred percent cash donation provided under this section shall be collected prior to issuing the first building permit for the development.

10.5 *Exemption to recreation area and open space dedication.*

10.51 *Exemptions for small developments.*

10.514 *Residential developments of ten (10) or fewer acres with a density over six units per acre.* These developments shall be exempt from the area requirements set forth in section 10.16, but shall be required to provide 150 square feet of active recreation area per dwelling unit or 10,000 square feet of active recreation area, whichever is greater. If the commission determines that the construction of some or all of the required active recreation area is not practical or desirable, the commission shall require a cash in lieu donation for the active recreation area determined as not practical or desirable. Cash-in-lieu amount shall be in accordance with subsection 10.173 of this article.

10.7 *Council approval*. Prior to acceptance by the planning commission, all areas planned for public dedication, or cash donations provided under this section must be submitted to, and approved by the parks, recreation, and community enhancement committee of the City of Dover, and shall be subject to final review and approval by [the] city council.

STAFF RECOMMENDATION

Staff recommends acceptance of the $22,914 cash-in-lieu of recreation area construction donation, as the amount complies with the requirements of the *Zoning Ordinance*.

OTHER RECOMMENDATIONS

The City Council Committee of the Whole: Parks, Recreation & Community Enhancement Committee recommended acceptance of $22,914 cash-in-lieu of recreation area construction donation amount on July 12, 2016. The City Council accepted $22,914 as the cash-in-lieu of recreation area construction donation amount on July 25, 2016 (by consent agenda).

City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF August 3, 2016

PLANNING COMMISSION MEETING OF August 15, 2015

Plan Title:	90 Saulsbury Road Clubhouse and Pool, C-16-04 Associated with The Grande: Planned Neighborhood Design – Senior Citizen Housing Option
Plan Type:	Conditional Use Site Plan for Planned Neighborhood Design
Property Location:	West side of Saulsbury Road near Carver Road
Property Address:	90 Saulsbury Road
Owner/Applicants:	90 Saulsbury Associates, LLC
Tax Parcel:	ED-05-076.07-01-28.00-000
Present Zoning:	C-2A (Limited Central Commercial Zone) COZ-1 (Corridor Overlay Zone)
Site Area:	1.48 ac. +/-
Present Use:	Vacant building
Proposed Use:	Clubhouse and Pool
Building Area:	2,500 S.F.
Off Street Parking:	Required – 9 spaces Proposed – 9 spaces
Sewer & Water:	City of Dover
PND Considerations:	Permit a use not typically permitted in the C-2A Zone
Waivers Requested:	Partial elimination of upright curbing

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 3, 2016

APPLICATION: 90 Saulsbury Road Clubhouse and Pool, Associated with The Grande: Planned Neighborhood Design – Senior Citizen Housing Option

FILE #: C-16-04 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:
Review of a Conditional Use Site Plan application to permit the construction of a 2,500 S.F. +/- clubhouse building, pool, pickleball court, parking, and access walkway connecting to The Grande apartment complex. The Clubhouse property consists of 1.48 acres and is located on the west side Saulsbury Road near Carver Road. The property is zoned C-2A (Limited Central Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone), and will become part of The Grande PND-SCHO. The owner of record is 90 Saulsbury Associates, LLC. Property Address: 90 Saulsbury Road. Tax Parcel: ED-05-076.07-01-28.00-000. Council District 1.

Previous Applications
This Conditional Use Site Plan is associated with previous developments at adjacent 101 Doveview Drive, location of The Grande Apartments. Development on this adjacent property was originally approved in 2006 as a Planned Neighborhood Design: Senior Citizen Housing Option known as DoveView Senior Apartments (C-06-02), for four (4) buildings with 192 dwelling units. Construction on two of the buildings began and then ceased after 2007, with the buildings remaining partially constructed on site. In August 2011 the Planning Commission reviewed and conditionally approved Site Development Plan S-11-12 Doveview Apartments (Buildings 1-3) to finish construction of the two buildings and construct a third, bringing the apartment complex to a total of 144 apartment units. S-11-12 was proposed for development under the provisions for mid-rise apartments in the RG-5 (General Residence for Mid Rise Apartment Zone) Zone, to which the property was rezoned from the IO (Institutional and Office Zone) in April 2011 (MI-11-01/Z-11-03).

On December 16, 2015, the Planning Commission conditionally approved Conditional Use Site Plan C-15-04 The Grande, Building 4: Planned Neighborhood Design - Senior Citizen Housing Option to construct the fourth building originally proposed in 2006, which will bring the total number of dwelling units in the complex to 192. This Plan received Final Approval on July 13, 2016. Conditional to approval of C-15-04 was the requirement the development provide adequate on-site active recreation areas under the provisions of the *Zoning Ordinance,* Article 5, §10. The applicants proposed to meet this requirement in part with a cash-in-lieu payment. The current clubhouse and pool project at 90 Saulsbury Road will provide additional recreation areas

for residents of The Grande.

CURRENT PROJECT

The current project proposes the development of a clubhouse and pool to serve the residents of the apartment complex known as The Grande. Revisions to the Plan as of August 5, 2016 have also added a pickleball court to the proposal; see Exhibit diagram. The plan is seeking approval as a Planned Neighborhood Design – Senior Citizen Housing Option.

Review Process for Planned Neighborhood Design: Senior Citizen Housing Option:

The Planned Neighborhood Design for the Senior Citizen Housing Option (see *Zoning Ordinance,* Article 3, Section 24.1(b)) involves a two or three-step review and approval process. In the first step, the developer meets with the City Council and presents a general sketch plan to determine whether or not the proposed project is of such a design and type that warrants further review by the Planning Commission.

On June 13, 2016, City Council reviewed this project and determined that further review was warranted (MI-16-09). The second step is a more detailed Conditional Use Site Plan review and public hearing process before the Planning Commission. (Note: A third review step with the Planning Commission may be required depending on the type, physical size, and complexity of the project application. This is not required for this project.) The current application C-16-04 to the Planning Commission represents the second step in the review process for the 90 Saulsbury Road Clubhouse and Pool.

The PND: Senior Citizen Housing Option is permitted in all zoning classifications (with the exception of the M, IPM and C-4 zoning classifications) as a conditional use. Article 3 §24.1(b) notes that "preference shall be given to those projects which are within close proximity to public transit services and which are situated within one-quarter (1/4) mile of a grocery store, pharmacy, restaurant, physician offices, senior center or similar convenience service establishment." The PND: Senior Citizen Housing Option is intended to "…encourage the development of high quality housing opportunities design to accommodate the particular needs of senior citizens" by allowing the Planned Neighborhood Design Option through the Conditional Use process. The PND must present a community design that is in accordance with the goals and policies of the Comprehensive Plan.

It is important to keep in mind that a PND proposal does not involve a rezoning of the land. The Planned Neighborhood Design – Senior Citizen Housing Option is plan specific. The land would remain zoned C-2A (Limited Central Commercial Zone). The PND option does allow however for uses that would not otherwise be allowed in the C-2A Zone, including private membership clubs.

Comprehensive Plan Recommendations

The City of Dover *2008 Comprehensive Plan as amended* recommends that this property be utilized for Commercial development. The property is just off of Route 8 on Route 15; Route 8 is described in the *Comprehensive Plan* as a "key commercial corridor within the City" (page 150).

The *Comprehensive Plan* also establishes stated goals for various types of land uses within the City limits. The stated goal for Commercial Land Uses is to "maintain and improve the City's position as a regional commercial center, while providing its citizens convenient access to

needed goods and services through well designed and spaced community and neighborhood commercial centers" (page 151).

The *Comprehensive Plan* also acknowledges the fact that residents aged 65+ are a rapidly growing segment of the population that will require more specialized services (page 23). This trend was also identified in previous Comprehensive Plans and in response, a previous Comprehensive Plan implementation strategy recommended the development of a Zoning Code amendment permitting Senior Citizen Housing developments near the community services and transit routes that senior citizens depend upon. As a result, the Planned Neighborhood Design: Senior Citizen Housing Option Ordinance was developed and adopted by City Council on July 14, 1997. Multiple projects have utilized these provisions.

Plan of The 90 Saulsbury Road Clubhouse and Pool PND-SCHO Site

This project proposes to develop 1.48 acres +/- with a 2,500 S.F. Clubhouse, a pool, a pickleball court, parking, and a pedestrian connection to the adjacent The Grande Apartments. These facilities are intended for private use by the residents of the apartment complex. The pedestrian connection is proposed to also be the route of a golf cart shuttle that can take residents from the apartments to the pool and clubhouse. An updated Exhibit Diagram was received August 5, 2016 which made a number of revisions to the Site Plan involving the proposed site elements and improvements.

Site Layout:

The Clubhouse fronts onto Saulsbury Road. To the Clubhouse's rear toward the west side of the site is the pool. A fenced-off pool patio surrounds the pool and connects the pool to the Clubhouse. The pickleball court is just to the west of the pool. A shed for storage of pool furniture and golf carts is in the northwest corner of the site. To the north of the Clubhouse is a nine-space parking area that exits onto Saulsbury Road. There is no direct vehicular connection from the project site to the site of The Grande; the only direct connection between the two properties is the proposed pedestrian connection, which extends from the pool patio west to The Grande's parking lot. The pedestrian connection, which is proposed to be ADA and golf-cart accessible, will have to negotiate a steep grade difference between the two properties. The southern area of the project site is to be landscaped as a lawn and open space.

COZ-1: Corridor Overlay Zone

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

The plan as presented is in compliance with the requirements listed below.

- The COZ-1 specifies a required front yard setback (40 ft. minimum and 50 ft. maximum) for nonresidential properties on the Saulsbury Road corridor. The Clubhouse is set back at a distance of 45 feet.
- The building must sit parallel to the road with the longest side facing the road; the design achieves this concept. The long side of the building is parallel to Saulsbury Road.

- No parking may be built in the front yard of the lot; the design achieves this concept.
- A landscaped buffer and sidewalk combines to meet the minimum total of 12 feet that is required between the clubhouse and the parking drive aisle. *Ensure sidewalk is between 6 feet and 8 feet in width.*
- The site entrance must be at least 10 feet away from adjoining nonresidential property. The proposed site entrance is about 28 feet away from nonresidential property to the north.
- The one-story Clubhouse meets the height restrictions of the COZ-1.
- The proposal meets the requirement that 25% of the lot consist of landscaped open space. As shown about 81% of the lot is open space.
- Frontages (front yards) are required to have landscaped open space of 25 feet, as measured from the curb, and to provide one tree per 50 (fifty) feet.
- Non-frontages (side and rear yards) are required to have landscaped open space of 15 feet when adjacent to residential uses, and landscaped open space of 5 feet when adjacent to non-residential uses, and to provide one tree per 75 (seventy-five) feet.
- The building shall have a corridor elevation with specific architectural features (See Building Architecture discussion).

The Corridor Overlay Zone also requires that cross access be provided among abutting uses of similar use categories, whenever possible, to provide linkage between properties as an alternative to re-entering the corridor to access neighboring properties. Pedestrian cross access is provided to the adjacent apartment complex.

BUILDING ARCHITECTURE

A rendering presenting the corridor elevation of the Clubhouse was submitted. The rendering appears to show the building will have a white stucco finish with a brown stone base and asphalt shingle roof. The front façade has four windows with shutters added for visual interest. It is possible to see through the windows that the north and south facades also have windows. The building is shown to have a projecting brown stone entryway and a concrete entrance walk, though this entrance walk leads only to the parking lot and not to the street.

The building is subject to the Architectural Review requirements found in Article 3 §27.69 for properties located within the Corridor Overlay Zone, with specific architectural elements for the corridor elevation of the building. As currently proposed, the corridor elevation (east facade) includes functioning windows, a primary entrance door, and a primary entrance feature (the entrance walk). The elevation also shows architectural relief through material changes on the east façade.

SITE CONSIDERATIONS

Delaware 8 Concept Plan and Operations Study

In 2007, the Dover/Kent County Metropolitan Planning Organization developed and approved the *Delaware 8 Concept Plan and Operations Study* to identify circulation improvements along the Route 8 corridor on the west side of Dover, from the railroad tracks to Artis Drive. The study identifies a number of north/south connector roads to relieve traffic conditions along the Route 8 corridor. The *Study* does not make specific recommendations for this site but may impact it.

Entrances

The site proposes one vehicular site entrance. Unlike the apartment complex they serve, the Clubhouse and Pool would be accessed exclusively from Saulsbury Road in this respect. The pedestrian entrance pathway to the west is proposed to be accessible to ADA users and golf carts. It is proposed to be 10 feet wide, wide enough for golf carts and pedestrians to pass each other on the path. There is some question as to whether the Grading Plan adequately supports the connection.

PARKING SUMMARY

For the C-2A Zone, parking is required at a rate of one (1) parking space per 300 S.F. of floor area or one (1) parking space per employee, whichever is greater. The number of employees proposed to work at the Clubhouse is unknown. Based on the 300 S.F. ratio, the Clubhouse requires nine (9) parking spaces. The nine spaces are proposed to be located in one row adjacent to the drive aisle.

The site's entrance walk, by exiting into the parking lot of The Grande, will remove one (1) parking space from 101 Doveview Drive. This will reduce the number of parking spaces on that property from 249 spaces to 248 spaces. The parking requirement on 101 Doveview Drive based on a parking ratio of 1.25 spaces per dwelling unit and 192 dwelling units is 240 spaces.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces. Based on nine parking spaces, one (1) bicycle parking space would be required. The plan proposes a bike rack location near the main entrance to the building.

Sidewalks

The *Zoning Ordinance*, Article 5 §18 requires sidewalks to be installed along the public street frontages of a property, and also requires linkages between building entrances and frontage sidewalks. The site has an existing multi-use path approximately six feet wide along the frontage of Saulsbury Road; the applicant proposes to upgrade it to a seven-foot-wide multi-use path. The plan does not currently show sidewalk leading from the building entrance to the street frontage.

The sidewalk/pathway leading west to connect with The Grande ends in the apartment complex's parking lot. No pedestrian connection is provided to link it to the sidewalk network within the complex. In addition, there is no path shown on which to drive golf carts to their parking in the shed. The pickleball court appears to only be accessible via the fenced-in pool patio.

Dumpsters

A Clubhouse is not among the uses listed in the *Zoning Ordinance* to have specific dumpster requirements. Therefore, the Clubhouse must have dumpster capacity adequate to its needs. A reserved dumpster enclosure location is located at the end of the parking area. The applicant has stated that dumpsters nearby on 101 Doveview Drive would be used for trash from the clubhouse.

Lighting

Lighting is specified on the plan to be 1.5 footcandles at grade. The Landscape Plan locates three new light poles along the northern edge of the site. Existing light poles on the eastern edge of the

apartment complex parking lot may also play a role in lighting the site.

Waiver Request: Partial Elimination of Upright Curbing

Under the *Zoning Ordinance,* Article 6 §3.6(b), the requirement that all parking areas be enclosed by 6-inch upright curbing may be relaxed by the Planning Commission when there is a demonstrated need to convey stormwater to a stormwater management area. The applicant is requesting a waiver to eliminate curbing along the front end of the parking spaces, to allow stormwater to sheet flow across the parking lot into the grass strip at the north end of the property, and then into the existing storm drain system on Saulsbury Road.

RECREATION/ OPEN SPACE:

As part of the Plan review process for C-15-04 to construct the fourth building of The Grande Apartments, the applicant prepared an Active Recreation Plan to illustrate how the overall development would provide recreation amenities. Based on a total of 192 dwelling units, 28,800 S.F. of active recreation area were required. The Active Recreation Plan indicated that 22,569 S.F. of land would be reserved as Active Recreation Area. That left a deficiency of 6,231 S.F. of active recreation area for The Grande PND-SCHO project; the applicant has been pursuing a cash-in-lieu payment option to satisfy this deficiency.

The amenities proposed in the current plan C-16-04 are not intended to count toward the active recreation area requirements for The Grande, or to reduce or eliminate the cash-in-lieu payment. However, the submitted plan set must still be reviewed as an Active Recreation Plan. As part of a PND-SCHO only the residents of The Grande and their guests can use these on-site recreational facilities.

It is not certain how much of the lot area is expected to serve as active recreation area. The pool, clubhouse, and pickleball court together total 6,100 S.F.; it is unclear whether the entrance walk is appropriately developed to count as a walking or jogging trail, and thus count toward the area total. An Active Recreation Summary Report has been prepared for the plan set, and the plans will be reviewed by the Parks, Recreation and Community Enhancement Committee on August 9, 2016.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a Landscape Plan. Based on the 64,379 S.F. property, a total of 22 trees are required. The plan shows 25 new trees located around the edges of the site and in locations conducive to screening. The proposed trees are a mixture of Green Mountain Sugar Maple (2), Dragon Lady Holly (11), Natchez White Crape Myrtle (4), Swamp White Oak (3), and Village Green Zelkova (5). All proposed tree planting locations must avoid conflicts with existing and proposed utility lines and paved areas.

COZ-1 Landscaping Requirements

The COZ-1 (Corridor Overlay Zone –1) requires that a minimum of 25% of the site be landscaped open space. For this site approximately 81% is open space. Article 3 §27.53(c) requires a landscaped buffer area of twelve (12) feet in width between the building and the parking lot and drive areas, inclusive of a minimum six (6) foot wide sidewalk. The COZ-1 also includes specific tree planting requirements along property lines: one tree per 75 feet on non-frontage perimeters, and one tree per 50 feet on frontage perimeters. The proposed landscape

design meets these requirements.

Opaque Barrier (Not Required)
Article 5, Section 7.2 of the *Zoning Ordinance* states that visual and sound screening shall be provided on a non-residential use when abutting a residential use, and that such screening must consist of an opaque barrier at least six feet in height, accompanied by landscaping. The property line between 101 Doveview Drive and 90 Saulsbury Road is currently marked by a retaining wall topped by a non-opaque post and rail fence.

90 Saulsbury Road is zoned C-2A and there are to be no dwelling units located on it. However, the Planning Office determined that the clubhouse can still be classified as a residential use, based on its intended association with The Grande. Therefore, an opaque barrier is not required. To ensure this association with The Grande and the use of the property as a PND-SCHO element, the property at 90 Saulsbury Road must be deed restricted and/or the properties combined to become one parcel.

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

CITY AND STATE CODE REQUIREMENTS:

1) Staff notes that a Record Plan may be filed in the future to combine the properties of 90 Saulsbury Road and 101 Doveview Drive. However, staff understands that this Record Plan would not be filed until after construction on the property is complete. This application has therefore been reviewed based on the zoning requirements of 90 Saulsbury Road alone, with only minor reference to the requirements of 101 Doveview Drive where the proposed development directly impacts that property.

2) As a condition of the review of this project as a Planned Neighborhood Design – Senior Citizen Housing Option element, the property must be deed-restricted so that only residents of The Grande and their guests are entitled to use the clubhouse, pool, and other recreational facilities on site.

3) The project must comply with the requirements for upright curbing unless a waiver is granted. A written waiver request to relax these requirements was submitted to the Planning Commission for consideration.

4) The Final Plan set must include updates identified in the Summary Report of the Active Recreation Plan (Report for 8/9/2016 Parks, Recreation and Community Enhancement Meeting) and related recommendations of the Planning Commission.

5) The Final Plan set must include notes indicating the action taken by the Planning Commission in regards to any waivers and listing any additional conditions of approval. The plan set must be revised to reflect all changes recommended by the Planning Commission.

6) The Final Plan set must be revised to incorporate the site development proposal shown on the

Exhibit Diagram of August 5, 2016.

7) Cover Sheet F-100:
   a. General Notes Column:
      i) Add a note indicating whether the developer, or another agency will bear financial responsibility for construction of utilities and other public improvements.
   b. Site Data Column:
      i) Include the name and address of the equitable owner of the property, if any. The applicant must clarify who will bear ultimate responsibility for management of the recreation facilities.
      ii) Include an item indicating how much of the site area is to be used as Active Recreation Area.
      iii) Revise the proposed impervious cover to reflect increased coverage caused by adding the pickleball court, shed, etc.

8) Site Plan F-102:
   a. Use this sheet, or add another sheet, to delineate the areas of the site to be used as Active Recreation Area.
   b. If Dumpster area to be reserved (rather than constructed), then add note regarding future construction requirements.

9) Utilities Plan F-103:
   a. Document on this sheet which utilities, if any, are to be dedicated to the City of Dover.

10) Grading Plan F-104:
   a. Add more detail on the Grading Plan to show that the entrance walk from The Grande is appropriately sloped for ADA access.

11) Site Details F-105:
   a. Provide a detail for water service in addition to the one for sewer service.
   b. If this detail is to be retained, specify the height of the dumpster enclosure. Dumpsters for private trash collection require an enclosure at least seven feet in height.

12) All plan sheets:
   a. Add the outline of the building on the lands of Dover ED, LLC, to the north of the property.
   b. Ensure the locations of new light poles are shown on plans other than the Landscape Plan, especially the Utilities Plan.
   c. Where shown, ensure that the 25-foot landscape buffer required by the COZ-1 is measured from the curb of Saulsbury Road, rather than the property line.
   d. Where shown, change the rear yard building restriction line from 5 feet to 25 feet. In the C-2A Zone, the rear setback is 25 feet where a property adjoins a residential zone. Staff notes that the accessory shed is subject to only a 5-foot setback requirement.
   e. Ensure the elements of The Grande's site plan shown for context are up to date. Building 4 appears to be missing, and other elements may be as well.

13) Landscape Plan:

a. Correct the zoning from "unlimited central commercial zone" to "limited central commercial zone."
b. Ensure the tree quantities in the plant list and the tree density notes match the trees shown on the plan. There are 25 total trees and 11 Dragon Lady Holly Trees.
c. Ensure all trees are at least ten feet away (as measured from the trunk) from all underground utilities.
d. Ensure the shrub plantings in front of the building do not block access to the Fire Department Connection.

14) Architectural Submission:
a. Provide information clarifying the materials to be used on the exterior of the building.
b. The Planning Office is requesting a plan or diagram be provided showing interior uses of the clubhouse building. This will act as supplementary information to that shown on the Recreation Area Plan.

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

16) Sidewalk Improvements:
a. Extend the entrance walk so it provides an entrance from Saulsbury Road in addition to an entrance from The Grande.
b. Provide golf-cart accessible access to the storage shed.
c. A separate entrance to the pickleball court should be provided.

17) Any Erosion & Sediment Control Plans and the 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.

18) Staff notes that architecture for the building will be evaluated at time of Building Permit application for compliance with architecture as approved by the Planning Commission. The building architecture may be required to come before the Planning Commission for additional review if significant design changes to the buildings' exterior finishes in form and materials.

19) Any proposed signage is subject to the Sign Regulations of the *Zoning Ordinance*.

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

1) Staff Recommendations on Waiver Request:

a) <u>Partial Elimination of Curbing</u>: Staff recommends approval of the request to eliminate upright curbing along the front of the nine parking spaces. Under the *Zoning Ordinance*, Article 6 §3.6(b), the requirement that all parking areas be enclosed by upright curbing may be relaxed by the Planning Commission when there is a demonstrated need to convey stormwater to a stormwater management area. Granting the request will allow

stormwater from the parking lot to sheet flow across the parking lot into the grass strip at the north end of the property, and then into the existing storm drain system on Saulsbury Road.

Staff recommends as a condition of approval of the waiver that a parking bumper be installed at the front end of each parking space, to prevent cars from driving into landscape areas.

2) Staff notes the recommendations of the COZ-1 (Corridor Overlay Zone) provisions of Article 3 §27.64(d) Cross Access which recommend interconnections/cross access between properties to provide linkages as an alternative to re-entering the Saulsbury Road corridor.
   a) A pedestrian (and golf cart) path is proposed between 101 Doveview Drive and 90 Saulsbury Road. The applicant opposes providing vehicular cross access.
   b) If vehicular cross access is to be provided, staff recommends that direct access to Saulsbury Road be eliminated. With the elimination of direct access, the Clubhouse & Pool would be more established as serving The Grande apartment complex only.

3) Staff recommends the pedestrian connection to The Grande be strengthened by having the path connect to The Grande's sidewalk network, instead of having it end in The Grande's parking lot. This connection could be achieved by removing a second parking space across the drive aisle from the path's exit, and striping a crosswalk between the two former parking spaces. Accessible ramps would have to be installed at the front of each former space. Any trees displaced by such improvements must be replanted.

4) Staff notes that if landscape plantings and benches were to be provided along the entrance walk from the apartment complex, it would clearly establish the path as a recreational amenity. Staff also recommends seating opportunities near the pickleball court.

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

ADVISORY COMMENTS TO THE APPLICANT:

1) The Planning Commission should act upon the waiver request as part of any motion to approve this Site Plan, or as a separate motion if necessary. Note: The recommendation for this waiver is at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.

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

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) There shall be provisions which insure that the common open space land shall continue as such and be properly managed and maintained. The developer shall either retain ownership and responsibility for maintenance of such open land; or provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space i.e. a Homeowners Association. The organization shall be responsible for maintenance, insurance and taxes on the common open space.

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

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

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

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

9) Construction will have an effect on the adjacent buildings on the site and site access. Any work requiring the closing or rerouting of residents or visitors to the adjacent buildings, and site access shall be coordinated as to offer the least amount of inconvenience.

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

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

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: JULY 27, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **90 Saulsbury Road Clubhouse and Pool, Associated with The Grande: PND**

FILE #: **C-16-04**

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

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

CONTACT PHONE #: **Electric - 302-736-7070 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 building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.

WASTEWATER

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

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

3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
6. The minimum size of all sanitary sewer laterals shall be six-inch (6").
7. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.
8. Sanitary sewer laterals shall be connected directly to the main, not manholes, unless impracticable, as determined by the Department of Public Works.

STORMWATER

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

STREETS

1. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DelDOT is submitted to our office.
2. At the proposed entrance to Saulsbury Road, please upgrade the sidewalk curb ramps to ADA compliance.

SANITATION / GROUNDS

1. None

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. Trees shall be installed at least ten feet (10') away from all underground infrastructure.
3. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

WATER

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

WASTEWATER

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

STORMWATER / GROUNDS / STREETS

1. None.

SANITATION

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

GENERAL

1. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.
2. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial Plan Submission Checklist, which can be obtained from the following website: https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal_1.pdf, page 88.

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

C-16-04

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 3, 2016

CITY OF DOVER FIRE MARSHAL

APPLICATION: C-16-04 90 Saulsbury Road Clubhouse and Pool (The Grande)

FILE #: C-16-04 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Matthew Brown 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 a public assembly. Primary fire lanes are required to be 24 feet wide and cover the side of the building that has the primary entrance and exit. The main entrance is to be labeled as the Fire Lane for this building.

2. The closest edge of fire lanes shall not be located further than 50ft from the exterior wall if one or two stories in height; 40ft if three or four stories in height; or 30ft if over four stories in height.

3. Building Access shall be no further than 50 feet from a primary entrance. Where buildings are provided with an automatic sprinkler system installed in accordance with NFPA 13, access shall be no further than 100 feet from the primary entrance.

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

5. All Fire Lanes shall be marked in accordance with the adopted Delaware State Fire Prevention Regulations. All fire lane markings shall be in the color of "yellow".

6. Perimeter access will be 50% and clearly shown on the plans. Perimeter Access minimum width shall be 15ft measured from the face of the building at grade with a maximum slope of 10%. Plantings and utility services shall be permitted within the perimeter access and shall not interfere with emergency services fire ground operations.

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

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

9. Full building and fire plan review is required.

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

11. 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.

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

13. Fire Department Connection is to be located within 50 feet of main entrance. Access to the Fire Department Connection must be clear unobstructed access as defined by the AHJ.

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

15. Fire Alarm System required per occupancy code requirements.

16. Knox Box required at all tenant spaces.

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 27, 2016

DELDOT

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APPLICATION: 90 Saulsbury Road Clubhouse and Pool, Associated with the Grande: Planned Neighborhood Design – Senior Housing Option

FILE#: C-16-04 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

- This project should be submitted to DelDOT's Development Coordination department to determine if it will require formal review. Information and Instructions regarding the review process can be found at http://www.deldot.gov/information/business/subdivisions/

- Pursuant to Section P.3 of the Manual, a Pre-submittal meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there/ how to prepare for it is located at http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.pdf .
- Section P.5 of the manual addresses fees that are assessed for the review of the development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review.
- Per section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day.
- For developments generating less than 2000 vehicle trip ends per day and less than 200 vehicle trip ends per hour, if the local government does not require a TIS, Section 2.2.2.2 of the Manual provides that DelDOT may accept an Area Wide Study Fee, calculated by multiplying the daily trip generation by $10, in lieu of requiring a TIS.

An Area Wide Study Fee, when accepted, is set aside for the use in funding future traffic studies in the same county as the subject development. Payment of the Fee does not relieve the payer of responsibility for off-site improvements where DelDOT has identified a need for improvements or from the need to provide a Traffic Operational Analysis (TOA) if DelDOT determines in the plan review process that a TOA is needed to address a concern about the proposed site entrance.

- Section 3.2.4.2 of the Manual addresses the placement of right-of-way monuments (markers) along the roads on which a property fronts, in this case Saulsbury Road (KCR 156). Monuments sufficient to re-establish the permanent rights-of-way after the dedication discussed below should be shown on the plan and provided in the field in accordance with this section.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Saulsbury Road (KCR 156). By this regulation, this dedication is to provide a minimum of 40 feet from the physical centerline of Saulsbury Road (KCR 156). The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Saulsbury Road (KCR 156). The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required**, "A 15-foot wide permanent easement is hereby established to the State of Delaware, as per this plat."**

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

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

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

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

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

- In accordance with Section 3.5.4.2.A.3 of the Manual, DelDOT will require construction of a sidewalk/ Shared Use Path along the property frontage of Saulsbury Road (KCR 156).

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

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

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

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

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

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments to the Applicant at this time.

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
August 2016

APPLICATION: Saulsbury Road Clubhouse (The Grande)

FILE #: C-16-04

REVIEWING AGENCY: *Kent Conservation District*

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

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

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE:

Dover/Kent County Metropolitan Planning Organization

APPLICATION: 90 Saulsbury Road Clubhouse and Pool, Associated with The Grande

FILE #: C-16-04 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 8/15/2016

Project Review

C-16-04_ 90 Saulsbury Road Clubhouse and Pool, Associated with The Grande

This is a unique parcel with frontage and access on Saulsbury Road. The proposal is to build a pool and clubhouse for residents of The Grande on the northern half of the site. The development of this site was not anticipated in the Delaware 8 Concept Plan and Operations Study published in 2008. The Plan did discuss the functioning of Routes 8 (Forest Ave) and 15 (Saulsbury Road) and the several parcels immediately to the south and west.

There are obvious issues with locating accessory facilities of The Grande on its own parcel. Leaving it unique will require the facility meet all requirements of the City's ordinances and DelDOT's requirements, including parking and street access. The MPO recommends combining the subject parcel with The Grande parcel and removing individual access from the parcel to DE 15 by closing the northern-most site access. As always, we recommend retaining or replacing sidewalks at the frontage but also to provide access to the facilities from The Grande as shown on the submitted plans. That access should be wide enough to accommodate pedestrians as well as the golf carts provided for residents' use. Consideration should be given for passing golf carts.

Saulsbury Road has bicycle facilities, existing and as part of any planned improvements to the intersection in the future. The updated MPO Regional Bicycling and Pedestrian Plan, currently in process, will include specific recommendations for this area. There is transit access immediately adjacent

to the subject site. As mentioned in past reviews, principals of The Grande may want to discuss with the Delaware Transit Corporation (DART) about providing transit facilities on site. To begin the discussions, please contact Cathy Smith, Planning Manager at Catherine.Smith@State.DE.US or at the Wilmington DART Offices at 302-577-3278.

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

City of Dover

DATA SHEET FOR RECREATION PLAN REVIEW
PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE
MEETING OF August 9, 2016
Planning Commission Meeting of August 15, 2016

Plan Title:	90 Saulsbury Road Clubhouse and Pool associated with The Grande: Planned Neighborhood Design – Senior Citizen Housing Option
Plan Type:	Conditional Use Site Plan for Planned Neighborhood Design Active Recreation Area Plan
Associated Plan Title:	The Grande, Building 4 (C-15-04) Planned Neighborhood Design – Senior Citizen Housing Option
Property Location:	West side of Saulsbury Road near Carver Road
Property Address:	90 Saulsbury Road
Tax Parcel Number:	ED-05-076.07-01-28.00-000
Owner:	90 Saulsbury Associates, LLC
Site Area:	1.48 Acres +/-
Proposed Use:	Clubhouse and Pool to be associated with a Planned Neighborhood Design Senior Citizen Housing Option project of 4 Apartment Buildings (Total 192 units)
Zoning:	C-2A (Limited Central Commercial Zone) COZ-1 (Corridor Overlay Zone)

Project Summary and Background:
The project for development of 90 Saulsbury Road to construct a Clubhouse and Pool is associated with the project for The Grande Planned Neighborhood Design – Senior Citizen Housing Option (PND-SCHO). It also will be reviewed as a Conditional Use Site Plan in order to establish additional Active Recreation Area amenities to serve The Grande.

The site of The Grande is located northwest of the intersection of Saulsbury Road and Forrest Avenue and adjacent to the west of the subject site at 90 Saulsbury Road. Currently, there are three 4-story buildings existing on The Grande, each with 48 apartment units, managed as a 55+ community. In December 2015, a Conditional Use Site Plan Application C-15-04 was approved by the Planning Commission to add The Grande Building 4 at the site and to establish the apartment complex as a Planned Neighborhood Design development of Senior Citizen Housing. With the pending addition of a four story 62,240 SF apartment building of 48 units (Building 4), The Grande complex will consist of a total of 192 apartment units of Senior Housing. The

project for Building 4 has achieved Final Plan approval subject to satisfying the Active Recreation requirement which is currently being pursued as a cash-in-lieu of recreation area construction.[1]

The use of the property at 90 Saulsbury Road for a Clubhouse & Pool is not an allowable use in the C-2A zone; however, the uses may be considered through a Conditional Use process as specifically associated with a Planned Neighborhood Design – Senior Citizen Housing Option. As this Clubhouse & Pool proposal was not part of the original proposal for The Grande PND-SCHO, it is required to complete the application and review process for a PND-SCHO. This review began on June 13, 2016 when City Council found that the General Sketch Plan for 90 Saulsbury Road warranted further review by the Planning Commission (MI-16-09). This Review of an Active Recreation Area Plan is part of the next review step involving the project review by the Planning Commission.

Active Recreation Area Plan Summary:

The applicant has prepared a plan for the development of 90 Saulsbury Road with a Clubhouse & Pool and other site improvements to serve as additional recreation amenities for The Grande: PND-SCHO. PND- SCHO developments are to provide recreation amenities in accordance with the design specifications described in Article 3 § 24.61 Common Open Space and Article 5, Section 10 Open space, recreation, and other public facilities of the *Zoning Ordinance*. The following excerpt from *Zoning Ordinance,* Article 3 §24.61(b) describes the common open space design requirements for this type of PND project:

> Article 3 §24.61
> (b) *Senior citizen housing option.* Useable open space shall be provided in accordance with the area requirements set forth in article 5, section 10.16 of this ordinance. The location, dimensions and orientation shall be designed to afford maximum accessibility and convenience for the residents of the development. Open space areas shall include landscaped walkways with park benches, patios, and garden areas, and may include other active recreation amenities suited to the needs, abilities and preferences of the anticipated service population. The open space area requirement may be reduced or waived by the planning commission if it is determined that the property on which a senior citizen housing option is proposed is within one-quarter mile walking distance of a public park which offers pedestrian amenities and appropriate recreation opportunities for senior citizens.

The original Active Recreation Area proposal for The Grande PND-SCHO project (C-15-04) provided 22,569 S.F. of land to be reserved on The Grande property as Active Recreation Area.

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[1] The Grande PND-SCHO project qualified for Active Recreation Area exemption for small developments under *Zoning Ordinance,* Article 5 §10.514. The Active Recreation Area is required at a rate of 150 square feet per dwelling unit; therefore, based on a total of 192 dwelling units, 28,800 SF of active recreation area is required. The Plan indicated that 22,569 S.F. of land would be reserved on The Grande property as Active Recreation Area including the amenities of walking paths, horseshoe pits, shuffleboard, swing set, benches, and picnic tables. The deficiency of 6,231 SF of active recreation area for the project was proposed to be satisfied by a cash-in-lieu donation. Approval of the donation amount of $22,914 for the cash-in-lieu of recreation area was accepted by the Parks, Recreation and Community Enhancement Committee on July 12th and by City Council on July 27, 2016; approval of this amount is pending review by the Planning Commission on August 15, 2016. (C-15-04)

There are three areas of activity on The Grande property: Shuffleboard and Swing Set area (Area #1); Walking Path area (Area #2); and Horseshoe Pit area (Area #3). These existing amenities already constructed on the site include an area with a shuffleboard court, gazebo, swing set, and picnic table; a walking path with benches and picnic tables around the stormwater management pond; and area with horseshoe pits with picnic tables. The deficiency of 6,231 S.F. of active recreation area for the project was proposed to be satisfied by a cash-in-lieu donation.

Active Recreation Area at 90 Saulsbury Road

The main area of activity on the subject property is the Clubhouse and Pool. These two amenities together total 4,300 square feet. The pool patio should also be able to be counted toward Active Recreation Area, but its area has not been calculated. It is unclear whether the entrance walk leading from the Pool and Clubhouse to the apartment complex is intended to act as active recreation area, and it is unlikely the undeveloped areas of lawn on the property can be counted toward active recreation area. Unlike for the main property of The Grande, the areas intended to be counted toward Active Recreation Area have not been expressly delineated.

The Active Recreation Area Plan must be reviewed by the Parks, Recreation, and Community Enhancement Committee for a recommendation prior to consideration of the Conditional Use Site Plan for the Planned Neighborhood Design – Senior Citizen Housing Option by Planning Commission.

The following table provides information from the submitted Plan (dated June 17, 2016) for the Active Recreation Area as proposed for 90 Saulsbury Road:

	Required	***Provided on Plan***
Common Open Space in PND – Senior Option (Article 3 §24.61b)	Useable open space following the area requirement of Active Recreation Area	Pool Pool patio
Active Recreation Area (Article 5 §10.514)	150 S.F. per dwelling unit or 10,000 SF whichever is greater to be provided on site. 192 DU = 28,800 SF Provided on The Grande: 22,569 SF Deficient: 6,231 SF	Existing Amenities on The Grande property. Consideration of donation amount for cash-in-lieu payment pending. Clubhouse – 2,500 SF Pool – 1,800 SF Pool Patio
Design Guidelines (Article 5 §10.151, §10.152)	Accessible and Pedestrian Oriented	Accessible via connecting concrete path
Design Guidelines (Article 5 §10.153)	Age Oriented to development	Clubhouse and Pool would serve all ages.

Design Guidelines (Article 5 §10.154)	Parking	The C-2A zone requires parking based on square footage; six parking spaces are shown where nine spaces are required for the Clubhouse. There are on-site parking areas for the apartment complex and the Clubhouse.
Design Guidelines (Article 5 §10.156)	Setbacks: 30 feet from residential lots and 25 feet from right-of-way for street	All of the active recreation areas are in compliance as required.
Design Guidelines (Article 5 §10.157)	Landscaping	The project shows tree planting around the perimeter site.

Staff Recommendations:
The following are comments and recommendations from Staff of the Planning Office following review of the Active Recreation Area Plan for 90 Saulsbury Road.

1. The proposed plan presents additional amenities for The Grande PND-SCHO. These amenities could be utilized to satisfy the Active Recreation Area deficit. However, timing of construction at 90 Saulsbury Road would need to coincide and achieve completion prior to the completion of The Grande Building 4.

2. Staff recommends approval of the Clubhouse, Pool, and other site amenities subject to the condition that the area of each amenity intended to count toward Active Recreation Area requirements be expressly delineated on the plan. If this is done the amenities can be accepted towards meeting a portion of the Active Recreation Area requirement for The Grande subject to the conditions outlined below and subject to the approval of Conditional Use Site Plan Application C-16-04.

3. The following conditions of approval are recommended:
    a. If the Clubhouse and Pool are accepted as part of the Active Recreation Area, there must be an accessible route for pedestrians from the apartment complex to the facility. The accessible route should include barrier free access, designated cross walks, directional signage, or other site improvements, etc.
    b. To accept the entrance walk as part of the Active Recreation Area, it should be provided with landscaping and benches to strengthen its use as an amenity.

4. The following items should be included on the Plan to clarify the Recreation Area improvements:
    a. Provide a summary list of the proposed features of the facility (i.e. interior floor plan of the Clubhouse, site amenities of bicycle parking and golf cart parking, benches, picnic tables, etc.) along with the area of each.

b. Provide a total figure for the amount of Active Recreation Area to be provided.
c. On the plan, outline the areas to be used as Active Recreation Areas.

5. The applicant is reminded of the requirements for construction phasing of the recreation area as associated with the development of the residential units.

> Article 5 §10.6 Construction Phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that one hundred (100) percent of the recreation and open space areas shall be completed prior to issuing building permits for the final twenty (20) percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

6. There shall be provisions which ensure that this shall Clubhouse and Pool continue as Active Recreation Area specifically associated with The Grande and to be properly managed and maintained. The developer shall submit plans to combine this property with The Grande parcel or specific deed restrictions/agreements establishing such association. The organization shall be responsible for maintenance, insurance and taxes on the common open space.

7. In the event, that major changes and revisions to the Conditional Use Site Plan occur in the finalization of the Plan contact the Planning Office. Examples include reorientation of buildings, relocation of site components, changes in floor area or unit count, or design revisions. These changes may require resubmission for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

The Parks, Recreation, and Community Enhancement Committee shall submit to the Planning Commission a report detailing the recommendations as to the Recreation Area Plan.

Attachments:

- Plan Sheets F-100 Cover Sheet, F-102 Site Plan, and L-100 Landscape Plan dated June 17, 2016

Northpoint Engineering
Civil Engineering ~ Land Planning ~ Landscape Architecture

90 Saulsbury Road – C-16-04
Additional Waiver Request
August 3, 2016

Opaque Barrier

Article 5, Section 7.2 of the Zoning Ordinance – Supplementary Regulations requires visual and sound screening be provided on a non-residential use when abutting a residential use. We are hereby requesting a waiver to the portion of that ordinance that states that such screening shall consist of an opaque barrier at least six feet in height.

It is our intent that the Clubhouse is a residential use based on its association with The Grande. This facility will not be open to the public, only to the residents and their guests.

Upright Concrete Curb

Article 6, Section 3.6(b) of the Zoning Ordinance – Off-Street Parking, Driveways and Loading Facilities requires that all permanent parking areas and access drives shall be enclosed with upright concrete curbing at least six inches in height. We request a waiver to this section so that we may sheet flow the runoff across the grass area and then to the existing storm drain system in Saulsbury Road. The site as it exists has sheet flow runoff to the existing system.

102 Larch Circle, Suite 203 Newport, Delaware 19804 phone: 302-992-9881 fax: 302-658-0618

PETITION TO AMEND ZONING ORDINANCE TEXT

Report to the
Dover Planning Commission
August 15, 2016

Proposed Change:	Text Amendment to the *Zoning Ordinance,* Article 3 – District Regulations, Section 27 - Corridor Overlay Zone (COZ-1), Subsection 27.66 - Building Height.
Summary of Amendment:	Within the Corridor Overlay Zone (COZ-1), building height is limited to 35 feet and two stories. The proposed ordinance revision would amend this restriction to make this height restriction applicable only to the first 100 feet in lot depth from right-of-way line. Beyond the first 100 feet of lot depth, building height would be governed by the zoning district of the property.
Recommendation of the Planning Staff:	Staff supports the amendment as proposed, as it allows more flexibility in development along the corridors subject to the COZ-1 while maintaining the height limitation for buildings that are closest to the roadway.
Ordinance Number:	Proposed Ordinance #2016-18
File Number:	MI-16-12

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JULY 27, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Text Amendments: Height in COZ-1**

FILE #: **MI-16-12**

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

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None.

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.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 27, 2016

DELDOT

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APPLICATION: Text Amendment: Height in COZ-1 (Corridor Overlay Zone)

FILE#: MI-16-12 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

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

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2016-18

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 27 - Corridor Overlay Zone 1 (COZ-1), Subsection 27.66 - Building Height of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

27.66 Building height.

(a) ~~**Buildings shall be limited in overall height to 35 feet and shall not exceed two stories.**~~ **Any building or part thereof located within 100 feet of the right-of-way line of the roadways referenced in Section 27.3 hereof shall not exceed thirty-five (35) feet in height or two (2) stories.**

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-18 APDX B-ZONING, ART 3, SEC 27, SUBSEC 27.66-BUILDING HEIGHT\ORDINANCE #2016-18 APDX B-ZONING, ART 3, SEC 27, SUBSEC 27.66-BUILDING HEIGHT-FIRST READING.wpd

SYNOPSIS

The proposed amendment revises the building height (development guideline) limitation for a defined area on properties within the Corridor Overlay Zone (COZ-1)

(SPONSORS: HARE AND HUTCHISON)

Actions History

07/25/2016 - Scheduled for First Reading - City Council

07/12/2016 - Introduced - Council Committee of the Whole/Parks, Recreation, and Community Enhancement Committee

Draft

City of Dover, Delaware
Summary of Applications

Application Type	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015					2016			
														Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Total
Board of Adjustment	13	9	17	18	25	38	20	15	15	13	15	17	14	6	3	2	4	15	2	4	5	11
Annexations	2	3	5	6	10	4	3	1	0	0	1	3	0	0	0	1	0	1	1	2	0	3
Conditional Use	2	8	8	9	8	7	14	8	5	7	6	11	6	2	0	1	1	4	3	0	1	4
Site Plans	37	37	33	39	49	66	43	29	33	23	20	21	24	3	6	2	5	16	9	4	3	16
Subdivisions	2	10	10	8	7	7	2	7	5	2	2	6	5	0	2	0	0	2	0	0	0	0
Rezoning	5	8	9	7	13	10	11	5	8	6	2	3	4	1	1	1	1	4	3	1	0	4
Miscellaneous	14	11	25	17	17	23	20	15	20	17	24	22	14	6	4	2	2	14	3	6	3	12
Unified Sign	1	2	0	1	0	1	3	1	0	2	2	3	1	0	0	2	0	2	2	0	1	3
Historic District Commission	6	11	7	3	9	7	4	4	11	5	7	5	6	6	1	0	1	8	1	3	1	5
TOTAL	**82**	**99**	**114**	**108**	**138**	**163**	**120**	**85**	**97**	**75**	**79**	**91**	**74**	**24**	**17**	**11**	**14**	**66**	**24**	**20**	**14**	**58**

**Summary as of 8/2/2016 including applications for August meetings of the Planning Commission, Board of Adjustment and Historic District Commission.*

Save the Date!
Change the Mindset – Change the Planning!
Moving Forward in a Changing World

October 15 &16 2016 with early check in on the 14th
Sheraton Baltimore North Hotel, Towson, MD

APA MARYLAND/DELAWARE
Regional Planning Conference
October 14-16, 2016 • Towson, MD

Hello to our APA Chapter Members!

Planners, mark your calendars! The Maryland/Delaware Regional Conference is slated for October 15 and 16, 2016 at the Sheraton North Hotel in Towson, Maryland with early check in and registration and a meet and greet at a local pub on Friday night October 14, 2016. This year's conference is centered on *Change the Mindset – Change the Planning! – Moving Forward in a Changing World*. With three concurrent sessions during each time slot to choose from during 90-minute sessions, this will be an exciting and dynamic conference.

Topics to be addressed:

- The changing face of transportation
- Climate change and the impact on development
- Changing demographics
- Urbanizing suburbs – Neighborhood revitalization.
- Generational lifestyles and new practices
- Infrastructure choices that create successful neighborhoods
- The importance of mixed use

* We will also offer two ethics sessions as well as a session focused on law. All sessions will have continuing maintenance credits.

We have two very exciting keynote speakers:

Bernie Fowler, Jr. and Wendy Moeller, AICP.

Bernie Fowler, Jr. is the founder of Farming 4 Hunger.

Bernie Fowler Jr. was born and raised in Calvert County, Maryland. The Son of Former State Senator Bernie Fowler and Betty Fowler. A graduate of Calvert High School, Bernie was employed at the Calvert Cliffs Nuclear power plant and worked there until he joined the ranks at the Calvert County Sheriff's Dept. Bernie started the K-9 program and was a handler for 5 1/2 years. After 10 years with the Department Bernie started a custom home building company and for the last 17 years has been President of Bernie Fowler Homes and builds exclusively in Calvert County. Bernie has been involved with Residential and Commercial Construction and has owned several Land Development Companies. After the downturn in the economy Bernie Started Farming 4 Hunger a 501(c)3 non-profit that grows fresh produce for the working poor in Southern Maryland. Farming 4 Hunger currently partners with the Capital area Food bank and the Maryland Food bank. Farming 4 Hunger has been responsible for growing and harvesting 2.2 million pounds of produce in the past several years. A new Hub and Spoke program has recently emerged with the partnership of the Southern Maryland Agricultural Commission. Bernie currently serves as the President of Farming 4 Hunger. Bernie resides in Prince Frederick, Maryland has three children and one grandson.

Ms. Moeller is Principal and Owner of Compass Point Planning, and is also currently serving on the Board of Directors of APA National as well as the Board of Directors for the Signage Foundation, Inc., an organization dedicated to research and education related to signage. She is the author of the recently released Best Practices in Regulating Temporary Signs.

For anyone checking in early on Friday, there will be a get together at a local pub for a meet and greet. Breakfast and lunch will be provided for conference attendees each day with an abundance of networking activities. We will host a lively dinner event Saturday night. This innovative gathering will be a new kind of "Mobile Workshop." For once, you will be encouraged to use a mobile device (cell phone, laptop or tablet) at the dinner table! Attendees will be interacting with each other as well as facilitators, giving feedback in ways that will be new to many of you.

Plan to attend the Regional Maryland/Delaware Conference. Embrace change by implementing innovative strategies and productive practices that will keep us focused and on track with new and innovative ways to plan as we find ourselves in a world quickly changing around us.

We are still accepting submittals for sessions. We also have various sponsorship levels and vendor booths available. Contact our event planner, Sandy Sponaugle at sandy@platinumpr.com for information.

Online registration opens soon. Stay tuned for the latest details. Watch your inbox and the APA MD website at www.apamaryland.org.

Patricia Haddon, AICP, President, American Planning Association, Maryland Chapter



Anne Marie Townsend, AICP, President, American Planning Association, Delaware Chapter

