CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, July 18, 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 June 20, 2016

WELCOME to Planning Commission Members

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, August 15, 2016 at 7:00pm in the City Council Chambers.

2) Reminder: The next Planning Commission Quarterly Workshop is tentatively scheduled for WEDNESDAY, August 17, 2016.

3) Update on City Council Actions

4) Updates from Planning Office

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW BUSINESS Regarding APPLICATIONS

1) S-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.*

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.*

2) S-16-13 Revised Dunkin Donuts at 1116-1128 Forrest Avenue - Public Hearing and Action on Review of a Site Plan application to permit the construction of approximately 34,813 S.F. of retail and office space in four buildings and other site improvements. The project is to include a Parcel Consolidation Plan to merge the six parcels on site. The project's initial phase consists of one 7,389 S.F. building with three tenant spaces, one of which will be occupied by a Dunkin Donuts. Construction would involve demolition of all existing buildings on site. The property consists of 7.7 acres and is located on the south side of Forrest Avenue west of Saulsbury Road. The property is zoned C-2A (Limited Central Commercial Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Ennis Business Associates, LLC. And developer/purchaser is Franchise Management Services, Inc. Property Addresses: 1116-1128 Forrest Avenue. Tax Parcels: ED-05-076.11-02-22.00-000, ED-05-076.11-02-59.00-000, ED-05-076.11-02-20.00-000, ED-05-076.11-02-21.00-000, ED-05-076.11-02-23.00-000 and ED-05-076.11-02-20.01-000. Council District 1. *Waivers Requested: Partial Elimination of Curbing, and Opaque Barrier Requirements – Fence Component (Material & Location); and Consideration for Determination of Superior Urban Design*

3) 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*

4) 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 Point 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.*

5) 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 amendments 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.de under the Government Heading: Ordinances, Resolutions & Tributes

NEW BUSINESS

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

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

ADJOURN

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

Posted Agenda: posted June 8, 2016

CITY OF DOVER PLANNING COMMISSION
June 20, 2016

The Regular Meeting of the City of Dover Planning Commission was held on Monday, June 20, 2016 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Colonel Welsh, Mr. Holt, Mr. Baldwin, Ms. Still, Ms. Maucher and Mr. Tolbert. Dr. Jones was absent.

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. John Paradee and Mr. John Knight.

APPROVAL OF AGENDA

Colonel Welsh moved to approve the agenda as submitted, seconded by Mr. Holden and the motion was unanimously carried 8-0 with Dr. Jones absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF MAY 16, 2016

Colonel Welsh moved to approve the Planning Commission Meeting minutes of May 16, 2016, seconded by Mr. Holden and the motion was unanimously carried 8-0 with Dr. Jones absent.

APPROVAL OF THE PLANNING COMMISSION QUARTERLY WORKSHOP MINUTES OF MAY 16, 2016

Ms. Still moved to approve the Planning Commission Quarterly Workshop minutes of May 16, 2016 as submitted, seconded by Mr. Baldwin and the motion was unanimously carried 8-0 with Dr. Jones absent.

The new members of Planning Commission are Mr. Kenneth Roach and Ms. Andrea Maucher.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, July 18, 2016 at 7:00pm in the City Council Chambers.

Mrs. Townshend provided an update on the regular City Council and various Committee meetings held on May 23 & 24, 2016 and June 13 & 14, 2016.

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 DEVELOPMENT APPLICATIONS

MI-16-07 Clearview Meadows PND: Lots 213-265 Minor Lot Line Adjustment Plan and Consideration of Alternative Bulk Standards – Public Hearing and Review of Alternative Bulk Standards for the Clearview Meadows Planned Neighborhood Design development. This is

associated with a Minor Lot Line Adjustment Plan to resize fifty-three (53) townhouse lots within the Clearview Meadows Planned Neighborhood Design. Thirty-one (31) lots will be reduced in width from 22 feet to 20 feet, the remaining lots will be enlarged. The plan is accompanied by a request for the following Alternative Bulk Standards for the Clearview Meadows PND: to allow a minimum lot width of 20 feet for townhouses; reduction in minimum lot size to 2,000 SF for townhouses; and a lot coverage pf 75% for townhouse units. The properties subject to the Minor Lot Line Adjustment Plan are located east of JH Brown Boulevard fronting on Lady Bug Drive and Nob Hill Road. The properties are zoned RM-1 (Medium Density Residence Zone). The owner of record is Shirliz, LLC. Tax Parcels: ED-05-077.07-07-29.00 to ED-05-077.07-07-81.00. Council District 2. *The Clearview Meadows PND was reviewed by Planning Commission in 2004 as Application SB-04-04 with Final Plan approval of January 19, 2006. Ordinance #2014-18 adopted October 27, 2014 made amendments to the Zoning Ordinance regarding certain bulk standards for PND developments.*

Representatives: Mr. John Paradee, Baird Mandalas Brockstedt LLC; Mr. John Knight, Knollwood Development

Mrs. Melson-Williams stated that this application is related to the Clearview Meadows Planned Neighborhood Design Subdivision. That subdivision actually dates to 2004; however, this evening they are considering a specific area of the site specifically related to Lots 213-265 that are proposed with a Minor Lot Line Adjustment Plan. These are a series of townhouse lots kind of centrally located (Plan on the screen); generally, in the area that has the big red circle on it. The Clearview Meadows subdivision extends from South Little Creek Road to North Little Creek Road and has been in the process of build-out for a number of years. This evening the Commission will be considering several alternative bulk standards for these townhouse lots. Specifically, the townhouse lots that they are dealing with have not been built upon. They front on Lady Bug Drive and Nob Hill Road within the subdivision and it is an area of fifty-three (53) townhouse lots. Overall, the Clearview Meadows subdivision consists of three hundred three (303) dwelling units. It is a mix of single family detached units, duplexes and townhomes. The property is zoned RM-1 (Medium Density Residential) in the area that they are considering tonight. As mentioned, this is a project that began in 2004 and at that time it was considered as a Planned Neighborhood Design and there were a series of design standards that were adopted for each of the housing types within the subdivision. Tonight, there is a Minor Lot Line Adjustment Plan and typically these plans are eligible for administrative review by Staff and do not require the Planning Commission review. However, in order to make these proposed lot revisions Planning Commission has to take action to authorize the use of some alternative bulk standards for these townhouse lots. The *Zoning Ordinance* establishes a process for the Planning Commission to consider alternative design standards, specifically in the PND Zone. Referring to the DAC Report Page 3, Staff has provided a summary table of the bulk standards for townhouses. Specifically, their request focuses on the lot width for townhouse units. Currently, the Clearview Meadows PND establishes townhouse lots at a width of twenty-two (22) feet and that is the same in the *Zoning Ordinance* provisions for PND's as well. Their request is to reduce the lot width to a twenty (20) foot measurement and in doing so, that also affects some of the other bulk standards for these townhouse lots. By reducing the lot width, it also impacts what would be the average lot area for townhouse dwellings and also the minimum lot area would be reduced as well. The other items related to the design standards are changes with portions of the PND requirements that were adopted for all PND's as part of an Ordinance change in 2014. Those relate to setbacks from the street and the property line as well as lot coverage. With

this request, they are seeking to utilize those new design standards for those elements as well. The overall Clearview Meadows subdivision remains unchanged. It will continue to have an Active Recreation Area requirement. The street network is established and is not changed with this proposal. The right-of-ways were previously laid out and part of the street network has actually been constructed. There are tree planting requirements and other utility requirements and stormwater management that will remain unchanged with this proposal.

The Planning Commission is really considering the Alternative Design Standards. The Planning Office did provide review comments on the entire package and identified some things on the Minor Lot Line Adjustment Record Plan that will need to be updated after this evening. They did note that there was one townhouse lot, Lot 249 that at the time of initial plan submission was not quite meeting the minimum lot area requirement but it's believed that with some engineering revisions that can be accomplished with some property line adjustments to make all lots compliant with a minimum lot area.

This application did go through the Development Advisory Committee and there are comments from the City of Dover Public Works Office. The Office of the Fire Marshal had no objections. The Kent Conservation District Office also provided comments for this application. Staff is supportive of the series of alternative design standards specific to the townhouse units. They find that the reduction in lot width does not significantly impact the character of the development as the number of units is not increasing and the grouping of townhouse units in 4 packs, 5 packs and 6 packs remains unchanged. The other related design standards are related to this reduction in lot width and Staff recognizes that they still continue to be appropriate.

Mr. Paradee stated that they have been here before asking for some tweaks in the design standards and this body has very graciously allowed that to happen. You may know a little bit about the history of this development as Mrs. Melson-Williams indicated; it started in 2004. The original developer went bankrupt and the project pretty much died in its tracks at that time. It became a little bit of an eyesore and a maintenance problem for the City and ultimately his client bought the project out of bankruptcy and since that time has been actively working with the City to develop the project. They are pleased to say that it has been going very well. When they got to the townhouses they ran into an issue with their developer which is Ryan Homes. Their standard townhouse product is twenty (20) feet width. The plans as originally approved called for the townhouse lots to be twenty-two (22) feet wide. They approached the Planning Office to inquire about how they might attempt to accommodate Ryan Homes because after all they have been doing a pretty nice job of filling out the subdivision and they are close to having the subdivision completely built out at this point. They followed this process to come back to the Planning Commission. As Mrs. Melson-Williams indicated the chart and the report shows the effect of all the changes. The only real change that they are seeking that is not otherwise consistent with design standards that already exist is in fact the lot width. You will see that all of the other changes that occur as a result of reducing the lot width of these thirty-one (31) units from twenty-two (22) feet to twenty (20) feet are changes that are already permitted by the existing design standards. For example, for the minimum lot area they had previously had approval for 2,200 square feet minimum lot area when the Code only requires 2,000 square feet. By making their lots go from twenty-two (22) feet to twenty (20) feet by one hundred (100) feet, that is obviously a 2,000 square foot lot. The point is that that 2,000 square foot design standard is still something that complies with the design standards in the Code. The only change that would provide some relief other than the design standards that were already part of the

project is the lot width. As he indicated, that is market driven. Ryan Homes has told them that if they had to redesign their product and make it twenty-two (22) feet width instead of twenty (20) feet width it would be significantly more expensive and obviously that would increase the cost and affect the affordability of the housing units and make they more difficult to market. Ryan Homes has indicated that based on their history and they have a very great deal of experience with developments like this that the product that moves the best is the twenty (20) foot width townhouse unit. They asked them to seek that relief and that's why they are here tonight.

They met with the Development Advisory Committee on June 8, 2016 and they agreed to all of the recommendations which are a total of seven (7) as itemized in the DAC Report. The one that Mrs. Melson-Williams mentioned in particular with regard to townhouse Lot 249, when the engineer redesigned these lots some of them are on a curve. One of the interior lots being number 249 came out at 1,999.75 square feet. It is literally three (3) inches short of fulfilling the requirement. The engineer that they spoke to actually called from the DAC meeting and he committed that he could shift that line so Lot 249 will in fact be 2,000 square feet. That was a requirement that the DAC requested that they incorporate and they are happy to do that. As mentioned earlier, all of the other comments and recommendations they agree with and are happy to incorporate. With that said, the Planning Staff recommend approval noting that it does not significantly impact the character of the residential development. He would respectfully submit that the only significant thing that will happen as a result of doing this is that it will make the development much easier to complete and sell in a timely fashion.

Mr. Holt questioned if they put in a community pool or a clubhouse instead? Responding to Mr. Holt, Mr. Paradee stated that Mr. Knight is here to answer that question.

Mr. Knight stated that the pool will go in. Some of the residents didn't want to clubhouse when they came to the Commission to ask for that change. For some reason the residents shot that down but it would have been built already. The pool is something that they won't do until the subdivision is actually sold out at about 60-65%. It's not so much the money because they already have the money allocated for the pool; it's that they don't want to have to do the maintenance. That is a huge item. They also own another project known as Hazel Farm and the pool for that development costs the HOA $16,000 a year for maintenance for three (3) months. That's the only reason that they hold back on the pool until they have enough HOA dues to support the maintenance.

Mr. Holden questioned what percentage the development is built out at this time? Responding to Mr. Holden, Mr. Paradee stated that Ryan Homes just came in a few months ago and have put three (3) model homes up. Since then they have sold twenty-four (24) homes. He thinks that Mrs. Townshend has seen some requests for permits.

Mrs. Townshend stated that they have permits waiting to be picked up.

Mr. Paradee stated that if their request is granted he would look for Ryan Homes to be in after Mrs. Townshend again to put a group of townhomes up for models. He thinks that it's really going to help the homeowners out that already live there because this development won't look like an abandoned place anymore. The more they move here, the happier the residents are going to be because it's going to become a neighborhood. There are about sixty (60) homes sold in the

development when Ryan Homes began. If they have twenty-four (24) homes sold then there are about eighty-four (84) homes sold out of the three hundred three (303) total.

Ms. Maucher state that in reading the summary, it states that this is only going to affect thirty-one (31) lots. Responding to Ms. Maucher, Mr. Paradee stated that it would affect fifty some lots. Responding to Ms. Maucher, Mr. Knight stated that there are fifty-three (53) units in the red circled area that you see but only thirty-one (31) of them are interior units. For example, if you have a four (4) pack townhome and the lot sizes are reduced from twenty-two (22) feet to twenty (20) feet what happens is the two (2) interior lots get shrunk by two feet each and the outside lots actually grow. The size of the lots on the outer ones actually get larger even though the building envelope stays the same. The amount of land surrounding them increases. So of the fifty-three (53) lots, thirty-one (31) of them are interior lots that will actually shrink from twenty-two (20) to twenty (20) in terms of that building envelope. The others on the outside will still end up being twenty (20) foot wide townhomes but the land because there is no party wall on one side the actual size of those lots gets bigger.

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

Ms. Still moved to approve MI-16-07 Clearview Meadows PND: Lots 213-265 Minor Lot Line Adjustment Plan and Consideration of Alternative Bulk Standards, seconded by Colonel Welsh and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes; there are no public concerns. They are keeping the same number of lots; they are just addressing market drivers which he thinks is important. They have gotten some good feedback on the recent homes that have been put up. It doesn't necessarily change the impact or character of the development so he thinks it's a good move. Mr. Roach voting yes; it doesn't impact the look and it seems like a good plan to move forward with. Colonel Welsh voting yes, for previous reasons stated. Mr. Holt voting yes; it is a market driven plan and he thinks that it will be good for the whole project to get moving along. Mr. Baldwin voting yes, for previously reasons stated. Ms. Still voting yes; it's a good plan to keep everything moving along. Ms. Maucher voting yes; it improves the viability of the community for marketing purposes. Mr. Tolbert voting yes, for all of the reasons stated and he further agrees because Mr. Paradee and Mr. Knight have shown their willingness to work cooperatively with the Planning Staff to bring this project to a successful conclusion.

Colonel Welsh stated that he has submitted his letter of resignation and it should be effective tomorrow. He doesn't know how many years that he has been on the Planning Commission but he thinks that it is approaching twenty (20). He has really enjoyed working with everyone but it is time for him to move on. The Commission needs some fresh blood. Bring some new people in that can provide a new perspective. He will miss everyone including the Planning Staff.

Meeting adjourned at 7:34 PM.

Sincerely,

Kristen Mullaney
Secretary

MEMORANDUM

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

DATE: July 8, 2016
TO: Planning Commission
FROM: Planning Office
SUBJECT: Request for Elimination of Upright Curbing
Administrative Site Plan: S-16-15 Family Dental Associates at 385 Saulsbury Road

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Attached is a Waiver Request for the Elimination of Upright Curbing at 385 Saulsbury Road.

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.*

The existing parking lot is being expanded and is under review as Administrative Site Plan S-16-15. There is an increase in impervious surface due to expansion of the parking lot; however, the increase in impervious surface does not trigger Site Plan review by the Planning Commission, thus making the project eligible for an Administrative Site Plan. Planning Commission action is required with respect to the Waiver Request.

Site Considerations

The expansion of the asphalt parking lot is proposed at the north end of the existing parking lot as shown in the attached exhibit from Administrative Site Plan (S-16-15) currently under review by the Planning Office.

Zoning Ordinance Article 6 §3.1 pertaining to "medical offices-all types" requires the greater of one (1) parking space per 300 SF of floor area or one (1) parking space per employee. The code requirement for the property is 13 parking spaces, and the property had an existing legal non-conforming condition of 20 spaces. The non-conformity relates to the provision of *Zoning Ordinance* Article 6 §3.11 which sets a parking space maximum at 125% of the minimum required.

The Board of Adjustment granted variance V-16-05 to allow the property to increase parking spaces to a total of 24 spaces. The Board has made similar actions related to dental offices, and staff has recognized that parking regulations for certain uses will be revisited in the future. The space demands of a dental office may be different than other medical offices. The *Zoning Ordinance* makes no distinction between medical specialties or the operational characteristics of different practices, thus the conventional calculation method for parking based on building square footage may be insufficient compared to actual parking demand.

Waiver Requested: Elimination of Curbing

Zoning Ordinance Article 6 §3.6(b) requires upright curbing for all parking areas. The existing parking lot has no curbing, which is considered an existing legal non-conforming condition. The addition to the parking lot does not propose upright curbing, see attached exhibit.

While the Administrative Site Plan does not require Planning Commission action, *Zoning Ordinance* Article 6 §3.6(b) provides the commission the ability to grant waivers related to the requirement for upright curbing:

"All permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The planning commission may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. Curbing shall not be required for loading areas, handicapped access and for parking spaces accessory to a one-family or two-family residence (see also article 6, section 5.3)."

Staff Recommendation

Planning Staff recommends approval of the request to eliminate the curbing for the parking area for the following reasons:

- It appears that the elimination of curbing will assist in accommodating stormwater management by continuing to allow sheet flow of stormwater into the adjacent grass yard areas.
- Plans presented by the applicant include parking bumpers. In the absence of curbing, parking bumpers help control vehicle movements, delineate spaces, and control parking on adjacent grass surfaces (which is prohibited). Therefore, Staff further recommends approval of the Waiver Request conditioned on the inclusion of parking bumpers at the head of parking spaces.

Attachments:

Administrative Site Plan S-16-15, received June 24, 2016 (under review)
Waiver Request Letter dated June 22, 2016

MEMORANDUM

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

DATE: July 8, 2016
TO: Planning Commission
FROM: Planning Office
SUBJECT: Request for Elimination of Upright Curbing
Administrative Site Plan: S-16-15 Family Dental Associates at 385 Saulsbury Road

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Attached is a Waiver Request for the Elimination of Upright Curbing at 385 Saulsbury Road.

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.*

The existing parking lot is being expanded and is under review as Administrative Site Plan S-16-15. There is an increase in impervious surface due to expansion of the parking lot; however, the increase in impervious surface does not trigger Site Plan review by the Planning Commission, thus making the project eligible for an Administrative Site Plan. Planning Commission action is required with respect to the Waiver Request.

Site Considerations

The expansion of the asphalt parking lot is proposed at the north end of the existing parking lot as shown in the attached exhibit from Administrative Site Plan (S-16-15) currently under review by the Planning Office.

Zoning Ordinance Article 6 §3.1 pertaining to "medical offices-all types" requires the greater of one (1) parking space per 300 SF of floor area or one (1) parking space per employee. The code requirement for the property is 13 parking spaces, and the property had an existing legal non-conforming condition of 20 spaces. The non-conformity relates to the provision of *Zoning Ordinance* Article 6 §3.11 which sets a parking space maximum at 125% of the minimum required.

The Board of Adjustment granted variance V-16-05 to allow the property to increase parking spaces to a total of 24 spaces. The Board has made similar actions related to dental offices, and staff has recognized that parking regulations for certain uses will be revisited in the future. The space demands of a dental office may be different than other medical offices. The *Zoning Ordinance* makes no distinction between medical specialties or the operational characteristics of different practices, thus the conventional calculation method for parking based on building square footage may be insufficient compared to actual parking demand.

Waiver Requested: Elimination of Curbing

Zoning Ordinance Article 6 §3.6(b) requires upright curbing for all parking areas. The existing parking lot has no curbing, which is considered an existing legal non-conforming condition. The addition to the parking lot does not propose upright curbing, see attached exhibit.

While the Administrative Site Plan does not require Planning Commission action, *Zoning Ordinance* Article 6 §3.6(b) provides the commission the ability to grant waivers related to the requirement for upright curbing:

"All permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The planning commission may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. Curbing shall not be required for loading areas, handicapped access and for parking spaces accessory to a one-family or two-family residence (see also article 6, section 5.3)."

Staff Recommendation

Planning Staff recommends approval of the request to eliminate the curbing for the parking area for the following reasons:

- It appears that the elimination of curbing will assist in accommodating stormwater management by continuing to allow sheet flow of stormwater into the adjacent grass yard areas.
- Plans presented by the applicant include parking bumpers. In the absence of curbing, parking bumpers help control vehicle movements, delineate spaces, and control parking on adjacent grass surfaces (which is prohibited). Therefore, Staff further recommends approval of the Waiver Request conditioned on the inclusion of parking bumpers at the head of parking spaces.

Attachments:

Administrative Site Plan S-16-15, received June 24, 2016 (under review)
Waiver Request Letter dated June 22, 2016

Office Location
103 South Bradford Street
Dover, DE 19904

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Kim I. Adams
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Vice President

June 22, 2016

William T. Cook
City of Dover Planning & Inspections
P.O. Box 475
Dover, DE 19903

RE: Request for Elimination of Curb
Family Dental Associates Parking Lot
385 Saulsbury Road
ED-05-06719-02-0206-00001

Dear Mr. Cook:

It is requested that the curb requirement be waived for the proposed project. Parking bumpers will be installed for all parking spaces located on the subject property except for the two handicap spaces located on the south side of the building. The parking bumpers will be sufficient enough to prevent damage to vehicles and surrounding infrastructure while parking. The addition of curb will serve no benefit to directing stormwater runoff. For these reasons, please grant a waiver from the installation of curbing around the parking areas.

Please feel free to call with any questions. I can be reached directly at 302-744-9875 or by email at tadams@mountainconsultinginc.com. Thank you for your cooperation.

Sincerely,
MOUNTAIN CONSULTING, INC.

Troy L. Adams, P.E.
Vice President

SITE DATA:

1. TAX PARCEL NUMBER: ED-05-067.19-02-02.06-000
2. SITE ADDRESS:
   385 SAULSBURY ROAD
   DOVER, DE 19904
3. OWNER ADDRESS:
   CHRISTOPHER A. NACRELLI
   385 SAULSBURY ROAD
   DOVER, DE 19904
4. ENGINEER OF RECORD:
   TROY L. ADAMS, P.E.
   MOUNTAIN CONSULTING, INC.
   103 S. BRADFORD STREET
   DOVER, DE 19904
   302-744-9875
5. EXISTING ZONING: C-PO, COZ-1
6. USE OF PROPERTY: EXISTING: DENTAL OFFICE
   PROPOSED: DENTAL OFFICE
7. GROSS AREA: 22,546± S.F. (0.52± ACS.)
8. BUILDINGS: GROSS FLOOR AREA: 3,818± S.F.
9. IMPERVIOUS COVER:
   EXISTING: 13,800± S.F. 0.32± ACS 61.21%
   PROPOSED: 13,620± S.F. 0.31± ACS 60.41%
10. PARKING DATA:
    TYPICAL PARKING SPACES SHALL MEASURE 9' X 20'
    PROPOSED USE: DENTAL OFFICE
    PARKING SPACES REQUIRED: 13 SPACES
    PARKING SPACES PROVIDED: 20 SPACES EXISTING
    4 SPACES PROPOSED
11. LOADING SPACES: NONE REQUIRED
12. SITE SOILS: HkB, HAMBROOK URBAN LAND, 0 TO 5 PERCENT SLOPES
    HSG B, VERY LOW SURFACE RUNOFF
13. SURVEY DATUM: VERTICAL: NAVD 88
    HORIZONTAL: DELAWARE STATE PLANE (NAD83)
14. DEED RECORD: D 0459 0097 T 0037 0276
15. PERMANENT CORNERS: 2 IRON PIPES FOUND
16. FLOOR AREA RATIO: 0.17
17. THIS PROPERTY IS NOT AFFECTED BY THE FLOODPLAIN AS SHOWN ON MAP NUMBER 10001C0166H, EFFECTIVE DATE MAY 5, 2003.
18. THIS PROPERTY IS NOT AFFECTED BY WETLANDS, STREAMS OR FOREST.

BULK STANDARDS

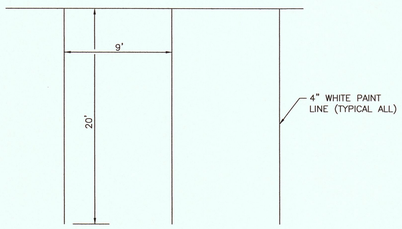
EXISTING ZONING: C-PO
BULK AREA RESTRICTIONS

MIN. LOT AREA:	5,000 S.F.
MIN. LOT WIDTH:	50 FT
MIN. LOT DEPTH:	100 FT
MIN. FRONT YARD:	40' MIN. - 50' MAX. (COZ-1)
MIN. SIDE YARD:	5 FT
MIN. REAR YARD:	15 FT

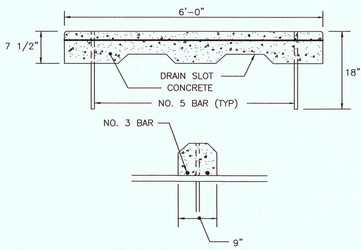
MIN. 25' SIDE/REAR YARD ADJ. TO RESIDENTIAL USES OR DISTRICTS
OFF STREET PARKING: 1 PER 300 S.F. OF FLOOR AREA OR
1 PER EMPLOYEE (WHICHEVER IS GREATER)
MAX. BUILDING HEIGHT: 45' (3 STORIES)
FLOOR AREA RATIO: 2.0
LOT COVERAGE: 75%

BOARD OF ADJUSTMENT

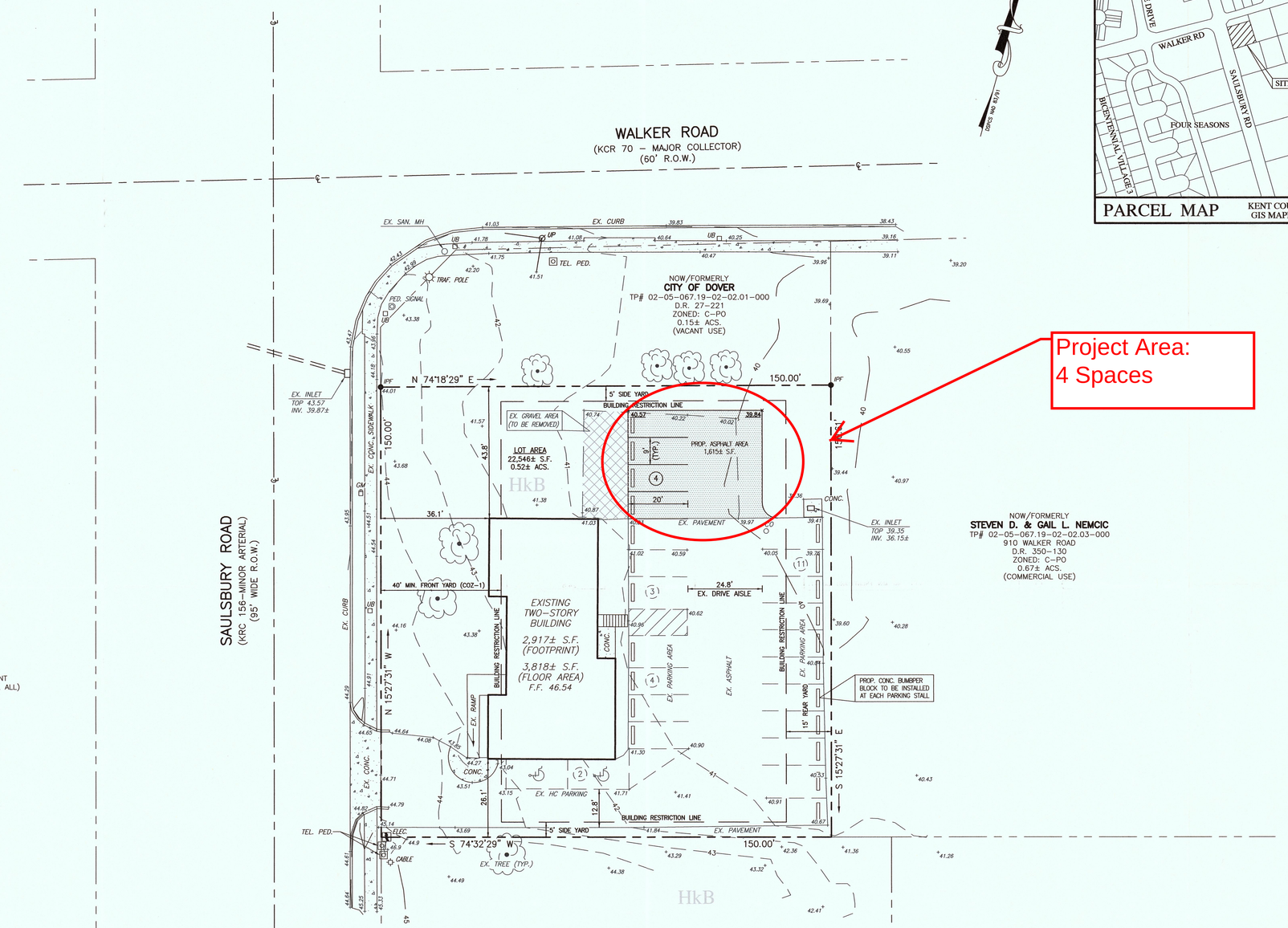
BOARD OF ADJUSTMENT CASE V-16-05, TO ALLOW THE PROPERTY TO EXCEED THE MAXIMUM PARKING LIMITATION AND ALLOW TWENTY-FOUR (24) TOTAL PARKING SPACES WAS APPROVED ON JUNE 15, 2016.

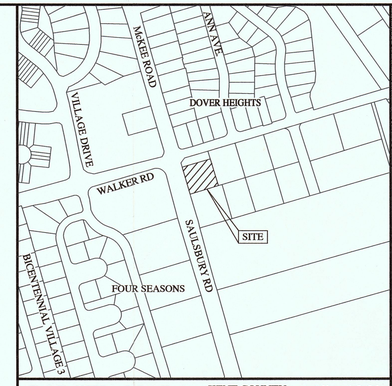


TYPICAL PARKING STALL LAYOUT
N.T.S.



CONCRETE BUMPER BLOCK
N.T.S.





PARCEL MAP KENT COUNTY GIS MAPPING 1"=400'



LOCATION MAP KENT COUNTY GIS MAPPING 1"=1,200'

LEGEND

- PROPERTY LINES
- ADJOINING PROPERTY LINES
- CENTER LINE
- EXISTING SANITARY SEWER & MANHOLE
- EXISTING CATCH BASIN & STORM SEWER
- EXISTING CURB
- EXISTING 1 FOOT CONTOUR
- 75 EXISTING 5 FOOT CONTOUR
- +39.60 EXISTING SPOT ELEVATION
- + 68.50 PROPOSED SPOT ELEVATION
- IPF IRON PIPE FOUND
- UP EXISTING UTILITY POLE
- EXISTING TELEPHONE PEDESTAL
- EXISTING TRAFFIC POLE
- EXISTING PEDESTRIAN SIGNAL
- UB EXISTING UTILITY BOX
- GM EXISTING GAS METER
- EXISTING ELECTRIC TRANSFORMER
- EXISTING CABLE BOX
- (2) EXISTING PARKING COUNT
- (2) PROPOSED PARKING COUNT
- EXISTING TREE/BUSH
- EXISTING BUILDING
- EXISTING CONCRETE/SIDEWALK
- PROPOSED ASPHALT AREA
- EX. GRAVEL AREA TO BE REMOVED
- SOIL DELINEATION LINE

THE PURPOSE OF THIS PLAN IS TO PROVIDE FOUR (4) ADDITIONAL PARKING SPACES FOR THE EXISTING DENTAL OFFICE USE LOCATED ON THE SUBJECT PARCEL.

ADMINISTRATIVE SITE PLAN
FOR
385 SAULSBURY ROAD
FAMILY DENTAL ASSOCIATES
EAST DOVER HUNDRED - KENT COUNTY
CITY OF DOVER - STATE OF DELAWARE

CERTIFICATION OF OWNERSHIP

I, CHRISTOPHER A. NACRELLI, HEREBY CERTIFY THAT THE OWNER OF RECORD DESIGNATED ABOVE IS THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, AND THAT THE PLAN WAS MADE AT THE DIRECTION OF THE OWNER, AND THAT I ACKNOWLEDGE THE SAME TO BE IT'S ACT AND DESIRE FOR THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE — DATE 6-23-16

ENGINEER CERTIFICATION

I, TROY ADAMS, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER, IN THE STATE OF DELAWARE, AND THAT THE INFORMATION SHOWN HERON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF STATE OF DELAWARE.

TROY L. ADAMS P.E. LIC. NO. 12002 — DATE 6.22.16

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.

ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND THE RULES AND REGULATIONS THERETO APPURTENANT

REVISIONS	CHECKED BY
1.) REV. PARKING LAYOUT PER OWNER AND ADDED PARKING BLOCKS	TLA
	6-22-16

mountain consulting
103 S. BRADFORD ST
DOVER, DE 19904
P.O. BOX 558
DOVER, DE 19903
T-302-744-9875
F-866-672-6428

0 10 20 40
GRAPHIC SCALE

SCALE: 1" = 20'		DRAWN BY: FJS	
DESIGNED BY:	CHECKED BY: TLA	DRAWING NAME: SITE.DWG	
DATE: 4-13-16	COMM. NO. 2016-025	FILE NO.	SHEET NO. 1 OF 1

TROY L. ADAMS LICENSE No. 12002 PROFESSIONAL ENGINEER DELAWARE 6-22-16

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City of Dover

DATA SHEET FOR UNIFIED COMPREHENSIVE SIGNAGE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF July 6, 2016

PLANNING COMMISSION MEETING OF July 18, 2016

Plan Title:	Outback Steakhouse Signage at Dover Town Center (US-16-03)
Plan Type:	Unified Comprehensive Signage Plan (Amendment)
Property Location:	Located at the corner of North DuPont Highway on the north side of KW Boulevard
Property Address:	1574 North DuPont Highway, Ste 800
Tax Parcel:	ED-05-057.00-01-05.01-000
Owners:	Onix Dover, LLC
Project Professional:	Larson Engineering Group, Inc., and associated sign fabricators & installers
Site Area:	12.74 acres +/-
Existing Signs:	Signage previously approved (US-15-02) consisting of two (2) illuminated freestanding signs (576 SF total) and 28 wall signs of various types totaling (1,862 SF total) for the center.
Proposed Signs:	Five (5) illuminated wall signs, 216 SF total (this building)
Zoning Classification:	C-4 (Highway Commercial Zone)
Roadway Classification: (per Sign Regulations)	North DuPont Highway – Urban Principal Arterial KW Boulevard – Urban Local Collector Crawford Carroll Avenue – Urban Local Collector

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 29, 2016

CITY OF DOVER PLANNING

APPLICATION: Outback Steakhouse Signage at Dover Town Center

FILE #: US-16-03 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Bill Cook, Planner I PHONE #: (302) 736-7196

PLAN SUMMARY

This is an application to the Planning Commission for a Unified Comprehensive Signage Plan Review. The plan includes the construction and implementation of wall signage for a new 5,793 SF restaurant to be constructed on the Dover Town Center property. The proposal is for five (5) wall signs.[1]

The plan amends Unified Comprehensive Signage Plan US-15-02 for the Dover Town Center property which was approved by the Planning Commission at its meeting of September 21, 2015. The approved elements of that plan include two (2) illuminated freestanding signs totaling 576 SF, and 28 wall signs of various types totaling 1,872 SF.

Pertaining to wall signs, the previous approval for US-15-02 applied only to the main 98,098 SF structure (former Walmart) on the property. The proposed 5,793 SF restaurant and 11,600 SF multi-tenant building were not included in US-15-02, and those buildings were otherwise subject to the standard Sign Regulations of the *Zoning Ordinance.*

The submitted plan will bring the restaurant into the US-15-02 plan. The applicant is proposing one (1) additional wall sign on the restaurant building than would otherwise be permitted under the standard Sign Regulations. The 11,600 SF multi-tenant building is not included in this plan amendment, and that building will remain subject to the standard Sign Regulations of the *Zoning Ordinance.*

[1] The applicant's submitted plans depict panels on the existing freestanding pylon signs. Freestanding signage was previously approved (US-15-02) and not subject to this plan review.

Related Actions

The Dover Town Center property is planned for a total of three (3) buildings. The project area qualifies for the Unified Comprehensive Sign Plan process because the site will have three (3) or more principal structures under common management located on a contiguous property, and also has 400 linear feet or greater of frontage on an Urban Principal Arterial Street, as defined in Article 5 §4.8 and 4.3 of the *Zoning Ordinance*.

The Dover Town Center project previously reviewed as Site Development Plan S-15-04 was approved by the Planning Commission on May 18, 2015 and granted Final Site Plan approval on June 29, 2015. Building permits were subsequently issued for the main commercial building and tenants are continually fitting out spaces and opening for business.

Site Development Plan S-15-13, pertaining to "Phase 2" of Dover Town Center, consisting of the restaurant and smaller multi-tenant building, was approved by the Planning Commission on September 17, 2015. This Phase 2 Plan made revisions in the building areas associated with the pad site buildings. Final Plan Approval was granted by staff on January 11, 2016. Building Permits were subsequently issued and construction is underway for the restaurant and smaller multi-tenant building.

An earlier Site Development Plan (S-12-10) and Unified Comprehensive Sign Plan (US-12-02) for past proposals on the property were conditionally approved by the Planning Commission but subsequently expired due to lack of finalization of plans and no commencement of construction activity.

SIGNAGE REGULATIONS

The subject site has frontage on North DuPont Highway, an Urban Principal Arterial street, as well as KW Boulevard and Carroll Crawford Avenue, both classified as Urban/Local Collector streets.

Table 1 lists the requirements and limits for signs permitted under the standard sign regulations of the *Zoning Ordinance* for the subject property's location.

Table 1: "Sign Table"

Zoning Ordinance, Article 5 §4.7 (excerpt)

Location	Use	Road Type	Permitted Signs						
			Sign Type	Number Permitted	Max. Size	Max. Height	% of Total Wall Area	Setback (R.O.W.)	Exclusion Zone
Nonresidential Uses in Nonresidential Districts	Nonresidential Uses	Urban Principal Arterial	Wall &	2/frontage	No max	N/A	< = 15%	N/A	N/A
			Monument or Post and Panel &	1/entrance	100 S.F.	10 feet	N/A	10 feet	20 feet
			Pylon OR *	1/frontage	100 S.F.	30 feet	N/A	15 feet	50 feet
			Pylon*	1/frontage	150 S.F.	30 feet	N/A	31 feet	50 feet
		Urban Local/ Collector	Wall &	2/frontage	32 S.F.	N/A	< = 15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet

* Denotes that an additional w all sign may be permitted/added in lieu of a freestanding pylon sign.

In addition to the sign regulations related to permitted size and dimensional characteristics, additional provisions of the sign regulations would apply to this property under the standard sign regulations. These are referenced in greater detail in the analysis and recommendation of the applicant's proposed signage:

- *Zoning Ordinance* Article 5 §4.4.C design requirements for wall signs

Unified Comprehensive Signage Plan Considerations

Table 1 presents the conventional sign regulations for the property based on its road frontage. However, the applicant has requested consideration of a Unified Comprehensive Signage Plan for the property. Under the provisions for Comprehensive Signage Plans for unified campuses and complexes found in *Zoning Ordinance*, Article 5 §4.8 of the Sign Regulations, an applicant may request that the Planning Commission grant additional signage and sign area than would be permitted under the conventional sign regulations in the *Zoning Ordinance*.

In considering a Unified Comprehensive Signage Plan, "the number type and size of sign proposed may not be excessive and must be in proportion to the scale of the building and the uses on the site." For the Unified Comprehensive Signage Plans, there shall be architectural harmony and unity of signs within a unified campus or complex. Sign type, color scheme, size, and illumination within the site shall be coordinated and shall be compatible with the architecture of the complex and the surrounding area. All Comprehensive Signage Plans must comply with the design guidelines found in *Zoning Ordinance*, Article 5 §4.4. The design requirements focus on freestanding signs, the material and craftsmanship of signs, wall sign placement, illumination, and changeable signs.

DESIGN GUIDELINES AND OBJECTIVES FOR COMPREHENSIVE SIGNAGE PLANS

In reviewing the overall sign package, each of the sign locations must be reviewed individually and as a whole. The Planning Commission must take into consideration the public health, safety

and welfare, the comfort and convenience of the public in general and of the residents, business and property owners of the immediate neighborhood in particular and shall ensure that the Site has adequate, but not excessive signage.

The Sign Ordinance specifically spells out the guidelines for the Planning Commission to use to approve or disapprove a Unified Comprehensive Signage Plan (*Zoning Ordinance,* Article 5 § 4.8 B and C). The pertinent design guidelines and objectives are as follows:

B. *Design guidelines for unified comprehensive signage plans.*

1. Unified campuses and complexes applying for a unified comprehensive signage plan may not be held to the height, size, number and area regulations for signs found in other subsections of this section. However, the number, type and size of signs proposed may not be excessive, and must be in proportion to the scale of the buildings and the uses on the site.

2. All unified comprehensive signage plans must comply with all design guidelines found in subsection 4.4-Design requirements of this section, as well as all specific design guidelines found in this section.

3. Building signs shall be in harmony with the overall architectural concept for the site, and be compatible with each other and the building facades.

4. The freestanding signs identifying shopping centers and other unified campuses and complexes shall identify the name of the campus or complex and no more than three separate tenants within the campus or complex unless otherwise approved by the planning commission.

5. There shall be architectural harmony and unity of signs within a unified campus or complex. Sign type, color scheme, size, and illumination within the site shall be coordinated and shall be compatible with the architecture of the center and the surrounding area.

C. *Planning commission duties.* In reviewing and approving comprehensive signage plans, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents, businesses, and property owners of the immediate neighborhood in particular, and shall ensure that unified campuses and complexes have adequate, but not excessive, signage. Specifically, the following objectives shall guide the commission when reviewing such plans:

1. That the size and complexity of the campus or complex warrants the need for extra signage under the provisions of this section;

2. That, in respect to the number and type of entrances, the placement of signage at or near those entrances provides superior visibility in order to ensure the safety of the driving public;

3. That the proposed signs are adequate in number to safely direct the public to the use or uses on the site;

4. The proposed signs must not have an adverse impact on the visibility of adjacent signs, and shall be consistent with, or an improvement over, the prevailing type and style of signage in the general area;

5. That the proposed signs will be of a style and color which will complement the architecture of the site, and the area in general.

SUMMARY OF SIGNAGE AND RECOMMENDATIONS

This project is to establish wall signage for a freestanding Outback Steakhouse restaurant located on the multi-tenant Dover Town Center shopping center property. The Plans submitted outline the placement and construction details for each sign, as well as design details such as typeface, color, and dimensions. Building façade elevations are provided to demonstrate the relationship of signage to each elevation, as well as to show the relationship of the building to the shopping center and street frontages as a whole.

Table 2 presents a detailed listing of all signs proposed for the Outback Steakhouse restaurant, with references to the plans submitted by the applicant.

Table 2: Proposed Signage
US-16-03 Outback Steakhouse, (Amendment to US-15-02 Dover Town Center)
1574 North DuPont Highway, Suite 800

WALL SIGNS					
No.	Plan Submission Page	Description	Sign Face Dimensions	Wall	Sign Area (SF)
A	2,4,8	'Outback' Channel Letters	4'-9 5/16" x 14'-0"	South	66.90
B	2,4,9	'Steakhouse' Blade	12" x 7'-10"	South	7.80
C	2,5,8	'Outback' Channel Letters	4'-9 5/16" x 14'-0"	East	66.90
D	2,5,10	'Take Away' Blade	12" x 7'-10"	East	7.80
E	2,6,8	'Outback' Channel Letters	4'-9 5/16" x 14'-0"	West	66.90
			Total Square Feet, Wall Signs:		**216.3**
			Total Number, Wall Signs:		**5**

Wall Signage

Summary

The applicant is requesting a total of 5 wall signs for the Outback Steakhouse restaurant. The signs are placed on three different elevations of the building as noted in Table 2:

- South Elevation- facing KW Boulevard (2 signs)
- East Elevation- facing North DuPont Highway (2 signs)
- West Elevation- facing Dover Town Center parking lot and visible from KW Boulevard and Crawford Carroll Boulevard (1 sign)

Three (3) primary signs are internally illuminated channel letter signs with the franchise name and logo (“Outback”). Two (2) additional internally illuminated signs are located on entrance canopies (“Steakhouse”, “Take-Away”).

The standard sign regulations of *Zoning Ordinance* Article 5 §4 regulate the permitted signage according to its property frontage. The property has frontages on both an Urban Principal Arterial and an Urban/Local Collector street. When a property has frontages on different classes of streets, code allows the establishment to place signage on any building wall, subject to the sign area and number that the establishment is entitled to.

Table 3 provides a summary of the number and area of wall signs proposed, with a comparison to the signage allowed under the standard Sign Regulation of *Zoning Ordinance*.

Table 3: Wall Sign Code Comparison
US-16-03 Outback Steakhouse, (Amendment to US-15-02 Dover Town Center)
1574 North DuPont Highway, Ste 800

	Number	Wall Area %	Size (SF)
MAXIMUM PERMITTED			
Urban Principal Arterial	2	15%	No Max.
Local Collector	2	15%	32
Total:	**4**		
PROPOSED			
Sign A, 'Outback' Channel Letters	1	3.8%	66.9
Sign B, 'Steakhouse' Blade	1	0.4%	7.8
Sign C, 'Outback' Channel Letters	1	3.6%	66.9
Sign D, 'Take Away' Blade	1	0.4%	7.8
Sign E, 'Outback' Channel Letters	1	3.3%	66.9
Total:	**5**		**216.3**

The proposed signage for five (5) signs is one (1) sign in excess of what the Sign Regulations would allow. Although the Sign Regulations allow allotted signs to be placed on any wall, if an additional sign is permitted, the additional sign would be larger than the maximum size allowed on a Local Collector street (66.9 SF vs 32 SF). While the code is neutral as to the orientation and visibility of allotted signage to the street, when a property has multiple frontages of different street types, staff notes that as presented (see Page 2 of Plan Submission), there would be one (1) additional sign facing KW Boulevard (Local Collector) that is larger than what would be permitted.

Recommendation
Staff finds overall that the proposed Unified Comprehensive Sign Plan presents a coordinated concept for the property and provides signage that provides identity to the restaurant and provides safe wayfinding to the general public both from the public right-of-way and from within the shopping center property. The plan is in keeping with the purpose and design guidelines for Unified Comprehensive Signage Plans.

Staff finds the increase in sign number compared to the standard sign regulations to be appropriate for the property and its use. Of the two sign designs presented, the smaller sign design (Signs B, D) is significantly smaller (7.8 SF) than the larger sign design (66.9 SF) yet these are still counted towards the total permitted.

The three (3) larger signs, Signs A, C, and E do not approach the maximum sign area which would be permitted for Urban Principal Arterial frontage. While the standard Sign Regulations would permit two (2) signs, such signs could be considerably larger. Staff believes that one (1) additional wall sign at the proposed size presents an overall balance that is satisfactory, is not excessive, and meets the design guidelines for Unified Comprehensive Signage Plans.

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:

The following revisions and corrections to the Comprehensive Signage Plan submission documents are listed:

1) None

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) None

ADVISORY COMMENTS TO THE APPLICANT:

1) The applicant shall be aware that Unified Comprehensive Signage Plan approval does not represent a Sign Permit. Any proposed site or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign.
    a. Each wall sign requires a permit.
    b. Initial facings and subsequent refacings of tenant panels on freestanding signs require permits.

2) Staff requires a final submittal and approval of the Unified Comprehensive Signage Plan, including any revisions and conditions of Planning Commission approval, before Sign Permits will be issued.

3) Window signage is subject to regulations in *Zoning Ordinance,* Article 5 §4.9.A and require permits.

4) Applicant is advised to consult *Zoning Ordinance,* Article 5 §4.6 related to prohibited signs, which include pennants, streamers, balloons, "flutter flags", and other types.

5) Applicant is advised to consult *Zoning Ordinance,* Article 5 §4.9.D in its entirety related to Temporary Signs, which include banners, and provisions related to grand openings.

6) In the event that major changes and revisions to the Signage Plan occur in the finalization of the signage plan contact the Department of Planning and Inspections. Examples include reorientation of signage, relocation of signs, changes in sign area, etc. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

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

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

9) Signs should be placed in a manner that meets National Electrical Safety Code (NESC) requirements.

10) Be advised that the City of Dover, Public Works Department does not permit signs to be installed within ten (10) feet of existing or proposed water lines.

11) Be advised that the City of Dover, Public Works Department does not permit signs to be installed within ten (10) feet of existing or proposed sanitary sewer lines.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 29, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **OUTBACK STEAKHOUSE RESTAURANT SIGNAGE AT DOVER TOWN CENTER**

FILE #: **US-16-03**

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

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

CONTACT PHONE #: **Electric 302-736-7070, 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. Signs should be placed in a manner that meets NESC requirements.

WATER / WASTEWATER / STORMWATER/ STREETS / SANITATION / GROUNDS

1. The City of Dover Department of Public Works has no objection to the proposed sign plan, due to the fact that the signs are not located within ten feet (10') of underground utility infrastructure.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

ADVISORY COMMENTS TO THE APPLICANT

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

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

US-16-03

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 07/06/16

CITY OF DOVER FIRE MARSHAL

APPLICATION: Outback Steakhouse Restaurant Signage

FILE #: US-16-03 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

This office has no objections

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 29, 2016

D E L D O T

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APPLICATION: Outback Steakhouse Restaurant Signage at Dover Town Center

FILE#: US-16-03 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

- The square footage of the restaurant on page 2 (5793 S.F.) of the Signage Plan does not match the square footage that was approved for the restaurant on the record plan and entrance plan (5740 S.F.). Please revise the signage plan to match what was approved on the record and entrance plan.

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
July 2016

APPLICATION: Outback Steak House

FILE #: US-16-03

REVIEWING AGENCY: *Kent Conservation District*

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

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

Source:
2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the signage plan for the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:
The Following comments are advisory and apply to the development of a detailed site plan for this project.

- The proposed disturbance is less than 5000 square feet and is therefore exempt from stormwater regulations and will not require permitting from the Conservation District.
- A detailed Sediment and Stormwater Management Plan must be reviewed and approved if ay anytime the disturbance exceeds 5000 square feet.

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF July 6, 2016

PLANNING COMMISSION MEETING OF July 18, 2016

Plan Title:	Dunkin Donuts at 1116-1128 Forrest Avenue, S-16-13	
Plan Type:	Site Development Plan	
Location:	South side of Forrest Avenue west of Saulsbury Road	
Tax Map #:	ED-05-076.11-02-22.00-000 ED-05-076.11-02-59.00-000 ED-05-076.11-02-20.00-000 ED-05-076.11-02-21.00-000 ED-05-076.11-02-23.00-000 ED-05-076.11-02-20.01-000	
Owner: Applicant:	Ennis Business Associates, LLC Franchise Management Services, Inc.	
Site Area:	7.7 acres +/-	
Zoning:	C-2A (Limited Central Commercial Zone) and COZ-1 (Corridor Overlay Zone)	
Prior Use: Proposed Use:	Two (2) one-family dwellings (demolished) Retail and Office	
Building Areas:	Building A Building B Building C Building D TOTAL	7,389 S.F. 3,712 S.F. 3,712 S.F. 20,000 S.F. 34,813 S.F.
Off Street Parking:	Required – 124 spaces (maximum 155 by Code) Proposed – 125 spaces	
Sewer & Water:	City of Dover	
Waivers Requested:	Partial Elimination of Curbing Opaque Barrier Requirement - Fence Component (Materials & Format)	

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 6, 2016

APPLICATION: Dunkin Donuts at 1116-1128 Forrest Avenue

FILE #: S-16-13 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY

Review of a Site Plan application to permit the construction of approximately 34,813 S.F. of retail and office space in four buildings and other site improvements. The project is to include a Parcel Consolidation Plan to merge the six parcels on site. The project's initial phase consists of one 7,389 S.F. building with three tenant spaces, one of which will be occupied by a Dunkin Donuts, and one 3,712 S.F. building with one tenant space. Construction would involve demolition of all existing buildings on site. The property consists of 7.7 acres and is located on the south side of Forrest Avenue west of Saulsbury Road. The property is zoned C-2A (Limited Central Commercial Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Ennis Business Associates, LLC, and the developer/purchaser is Franchise Management Services, Inc. Property Addresses: 1116-1128 Forrest Avenue. Tax Parcels: ED-05-076.11-02-22.00-000, ED-05-076.11-02-59.00-000, ED-05-076.11-02-20.00-000, ED-05-076.11-02-21.00-000, ED-05-076.11-02-23.00-000 and ED-05-076.11-02-20.01-000. Council District 1.

Existing Property and Surrounding Area

On October 29, 2002, Application S-02-28 Cardiology Consultants went before the Planning Commission requesting approval to develop 1100 Forrest Avenue and 1110 Forrest Avenue, the two lots adjacent to the subject property on the east. As a condition of approval, the Planning Commission required per the requirements of the Corridor Overlay Zone that a cross-access easement be recorded in the development. This cross-access easement is located on the southern border of 1110 Forrest Avenue.

The current development application S-16-13 is subject to the same requirements of the Corridor Overlay Zone as its neighbor, and must record a similar cross-access easement on its southern border to connect to the existing neighboring easement. The purpose of these cross-access easements is to facilitate the eventual creation of a road connecting Commerce Way to the south and Gateway Boulevard to the east, per the recommendations of the Dover/Kent County Metropolitan Planning Organization's 2008 *Delaware 8 Concept Plan and Operations Study*. The current development must also record a cross-access easement connecting the first easement to Forrest Avenue.

The current Site Plan application was originally submitted on May 6, 2016. The Planning Office determined that the application required sufficient revisions to postpone a hearing of the project before the Planning Commission. The application has been revised and resubmitted, with a Plan Revision date of June 20, 2016.

PROJECT DESCRIPTION

The Site Plan proposes four (4) buildings and associated site improvements. Building A is to be divided into three tenant spaces, the street-facing one of which is to be occupied by a Dunkin Donuts with a drive-thru. The applicant is anticipating that the Dunkin Donuts will have 53 seats, and that there will be an additional 70 seats between the two other tenants if they are developed as restaurant uses. Building B will have only one tenant space and if developed as a restaurant use will have 53 seats. The applicant has provided architectural elevations for Building A and renderings for all the buildings on site.

The plan divides the site into two areas indicating a first phase and "future phases," with Buildings A and B in the first phase and Buildings C and D in the future phases. Respective site improvements are included in each phase. Nothing is yet known about the occupants of Buildings B, C, and D; Buildings B and C may be developed as office, retail, or drive-thru, while Building D has been specified for office use. For information on phasing see Exhibit Plan sheet: Phase 1 Parking Exhibit.

Other proposed site improvements include an outdoor eating area adjacent to the Dunkin Donuts, a pocket park in between Buildings C and D, and bioretention facilities to supplement the main stormwater infiltration pond planned for the site.

C-2A Zoning District

The project's proposed restaurant, retail, and office uses are permitted in the C-2A zoning district. Any future tenants of the buildings must comply with the allowable uses of C-2A.

COZ-1: CORRIDOR OVERLAY ZONE

The purpose of the Corridor Overlay Zone (Article 3 §27) is to promote superior development and a high quality built environment along the City of Dover's urban corridors. Because of this it sets standards for landscaping and architectural design in excess of those required by underlying zoning districts, and sets bulk standards which supersede those outlined in the *Zoning Ordinance,* Article 4. Route 8 (Forrest Avenue) is the corridor adjacent to this site.

The requirements of the Corridor Overlay Zone are laid out in Article 3, §27 of the *Zoning Ordinance*. The following requirements of the COZ have been met:

- §27.63(c)(i): The number of parking spaces versus islands and medians, and the sizing thereof, meet the requirements of the COZ.

- §27.63(c)(ii): Landscaped buffer areas of at least 12 feet in width are provided between all buildings and adjacent parking lot and drive areas, except the drive-thru areas. In most cases a 6-foot sidewalk is also provided.

- §27.64(d): Cross access has been provided, through (a) a cross-access easement to be recorded at the rear of the property, and (b) an inter-parcel drive aisle connection location to the south of Building A. Both cross-access locations connect to the properties to the east.

- §27.64(e): The site entrance is 26 feet away from adjacent residential property to the west. The minimum required distance of a commercial entrance from residential property is 25 feet.

- §27.66: The buildings comply with the allowable number of stories in the COZ. It is unproven but anticipated that the buildings also comply with the 35-foot height limit.

- §27.67(a): The proposal meets the requirement that 25% of the lot consist of landscaped open space. As shown 59.42% of the lot is open space.

- §27.67(b): Street frontages (Forrest Avenue frontage) are required to have a landscaped open space 25 feet in depth, measured from the curb line, and to provide one tree per fifty (50) feet of frontage. Because of Forrest Avenue's wide right-of-way, the applicant has fulfilled this requirement by planting in the right-of-way. (See Landscape discussion).

- §27.69: The buildings have architectural features meeting the requirements of the COZ (See Building Architecture discussion).

COZ-1 Compliance and Determination of Superior Urban Design

A number of other COZ-1 requirements are not met or fully met and may affect the site layout if the Planning Commission chooses not to relax these requirements. The applicant is seeking consideration of Superior Urban Design for the project as outlined in *Zoning Ordinance,* Article 3 Section 27 to address certain requirements. The Planning Commission must determine if the project plan is "Superior Urban Design" based a specific criteria outlined in the code and with reference to the policy guidance "COZ-1 Superior Urban Design Goals and Policies" (see Attachment). See also the applicant's narrative.

- §27.61(a): The maximum setback for nonresidential properties on Route 8 between Mifflin Road and Saulsbury Road is 60 feet. This may be extended to a maximum setback of 90 feet if the applicant can demonstrate to the satisfaction of the Planning Commission that the plan exhibits Superior Urban Design as defined in §27.2. Building A, the closest building to Forrest Avenue, is set back 90 feet from the front property line.

- §27.62: Buildings must be situated on the property so that the longest side of the building is arranged parallel and square to the roadway. Building A does not meet this requirement. If the applicant can demonstrate to the satisfaction of the Planning Commission that, due to specific constraints related to lot configuration, alternative building placement is needed, such an alternative placement may be approved by the Commission.

- §27.63(a): Parking is not permitted between the building and the street in the COZ unless the applicant can demonstrate to the satisfaction of the Planning Commission that the plan exhibits Superior Urban Design as defined in §27.2.

PARKING SUMMARY

Off-street parking in the C-2A zone must be provided at a rate of one (1) space per 300 square feet of floor area or one (1) space per employee, whichever is greater. The number of employees to be employed on site is unknown. In addition, for eating and drinking places parking must be provided at a rate of one (1) space for every four (4) seats plus one space for every three (3) bar seats, if this yields a higher parking requirement than the square footage calculation or the employee calculation.

For Building A, the applicant has indicated that there will be 123 regular seats serving the building, yielding a parking requirement of 31 spaces. The site plan indicates that 53 seats will serve the Dunkin Donuts, while 70 are reserved for future restaurant tenants in the other two tenant spaces. For Building B, the applicant has indicated that there will be 53 seats serving the building if developed as a restaurant use, yielding a parking requirement of 14 spaces. Parking requirements based on floor area for these buildings would yield a 25 space requirement (Building A) and a 13 space requirement (Building B); therefore, the calculations based on seats prevail.

Buildings C and D total 23,712 S.F. of floor area, and using the 300 S.F. ratio require 80 spaces between them. The total parking required on site is therefore 124 spaces. 125 spaces are proposed.

When construction is built in phases, parking provided must be proportional to each phase. The parking requirement for Phase 1 (Buildings A and B) is 45 spaces. The parking provided in Phase 1 as identified on the Phase 1 Parking Exhibit submitted to the Planning Office on July 8, 2016, appears to be 58 spaces. The maximum parking allowed for any site development is 125% of the minimum required (*Zoning Ordinance*, Article 6 §3.11). Therefore, the maximum parking allowed for Phase 1 is 56 spaces. All parking spaces may be built in the locations specified on the plan (other restrictions on placement notwithstanding) but two (2) of the 58 spaces planned for Phase 1 must instead be provided in a future phase.

Loading Spaces

The size of the southernmost office building (Building D) requires it to be served by a loading berth of at least 12 feet by 60 feet, with adequate truck maneuvering space (*Zoning Ordinance,* Article 6 §4). This loading space has been provided on the west side of the building.

Bicycle Parking

Bicycle parking is required at a ratio of one space for every twenty parking spaces. If the site is to be served by 125 parking spaces, seven (7) bicycle parking spaces are required. The applicant is proposing ten (10) bicycle parking spaces: five (5) in a bike rack located in the pocket park and five in a bike rack located on one of the parking islands.

SITE CONSIDERATIONS

Easements

The subject property is the site of two proposed new streets under the Dover/Kent County MPO's 2008 *Delaware 8 Concept Plan and Operations Study*. One of these is an east-west route connecting Commerce Way and Gateway Boulevard running along the south edge of the site. The other is a north-south route connecting the first route and Forrest Avenue, at the signalized intersection at the Modern Maturity Center entrance. The applicant has accommodated both of these routes in the resubmitted Site Plan by identifying 50-foot wide access easements along the southern and western borders of the site. The easements will allow for the future development of a street system.

Traffic Circulation

The way traffic is intended to circulate on the site is not fully clear at this time. A 28-foot drive aisle runs the length of the developed area of the site from north to south. Building D is easily accessible at the end of this entrance drive aisle. The entrances of Buildings B and C can be reached from the first and second left turns from the entrance aisle, respectively, and their drive-thrus can be reached from the second and third left turns, respectively. Building A is the farthest building from the entrance drive. While Building A can be accessed from any of the left turns, traffic entering its parking area from three different possible entrances may interfere with its drive-thru traffic.

The overall entrance to the site is not yet finalized. The signalized intersection with the Modern Maturity Center will have to be redesigned to create this site's entrance, pending the results of a Traffic Impact Study being conducted by the developer and DelDOT.

Sidewalks/Pedestrian Circulation

The site is served by frontage sidewalk along Forrest Avenue. Forrest Avenue is the planned route of the Senator Bikeway, and the Planning Office is working with DelDOT to determine if the applicant will be required to upgrade the frontage sidewalk to an 8-foot multi-use trail at this time. The Site Plan currently makes accommodations for such a trail.

There are two pedestrian routes into the site from the street frontage. The eastern one crosses a drive aisle to Building A, goes past the building, crosses another drive aisle, and follows the perimeter of the parking adjacent to the pocket park before arriving at Building D. The western one crosses a drive aisle to a parking median, then another drive aisle to another parking median, before almost but not quite reaching the pocket park. Crosswalks from the two medians allow access to Buildings B and C. There is also a connection between the two routes using another crosswalk from the second median.

Lighting

Light poles and wall-mounted lights are proposed in appropriate locations around the site. The applicant has provided specifications on the lights indicating their power use and the direction of their illumination. The applicant has also specified that the lights will be sensor-activated. Sign lights are proposed to be on "from 4 AM to 7 AM & dusk till 11AM." 11 PM may be meant.

Dumpsters

Dumpster requirements for the site are based on use. At present, the uses of most of the tenant spaces on site are uncertain. But taking into account a maximum restaurant area of 10,389 S.F. between Buildings A and B, and assuming retail or office uses totaling 23,712 S.F. between Buildings C and D, the site requires seven (7) dumpsters. Dumpster enclosures are proposed southeast of Building A, northeast of the pocket park, and southeast of Building D. The applicant has indicated that each of the three dumpster enclosures is able to hold two (2) dumpsters, for a total of six (6) provided. A reserved spot for a seventh dumpster is required. The City Planner may require in the future that the site's owner of record construct a dumpster pad and enclosure in this reserved spot, upon determining there is need for additional trash holding capacity on site.

The method of trash collection appears to be front load. This must be confirmed.

Waiver Request: Partial Elimination of Curbing

Article 6 § 3.6 (b) of the *Zoning Ordinance* requires upright, 6-inch curbing for all parking areas. Flush curbing is located on the eastern and western edges of the easternmost and westernmost drive aisles, respectively, in a position to convey stormwater from parking and drive areas to the bioretention facilities. The applicant has requested a waiver to relax the curbing requirement for these areas.

BUILDING ARCHITECTURE

The applicant has provided elevation drawings of Building A and renderings for the site as a whole. Buildings A and B front on Forrest Avenue, one of the primary corridors in the Corridor Overlay Zone, and because of this their front elevations, known as "corridor elevations," are subject to special requirements under the zoning. Corridor elevations are typically required to include several features, including functioning windows; a primary entrance door; a primary entrance feature; and either landscaping integrated into the building design concept, architectural or urban design elements linking adjacent structures, or architectural relief.

The architectural requirements of the Corridor Overlay Zone have been satisfactorily met. Buildings A and B both have functioning windows on the front facades for the tenant spaces, taking up proportionately appropriate amounts of wall space. Both buildings also have primary entrances on these facades. Awnings and Building A's outdoor seating area serve as primary entrance features. All the buildings on site exhibit strong architectural relief, with articulated bases, column-like elements, and cornices.

The applicant is advised that the maximum height in the COZ-1 is 35 feet. It is anticipated that a two-story commercial building will be able to meet this requirement.

Signs

The Planning Office notes that pylon signs are prohibited along Urban Minor Arterials such as Forrest Avenue, according to the Supplementary Sign Regulations of the *Zoning Ordinance*, Article 5, §4.7. The one depicted on the plan next to Building A must be removed.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a concept for the Landscaping Plan. The total lot area is 7.70

acres; based on this area, 112 trees are required to meet the tree density requirements of the site. The applicant proposes to meet this requirement with new tree plantings of Crepe Myrtle (10), Flowering Cherry (12), Dogwood (65), Red Oak (50), and Arborvitae (121) for a total of 258 trees. The trees are proposed to be distributed around all four property lines of the site as well as adjacent to buildings, within the parking lot islands, and within the pocket park.

Article 3, §27.67(a) specifies that lots in the Corridor Overlay Zone must have a landscaped open space of at least 25 feet in width at the front of the lot, measured from the back of the street curb. This space has been landscaped as required. However, this space is also entirely within the street right-of-way. An agreement will have to be worked out between the property owner and DelDOT to ensure the property owner maintains the trees in the right-of-way in front of the property.

The COZ requires at least one tree per 50 linear feet of frontage and at least one tree per 75 feet on nonfrontage perimeters. To the direct east of Building A, trees are provided at a rate of one tree per 90 feet and one tree per 110 feet.

There is an existing area of trees fronting on Forrest Avenue that is proposed to be completely cleared to make way for Building A and its parking areas. A landscape architect or tree specialist must certify that this area is not woodland (as defined by the *Zoning Ordinance,* Article 6 §16.2) for it to be cleared.

Waiver Request: Opaque Barrier - Fence Component (Materials & Format)

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

Because vinyl fencing is not along the list of approved opaque barrier options given in the *Zoning Ordinance*, the Planning Commission will have to specifically approve the proposed vinyl fencing.

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

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) All comments provided by Planning Staff in this report are predicated on the site consisting of one parcel of land. The applicant must submit a Record Plan sheet for review in order to

complete a Parcel Consolidation process.

2) The Planning Office received on July 8, 2016 a "Phase 1 Parking Exhibit" that depicts project phasing, building uses, and specific site improvements updated from the last full Site Plan submission. Other agencies of the Development Advisory Committee have not reviewed these project changes. The changes will have to be integrated into the next full Site Plan submission and be reviewed by all agencies prior to Final Plan Approval.

3) The Planning Commission must determine if the project is Superior Urban Design per the requirements of the *Zoning Ordinance* as defined in Article 3, §27.2. The applicant has summited a written request for such designation. If such designation is not achieved, there are required site design changes.

4) Upright curbing shall be provided around all parking and drive areas in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request was received for consideration by the Planning Commission.

5) The opaque barrier requirement shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request was received for consideration by the Planning Commission.

6) Ensure that all sidewalks within the minimum twelve-foot-wide buffer between parking and drive areas and buildings are at least 6 feet wide and no more than 8 feet wide. The sidewalks adjacent to Building D are still shown as only 4 feet wide.

7) Ensure that no more than 56 parking spaces are provided for Phase 1. Currently, 58 are provided. One way to reserve two parking spaces for a future phase would be to stripe them as a no-parking zone, and then remove that striping after future construction.

8) The Planning Office recommends against locating ADA-accessible parking spaces adjacent to parking medians. These spaces should be located so an accessible route to a building does not cross a drive aisle. At least one ADA space must be located in each of the two space groups immediately adjacent to Buildings B and C.

9) Reserve a space on site for an additional dumpster enclosure. A note must be included on the plan specifying that future construction of the enclosure may be required by the City Planner in the event of inadequate dumpster capacity on the site.

10) Remove the pylon sign proposed to the northwest of Building A.

11) To meet COZ perimeter planting requirements, two additional trees are needed to the east of Building A, equidistant between the existing proposed trees, so that trees are provided at a rate of at least one tree per 75 feet of nonfrontage perimeter. The trees may be moved from elsewhere on site. The shrubs in the bioretention facilities cannot count toward the nonfrontage perimeter tree planting requirement.

12) The crosswalks must use the City's standard striping ("piano keys") type.

13) Sheet 1/Site and Utility Plan:
    a. Add a note under "General Notes" indicating that all new utilities to be constructed on site will be constructed at the developer's expense.
    b. Under "Site Data" add "COZ-1" to the zoning of this property.
    c. Under "Site Data" change "front setback" to "90' max by COZ"
    d. Under "Site Data" change "max building height" to "35 feet or 2 stories by COZ"
    e. Add notations indicating how many parking spaces are in each row of spaces.
    f. Document the method of trash collection to be used on site (side load or front load).

14) Sheet 2/Existing Conditions Plan:
    a. Add on this sheet a landscape architect or certified nursery professional's certification that the existing trees on site do not constitute Woodland as defined in the *Zoning Ordinance,* Article 5 §16.2.
    b. Add a note indicating that the two houses depicted on the Existing Conditions Plan have already been demolished.

15) Sheet 4/Landscape Plan:
    a. The Landscape Plan includes a bench detail. The locations of these benches should be documented on at least one plan sheet.
    b. Document both the calculation indicating the minimum number of trees to be planted on site (335,412 S.F. site area / 1 tree per 3,000 S.F. of site area = 112 trees) and the total number of trees to be planted (258).
    c. Clarify the hours the sign lights are intended to be turned on.
    d. Add a note referencing any established agreements with DelDOT regarding maintenance of the landscape plantings within the street right-of-way.
    e. The Landscape Plan must be certified by a landscape architect, architect, or Delaware-certified nursery professional.

16) Clean up notations on all sheets to ensure they all point to their intended plan elements.

17) Signs are subject to a separate review and approval process in the City of Dover. However, the Planning Office is at present requesting that a traffic control signage and striping sheet be added to the plan set, to help identify the traffic flow (of both vehicles and pedestrians) on site.

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

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Superior Urban Design: Staff recommends the Planning Commission affirm the Site Plan exhibits Superior Urban Design according to the definition outlined in Article 3, §27.2 of the *Zoning Ordinance,* by exceeding the requirements of the *Zoning Ordinance* in the following areas:
    a. Transportation amenities for bicycles, pedestrians, and transit. The site makes provisions for a new bus stop shelter.
    b. Landscaping. The trees provided well exceed the minimum tree density requirements of the site, and robust foundation and shrubbery plantings are also provided.
    c. Public spaces and art. The pocket park represents a desirable amenity to visitors and tenants of the site.

2) Building Orientation: Staff recommends the Planning Commission approve building placements alternative to the Corridor Overlay Zone's requirements. The COZ requires that all buildings be arranged so the longest edge of the building is parallel to the roadway. However, the large parcel is deep enough that enforcing this requirement would limit the development potential of the site. If Building A were arranged so its long edge is parallel to the street, access and visibility to Building D at the rear would be limited.

3) Waiver Request: Partial Elimination of Curbing: Staff recommends approval of the waiver request to relax curbing requirements on the easternmost and westernmost drive aisles. Relaxation of this requirement will allow sheet flow of stormwater to the bioretention facilities on site.

4) Waiver Request: Opaque Barrier- Fence Component (Format): Staff recommends approval of the waiver request to relax the barrier fence requirement on the property's western edge. Fence waivers are typically granted to eliminate the fence entirely, in cases where noise is not a concern and the vegetation component of the barrier is considered a desirable aesthetic alternative. Given the existing conditions including existing vegetation on properties adjacent to the western property line, the positioning (format location) of the fence closest to the residences is appropriate. With the required landscaping/tree planting, there will still be a considerable amount of landscaping on the property's western edge. Being located on the development side of the fence it will be clearly visible to site visitors. It is a desirable alternative.

5) Opaque Barrier – Fence Component (Material): Staff recommends the Planning Commission affirm that vinyl fencing is an appropriate material for the opaque barrier. Options given for the opaque barrier in the Zoning Ordinance include opaque wooden fencing, a masonry wall, an earthen berm, or a combination thereof. Staff concurs with the applicant that opaque vinyl fencing is an appropriate substitute for wooden fencing with greater longevity and greater ease of maintenance.

6) Cross Access: Staff recommends the Planning Commission require a direct drive aisle

connection between the parking areas on site and parking areas on the properties to the east at 1110 and 1100 Forrest Avenue. To meet this requirement, the applicant has located an inter-parcel connection location to the south of Building A as shown on Exhibit Plan: Phase 1 Parking Exhibit.

7) Bicycle Parking: Staff recommends the bike racks on site be moved so they are adjacent to building entrances. Dividing the bicycle parking spaces into smaller racks, so that each building has its own associated spaces, may be appropriate.

8) Sidewalks: Staff recommends a number of improvements to the sidewalk network. A crosswalk should be provided between the northern end of the northern parking median and Building A. Another crosswalk should be provided between the southern end of the southern parking median and the pocket park. The sidewalk within the pocket park itself should be realigned to meet this crosswalk. This crosswalk and the realignment will allow a continuous path from the street to Building D. Because of the importance of this path it should be six feet wide along its entire length, landscaping allowing.

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

ADVISORY COMMENTS TO THE APPLICANT:

1) A Traffic Impact Study is currently being conducted for this Site Plan as required by DelDOT, and may result in changes to the vehicular entrance to the site.

2) The Dover/Kent County Metropolitan Planning Organization's 2008 *Delaware 8 Concept Plan and Operations Study,* which directly impacts this site, can be found at http://doverkentmpo.delaware.gov/rt-8-study/

3) A copy of Dover's Superior Urban Design policy is being attached to this report to assist in consideration of the determination on if the Site Plan meets the City's Superior Urban Design criteria.

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

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

6) 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.

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

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

9) 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.

10) 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.

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

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

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

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

COZ-1 Superior Urban Design Goals and Policies

Goal 1: - Creating a Superior Urban Design
Define the parameters for meeting the 'Superior Urban Design' criteria.

Policy 1: - Ensure the creation of an urban environment.
To qualify as a 'Superior Urban Design', building sites in the Corridor Overlay Zone must meet or exceed the requirements of at least 2 of the provisions established in the 'Superior Urban Design' Definition (Policy 2 states these requirements and establishes the criteria for meeting them) as well as providing superior fire protection through the employment of a building sprinkler system. Additionally, applicants must provide a written report which assumes the burden of proof concerning why the site design constitutes a 'Superior Urban Design'.

Recommendation:
Applications seeking a 'Superior Urban Design' designation must be evaluated by the Planning Office with strict scrutiny. In a manner similar to which other city agencies review applications (e.g. Public Utilities, DelDOT, Department of Parks and Recreation), issues of urban design should be identified as a specialization specific to the Department of Planning. Planning Commission should place an emphasis on the report comments of the Planning Staff when evaluating applications seeking a 'Superior Urban Design' designation.

Policy 2: - Criteria for meeting the 'Superior Urban Design' merit.
To qualify as a 'Superior Urban Design', applications must meet or exceed the criteria of at least 2 of the following categories. Partial fulfillment of one or more categories will not constitute a qualifying application. A minimum of two criteria must be addressed entirely as per the specifics of the requirements.

- **Multi-modal Transportation:** will be evaluated by the following elements.
  - Display an emphasis on pedestrian safety
  - Ensure safe, barrier free pedestrian access
  - Arrange for public transit stops where available
  - The potential for the site to reduce car-trips and drive times through providing an attractive, safe, inviting environment for bicyclists and pedestrians.

- Create interconnections with adjoining sites, if such interconnections have been previously implemented, improve or enhance those interconnections. This requirement is not limited to vehicular traffic; it also pertains to pedestrians, cyclists, and other means of non-vehicular traffic.

- **Architectural Features:** will be evaluated by the following elements.
  - Unique architecture is specifically encouraged. Commercial establishments should seek to present buildings and facades which improve the character of the area. Buildings should be specifically tailored to the site and general character of the location.
  - Elements which constitute 'unique architecture' include, but are not limited to items such as: entry porticos, colonnades, cornices, porch columns and balusters, band courses, water tables, decorative trimming and signage

- **Landscaping**
  - A robust use of trees, shrubbery, and flowering plants. Specifically when referring to trees, this requirement seeks trees of at least twice the minimum caliper required by code
  - Integration of pervious paved material for sidewalks
  - Tree preservation measures
  - Water gardens and ponds

- **Improvements to Public Space**
  - Sidewalk improvements and beautification
  - Art, including but not limited to sculpture, memorials, and murals
  - Open space, including but not limited to court yards, pocket parks, and fountains,
  - Special consideration will be given to buildings which demonstrate unique integration of street elements into their design (e.g. sidewalks which enter and join walkways on site, placement of street furniture on site)

- **Green Technologies**
  - Use of certified green technologies pertaining to stormwater management.
  - Geothermal, solar, or other alternative energy supplies.
  - Implementation of rain gardens, use of rain barrels, or other means of pro-active non-point stormwater runoff management.

Ann Marie Townshend 9-10-2008

Ann Marie Townshend, AICP Date
City Planner

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 29, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Dunkin Donuts at 1116-1128 Forrest Avenue**

FILE #: **S-16-13**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. The roadway and curbing must be in.
2. The right-of-way must be within 6" of final grade.
3. The property corners must be staked.
4. Owner is responsible for locating all water, sewer, and storm sewer lines.
5. Owner is responsible for installing all conduits and equipment pads per the City of Dover Engineering Department specifications.
6. All cable and electrical equipment will be installed along the right-of-way in front of the lots.
7. Owner is responsible for site and/or street lighting.
8. Meter locations will be determined by City of Dover Engineering Department.
9. Load sheets and AutoCAD compatible DXF or DWG diskettes of site plans, including driveways, are required prior to receiving approved electrical construction drawings.
10. 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.
11. 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.
12. 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.
13. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
14. 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.
15. All Engineering and design for Dover Electric will be engineered upon final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
   b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each buildings. A valve must be installed at the tee to isolate combined fire and domestic water service to the buildings from the water loop. Typically this valve is installed at the tee or an acceptable distance from the buildings. 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 buildings. The domestic water tap and valve should be as close to the buildings as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the buildings. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.
7. All water mains not located in the right-of-way shall be located within five feet (5') of the center of a twenty feet (20') wide public utility easement.
8. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan. All water mains shall be cement lined Class 52 cement lined ductile iron pipe. The feasibility of the proposed connection to existing service will be based on the size and material of the existing service, upgrades may be necessary.
9. Fire hydrants shall be spaced no greater than 600 feet as measured along the curb. Fire hydrants shall be placed between the curb and sidewalk at intersections or centered on lot lines. Fifteen feet (15') separation must be provided between all hydrants and hydrant valves.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

2. The following notes must be added to the plans:
    a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.
3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for all sanitary sewer mains showing that velocity and all other requirements are met. Any projected future flow requirement must be clearly identified.
6. 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.
7. The minimum size of all sanitary sewer laterals shall be six-inch (6").
8. The sanitary sewer proposed for this project is only serving this property; therefore, it shall be privately maintained. The infrastructure shall not be installed within an easement.
9. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District 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. The current City of Dover standard street section provides for a 3' grass strip between the curb and sidewalk. This standard was administratively revised to meet ADA and FHA compliance with cross slope requirements and to prevent cars from scrapping at driveways. The revised standard utilizes a five feet (5') wide public sidewalk with a five feet (5') wide grass strip behind the curb.

SANITATION / GROUNDS

1. None.

GENERAL

1. The final site plan must be submitted in the following compatible digital formats:
    a. AutoCAD 2004 (.dwg format).
    b. Adobe Reader (.pdf format).
2. 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.

3. Where applicable, please replace DelDOT details with City of Dover Department of Public Works specific details. Please contact the office for access to said details.

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/media/documents/2010%20Electric%20Service%20Handbook.pdf

WATER

1. Please clearly indicate the water easement for the property to the east.

WASTEWATER

1. Please clearly indicate the sanitary sewer easement for the property to the west.

STORMWATER

1. The City of Dover will not maintain any drainage or storm pipe not located within the property. Please clearly identify who the drainage easements will be between.
2. In addition to the drainage calculations required, please submit drainage calculations for the adjacent lots to this development to assure increased water volume will not occur.

GROUNDS

1. Please remove the street trees that are located within ten-feet (10') of underground infrastructure.

STREETS

1. After meeting with staff, it has been decided to record a fifty-foot (50') wide easement for future development on the west side of the property. Staff will need to review and approve the language that is proposed for this easement.

SANITATION

1. None

GENERAL

1. Public infrastructure dedication table shall be revised to incorporate all comments in this report.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. Proposed changes to entrance off of Forrest Avenue are encroaching on existing utility pole. This could require additional expense for relocation of pole to meet DelDot and Planning requirements.

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 two (2) times per year during system wide flushing operations. 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 each building.

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. The existing manhole must be core drilled and an approved (by our office) pipe to manhole connector must be used to construct the connection for installation of the sewer main. The existing manhole flow channel must be reconstructed accordingly.
4. Wastewater impact fees may be required for each residential lot.

STORMWATER

1. Profiles of the storm sewer must be provided with the construction plans. All water, sanitary sewer and storm sewer crossings must be shown on the profiles.

STREETS

1. None.

SANITATION

1. Nonresidential buildings shall have their solid waste collected by a private hauler.

GROUNDS

1. None.

GENERAL

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

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

S-16-13

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 07/06/16

CITY OF DOVER FIRE MARSHAL

APPLICATION: S-16-13 Dunkin Donuts at 1116-1128 Forrest Ave Revised

FILE #: S-16-13 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is see below. Primary fire lanes are required to be 24 feet wide and cover the side of the building that has the primary entrance and exit. Fire lanes can be no closer than 10 feet to the building and no farther than 50 feet from the building. Fire lanes shall cover see below of the proposed building.
    a. Building A, Dunkin Donuts, business, need additional information on future restaurant tenant as well as remaining building tenants, 25%
    b. Building B, need additional information
    c. Building C, need additional information
    d. Building D, business, 25%

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

3. 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.

4. 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.

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

6. 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".

7. Perimeter access will be see below 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 interfere with emergency services fire ground operations.

    a. Building A, Dunkin Donuts, business, need additional information on future restaurant tenant as well as remaining building tenants, 30%
    b. Building B, need additional information
    c. Building C, need additional information
    d. Building D, business, N/A

8. 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.

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

10. Full building and fire plan review is required.

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

12. 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.

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

    a. This is for Building D. Other buildings may need to be sprinklered as well pending additional information.
    b. Building A may need a sprinkler system, more information on future restaurant needed

14. Sprinklers required in basements over 2500 sq. ft.

15. 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.

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

17. Fire Alarm System required per occupancy code requirements.

18. Knox Box required at all tenant spaces.

19. Elevator cars to meet the interior dimensions set forth in the Delaware State Fire Prevention Code.

20. Project to be completed per approved Site Plan.

21. Multiple Access Roads shall be provided when a fire department access road (fire lane) is determined by the Fire Marshal to be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access such as placement of fire hose from fire equipment.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

- This office recommends a meeting take place to discuss the details of the project
- Discussion on hydrant locations needs to take place
- As the rear road dead ends at longer than 300', a cul-de-sac is required for proper apparatus turn around
- Any cooking equipment must follow the manufacturer's specifications in regards to ventilation and protection
- The phases of the project need to be specific. It appears that in phase 1 the roadway will dead end at more than 300'. The roadway will need to continue back out to the entrance or a cul-de-sac will need to be installed for proper apparatus turn around
-Picture shows two exits onto Forrest Ave, Site Plan shows one
-Phase 1 road dead ends, road needs to continue back out to the entrance/exit

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):
2012 NFPA Life Safety Code (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
2012 Delaware State Fire Prevention Regulations
City of Dover Code of Ordinances

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 29, 2016

D E L D O T

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APPLICATION: Revised Dunkin Donuts at 1116-1128 Forrest Avenue

FILE#: S-16-13 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:

- Once the TIS process is complete, this project should submit a pre-submittal meeting request through the PDCA in order to discuss how to proceed through the process of getting entrance approvals. For more information on the pre-submittal meetings or our formal review process, please visit our webpage at: http://www.deldot.gov/information/business/subdivisions/

- As per the email conversation between Betty Tustin, Troy Brestel and Mark Galipo on 6/23/2016, follow the direction of Mark on the signal design. It would behoove you to go through one round of entrance plan review before finalizing the signal design so comments that come up in the review can be addressed in the signal design as well. However, please note that the signal design will need to be complete before the project can receive approval for entrance construction.

- After reviewing the provided site plan, the first internal left turn in the site appears like it could be too close to the intersection. Please be prepared to provide

proof that the que at the light internally to your site does not create a conflict point here and or that cars turning into your site do not back up on Route 8.

- Please be advised that the crosswalk details shown are not a design accepted by DelDOT. The standard 24 inch wide by 24 inch on center piano key style crosswalk should be used within State ROW.

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
July 2016

APPLICATION: *Dunkin Donuts*

FILE #: S-16-13 (revised)

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

ADVISORY COMMENTS TO THE APPLICANT:

1. Green Technologies (infiltration, bio retention, bio swales, filter strips etc.) must be implemented to comply with the 2014 Delaware Sediment and Stormwater Regulations.
2. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
3. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
4. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 6/29/2016

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Dunkin Donuts at 1116-1128 Forrest Avenue

FILE #: S-16-13 REVIEWING AGENCY: Dover/Kent County MPO

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

The MPO requested the opportunity to bring the recommendations on issues of our concern to the City 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 7/18/2016
Project Review
S-16-13_Dunkin Donuts at 1116-1128 Forrest Avenue

The project is in the center of the Dover/Kent County MPO's Route 8 Plan, adopted by the MPO Council in March, 2008 and presented to the City of Dover's Safety Advisory and Transportation Committee on December 1, 2008. The DE8 Plan can be found on the MPO's website at http://doverkentmpo.delaware.gov/rt-8-study/. A major element of the Plan was to offer alternative connections between properties that keep traffic from re-entering Route 8. One of the major proposals was to create a Right of Way (ROW) immediately opposite the entrance to Modern Maturity Center that offered full use of the existing signal. The ROW would continue through the subject west-most parcel on an alignment similar to the drive aisle presented on the 3/30/2016 plan signed by the Engineer on May 4th and those with ownership interest on May 5th. That proposed drive aisle serves the small front portion, approximately 4.5 acres of the 7.7 acres combined. There is the possibility of further development on the rear of the site.

The MPO recommends the City require the drive aisle be built on an adequate ROW so that a future purchase of the access is possible as development continues further South or funds become available to develop the roads proposed in the Plan. The drive should be constructed to City street standards and proposed buildings should abide by required set-back/bulk standards.

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.

PARKER & ASSOCIATES INC.
ESTABLISHED 1977 SALISBURY, MARYLAND 410-749-1023

528 RIVERSIDE DRIVE
SALISBURY, MD 21801
PHONE: 410-749-1023
FAX: 410-749-1012
WWW.PARKERANDASSOCIATES.ORG

LAND SURVEYING CIVIL ENGINEERING • LAND PLANNING FORESTRY SERVICES

July 6, 2016

City of Dover Delaware
Office of Planning and Inspections
15 Loockerman Plaza
Dover, De 19901

Re: Dunkin Donuts – Forrest Avenue
Waiver Request for the use of Vinyl fence and change to the landscape buffer

Dear Mrs. Townsend:

On behalf of Franchise Management, developer for the above reference project we respectfully request a waiver for the use of Vinyl fence as an opaque barrier along the property line as part of the residential landscape buffer. In the City zoning ordinance, the use of vinyl is not an option however, wood is an acceptable option. We feel that vinyl would not only provide for a more appealing appearance between the residential community and our site, but the life of the product is a lot longer than that of wood and it would require a lot less maintenance than wood, stone or brick in the long term. We are also asking for the fence to be allowed along the residential side of the buffer as opposed to the proposed trees. The design we have presented has included stormwater elements along with an assortment of plantings to make the buffer more appealing. We feel that if the trees were to butt up to the property line instead of the fence, it would make for maintenance issues trying to clean up tree limbs and maintaining the trees health. Further, much of the residential has existing trees along the property line. We felt that the presence of trees along the commercial side would make a greater impact to the community by softening the project.

The project is also requesting a waiver on the use of upright curbing around all parking and drive areas. The project has primarily placed curbing in all areas to protect pedestrian traffic and circulation. Areas that have not been curbed are done so with stormwater drainage in mind so that runoff can sheet flow off the paving and be effectively treated.

Please accept these requests as a part of the commission's approval of the project.

Sincerely,

Will L Kernodle

Will Kernodle – Project Manager.

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July 6, 2016

City of Dover Delaware
Office of Planning and Inspections
15 Loockerman Plaza
Dover, De 19901

Re: Dunkin Donuts – Forrest Avenue
Superior Urban Design

Dear Mrs. Townsend:

On behalf of Franchise Management we would like to request that the above reference project be accepted as a Superior Urban Design for the COZ overlay zoning. Our project centers around the Dunkin Donuts building. In order to provide the restaurant with exceptional views and customer service, we have proposed the following on our plans:

1. 90' setback from the property line. This is done so that parking can be in front of the restaurant.
2. The project is providing multiple pedestrian connection points to the future State multi model path system along Forrest Avenue.
3. The City requires 25% of the site be in open space. This project is providing 59.42%.
4. Park Benches, in addition to any future bus stop benches will be provided in a manner that interacts with the landscaping.
5. Intense landscaping with an elaborate amount of bushes and shrubs, including roses, will be planted along the front, in addition to the required plantings per the zoning code.
6. The buildings have been designed with an upgraded architectural look and appeal. Special details went into making the buildings have multiple textures and bump outs. The buildings will be of similar color patterns and materials on the outside that will blend it together.
7. In addition to the connection points along the front to the State path system, the project is designed with multiple points of connection throughout. Walking trails leading to all areas of the site, including a heavily landscaped/green spaced gazebo area center in the site.
8. The site supplies buffers along the front and the residential district to the West. These buffers will be heavily landscaped with a multitude of plants, bushes, shrubs, fences and trees. The buffers will create an eye appealing separating between Forrest Avenue and the Residential district. The buffers, will allow for a smooth transitional flow as one observes riding down Forrest Avenue through the different zonings.

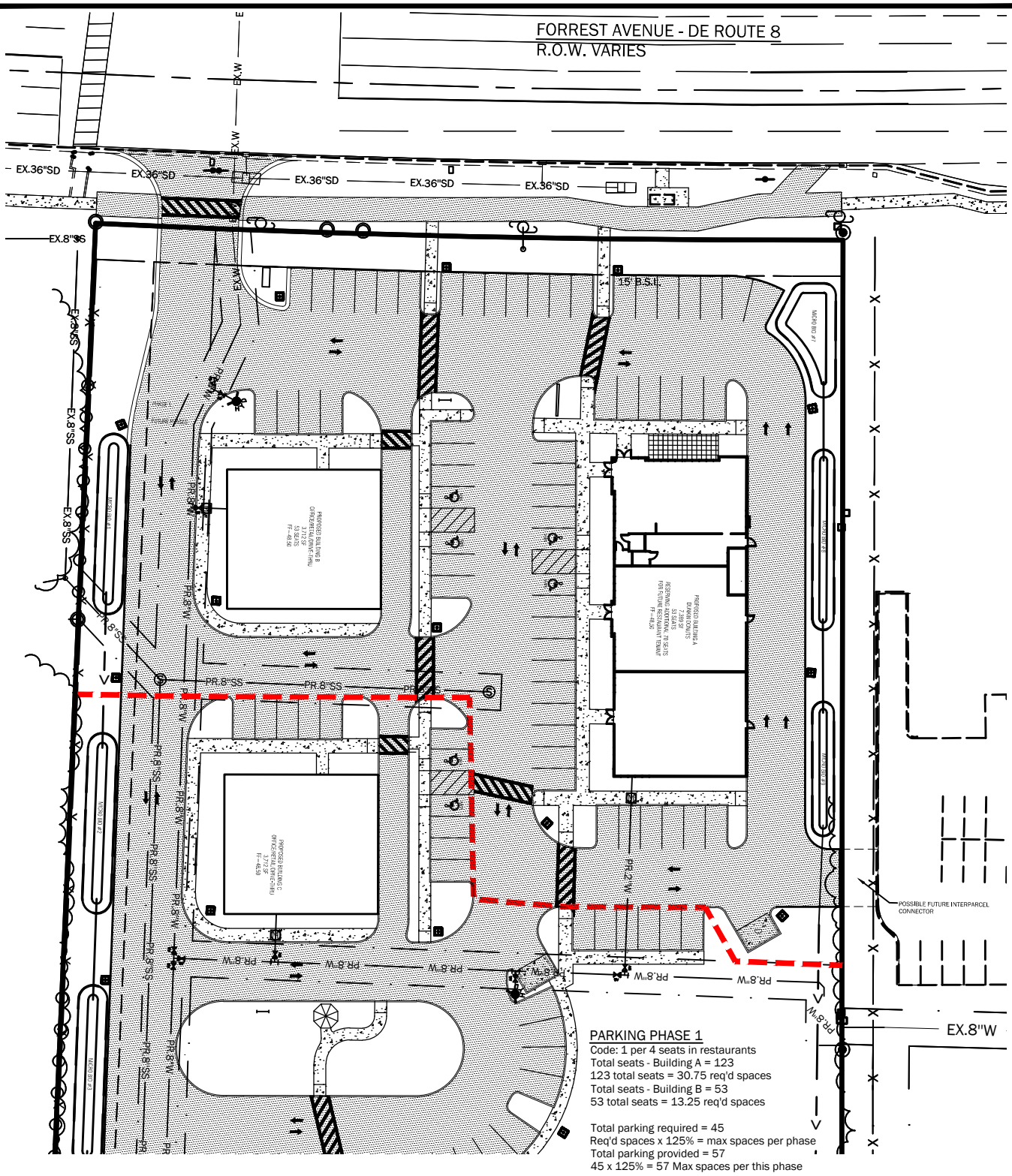
9. The site design has also included a plentitude of trees well beyond the required amount. The site design is taking an existing field with many dilapidated old buildings and converting it into a class A commercial development with lots of extras including green space that will appeal to the area and a place people can come and enjoy.

Please accept this assessment as a part of the commission's approval of the project.

Sincerely,

Will L Kernodle

Will Kernodle – Project Manager.



PHASE 1 PARKING EXHIBIT

DUNKIN DONUTS

FOR:
CITY OF DOVER, DELAWARE

1" = 60'	DATE 07/07/16		
JOB NO. S2095	DRAWN BY WLK		

SURVEYING FORESTRY

PARKER & ASSOCIATES

ESTABLISHED 1977

SALISBURY, MARYLAND 410-749-1023

CIVIL ENGINEERING INC. SITE PLANNING

Jul 07, 2016-2:50pm

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

JENNIFER COHAN
SECRETARY

May 3, 2016

Ms. Ann Marie Townshend, AICP
Director
Department of Planning and Inspections
City of Dover
P.O. Box 475
Dover, DE 19903

Dear Ms. Townshend:

This letter is to advise you regarding the status of the Traffic Impact Study (TIS) for a proposed commercial development. The development, known to us as Dunkin' Donuts, would consist of 33,996 square feet of commercial uses proposed for a 6.68-acre assemblage of parcels (Tax Parcels Nos. 2-05-076.11-02-20.00-00001, 201.01-00001, 21.00-00001, 22.00-00001, 23.00-00001 and 59.00-00001) on the south side of Forrest Avenue (Delaware Route 8) across from the Modern Maturity Center.

On March 30, DelDOT staff met with the developer's engineers to discuss the scope of work for the TIS. The minutes of that meeting are available on request. On May 2, we received, from the developer's traffic engineer, a copy of the traffic counts they had conducted in accordance with that scope.

Traffic counts are the first of three work product submissions that an engineer makes in the TIS process, the other two submissions being the preliminary and final TIS. We would expect the remainder of that process, including our review of the completed TIS, to take several months. However, the traffic count submission does show that the developer's traffic engineer is making substantive progress toward completing the TIS.

DelDOT

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

JENNIFER COHAN
SECRETARY

RECEIVED
JUN 24 2016
CITY OF DOVER
PLANNING & INSPECTIONS

June 20, 2016

Ms. Ann Marie Townshend, AICP
Director
Department of Planning and Inspections
City of Dover
P.O. Box 475
Dover, DE 19903

Dear Ms. Townshend:

This letter is to advise you regarding the status of the Traffic Impact Study (TIS) for a proposed commercial development. The development, known to us as Dunkin' Donuts, would consist of 33,996 square feet of commercial uses proposed for a 6.68-acre assemblage of parcels (Tax Parcels Nos. 2-05-076.11-02-20.00-00001, 201.01-00001, 21.00-00001, 22.00-00001, 23.00-00001 and 59.00-00001) on the south side of Forrest Avenue (Delaware Route 8) across from the Modern Maturity Center.

On June 17, we received, from the developer's traffic engineer, a copy of their completed TIS. We still need to review their results and respond to them with our findings, a process which typically takes about 60 working days. Following that there is typically a period of several weeks, sometimes months, in which we reach agreement with the developer on the off-site improvements they will need to build or fund, before we consider our review complete.

Because the TIS for this development is a relatively small one, we expect to complete our initial review in less than 60 working days but it is difficult to know now how long the review will take as we have just begun to look at the report. We will consult you before completing our review.

You may contact me at (302) 760-2109 if you have any questions concerning this correspondence.

Sincerely,

T. William Brockenbrough, Jr., P.E., AICP
County Coordinator

TWB:km
cc: Ms. Betty Tustin, P.E., PTOE, The Traffic Group, Inc.
Mr. J. Marc Coté, P.E., Assistant Director, Development Coordination
Mr. Troy Brestel, Project Engineer, Development Coordination
Mr. Claudy Joinville, Project Engineer, Development Coordination

City of Dover

DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF July 6, 2016

PLANNING COMMISSION MEETING OF July 18, 2016

Plan Title:	Lidl Grocery Store S-16-14
Plan Type:	Site Development Plan with Parcel Consolidation Plan
Owners of Record:	Davis Wood; Kings Highway Land Partners, LLC; Wells Fargo Bank NA
Location:	Bounded by North DuPont Highway, Maple Parkway, and Kings Highway
Addresses:	122, 136, 140, and 162 North DuPont Highway; 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
Site Area:	7.275 acres (Total of existing 6 parcels) 6.95 acres (Total after right-of-way dedication) 5.20 acres (Lidl parcel) 1.75 acres (Residual parcel)
Zoning:	C-4 (Highway Commercial Zone) and IO (Institutional and Office Zone)
Existing Uses: Proposed Use:	Vacant; Parking Lot; Restaurant Grocery Store
Building Area:	Proposed Building: 36,185 S.F.
Impervious Areas:	Existing – unknown Proposed – 3.2 acres (61.6% of Lidl parcel)
Off Street Parking:	Required – 121 parking spaces (Maximum 151 parking spaces per Code) Proposed – 150 spaces and extra temporary parking
Sanitary Facilities: Water Supply:	City of Dover City of Dover
Waivers Requested:	Partial Elimination of Sidewalk

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 6, 2016

APPLICATION: Lidl Grocery Store at 122, 136, 140, and 162 North DuPont Highway and 321 Kings Highway NE

FILE #: S-16-14 REVIEWING AGENCY: City of Dover Planning Office

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

PLAN SUMMARY

This Review is 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 includes a Parcel Consolidation Plan to re-subdivide the six parcels on site into two parcels 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.

PROJECT DESCRIPTION

The subject property currently consists of a sparsely used parking lot fronting on Kings Highway and five commercial lots fronting on North DuPont Highway, which are all vacant or will soon be vacant. The largest of the parcels, 321 Kings Highway NE, has an unimproved right-of-way (Midland Road) running through the center of the parking lot. This parcel also has its westernmost portion zoned differently (IO) from the rest of the subject property (C-4). A previous application for rezoning established these areas of C-4 adjacent to the Route 13 corridor and the area of IO closer to the nearby residential area.[1]

Portions of the existing site circulation and the parking lot of the Wells Fargo Bank at the corner of North DuPont Highway and Maple Parkway encroach on the subject property. It appears that some improvements to the subject property will be necessary to accommodate this adjacent

[1] The property was previously the subject of a Conditional Use Site Development Master Plan Application C-08-11 Lands of Kings Highway Land Partners, LLC which proposed development of a hotel and three restaurants. The plan conditionally approved by the Planning Commission in September 2008 has expired.

property. In addition, a separate Site Plan Application is expected in the future to coordinate improvements on the Wells Fargo site with the present Site Plan.

A Record Plan is to be prepared to reorganize the existing land areas. This involves a plan that will strike Midland Road, section off the IO-zoned portion of the property into a separate parcel, consolidate the rest of the parcels, and record utility easement and easements related to the Wells Fargo Bank property.

The grocery store is proposed to be built on the western edge of the larger, 5.2-acre parcel to exist after consolidation, approximately in the center of the property as a whole. Parking is proposed to front on Kings Highway and North DuPont Highway, and site access is proposed from all three frontage streets. The grocery store is proposed to be 36,185 S.F. in size. The 1.75 acre IO-zoned parcel will not be developed at this time.

C-4 Zoning District

The property is zoned C-4 (Highway Commercial Zone) and subject to the regulations of *Zoning Ordinance*, Article 3 §16 and Article 4 §4.15. Retail stores are a permitted use in the C-4 Zoning District. The proposed development meets the setback and Floor Area Ratio requirements of the C-4 zone; the C-4 zone has no maximum lot coverage.

IO Zoning District

The western area adjacent to Kings Highway NE is zoned IO (Institutional and Office Zone) and subject to the regulations of the *Zoning Ordinance*, Article 3 §10. Retail stores are not a permitted use in the IO Zoning District. However, the portion of the subject property zoned IO is not proposed for development at this time and is to be divided off into a separate parcel. If the IO zoned property is developed in the future, it must be developed with a use appropriate to the zoning district.

A potential inter-parcel access location is located just to the north of the grocery store building to access the IO portion of the property. If future development is to take advantage of this connection, it will have to be a use permitted in both the C-4 and IO zoning districts, per the requirements of the *Zoning Ordinance*, Article 6 §1.13.

BUILDING ARCHITECTURE

The applicant has submitted elevations for the building. The front of the building is divided into ten main bays, with grey stucco column elements dividing or partially dividing each bay. Each bay features red brick or cream stucco topped by a row of windows, and bottomed by a continuous base of grey brick. Service entries are located on the front façade, on the fifth and tenth bays from the north. The rear of the building features similar architecture, divided into eleven main bays and maintaining a top row of windows but forgoing the bottom base of brick. Service entries here are located on the first and eleventh bays from the north.

The north side of the building is nearly all glass. The main entrance to the building is located on a diagonal cut between the north side and the front (east side). The glass above the entrance will remain straight on both sides and overhang the entrance. A shopping cart corral is located next to the main entrance, two bays deep on the front side of the building.

The south side of the building, adjacent to the building's loading spaces, is largely blank.

However, this southern façade will be screened by the trees to be planted around the site's stormwater BMP. The building features a curved roof, which slopes convexly from about 28' 3" height at the front to about 15' 9" at the rear. The portions of the roof visible from the ground will be covered by a pre-formed metal fascia. The material of the top of the roof has not been specified.

PARKING SUMMARY

The parking requirement in the C-4 zoning district is one (1) parking space per 300 S.F. of floor area or one space per employee, whichever is greater. The number of employees to be employed on site is unknown. Based on a building size of 36,185 S.F, the building must be served by at least 121 parking spaces. Under the provisions of the *Zoning Ordinance,* Article 6 §6.11, the maximum number of parking spaces is limited to 151 parking spaces. The applicant is proposing 150 parking spaces.

One of the easements proposed to be recorded for the benefit of the adjacent Wells Fargo Bank site is labeled as a temporary parking easement. It is unknown how many parking spaces are proposed for this area. Because the Lidl parcel is nearly at its maximum parking capacity based on the building on site, if this easement is to contain multiple parking spaces then consideration of the joint facilities parking provisions of the *Zoning Ordinance,* Article 6 §3.7 is necessary to address the parking requirements of the grocery store and the adjacent bank.

Loading Spaces

For buildings with retail sales of at least 8,000 S.F., one loading berth is required for each 25,000 S.F. or fraction thereof. For this project with a total building area of 36,185 S.F., the requirement is two (2) loading berths. The applicant proposes to provide three (3) loading berths on the south side of the building.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces. Based on the proposed number of parking spaces at 150 spaces, the applicant is required to provide eight (8) bicycle spaces. The plan indicates that ten (10) bicycle spaces will be provided just to the west of the ADA-accessible parking spaces on site.

SITE CONSIDERATIONS

Entrances

The Site Plan is indicating three (3) entrances to the site. One entrance is from the southbound lanes of North DuPont Highway as a right-in/right-out entrance. The second full entrance is located off of Kings Highway on the north side of the site. And the third entrance is from Maple Parkway and appears to be combined with the existing entrance to the Wells Fargo Bank property. A Traffic Impact Study (TIS) was required by DelDOT for the project and is underway. Final entrance design will be based on the results of the TIS.

Sidewalks

The *Zoning Ordinance,* Article 5 §18 requires sidewalks to be installed along the public street frontages of a property. The applicant is proposing to install frontage sidewalk along the portions of the Lidl parcel fronting on North DuPont Highway and Kings Highway. There is existing frontage sidewalk along Maple Parkway. One connecting sidewalk allowing for pedestrian entry to the site is proposed from North DuPont Highway, between the stormwater BMP and the

parking lot. A second connecting sidewalk leads from Kings Highway along the vehicular entryway into the site. No connecting sidewalk is shown from Maple Parkway.

Waiver Request: Partial Elimination of Sidewalk

Although the residual IO-zoned parcel is not being developed yet, this area is required to have sidewalk constructed along its Kings Highway frontage, as it is part of this application to the Planning Commission. The applicant has requested a waiver from the Planning Commission for the sidewalk requirement in this area, in accordance with the *Zoning Ordinance,* Article 5 §18.4.

Lighting

The applicant has provided a Lighting Plan with the plan submission. Lighting in the parking lot is generally between 1.5 and 3.0 footcandles at grade. The lighting tapers off appropriately toward the edges of the site so that it will not be distracting to traffic on adjacent roads or nearby residential areas. The pedestrian entrance from North DuPont Highway may be underlit. Lighting in this area is generally between 0.1 and 1.3 footcandles at grade, with a few points close to the parking lot meeting the 1.5 footcandle minimum.

Dumpsters

The applicant is proposing two (2) dumpsters, in an enclosure on the south side of the building at the end of one of the loading spaces. For office and retail uses less than 50,000 square feet in size, one dumpster is required for the first 8,000 S.F. of building area and one for each additional 16,000 S.F. of building area or fraction thereof. Therefore, for this project with a total building area of 36,185 S.F., the requirement is for three (3) dumpsters. If the required number of dumpsters is greater than that actually needed by the building, the applicant may reserve a site for future dumpster use in lieu of construction. The City Planner may require that the owner of record construct a dumpster pad and enclosure on the reserved location upon determining that there is need for the additional dumpster.

Curbing

Six-inch upright curbing is provided around all parking and drive areas except adjacent to the entry plaza to the building. This is presumably so grocery carts can easily move between the store and the parking lot. Bollards are provided along the depressed curb edge to prevent cars from entering into the entry plaza.

TREE PLANTING AND LANDSCAPE PLAN

A Landscape Plan in accordance with the *Zoning Ordinance*, Article 5 §16 was prepared. The tree planting requirement is based on the total property area; one (1) tree is required for every 3,000 S.F. of land area. Although only the larger of the two lots proposed is being developed, the landscaping requirements apply to the project as a whole. The site consists of a total lot area of 6.95 acres (302,575 S.F.); therefore, a total of 101 trees are required.

The applicant has proposed a total of seventy-six (76) trees. Of these, nine (9) are within the Arterial Street Buffer area adjacent to North DuPont Highway and cannot be counted toward the tree density requirements. There are four (4) existing trees on the residual parcel not presently proposed to be cleared. Therefore, an additional thirty (30) trees are required.

The trees currently proposed are arranged around the edges of the site and the stormwater management facility, as well as within the parking lot. They consist of plantings of Red Maple (36), Swamp White Oak (5), Littleleaf Linden (18), Green Vase Zelkova (7) and Eastern Redbud (10).

Consideration of Area Subject to Tree Planting Requirement

The applicant has indicated they would like to discuss a possible relaxation of the tree planting requirement, and has submitted a written request to this effect. This relaxation would not constitute a formal waiver of the tree planting requirement as outlined in the *Zoning Ordinance,* Article 5, §16.91(a). They have requested consideration of utilizing just the land area consisting of 5.2 acres specific to the development of the grocery store for calculation of the tree planting requirement. Then the land area of remaining IO zoned parcel would be subject the tree planting requirement with its future development.

Arterial Street Buffer

North DuPont Highway (U.S Route 13) is considered as a principal arterial street and requires a thirty (30) foot landscape buffer along the road frontage known as an Arterial Street Buffer. The buffer is measured from the edge of the right-of-way. This plan provides the required thirty (30) foot width landscape buffer along DuPont Highway. The proposed improvements in the new landscape area involve grass areas, tree plantings, and a connecting sidewalk leading into the site.

Parking Lot Screening

Screening is required for portions of the parking lot as the parking is across from a residential use along portions of Kings Highway (*Zoning Ordinance,* Article 5 §7.23 and Article 6 §5.43). The row of parking north of the Kings Highway entrance in the area subject to this provision is shown with evergreen shrub plantings.

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) Sidewalk must be constructed along all street frontages currently lacking sidewalk, including those of the residual parcel not currently planned to be developed (section of Kings Highway). A waiver for the partial elimination of sidewalk construction in this area of Kings Highway was received for consideration by the Planning Commission.

2) The maximum number of parking spaces on the Lidl parcel, based on the square footage of the building, is 151 spaces. If the applicant is proposing use of the parking joint facilities provisions of *Zoning Ordinance* Article 6, §3.7 to add parking areas to serve the adjacent business, then additional information must be provided for consideration.

3) A Record Plan (Parcel Consolidation Plan) sheet must be submitted prior to Final Site Plan Approval in order to consolidate and re-subdivide the property, identify the proposed dedication of right-of-way, and the establishment of easements. The Record Plan shall be submitted for review and approval prior recordation in the Kent County Recorder of Deeds Office.

4) The site's parking areas are adequately lit. Ensure that pedestrian walkways into the site are also adequately lit (minimum 1.5 footcandles at grade).

5) Reserve space on the Site Plan for an additional Dumpster location and add a note regarding its future construction. Update requirement on Sheet 3.

6) The fence height is limited to a height of four (4) feet within the front yard setback. Revise the fence height near Kings Highway (2 segments) and Maple Parkway.

7) Architectural submission:
   a. Correct the spelling of "fasica" to "fascia" on the Building Elevations. Also update the directional labeling of the elevations to match this site layout.
   b. Specify, the material of the top of the roofing. The site is near a seven-story residential building, and residents on the top floors of this building will be able to see the roof.
   c. The Planning Office recommends that a copy of the rendering previously shown to staff be presented to the Planning Commission to assist in understanding the form of the building.

8) Cover Sheet and Other Sheets: Add "North" in all listings (in page titles and General Notes) of the DuPont Highway property addresses, so they read as "North DuPont Highway."

9) Site Plan/ Sheet 3:
   a. Identify the items adjacent to the east building elevation (they appear to include a cart corral.)
   b. Update maximum parking allowed to 151 spaces (Bulk Requirements, Item E).
   c. Add cross access easement to allow access to the property at the corner of Kings Highway and North DuPont Highway.

10) Landscape Plan:
   a. The trees within the thirty (30) foot landscape buffer along North DuPont Highway cannot count toward the site total.
   b. Ensure tree planting location achieve the require separation distances from utility lines.
   c. Ensure landscape plantings adjacent to the building allow for clear access to the fire department connection.
   d. The following will apply if the Planning Commission chooses not to relax the tree planting requirement:
      i. Update the Landscape Schedule and the City of Dover Landscape Requirements to reflect the larger number of trees required by the full site area (the Lidl parcel and residual parcel together make 302,575 S.F., or 6.95 acres).
      ii. Document that four existing trees are counting toward the site total.

11) Document on the plan whether any of the proposed utilities are proposed to be dedicated to the City and require easements (to be shown on the Record Plan).

12) Clarify the nature of the "area reserved for future improvements associated with the adjacent Wells Fargo."
    a. The hatching indicates this area is to be under an easement. Change the line weight of its border to ensure it is clear it is not a separate parcel.
    b. Identify proposed improvements for these areas.

13) Correct the name of "Kings Parkway" to Kings Highway on all sheets.

14) Provide a Details sheet in the plan set to include details on Dumpster enclosures, sidewalks, curbing, bike racks, light fixtures, sanitary sewer and water systems, and any other utility details required.

15) Ensure barrier free access ramps are installed at all intersections of sidewalks with the roadways and parking. Improvements to existing sidewalks (along Maple Parkway) may be necessary to meet current standards.

16) Provide plan showing revisions to paving striping, markings, and signage for fire lanes and for traffic control measures, etc.

17) The Site Plan must be updated with changes required or approvals granted, including any waivers granted by the Planning Commission, prior to Final Plan Approval.

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

19) The property qualifies for consideration of a Unified Comprehensive Sign Plan to address signage on the site. All signage depicted on the Site Plan is subject to a separate Sign Permit process.

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

1) <u>Waiver Request - Partial Elimination of Sidewalk:</u> Staff recommends approval of the waiver request to relax the sidewalk construction requirement along the residual parcel's Kings Highway frontage until the development of this residual area is proposed. While the grocery store use is anticipated to increase the pedestrian activity to the site, there will be ways to access the site via the existing sidewalk network on the western side of Kings Highway such as by continuing to the intersection of North DuPont Highway where a crosswalk exists. This waiver request could be approved by the Planning Commission under the criteria is *Zoning Ordinance*, Article 5 §18.4(4). Due to current topography and existing utilities the installation of portions sidewalk along the residual parcel frontage of Kings Highway is currently impractical
    a. It is noted that DelDOT requirements for construction of sidewalk may supersede this waiver of sidewalk construction. This segment of Kings Highway is a State maintained road.
    b. Staff recommends that as a condition of approval of the waiver, that options for

better connectivity between the site and the nearby sidewalk on the other side of Kings Highway be explored. This may involve sidewalk and/or crosswalk improvements or new installations in the vicinity.

2) Consideration of Area for Tree Planting Requirements: Staff recommends allowing the tree planting requirement to be based on the grocery store parcel land area for this portion of site development. This does not alleviate the future compliance with tree planting requirement for the residual IO zoned area. The applicant is arguing that planting trees on the residual parcel prior to the existence of development plans for that parcel would jeopardize the future location and health of those trees, as future construction might require their removal.
    a. Staff notes that landscape screening of the rear of the grocery store is desirable, as the rear of the store would for the foreseeable future be visible from residential properties across Kings Highway from the site.
    b. A series of trees could be planted row(s) in the vicinity of the shared property line so that the trees act as a screening element for the rear of the grocery store instead of the proposed fencing (see Comment #5 below).

3) Pedestrian Circulation: The Planning Office recommends the applicant add some additional sidewalk to improve pedestrian circulation on site. Due to its adjacency to residential areas, Maple Parkway may be an important pedestrian route to the site. Sidewalk is therefore recommended along the entrance drive leading from this street into the site.

4) Coordination with Senator Bikeway Project: Kings Highway is one proposed route of the City's Senator Bikeway project. There is a high chance of both elevated bicycle traffic (and pedestrian traffic) to this site in the future, and related improvements to the pedestrian network to improve this site's accessibility from residential areas to the south and west. Evaluate locations of sidewalks/paths to allow bicyclists to reach the bicycle parking from Kings Highway without passing through the pedestrian-focused entry plaza to the building.

5) Fence: Staff recommends consideration of removing the proposed board on board fence along the northeast corner property and along the new western property line. This development should be integrated with the adjacent facilities within this commercial/office block. The fence is not required. Screening or division of property can be achieved by landscaping/tree planting.

6) Staff recommends that any outside HVAC Equipment be designed to minimize the impact on adjacent property owners, be adequately screened from public view, and minimize overall visible impact.

ADVISORY COMMENTS TO THE APPLICANT:

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

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

3) The engineer and landscape architect sealing the plan are required to have a current City of Dover Business License; the licensing year has changed to August 1st – July31st. For licensing information contact the Permitting & Licensing Division at (302)736-7010.

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

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

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

7) The applicant should be aware of the potential for environment concerns. Properties involved in this project include a previous gas station site, previous dry cleaner/launderer location, and it is within proximity of a Brownfield site.

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

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

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

11) The applicant shall be aware that Site Plan approval does not represent a Building Permit,

Demolition Permit, and associated construction activity permits. A separate application process is required for issuance of these Permits from the City of Dover. A Demolition Permit will be required prior to demolition of any existing building remaining on the site.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 29, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Lidl Grocery Store at North Dupont Highway and Kings Highway NE**

FILE #: **S-16-14**

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 Maple Parkway, 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

1. The proposed service connection shall be made on either Maple Parkway or Kings Highway, the water main in Route 13 is undersized.

STREETS

1. Please provide turning radius diagrams for all movements entering the site from Maple Parkway. Depending on the results of the diagram, entrance improvements may be required.
2. Provide a sight distance triangle to confirm proper clearance for a vehicle entering from Maple Parkway.

WASTEWATER / STORMWATER / SANITATION / GROUNDS / GENERAL

3. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. Electric would like to incorporate any adjustments to this plan in conjunction with any proposed lot improvements to the adjacent Wells Fargo bank.

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.

S-16-14

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 07/06/16

CITY OF DOVER FIRE MARSHAL

APPLICATION: Lidl Grocery Store at North DuPont Hwy and Kings Hwy

FILE #: S-16-14 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is business. Primary fire lanes are required to be 24 feet wide and cover the side of the building that has the primary entrance and exit. Fire lanes can be no closer than 10 feet to the building and no farther than 50 feet from the building. Fire lanes shall cover 25% of the proposed 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.

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 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. Sprinklers required in basements over 2500 sq. ft.

14. 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.

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

16. Fire Alarm System required per occupancy code requirements.

17. Knox Box required .

18. Buildings over 25,000 Sq. Ft are to have radio performance testing done by Delaware State Communications prior to Final CO.

19. Project to be completed per approved Site Plan.

20. Multiple Access Roads shall be provided when a fire department access road (fire lane) is determined by the Fire Marshal to be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access such as placement of fire hose from fire equipment.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Hydrant locations not shown, one needs to be within 300' of the FDC
2. The side drive area is not 24' clear access
3. There is to be no parking along the curbed area on Maple Parkway. It will be the applicant/developers responsibility to properly mark this area per City of Dover standards.
4. The entrance on Maple Parkway must be designed for proper turning radius of fire apparatus. Contact this office for specs in regards to the same.

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):
2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
2015NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)
2013 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)
2013 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)
2009 IBC (International Building Code)

Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
2015 Delaware State Fire Prevention Regulations
City of Dover Code of Ordinances

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 29, 2016

D E L D O T

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APPLICATION: Lidl Grocery Store at North DuPont Highway and Kings Highway NE.

FILE#: S-16-14 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

- This project had a scoping meeting on February 19, 2016 and is currently in DelDOT's TIS process.
- Once the TIS process is complete, this project should submit a pre-submittal meeting request through the PDCA in order to discuss how to proceed through the process of getting entrance approvals. For more information on the pre-submittal meetings or our formal review process, please visit our webpage at: http://www.deldot.gov/information/business/subdivisions/
- Please note that the proposed entrance locations shown on the plan are not finalized. The final TIS will determine the final location of the entrances.
- Please be advised that DelDOT may ask for sidewalk across the residual frontage on Kings Highway as well as right-of-way dedication to meet functional classification.

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
July 2016

APPLICATION: *Lidl Grocery Store*

FILE #: S-16-14

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

ADVISORY COMMENTS TO THE APPLICANT:

1. The site may be able to meet the Stormwater requirements by reducing the impervious within the LOD by 30%.
2. Green Technologies (infiltration, bio retention, bio swales, filter strips etc.) must be implemented to comply with the 2014 Delaware Sediment and Stormwater Regulations.
3. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
4. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE:

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Lidl Grocery Store at North DuPont Highway and Kings Highway NE

FILE #: S-16-14 REVIEWING AGENCY: Dover/Kent County MPO

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

The MPO requested the opportunity to bring the recommendations on issues of our concern to the City 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 7/18/2016
Project Review
S-16-14 Lidl Grocery Store at North DuPont Highway and Kings Highway NE

The site relies on access to US 13 for access, but also connects with Kings Highway and Maple Parkway. All of those entrances are controlled by the DelDOT engineers reviewing the pending Traffic Impact Study (TIS). We are happy to see pedestrian access into the site on the north entrance is included and integrated into the neighborhood sidewalk system. Unfortunately the sidewalk system does not include the area of residual property along Kings Highway. It is the MPO's recommendation that a sidewalk be installed along the complete perimeter of the property owned by the applicant, such as along Kings Highway. This project is part of the Senator Bikeway and may serve as a waypoint in the bikeway. The bikeway recommends an 8' to 12' path along the east side of Kings Highway adjacent to this parcel. The MPO prefers to assist pedestrian access a shopping site along and from all rights of way (ROW). That includes pedestrian access along the City ROW from Maple Parkway north into the site. It is a public right of way and should serve the potential users. The entrance from US 13 has no pedestrian facilities, though there is one at the far south end of the frontage. The MPO recommends an identified pedestrian pathway leading to the front of the store from US 13.

I am forwarding this review to the Planning staff at the Delaware Transit Corporation. (DTC aka DART). This is a congested portion of US 13 through the City of Dover. I believe they would prefer to provide bus service to the site without impeding the flow of traffic. They may request a bus stop outside of the traffic flow; a pull-off bus stop.

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.

BOHLER™
ENGINEERING

18958 Coastal Highway
Suite D
Rehoboth Beach, DE 19971
PHONE 302.644.1155
FAX 302.703.3173

July 7, 2016
Via Electronic Mail

City of Dover
Planning Office
15 Loockerman Plaza
Dover, DE 19901

Attn: Dawn Melson-Williams, AICP

RE: Site Development Plan
Lidl Grocery Store
122, 136, 140 162 Dupont Highway &
321 Kings Highway
Tax Map # ED-2-05-068.18-01-2000,
2100, 2200, 2300, 2400 & 2500
City of Dover
Kent County, DE
BEVA # DE140040

Dear Ms. Melson-Williams:

Pursuant to the Development Advisory Committee Meeting of July 6, 2016, Bohler Engineering, on behalf of Lidl US Operations, LLC, hereby requests the below stated waivers, for consideration by the City of Dover Planning Commission.

The proposed project consists of a proposed retail (grocery) store (36,185± SF). The site is zoned C-4 (Highway Commercial) where the proposed use is permitted by right. The proposed building and parking facilities will be constructed within a 5.20± acre area; whereas, the total parcel is 6.95± acres. The residual area at the west side of the site is 1.75± acres, is zoned IO and is proposed to be subdivided (not developed) as part of this application. No development is proposed on the proposed residual parcel. The Lidl parcel will also contain related site amenities and improvements inclusive of vehicular parking, bicycle parking, consolidation of the multiple existing Route 13 entrances into one (1) entrance, landscaping, stormwater management, and frontage pedestrian improvements.

In support of the proposed application, two (2) waivers are hereby requested for consideration.

Tree Planting and Preservation – Article 5-16.62

Per Article 5-16.62, on each property for which a tree preservation and planting plan is required by this section, existing trees may be retained and new trees shall be planted such that the lot shall attain or exceed a tree density of one tree per 3,000 square feet of lot area or fraction thereof.

This property is proposed to be subdivided with the residual parcel of 1.75± acres to remain in its existing condition, with no development proposed. The residual parcel is bounded by the zoning line located west of the proposed grocery store, Kings Highway to the north and west, and the adjacent parcel owned by Sacaton Limited Partnership located to the southwest.

It is our understanding that if and when the residual parcel gets developed, that the parcel is subject to this specific tree density planting requirement. To include plantings on this residual parcel at this time, prior to finalizing development plans, could jeopardize the location and health of the plantings and require tree removal, could prohibit future uses should the trees remain, and may result in financial hardship to replace and/or relocate the existing trees at the time of development. In addition to future structures and parking facilities, stormwater management BMPs and wet and dry utility connections could also be impacted.

The proposed Lidl parcel being developed will satisfy the tree density planting requirement based on its respective lot area, as part of this subject application.

In light of the above, we hereby request a waiver from Article 5-16.62 for the residual parcel only, consisting of 1.75± acres, understanding that this residual parcel will be subject to this requirement at time of development, under a separate application to be reviewed and heard by the Planning Commission.

Partial Elimination of Sidewalks – Article 5-18.4

As stated in Article 5-18, sidewalks shall be required to be installed along the public street frontage of a property by the property owner or developer whenever such property involves a development proposal which is subject to planning commission review and approval.

The proposed Lidl parcel currently proposes a sidewalk along the Rt. 13 and Kings Highway frontages, as required. The aforementioned residual parcel will be subdivided and developed at a future time under a separate application, in which the residual's street frontage will include a sidewalk, as required. The requested elimination of sidewalk is only for the portion of the residual parcel adjacent to King's Highway, until which time the residual parcel is developed, similar to a project that contains a phased approach. At this time, the type of development for the residual parcel is not determined, including where entrances may be located, ADA ramps and potential crosswalks may be located, and wet and dry utility connections from the parcel to the right-of-way may be installed – all of which may be impacted should the sidewalk fronting the residual parcel be installed with this initial phase of the Lidl parcel.

Furthermore, pursuant to our DelDOT pre-application meeting, DelDOT is acceptable with the sidewalk terminating at the limit of the Lidl parcel along King's Highway, as currently depicted, and not extending along the frontage of the residual parcel, until said parcel is developed and plans are submitted to the respective agencies.

As the use of the residual parcel does not exist, pursuant to Section 18.4.2, the vacant parcel will not generate or attract additional pedestrian trips.

In light of the above, we hereby request a waiver from Article 5-18.4 to provide sidewalks along the residual parcel, only, subject to final approval by DelDOT and until which time the residual parcel is developed by others at a future time, under a separate application.

Upon your review of the above, should you have any questions or require additional information, please do not hesitate to contact this office at (302) 644-1155. Thank you.

Sincerely,

Bohler Engineering VA, LLC

David M. Kuklish, P.E.

cc: Brian Kearney, Lidl US Operations, LLC (w/enc.)
File

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PETITION TO AMEND TEXT of
Dover Code of Ordinances and *Zoning Ordinance*
Report to the
Dover Planning Commission
July 18, 2016

Proposed Changes:

Text Amendments to the following:

- *Dover Code of Ordinances*, Chapter 22 – Building and Building Regulations, Article X – Rental Dwellings, Division 1 – Generally, Section 22-331
- *Dover Code of Ordinances*, Chapter 26 – Business, Article II – Licenses, Section 26-31 – Definitions
- *Dover Code of Ordinances*, Chapter 50 – Floods, Article III – Requirements in All Special Flood Hazard Areas, Section 50-36 – Recreational Vehicles
- *Dover Code of Ordinances,* Chapter 66 – Manufactured Homes
- *Dover Code of Ordinances*, Chapter 106 – Traffic and Vehicles, Article III – Stopping, Standing and Parking, Division I – Generally, Sections 106-123 and 106-128
- *Dover Code of Ordinances*, Chapter 110 – Utilities, Article III – Water Service and Article IV – Sanitary Sewer Service
- *Dover Code of Ordinances,* Appendix B: Zoning *(Zoning Ordinance)*
    - Article 2 – Zoning Ordinance and Zoning Map, Section 1
    - Article 3 – District Regulations, Section 8 – Mobile Home Park Zone
    - Article 3 – District Regulations, Section 22 – Airport Environs Overlay Zone
    - Article 3 - District Regulations, Section 24 – Planned Neighborhood Design
    - Article 4 – Zoning Bulk and Parking Regulations
    - Article 5 – Supplementary Regulations, Section 4 – Supplementary Sign Regulations
    - Article 6 - Off Street parking, Driveways and Loading Facilities
    - Article 7 – Nonconforming Buildings and Uses
    - Article 12 – Definitions
- *Dover Code of Ordinances,* Appendix F – Fees and Fines, Chapter 26 Businesses, Article II – Licenses and Chapter 66 – Manufactured Homes and Trailers

Summary of Amendment: The proposed amendment would update the standards and terminology related to manufactured homes. The proposed amendment also implements standards for management and maintenance of land lease communities.

Ordinance Number: Proposed Ordinance #2016-16

File Number: MI-16-10

Development of the Ordinance

Following the issuance of a building permit for the construction of a manufactured home on a property within the R-8 (One Family Residence Zone), several residents and members of City Council expressed concerns about the appropriateness of this housing type within the One Family Residence Zones. The need for revisions to the code requirements in the *Dover Code of Ordinances*, Chapter 66 – Manufactured Homes and Trailers, and Appendix B – Zoning was identified. Staff subsequently reviewed literature available about manufactured housing and a developed a number of recommendations related to Manufactured Housing to be considered for implementation.

The initial recommendation involved amending the code to prohibit manufactured housing in the One Family Residence Zones and to refine definitions. Amendments to *Zoning Ordinance*, Article 12 –Definitions, to add a definition for "manufactured home" and to amend the definition for "dwelling, one family" to preclude manufactured homes were adopted with Ordinance #2015-20 (Application MI-15-13). Planning Commission recommended approval of these text amendments on December 16, 2015 and the Ordinance #2015-20 was adopted by City Council on January 11, 2016. The definitions as adopted are as follows:

> *Dwelling, one-family:* A permanent dwelling unit placed on a permanent foundation and designed and intended for use by only one family. One-family dwellings shall not include manufactured homes or mobile homes but shall include modular homes constructed to the standards of the Dover Code of Ordinances, Chapter 22—Buildings and Building Regulations.
>
> *Manufactured home:* A factory-built housing unit designed and constructed to meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code. A manufactured home is built on a chassis that supports the structural integrity of the home and to allow transport to the site. Factory-built units built to meet the HUD Code and constructed after the code took effect on June 15, 1976 are classified as "manufactured homes."

Current Proposed Ordinance

This second series of proposed text amendments (MI-16-10) were developed by the Planning Staff as part of this specific research/study project related to Manufactured Housing. This set of text amendments will update the standards and terminology throughout the *Dover Code of Ordinance* including the *Zoning Ordinance*. Additionally, the proposed Ordinance implements standards for management and maintenance of land lease communities.

City Council Committee of the Whole/Legislative, Finance, and Administration Committee was presented with this proposed Ordinance #2016-16 at its June 14, 2015 Meeting. The Committee recommended approval of the Proposed Ordinance.

Key components of this proposed Ordinance #2016-16:

- Update of related terminology
- Update of definitions for manufactured home and mobile home
- Define and establish regulations for Land Lease Communities
- Limitations on placements of recreational vehicles in Special Flood Hazard Areas
- Revisions to Chapter 66 regarding licensing, taxation, placement of manufactured homes
- Revisions to parking of recreational vehicles
- Rename Mobile Home Park Zone (MHP) zoning district to Manufactured Housing Zone (MH) zoning district and update requirements of the zone. (*Zoning Ordinance*, Article 3 §8)
- Establish bulk and parking requirements in the MH zone
- Clarify in the Land Use Compatibility Table that Manufactured Homes are not permitted uses in the Airport Environs Overlay Zone (AEOZ)
- Update terminology in the Nonconforming Uses
- Add definitions for condominium, land lease community, mobile home, and modular home
- Establish Business License and associated fees for Land Lease Community Operator

As text amendments are proposed to the *Zoning Ordinance*, a Public Hearing and Recommendation by the Planning Commission is required. City Council will conduct a Public Hearing and take Final Action on the proposed Ordinance #2016-16 at their meeting of August 8, 2016.

Planning Review and Recommendations:
The Planning Staff developed the proposed Ordinance #2016-16 regarding Manufactured Housing and Land Lease Communities and therefore, recommends its adoption. As a result of comments received from other Development Advisory Committee (DAC) members, Planning Office is currently reviewing these comments and may offer several minor clarifications to the proposed Ordinance. The comments are summarized below.

DAC Agency Review Comment	Ordinance Lines	Proposed Revision	Reason/Notes
Electric	121-186	Add requirement that land lease community owners and occupants of manufactured homes coordinate with City Customer Service regarding City Electric Equipment (electric meters, etc.)	To establish duty to coordinate electric equipment removal on unoccupied lots
Fire Marshal	407-416	Clarify approving authority in regards to NFPA Publication 501A	Clarify approval responsibilities associated with the Site Development Plan process and requirements

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 29, 2016

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **TEXT AMENDMENTS: MANUFACTURED HOMES**

FILE #: **MI-16-10**

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. Reference Sec. 66-5. Duties of land lease community owners and operators, page 5, paragraph a iv.

   Electric requests addition of a requirement for the land lease community owners and operators and/or occupants of the manufactured home to coordinate with Customer Service on unoccupied lots so City of Dover Electric equipment; e.g. meters, can be removed from the site until occupancy resumes again.

ADVISORY COMMENTS TO THE APPLICANT

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

1. None.

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

MI-16-10

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 07/06/16

CITY OF DOVER FIRE MARSHAL

APPLICATION: Text Amendment: Manufactured Homes

FILE #: MI-16-10 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Page 12-13, 8.81, the end states: Where applicable, the approving authority shall be the Dover Planning Commission. Need clarification on what they are/can approve. If it is in regards to NFPA, the AHJ/Fire Marshal should be the approving authority.

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 29, 2016

D E L D O T

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APPLICATION: Text Amendments: Manufactured Homes

FILE#: MI-16-10 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

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

CITY OF DOVER PROPOSED ORDINANCE #2016-16

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

That Chapter 22 - Building and Building Regulations, Article X - Rental Dwellings, Division 1 - Generally, Section 22-331 - Purpose; applicability; definitions; compliance, (c) - Definitions, (5) - Single-family dwellings of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

(5) *Single-family dwellings* means dwelling units operated singly, and separated from other units. In general, this definition shall apply to single-family detached dwellings~~, including~~**;** mobile homes **and manufactured homes;**~~,~~ and attached units, including duplexes~~,~~ and townhouses.

BE IT FURTHER ORDAINED:

That Chapter 26 - Businesses, Article II - Licenses, Section 26-31 - Definitions of the Dover Code be amended by deleting the definitions indicated in red strikeout, inserting the definitions indicated in bold, blue text, and placing the new definition in the correct alphabetical order, as follows:

Land Lease Community Operator **includes every person engaged in the business of providing home sites and facilities, for rent or lease, to owners of separately owned dwellings, including owners of mobile homes and manufactured homes.**

~~***Mobile home park*** **includes every person engaged in the business of providing space and facilities for rent or lease to owners of mobile home units, on a permanent or semipermanent basis.~~

~~***Trailer park, recreational vehicle park and tenting recreation park*** **include any person engaged in the business of operating any place where space is furnished for units to park and hook up to or use sanitary and/or electrical facilities. This definition shall not apply to mobile home parks.~~

BE IT FURTHER ORDAINED:

That Chapter 50 - Floods, Article III - Requirements in All Special Flood Hazard Areas, Section 50-36 - Recreational Vehicles of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 50-36. - Recreational vehicles.

(a) 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 180 consecutive days.

(b) Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, ~~**shall meet the requirements of section 50-38 for manufactured homes**~~ **are prohibited in special flood hazard areas**.

Draft

BE IT FURTHER ORDAINED:

That Chapter 66, Manufactured Homes and Trailers, of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

CHAPTER 66 - MANUFACTURED HOMES ~~AND TRAILERS~~, MOBILE HOMES, AND LAND LEASE COMMUNITIES

Sec. 66-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Land lease community **means a residential development typified by single ownership of the land within the development, with the landowner retaining the rights of ownership. Home sites or individual lots within the community are leased to individual homeowners, who retain customary leasehold rights.**

Manufactured home **means a factory-built housing unit designed and constructed to meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code. A manufactured home is built on a chassis that supports the structural integrity of the home and to allow transport to the site. Factory-built units built to meet the HUD Code and constructed after the code took effect on June 15, 1976 are classified as "manufactured homes."**

Mobile home means a ~~single-family dwelling designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbeds or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location of jacks or foundations, connections to utilities and the like. The term "mobile home" shall not include a single-family dwelling which is designed to be placed on a permanent foundation, is not designed to be readily movable after the original occupancy as a single-family dwelling, and conforms to the city's building, plumbing, electrical and housing codes~~ **factory-built housing unit constructed on a chassis and completed before June 15, 1976. Prior to the HUD code, mobile homes were not subject to uniform construction or safety standards**.

~~**Permanently placed mobile home means a single-family dwelling designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbeds or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for placement upon a permanent, unmovable foundation, removal of all wheels and axles, and other minor incidental operations, such as unpacking, connections or utilities and the like. The term "permanently placed mobile home" shall be construed as being synonymous with that of the term "single-family dwelling," a dwelling which is designed to be placed on a permanent foundation, is not designed to be readily movable after the original occupancy as a single-family dwelling, and conforms to the city's building, plumbing, electrical and housing codes, except for the purpose of zoning in which it shall be considered a mobile home.**~~

Owner of a ***manufactured home or*** *mobile home* means the person designated in the **vehicle** title of the **manufactured home or** mobile home, whether the title is issued by this state or by some other state.

Owner of a permanently placed ~~*mobile home*~~ **manufactured home** means the person designated in the **vehicle or real property** title of the ~~mobile home~~ **permanently placed manufactured home**, whether the title is issued by this state or by some other state~~, and such person must also be the owner of the lot upon which the mobile home is permanently affixed. The term "lot" shall mean a parcel of land that conforms to the multiple ownership provisions of the laws of the state dealing with unit properties and condominiums, and must be located within a mobile home park~~.

Permanently placed manufactured home **means a factory-built housing unit designed and constructed to meet the Manufactured Home Consturction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code, and that has also been placed upon a permanent, unmovable foundation.**

(Ord. of 2-23-1970, § 2; Code 1981, § 12-1; Ord. of 11-10-1986, § 1)

Sec. 66-2. - License~~**s**~~**.**

(a) *Required fee*. The owner of a mobile home **or manufactured home that is not to be permanently placed** shall obtain an annual license for it and shall pay a fee for such license as provided for in Appendix F-Fees and Fines.

(b) *Payment; penalties*. Such license shall be obtained and the license fee paid by ~~July~~ **August** 1 of each year and if such fee is not paid before ~~August~~ **September** 1 of such year, then, in addition to any penalty incurred pursuant to Appendix F-Fees and Fines, a penalty fee of ten percent per month shall accrue on the unpaid balance of the license fee.

(c) *Moving into city*. Upon the moving of a ~~mobile home~~ **manufactured home** into the city, ~~such~~ **if the manufactured home requires a** license **it** shall be obtained and the license fee paid within seven days. Payment of such license fee shall be prorated on a quarterly basis for each fractional part of a year during which the ~~mobile home~~ **manufactured home** is in the city.

~~**(d) Sticker; where placed. Once the annual license fee has been paid by the owner of a mobile home, he shall be issued a sticker or other evidence of payment by the city manager or his authorized agent. This sticker or other evidence of payment must be placed upon the mobile home on the front of the mobile home facing the street on the righthand side when facing said mobile home one foot up from the bottom of the skirting and one foot over from the side of the mobile home.**~~

(d) ***Required fee for landowners*****. The owner of any land leased out as part of a land lease community shall obtain an annual land lease community operator business license under the provisions of Chapter 26 - Businesses.**

(Ord. of 2-23-1970, § 2; Ord. of 5-24-1976; Ord. of 3-27-1980; Code 1981, § 12-2; Ord. of 8-8-1988; Ord. of 3-22-1993; Ord. No. 2009-09, 6-22-2009)

Draft

Sec. 66-3. - Real property taxes.

A permanently placed ~~mobile home~~ **manufactured home** as defined in section 66-1, and the lot upon which it is located shall be considered as being real property for purposes of valuation, assessment and taxation in accordance with section 47 of the Charter~~, but shall be considered a mobile home as defined in section 66-1 for purposes of zoning and shall only be permitted to be located in the mobile home park zone (MPH), as spelled out in appendix B to this Code (article 3, section 8). This section shall not apply to permanently placed mobile homes that were in place on January 1, 1985, which shall continue to be licensed in accordance with section 66-2~~.

(Code 1981, § 12-2.1; Ord. of 11-10-1986, § 2)

Sec. 66-4. - Placement permit.

Every owner of a ~~mobile home~~ **manufactured home**, ~~before moving the same into the city,~~ shall apply for and obtain from the city ~~manager~~ **planner** or his/**her** authorized agent a placement permit for such ~~mobile home~~ **manufactured home**. The city ~~manager~~ **planner** or his/**her** authorized agent shall issue no placement permit until the license fee required in this chapter is paid in full.

(Ord. of 2-23-1970, §§ 3, 6; Ord. of 5-24-1976; Code 1981, § 12-3)

Sec. 66-5. - Duties of ~~mobile home park~~ land lease community owners and operators.

~~(a) Documents to mobile home owners. Copies of this chapter and placement permit application forms shall be furnished to each mobile home park operator, who shall give a copy of the same to every mobile home owner who moves a mobile home into his park, before the 15th day of the next succeeding month after placement of the mobile home.~~

~~(b) Lease record; report. Mobile home park operators who lease land to two or more persons for parking mobile homes shall maintain a lease record, which shall be open for inspection at all reasonable times by the city manager. Before June 1 of each year, the mobile home park operator shall report to the city manager the names and addresses of all persons having mobile homes on his land.~~

(Ord. of 2-23-1970, §§ 4, 5, 7; Code 1981, § 12-4)

(a) The following regulations shall apply to owners and operators of all land lease communities:

i. Private road access. It shall be the responsibility of land lease community owners and operators to maintain all private streets, driveway access to such streets, access to fire hydrants, and access to central mailboxes so as to be clear from obstructions, including but not limited to potholes, snow piles, and debris.

ii. Debris clearance. It shall be the responsibility of land lease community owners and operators to ensure that all facilities and common areas within the community are kept in good repair and maintained in such a manner as to prevent the accumulation of materials which could cause a fire hazard or would cause insect or rodent breeding and harborage.

iii. Landscaping. All trees, shrubbery, lawns, and other landscaping features within the community shall be maintained by the land lease community operator to be in healthy condition at all times.

iv. Utilities. All water, sewer, electric, and gas lines and connections intended to serve common areas or the private property of tenants within the community shall be kept in good repair at all times by the land lease community operator. Stormwater management facilities shall be maintained so as to be free of blockage and to prevent the accumulation of standing water.

v. Office hours. The land lease community operator shall be present on site at a minimum during regular business hours, so as to facilitate communication between tenants of the community and the owner, and a 24-hour emergency contact shall be available to residents.

vi. Receipt for lot payment. The Land Lease community operator shall provide a written receipt or electronic receipt at the time rent payment has been made, regardless of the form of payment.

(b) The following regulations shall additionally apply to owners and operators of land lease communities leasing land to manufactured homes:

i. Documents to manufactured home owners. Copies of this chapter and placement permit application forms shall be furnished to each land lease community owner, who shall give a copy of the same to every manufactured home owner who moves a manufactured home into the community, before the 15th day of the next succeeding month after placement of the manufactured home.

ii. Enforcement. It shall be the responsibility of land lease community owners and operators to ensure that all mobile homes and manufactured homes placed on their land maintain a current license under Section 66-2.

iii. Lease record; report. Land lease community owners who lease land to two or more persons for siting manufactured homes shall maintain a lease record, which shall be open for inspection at all reasonable times by the city planner. Before June 1 of each year, the land lease community owner shall report to the city planner the names and addresses of all persons having manufactured homes on his land.

iv. Sale of home. Before a home is sold by the homeowner, home owner's estate, foreclosure, eviction or other means, the City of Dover must be notified and all delinquent taxes, fees, or other charges must be paid.

v. The land lease community owner must notify the City of Dover if the community is placed for sale.

Draft

(c) The following shall be considered appropriate methods of redress if the duties outlined in this section are not fulfilled:

i. Any land lease community owner found to be in violation of the provisions of this section, regardless of corrective actions taken, shall be assessed a fine as provided for in Appendix F- Fees and Fines. Any such fine shall be in addition to any charges imposed upon the violator in accordance with subsection (c)(ii) below.

ii. If required, the City of Dover may perform maintenance in the owner's stead following official notice, and place a lien on the property to recover costs, including a 15% administrative charge.

iii. Repeated failure to perform the required duties shall be cause to take action upon an owner's land lease community operator license in accordance with the provisions of Chapter 26 - Businesses, Article II, Section 26-59.

Sec. 66-6. - Anchoring and skirting.

~~**Within 30 days after**~~ **Prior to the issuance of a certificate of** occupancy **for** ~~**of all mobile homes, the mobile homes**~~ **any manufactured home not placed on a permanent foundation, the manufactured home** shall be firmly anchored to the ground and the open space beneath the unit shall be skirted with approved material in accordance with the requirements of the building inspector.

(Ord. of 9-13-1976; Code 1981, § 12-5)

Sec. 66-7. - Use of city utilities.

The owner or occupant of any mobile home **or manufactured home** shall not be entitled to receive city utilities until the license fee required in this chapter is paid in full, and city personnel shall refuse to provide sewage, water and electricity to the mobile home **or manufactured home** until satisfactory proof is furnished that such license fee has been paid.

(Ord. of 7-28-1975; Code 1981, § 12-6)

Sec. 66-8. - Exemptions.

This chapter shall not apply to:

(1) *Dealers*. Unoccupied ~~**mobile home**~~ **manufactured homes** located on a dealer's display lot; or

(2) ~~**State license tag**~~ ***Manufactured homes in transit***. ~~**Mobile homes bearing a current license tag of this state**~~ **Unoccupied manufactured homes temporarily occupying the public right-of-way prior to placement on a lot or home site**.

(Ord. of 2-23-1970, § 8; Code 1981, § 12-7)

Draft

BE IT FURTHER ORDAINED:

That Chapter 102 - Taxation, Article III - Realty Transfer Tax, Section 102-71 - Definitions, (a)(1)s of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

s. Any conveyance of a "mobile home~~,~~" **or "manufactured home"** as defined in 25 Del. C. § 7003;

BE IT FURTHER ORDAINED:

That Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 1 - Generally, Section 106-123 - Vehicle Parking Time Limited Where Carrying Capacity Is in Excess of One Ton and Section 106-128 - Parking Mobile Homes, etc. of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 106-123. - Vehicle parking time limited where carrying capacity is in excess of one ton, and trailer and ~~motor home~~ recreational vehicle parking.

(a) It shall be unlawful for any person to park any vehicle with a carrying capacity of more than one ton, any trailer, which includes, but is not limited to, boat, utility, construction or one that is used to carry goods regardless of weight capacity and is designed to be towed or pulled by another vehicle, or any vehicle or trailer on the city streets for a period longer than two consecutive hours.

(b) It shall be unlawful for any person to park any commercial vehicle with a carrying capacity of more than one ton, any trailer, which includes, but is not limited to, utility, construction or one that is used to carry goods regardless of weight capacity and is designed to be towed or pulled by another vehicle, or any vehicle or trailer combination thereof, ~~or any travel trailer~~ in any residential zone in the city except for temporary parking for immediate deliveries, pickups, and/or service calls to residences or for construction work on residential properties. A commercial vehicle shall be one which is used or maintained for the transportation of persons or property for hire, compensation or profit, except taxicabs.

(c) It shall be unlawful for any person to park a trailered boat under 25 feet on the streets of Dover for a period longer than 12 consecutive hours. For any trailered boat 25 or greater, refer to subsection (a).

(d) It shall be unlawful for any ~~motor home~~ recreational vehicle to park on any residential street for a period longer than 12 consecutive hours without a permit. A resident owner of a ~~motor home~~ recreational vehicle may request a parking permit from the city to park on a residential street in the vicinity of their residence for a period not to exceed 72 hours. The permit would be made available at no cost to the resident. The parking permit shall be displayed in the front window of the vehicle visible from the street. A resident may only request such a permit three times in any 12-month period.

(e) Nonresidents are exempt from subsection (d) for a period of up to seven days as long as their ~~motor home or travel trailer~~ recreational vehicle does not create a safety hazard or interfere with traffic in the residential area that they are parked in.

Draft

(f) All parking allowed in this section only applies to streets that can accommodate parking in compliance with appendix A, article VI, section A.

(Code 1981, § 13-30.2; Ord. of 2-22-1982; Ord. of 9-10-1990; Ord. of 12-11-1995; Ord. of 7-25-2005)

Sec. 106-128. - ~~Parking mobile homes~~ Occupancy of recreational vehicles, etc.

It shall be unlawful and a nuisance to keep, either as owner, tenant or possessor, any ~~mobile home~~ **recreational vehicle**, bus, motor vehicle, ~~portable structure~~ or vehicle of any kind ~~designed or~~ adapted for **long-term** occupancy, except while it is being used as a business office in connection with the construction of a permanent building or structure on the same premises. The person desiring to park and use the vehicle ~~or structure~~ as a construction business office shall first obtain a permit therefor from the city manager, and the permit shall be effective for no more than six months, but in no event for longer than the period of construction.

(Code 1968, § 17-62; Code 1981, § 13-35)

BE IT FURTHER ORDAINED:

That Chapter 110 - Utilities, Article III - Water Service, Division 3 - Water Impact Fees, Section 110-207 - Establishment of Equivalent Dwelling Units, (a)(1) of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

(a) *Determination for residential dwellings*. Whenever by ordinance or by contract the city imposes or assesses water charges or fees on the basis of EDUs, an EDU shall be determined in the same manner as wastewater collection charges or fees and as defined in the most recent impact fee ordinance adopted by Kent County Levy Court. An EDU for a residential dwelling shall be determined as follows:

(1) Houses, dwellings, mobile homes**, manufactured homes,** and apartments with one kitchen and one or more baths and bedrooms separate from the kitchen .....1.0 EDU

(2) Efficiency unit or cottage having a living space in one room and having one bath .....1.0 EDU

(3) Dwelling with one kitchen and one or more baths and bedrooms separate from the kitchen and attached to other dwellings or structures .....1.0 EDU

BE IT FURTHER ORDAINED:

That Chapter 110 - Utilities, Article IV - Sanitary Sewer Service, Division 3 - Wastewater Collection Impact Fees, Section 110-282 - Establishment of Equivalent Dwelling Units, (a)(1) of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

(a) Determination for residential dwellings. Whenever by ordinance or by contract the city imposes or assesses wastewater collection and transmission charges or fees on the basis of EDUs, an EDU shall be determined as defined in the most recent impact fee ordinance adopted by the Levy Court of the county. An EDU for a residential dwelling shall be determined as follows:

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(1) Houses, dwellings, mobile homes**, manufactured homes,** and apartments with one kitchen and one or more baths and bedrooms separate from the kitchen .....1.0 EDU

(2) Efficiency unit or cottage having a living space in one room and having one bath .....1.0 EDU

(3) Dwelling with one kitchen and one or more baths and bedrooms separate from the kitchen and attached to other dwellings or structures .....1.0 EDU

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 2 - Zoning Ordinance and Zoning Map, Section 1 - List of Zones of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text in the correct alphabetical order, as follows:

Manufactured housing zone .....MH
~~**Mobile home park zone .....MHP**~~

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 3 - District Regulations, Section 8 - Mobile Home Park Zone (MHP) of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Section 8. - ~~**Mobile home park zone (MHP)**~~ **Manufactured Housing Zone (MH)**.

8.1 *Uses permitted*. **In a manufactured housing zone,** ~~**No**~~ **no** building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used, in whole or in part, ~~**for any purpose, except as a mobile home park for the leasing of mobile home stands for mobile homes designed for single-family occupancy, provided that**~~ **for any uses, except the following**:

8.11 ~~**The minimum number of mobile home stands completed and ready for occupancy before the first mobile home is permitted on the premises for residential use is 35 mobile home stands.**~~ **Manufactured homes on individual lots, held in any type of ownership.**

8.12 ~~**No mobile home stand shall be leased or occupied for residential use of a mobile home, except for periods of 30 consecutive days or more.**~~ **Multiple manufactured homes on a lot, provided that:**

(a) The lot is operated as a condominium; or

(b) The lot is operated as a land lease community; and

(c) There are at least 15 manufactured homes on the lot, or else sufficient home sites for rent or sale on the lot to accommodate 15 manufactured homes. Such home sites need not be expressly delineated but must be improved so as to be complete and ready for occupancy by a manufactured home.

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8.13 ~~No mobile home shall be permitted in any mobile home park unless it can be demonstrated that the mobile home meets the requirements of the United States of America Standards Institute publication "Standard for Mobile Homes, Body and Frame Design and Construction Requirements and the Installation of Plumbing, Heating and Electrical Systems," USA Standard A119, 1-1969.~~ **One-family detached homes on individual lots, held in any type of ownership.**

~~8.14 The entire land area occupied by a mobile home park shall be maintained in single ownership throughout the entire life of the mobile home park or in multiple ownership under the provisions of the laws of the State of Delaware dealing with unit properties and condominiums, subject to the following requirements:~~

~~(a) Multiple ownership shall not be permitted in existing parks previously in single ownership;~~

~~(b) Multiple ownership shall be permitted only in new established parks where application is made for multiple ownership at the time the application to establish the mobile home park is presented to the planning commission.~~

~~8.15 A permanent standard residence for not more than one family shall be permitted, incidental to each mobile home park, for the use of the owner, manager or caretaker of the mobile home park.~~

~~8.16 A permanent management office facility shall be permitted, which may include only the following:~~

~~(a) A management office with rooms for the usual office furniture and supplies;~~

~~(b) Storage space for utility connection supplies in quantity, mobile home accessories and maintenance materials and equipment;~~

~~(c) Laundry facilities equipped with washing machines and dryers;~~

~~(d) Community building facilities, including indoor recreation areas;~~

~~(e) One beauty shop and/or one barbershop in each mobile home park complex.~~

~~8.17 Maintenance of private streets. In mobile home parks with private streets, such streets, driveway access to such streets, access to fire hydrants, and access to central mailboxes shall be maintained by the mobile home park so as to be clear of obstructions including, but not limited to, potholes, snow piles, and debris.~~

~~8.18 Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.~~

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8.2 ~~**Site development plan approval. Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection of any buildings and mobile home stands and related accessory structures. After initial site development plan approval, reapproval shall not be required prior to the issuance of building permits for the alterations to individual mobile home stands or accessory buildings such as storage areas and patios, which, in the judgment of the city planner, do not materially alter the site development plan approval by the planning commission and are requested as adjustments to the mobile home lot leased by an individual family and designed for the convenience and comfort of the individual lessee.**~~ ***Conditional uses.*** **Conditional uses shall be consistent with those conditionally permitted in the One-Family Residence Zones.**

~~**8.21 For purposes of preparing a site development plan for approval by the planning commission, and all subsequent improvements, alterations or additions, the applicant shall conform to current submission requirements and site development standards as set forth by the National Fire Protection Association publication 501A, "Standards for Mobile Home Parks." Where applicable, the approving authority shall be the Dover Planning Commission.**~~

8.3 ~~**Maximum density. The gross residential density in an MHP zone shall not exceed six dwelling units per acre.**~~ ***Accessory uses.*** **Accessory uses shall be consistent with those permitted in the One-Family Residence Zones, with the following additions and exceptions:**

8.31 Management facilities. The following shall be permitted accessory to lots providing home sites for multiple manufactured homes:

(a) Management offices with rooms for the usual office furniture and supplies, limited to one per lot;

(b) Storage space for utility connection supplies in quantity, manufactured home accessories and maintenance materials and equipment;

(c) Laundry facilities equipped with washing machines and dryers;

(d) Community building facilities, including indoor recreation areas;

(e) Commercial establishments consistent with uses permitted in the C-1 Neighborhood Commercial Zone, limited to one such establishment per lot;

(f) One-family detached homes intended for the use of a manager or caretaker, limited to one such dwelling per lot.

8.32 Accessory home occupations. Accessory home occupations shall be permitted consistent with the conditions outlined for home occupations in the One-Family Residence Zones, with the exception that no home occupation shall be permitted if not also permitted by the owner of the lot on which the home is sited.

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8.4 *Uses prohibited*. The following uses are specifically prohibited:

8.41 Mobile homes, house trailers, and recreational vehicles as principal uses on a lot. Any such structures or vehicles located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

8.42 Any other kind of factory-built housing that does not meet the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development (HUD) Code as approved June 15, 1976, unless it can be demonstrated that such housing is constructed to the standards of the Dover Code of Ordinances, Chapter 22 - Buildings and Building Regulations. Any such housing located within the zone and being used as dwellings shall upon the effective date of this ordinance be deemed non-conforming uses in accordance with article 7.

8.5 *Minimum occupation length*. No lot or home site within the Manufactured Housing Zone reserved for occupation by a manufactured home shall be leased or occupied for residential use except for periods of 30 consecutive days or more.

8.6 *Land Lease Communities*. The following regulations shall apply to land lease communities within the MH zone:

8.61 The entire land area occupied by a land lease community, regardless of the number of home sites or individual lots therein, shall be maintained in single ownership, or if in multiple ownership, under the provisions of the laws of the State of Delaware dealing with unit properties and condominiums.

8.62 Changes to site plan. After initial site development plan approval of a land lease community, reapproval for the entire community shall not be required prior to the issuance of building permits for alterations to individual manufactured homes, or their accessory buildings such as storage areas and patios, which, in the judgement of the city planner, do not materially alter the site development plan approval by the planning commission and are requested as adjustments to the individual manufactured home sites or lots leased by an individual family and designed for the convenience and comfort of the individual lessee.

8.7 *Performance Standards*. All uses are subject to performance standards as set forth in article 5, section 8.

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

8.81 For purposes of preparing a site development plan for approval by the planning commission, and all subsequent improvements, alterations or additions, the applicant shall conform to current submission requirements and site development standards as set forth by the National Fire Protection Association publication 501A,"Standard for

Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities." Where applicable, the approving authority shall be the Dover Planning Commission.

8.82 No site development plan proposing the siting of a manufactured home outside of a land lease community shall be approved unless the plan shows the manufactured home is to be permanently placed, as defined in the Dover Code of Ordinances, Chapter 66 - Manufactured Homes, Mobile Homes, and Land Lease Communities.

8.9 *Maximum density*. The gross residential density in an MH zone shall not exceed six dwelling units per acre.

8.10 *Signs*. Signs shall meet the regulations found in Article 5 - Supplementary Regulations, Section 4 - Supplementary Sign Regulations.

(Ord. of 10-13-1981; Ord. of 3-20-1983; Ord. of 3-24-1986; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. of 4-28-2008(2); Ord. No. 2010-29, 1-10-2011)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 3 - District Regulations, Section 22 - Airport Environs Overlay Zone (AEOZ), Subsection 22.6 - Land Use Compatibility Table - Residential of the Dover Code be amended by inserting the bold, blue text in the correct alphabetical order, as follows:

Manufactured homes	**N**	**N**	**N**	**N**	**N**	**N**	**N**

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 3 - District Regulations, Section 24 - Planned Neighborhood Design Option [(PND)], Subsection 24.3 - Permitted Uses of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

24.3 Permitted uses:

(a) Any use permitted in one-family residence zones;

(b) Any other residential use, including one-family lot line dwelling units, duplexes, multiplexes, townhouses, patio houses, garden apartments, ~~[~~and~~]~~ mid-rise apartments, but not including high-rise apartments, ~~and~~ mobile homes~~;~~**, or manufactured homes;**

(c) Accessory dwelling units may be proposed in conjunction with detached single-family houses if approved by the planning commission as an integral part of planned neighborhood design;

(d) Commercial uses accessory to the development as a whole in accordance with the standards of the C-1A zone;

(e) Under the senior citizen housing option, all housing types, and including congregate housing structures and uses, assisted living residences, and nursing homes. All such housing units and/or property shall be deed restricted to require that the head of household for each housing unit be at least 55 years of age or older.

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BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 4 - Zoning Bulk and Parking Regulations, Section 4.12 - Mobile Home Park (MHP) Zone of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Section 4.12. - ~~Mobile home park (MHP)~~ Manufactured Housing (MH) zone.

[(a)] Bulk and parking regulations for the ~~mobile home park (MHP)~~ **manufactured housing (MH)** zone ~~[~~are as follows~~]~~:

	~~Mobile Home Park~~ **Manufactured Home Community (≥ 15 home sites per lot)**	Individual Single-Wide Unit Lots	Individual Double-Wide Unit Lots	**All Other Individual Unit Lots**
Minimum required:				
Lot area	15 acres	4,000 sq. ft.	5,000 sq. ft.	**6,000 sq. ft.**
Lot width (ft.)	200	40	55	**60**
Front yard (ft.)	40	25	25	**25**
Side yard (ft.)	25	8	8	**8**
Rear yard (ft.)	25	11	11	**11**
Off-street parking space	2	2	2	**2**
(a) Per ~~mobile home~~ **home/home site**	2	2	2	**2**
(b) Per 300 sq. ft. of floor area in permanent management office facility	1			
Maximum permitted:				
Building height ~~of permanent management office facility~~				
Stories	**2**	**2**	**2**	**2**
Feet	**30**	**30**	**30**	**30**

[(b)] Special requirements for corner lots with frontage on two ~~internal~~ streets**, public or private,** ~~within a mobile home park~~ shall be as follows:

1. Minimum lot width for a single-wide unit lot shall be 54 feet**,** ~~and~~ minimum lot width for a double-wide unit lot shall be 68 feet**, and minimum lot width for any other individual unit lot shall be 75 feet**.

2. The minimum setback for any structure from the edge of the cartway of either street shall be 22 feet.

3. Off-street parking shall not be permitted within 30 feet of the corner of the lot at the street intersection.

[(c)] Special requirements for ~~cul-de-sac streets within a mobile home park~~ **lots accessed by cul de sac streets** shall be as follows:

1. The minimum lot frontage at the edge of the street cartway shall be 16 feet.

2. The minimum lot width at the building setback and for the full depth of the lot behind the building setback line shall be 40 feet for a single-wide unit lot area and 55 feet for a double-wide unit lot. (Ord. of 4-28-1986)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 4 - Supplementary Sign Regulations, Subsection 4.7 - Permitted Signs of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

4.7 Permitted signs. Signs are permitted in all zones in accordance with the following table, which is a list of permitted sign types by use, proximity to residential uses and road classification.

SIGN TABLE

Use		Road Type	Permitted Signs						
Specific			Sign Type	Number Permitted	Max. Size	Max. Height	Percentage of Total Wall Area	Setback (R.O.W.)	Exclusion Zone
Residential Uses and Nonresidential Uses in Residential Districts	Single-Family Detached/ Semi-Detached	All Streets	Signs permitted in § 4.5 only						
	Professional Office	All Streets	Post or Monument	1/entrance	12 S.F.	7 feet	N/A	5 feet	20 feet
			Wall	1/frontage	16 S.F.	N/A	≤ 15%	N/A	N/A
	Subdivisions Multi-Family Residential Uses	All Streets	Wall	1/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
	Manufactured ~~Home Parks~~ **Housing Communities**		Monument or Post and Panel	2/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
Nonresidential Uses Adjacent to Residential Districts or Uses	Places of Worship Daycare Centers Approved Conditional Uses Educational/Institutional All Other Approved Nonresidential Uses	Urban Principal Arterial	Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	10 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	5 feet
			Pylon*	1/frontage	32 S.F.	30 feet	N/A	30 feet	50 feet
		Urban Minor Arterial	Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet
		Urban Local/ Collector	Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet

			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet
Nonresidential Uses in Nonresidential Districts	Nonresidential Uses	Urban Principal Arterial	Wall	2/frontage	No max	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel	1/entrance	100 S.F.	10 feet	N/A	10 feet	20 feet
			Pylon OR *	1/frontage	100 S.F.	30 feet	N/A	15 feet	50 feet
			Pylon*	1/frontage	150 S.F.	30 feet	N/A	31 feet	50 feet
		Urban Minor Arterial	Wall	2/frontage	64 S.F.	N/A	≤15%	N A	N/A
			Monument or Post and Panel OR	1/entrance	64 S.F.	7 feet	N/A	5 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet
		Urban Local/ Collector	Wall	2/frontage	32 S.F.	N/A	≤ 15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 6 - Off-Street Parking, Driveways and Loading Facilities, Section 1 - Permitted Accessory Parking of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Section 1. - Permitted accessory parking.

1.1 ~~[~~*Off-street parking spaces*.~~]~~ Off-street parking spaces, open or enclosed, are permitted accessory to any use. One commercial vehicle may be parked on a lot in any residence zone only if less than one ton in carrying capacity.

~~1.12 [~~1.2~~]~~ *Trailers and boats*. The ~~storage or parking and use of a house trailer~~ **long-term use of a recreational vehicle as a residence** by any person or persons is prohibited in all ~~residential~~ zones~~, except the mobile home park (MHP) zone~~. A boat with its trailer~~,~~ **or** a utility trailer, ~~and an unoccupied travel trailer~~ under 31 feet body length or an unoccupied ~~motor home~~ **recreational vehicle,** may be parked within a garage or anywhere behind the setback line if screened from adjacent lots. However, none of the vehicles shall be parked in a required side yard if alley parking adjacent to the lot is available.

~~1.13 [~~1.3~~]~~ Driveways. No driveway shall provide access to a lot located in another zone, which lot is used for any use prohibited in the zone in which such driveway is located.

~~1.14 [~~1.4~~]~~ The minimum width of a residential driveway shall be nine feet.

(Ord. of 9-12-1983; Ord. of 1-10-1996; Ord. of 11-13-2007)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 7 - Nonconforming Buildings and Uses, Section 1 - Nonconforming Buildings and Uses, Subsection 1.51 of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

1.5 Each of the nonconforming uses specified below is deemed sufficiently objectionable, undesirable, and out of character in the district in which such use is located as to depreciate the value of other property and uses permitted in the district, and blight the proper and orderly development and general welfare of such district and the city to the point that each of such nonconforming uses shall be terminated on or before the expiration of the specified period of time after the effective date of this ordinance; which period of time is specified for the purpose of permitting the amortization of the remaining value, if any, of such use.

1.51 In any residence zone, any nonconforming use of open land, including such uses as a parking lot, junkyard, or open storage yard for materials or equipment, may be continued for three years after the effective date of this ordinance, or after annexation of the property into the City of Dover, provided that, after the expiration of that period, such nonconforming use shall be terminated (see also article 6, section 1.12). Any ~~"house trailer,"~~ **"mobile home"** as that term is defined in article 12 hereof, that was located within the limits of the City of Dover at the effective date of this ordinance [November 22, 1976], or that was in place on any land subsequently annexed into the City of Dover, ~~in any zone other than the mobile home park zone (MHP),~~ shall constitute a nonconforming use and shall be permitted to be maintained as a nonconforming use indefinitely. However, such ~~house trailer~~ **mobile home** shall be required to connect to city sewer and water mains, if available, and such ~~house trailer~~ **mobile home** shall be subject to and shall comply with all other city codes and ordinances applicable to structures and residences.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 - Definitions of the Dover Code be amended by inserting the following new definitions, indicated in bold, blue text, in the correct alphabetical order:

***Condominium*: A form of property ownership providing for individual ownership of a dwelling unit together with an individual interest in land or parts of a building held in common with other owners. Condominiums follow the provisions of the laws of the State of Delaware dealing with unit properties and condominiums.**

***Land Lease Community*: A residential development typified by single ownership of the land within the development, with the landowner retaining the rights of ownership. Home sites or individual lots within the community are leased to individual homeowners, who retain customary leasehold rights.**

***Mobile home*: A factory-built housing unit constructed on a chassis and completed before June 15, 1976. Prior to the HUD code, mobile homes were not subject to uniform construction or safety standards.**

***Modular Home*: A factory built housing unit constructed to the standards of the Dover Code of Ordinances, Chapter 22 - Buildings and Building Regulations.**

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 - Definitions of the Dover Code be amended by deleting the definitions indicated in red strikeout, as follows:

~~***Mobile home*: A single-family dwelling designed for transportation, after fabrication, on streets, and highways on its own wheels or on flatbed or other trailers, and arriving at a site in a mobile home park where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connections to utilities, and the like; excluding, however, the single-family dwelling which is designed to be readily moveable after the original occupancy as a single-family dwelling, and conforms to the building code, plumbing code, electrical code and housing code of the City of Dover. Single-wide mobile homes are those units built as a complete home measuring up to 14 feet in width and finished on all exterior sides prior to transportation to a site for installation. Double-wide mobile homes are those units built in two halves intended to be assembled together on the site at the time of installation, each half measuring up to 14 feet in width and each finished on three exterior sides.~~**

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 12 - Definitions of the Dover Code be amended by inserting the text indicated in bold, blue text and deleting the text indicated in red strikeout, for the following definitions:

Dwelling unit: A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A boarding[house] or roominghouse, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, ~~house trailer,~~ **travel trailer, recreational vehicle,** or other similar structures or vehicles shall not be deemed to constitute a dwelling unit.

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BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, Chapter 26 - Businesses, Article II - Licenses, Section 26-35 - License Required; Fees, Subsection (d)(1) - Businesses Licensed of the Dover Code be amended by inserting the bold, blue text and deleting the text indicated in red strikeout, as follows:

		Fees and Fines
Chapter 26 - Businesses, Article II - Licenses		
Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.		
Sec. 26-35 - License required; fees		
	Subsec. (d)(1) - Businesses licensed	
	Advertising agency	$95.00
	Amusement operator	$157.00
	Architect	$250.00
	Attorney-at-law	$313.00
	ATM machines (third-party or off bank premises)	$50.50
	Auctioneer	$157.00
	Automobile race operator	$375.00
	Bank, or loan and trust company	$313.00
	Barber	$63.00
	each additional chair over two	$4.00
	Beautician	$63.00
	each additional chair over two	$4.00
	Broadcasting station	$313.00
	Broker	$157.00
	Car wash	$188.00
	Certified public accountant	$250.00
	Cesspool cleaner	$125.00
	Chiropractor	$313.00
	Clinical social worker	$96.00
	Coin-operated amusement machine owner	$3.00 Per machine
	Coin-operated vending machine owner	$3.00 Per machine
	Coin-operated electronic video machine	$125.00 Per machine
	Commercial sign business	$125.00

	Computer-related services	$125.00
	Consultant	$50.50
	Day care operator:	
	Center or home provider with greater than six children	$50.50
	Dentist	$313.00
	Distributor	$63.00
	Dray person or mover	$125.00
	Eating establishment and/or eating establishment operator	$125.00
	Employment agency	$125.00
	Entertainer:	
	One - three entertainers per group	$50.50
	Four - nine entertainers per group	$95.00
	Ten or more	$125.00
	Entertainment agent	$188.00
	Finance or small loan agency	$250.00
	Fitness trainer	$69.00
	Funeral director	$250.00
	Gaming position	$155.00
	Gas, light, power, cable TV and telephone company	$938.00
	General repairman	$63.00
	Health spa or health club	$188.00
	Home day care operator	$25.50
	Hotel:	
	Per room	$9.50
	Per suite	$12.50
	Income tax consultant	$188.00
	Incorporator	$125.00
	Insurance adjustor office	$125.00
	Itinerant merchant, per event	$100.00
	Janitorial and cleaning service:	
	One - three employees	$50.50
	Four - nine employees	$95.00
	Ten or more employees	$125.00
	Land lease community operator, per home site within community	**$25.00**
	Landscape service company:	
	One - three employees	$50.50

	Four - nine employees	$95.00
	Ten or more employees	$125.00
	Laundry service operator:	
	Primary facility	$125.00
	Additional drop-off locations	$50.50
	Linen supplier	$125.00
	Manicurist	$32.00
	Manufacturer's agent or representative	$125.00
	Mercantile agency or collection agency	$125.00
	~~**Mobile home park, per space**~~	~~**$7.00**~~
	Motel, per room	$7.00
	Motion picture theater	$188.00
	Motor vehicle serviceman	$95.00
	Nursing, rest or convalescent home	$188.00
	Open market operator:	
	First 20 spaces, per rented space	$22.50
	21st - 50th space, per rented space	$11.50
	Each space over 50, per rented space	$6.00
	Outdoor tables, per table	$6.00
	Optometrist	$313.00
	Pawnbroker	$188.00
	Pest control services	$95.00
	Pharmacist	$188.00
	Photographer	$125.00
	Physical therapist	$188.00
	Physician and/or surgeon	$313.00
	Plant nursery and florist	$95.00
	Podiatrist	$313.00
	Pool table operator, per table	$63.00/ Maximum fee $189.00
	Printer	$125.00
	Private investigator agency	$188.00
	Professional counselor	$63.00
	Professional engineer	$250.00
	Professional land surveyor	$250.00
	Psychologist	$313.00

	Public accountant	$188.00
	Public stenographer	$38.00
	Publisher	$313.00
	Real estate broker, appraiser, and manager	$157.00
	Real estate development corporation	$344.00
	Real estate property manager:	
	One - three units managed	$50.50
	Four - ten units managed	$125.00
	Ten + units managed	$125.00
	Real estate salesperson or associated broker	$50.50
	Rental service	$125.00
	Sales representative	$50.50
	School and educational service (nonvocational)	$63.00
	School and educational service (vocational)	$125.00
	Scientific laboratory	$250.00
	Scrap and waste material service	$125.00
	Secondhand dealer of precious metals	$125.00
	Security service	$188.00
	Self-service laundry or dry cleaner	$125.00
	Shoe repairman	$50.50
	Sound truck, per hour	$33.00
	Tailor and garment service	$50.50
	Taxicab or bus operator:	
	First vehicle	$26.00
	Each additional vehicle	$26.00
	Tourist home, per room	$7.00
	~~**Trailer park, per space**~~	~~**$7.00**~~
	Travel agency	$125.00
	Veterinarian	$313.00
	Warehouseman	$250.00
	Wholesale news agency	$63.00
	All other businesses not listed:	
	One - three employees	$50.50
	Four - nine employees	$95.00
	Ten - 50 employees	$125.00
	51 - 100 employees	$313.00

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, Chapter 66 - Manufactured Homes and Trailers of the Dover Code be amended by inserting the bold, blue text and deleting the text indicated in red strikeout, as follows:

		Fees and Fines
Chapter 66 - Manufactured Homes ~~and Trailers~~**, Mobile Homes, and Land Lease Communities**		
Sec. 66-2 - License**s**		
	Subsec. (a) - Required fee	$45.00 each license
	Subsec. (b) - Payment; penalties	A fine of not less than **$50.00** ~~$25.00, nor more than $1,000.00~~ and a penalty fee of ten percent per month shall accrue on the unpaid balance of the license fee
Sec. 66-5 - Duties of Land Lease Community Owners and Operators		
	Subsec. (c)(i) - Failure to perform required duties	**A fine of not less than $50.00 in addition to any charges imposed to cover cost of maintenance by the City**
	Subsec. 66-5 (c)(ii) - Cost of maintenance by the City	**$75.00 per hour for such work that must be done to render the property in compliance with this article, plus a 15% administrative charge**

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2106-16 MANUFACTURED HOUSING\Proposed Ordinance #2016-16 - Manufactured Housing.wpd

SYNOPSIS

The proposed ordinance updates the standards and terminology throughout the Dover Code as they relate to manufactured homes. The proposed ordinance also implements standards for management and maintenance of land lease communities. (SPONSORS: NEIL, SLAVIN, AND COLE)

Actions History

06/14/2016 - Scheduled for Introduction at Council Committee of the Whole/Legislative, Finance, and Administration Committee

Draft

PETITION TO ABANDON AN IMPROVED CITY STREET
Public Hearing before the
Dover Planning Commission
July 18, 2016

Location:	Topaz Circle stub street, northeast of Aquamarine Court
Present Use:	Public Street (stub)
Proposed Use:	Not Determined
Reason for Request:	Request Initiated by City Council
File Number:	MI-16-06

Summary of the Request:

Following the Planning Commission's approval of The Arbors on March 21, 2016, members of City Council heard numerous concerns from constituents in Emerald Pointe about the Topaz Circle stub street connection to the proposed Senior Way (Map Exhibit A). The topic of interconnection between The Arbors and Emerald Pointe was placed on the Safety Advisory and Transportation Committee agenda for April 26, 2016. At this meeting, staff presented a history of The Arbors and the interconnection between The Arbors and Emerald Pointe (Exhibit B). Minutes of this meeting where residents expressed concern are also attached (Exhibit C).

Ultimately, the Safety Advisory and Transportation Committee approved a motion to look into the abandonment of the Topaz Circle stub street. This recommendation was approved by City Council on consent agenda on May 9, 2016. At the June 27, 2016 meeting of City Council, action was taken to waive portions of the process for street abandonment and to refer the proposal for abandonment of the Topaz Circle stub street to the Planning Commission for Public Hearing on July 18, 2016. A more detailed chronology of development activity was presented by Planning Staff to City Council and is included as Exhibit D.

The matter was referred to the Development Advisory Committee for a recommendation, and scheduled for a public hearing before the Planning Commission. A recommendation from Planning Commission will be considered by the following:

- Council Committee of the Whole/Utility Committee on August 9, 2016
- City Council will consider the Utility Committee report and consider a resolution setting a Public Hearing on August 22, 2016
- Public Hearing and consideration of action may be scheduled for September 12, 2016.

Recommendation of Planning Staff:
The Planning Staff does not recommend the proposed abandonment. This recommendation is concurrent with the recommendations of the Department of Public Works, the City Fire Marshal, DelDOT, and the Dover/Kent Metropolitan Planning Organization (MPO). A summary of the reasons includes:

Interconnection of Streets
Appendix A: Land Subdivision Regulations, Article 6 §A.8 related to streets states:

> "The creation of interconnected streets will be encouraged wherever the commission finds that such layout will not interfere with traffic convenience and safety. The commission shall determine the number of connections of streets in the proposed subdivision with existing streets. At least two connections onto a state-maintained road or a city-maintained street are required unless the Delaware Department of Transportation or the city engineer determines that the second connection will not be permitted or is determined to be nonfeasible. This requirement shall pertain to:
> (a) Subdivisions containing 20 or more lots, plots, sites, or parcels.
> (b) Site developments containing 150 or more dwelling units."

- The Emerald Pointe subdivision plan as approved by the Planning Commission in 2002 included the provision of stub streets (including at Topaz Circle connecting with the adjacent property to the south now known as The Arbors) extending to vacant adjacent properties for the purpose of future connection.
- A cross access easement on the adjacent property now known as The Arbors was established to line up with the Topaz Circle stub street and provide access to College Road. The right-of-way establishing Senior Way was recorded June 26, 2009.
- Such interconnectivity, recommended by the Planning Commission, was consistently proposed in various plans through the years between the two properties as outlined in Exhibits B and D.

Emergency and Public Service Access
- Eliminating the interconnection could reduce emergency response times to Emerald Pointe.
- Interconnected access provides access redundancy if there are emergencies at the entrances to either of the adjacent properties (Emerald Pointe, The Arbors).
- Elimination of the proposed interconnection may create an obligation upon the property owner of The Arbors to make modifications to a recently approved Site Development Plan which has already received Conditional Approval by the Planning Commission.
- Elimination of interconnection and access to adjacent public rights-of-way reduces operational efficiency of other City services such as utility provision, trash collection, school bus routing, and others.

Transportation & Traffic
- Single points of subdivision entry and exit can create traffic bottlenecks at those points. The proposed interconnection allows for an additional point of access to and from the Emerald Pointe subdivision from another arterial road.

- The proposed access to College Road may reduce the number of trips taken by residents through the intersection of McKee Road and College Road, which may divert some traffic from the intersection and improve the efficiency of the intersection for the general public.
- The proposed interconnectivity may reduce travel times and distances to certain destinations and services.
- The proposed interconnectivity may increase the viability of non-vehicle trips by increasing the access and reducing the distance to local services.

Advisory Comments:

1. The Planning Commission's role is to make a recommendation to City Council on the matter. City Council has ultimate authority on the request for abandonment.

2. Planning Staff advises that if City Council decides in favor of abandonment of the Topaz Circle stub street, additional details following such abandonment have not yet to be determined. These include:
    a. The establishment of utility easements and associated access easements.
    b. The process for transferring property or adjusting adjacent property lot lines.
    c. Planning Staff recommends provisions for pedestrian and bicycle connectivity between Emerald Pointe and The Arbors to allow access to and from College Road.
    d. Physical modifications to the Topaz Circle stub street which may include resurfacing, installing/removing curbing, landscaping, signage, etc.
    e. Identification of responsible party for implementation of physical changes in the subject area.
    f. Appropriate Record Plan documents to reflect the status and ownership of the subject area.

3. Abandonment of public streets and alleys does not constitute approval for physical alteration of such streets and alleys. Any modification or ground-disturbing activity must be reviewed through the appropriate site plan process and receive all requisite approvals by regulatory agencies.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 29, 2016

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **ABANDONMENT OF TOPAZ CIRCLE STUB STREET AT EMERALD POINTE**

FILE #: **MI-16-06**

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. Per the City Code of Ordinances, each subdivision requires two (2) connections to existing streets. Topaz Circle stub street would provide the second connection to a street. Emerald Pointe does have another stub street (Opal Place) but the likelihood of connection is minimal, due to the nature of the land it would enter. Two (2) entrances to this subdivision would increase the ability for emergency and operational vehicles to access residents; therefore, staff does not support the abandonment of Topaz Circle.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

1. **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.

MI-16-06

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 07/06/16

CITY OF DOVER FIRE MARSHAL

APPLICATION: Abandonment of Topaz Circle Stub Street at Emerald Pointe Revised

FILE #: MI-16-06 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

- The Arbors roadway may need a cul-de-sac to provide a proper turn around for emergency apparatus if approved
- Eliminating the interconnection could reduce the emergency apparatus response time to Emerald Point
- Eliminating the interconnection could cause an access issues at the Arbors and/or Emerald Point if there is an emergency at the entrance to either development

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):
2012 NFPA Life Safety Code (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
2012 Delaware State Fire Prevention Regulations
City of Dover Code of Ordinances

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 29, 2016

D E L D O T

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APPLICATION: Abandonment of Topaz Circle Stub Street at Emerald Pointe

FILE#: MI-16-06 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:

Though Topaz Circle and Senior Way are not State owned/ maintained roads, DelDOT strongly supports the interconnection of the two streets and is opposed to the abandonment of the stub street connection of Topaz Circle. If you refer to DelDOT's Development Coordination Manual section 3.5.1 Connectivity – Purpose and Scope, you will see that this site is an ideal candidate for interconnection and it will greatly benefit the existing and proposed communities. The benefits that will be recognized by the interconnection will include but are not limited to:

- Alternative routes to local destinations to provide redundancy during road closures.
- Opportunities for community interaction by eliminating barriers between developments.
- Alternative modes choices (driving, transit, bicycling or walking)
- Improved access to community facilities and shopping centers
- A reduction in travel times and vehicle miles traveled for trips to local and regional destinations

- Reduced emergency response times because of more direct access or fire, police and EMS vehicles
- More effective use of municipal resources for municipal service delivery (utility routing, sanitation vehicles, school bus routing, etc.)

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
June 2016

APPLICATION: Abandonment of Topaz Circle Stub Street at Emerald Point

FILE #: MI-16-06

REVIEWING AGENCY: *Kent Conservation District*

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

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

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the stub abandonment for the above mentioned application.

ADVISORY COMMENTS TO THE APPLICANT:

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 6/1/2016

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Abandonment of Topaz Circle Stub Street at Emerald Point

FILE #: M-16-06 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 6/20/2016

Project Review

M-16-06 Abandonment of Topaz Circle Stub Street at Emerald Point

The MPO certainly supports the City of Dover's requirement for a second means of egress from a significant subdivision. In this instance at Emerald Point, the second egress was delayed until the development of an intermediate property that had frontage on an alternative street. The current and main entrance is on McKee Road, a two lane road with a bypass lane to avoid turning vehicles with Average Annual Daily Traffic (AADT) of 19,236. The second, alternative access will be to College Road near the intersection with McKee Road that has an AADT of 8,852 and would allow west bound users to avoid the road with more than twice the traffic and the intersection that becomes congested during certain periods of the day. It offers eastbound users a less congested alternative as well.

It is the MPO's recommendation that the second means of egress for Emerald Point be retained.

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.

GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
A	Zoning Map Exhibit, with aerial photo (Staff)	1
B	Presentation: "The Arbors: Review of Interconnection with Emerald Pointe" Presented before Council Committee of the Whole meeting of April 26, 2016 (Staff)	6
C	Excerpt of Minutes of Council Committee of the Whole, related to proposed interconnection between The Arbors Senior Garden Apartments and Emerald Pointe, April 26, 2016 (City Clerk)	8
D	Summary Chronology of Development Activity for 1051 College Road, City Council packet for meeting of June 27, 2016 (Staff)	6

City of Dover

Department of Planning & Inspections

Application No.: MI-16-06



Title: Abandonment of Topaz Circle stub street
Address: Emerald Pointe subdivision
Zoning: R-8 (One Family Residence Zone)
Date: 5-19-16

Legend

- Project Area
- Dover Parcels
- Zoning
- Dover Boundary

N
W E
S

0 250 500 1,000 Feet

THE ARBORS

Review of Interconnection with Emerald Point

Chronology of The Arbors and Emerald Point

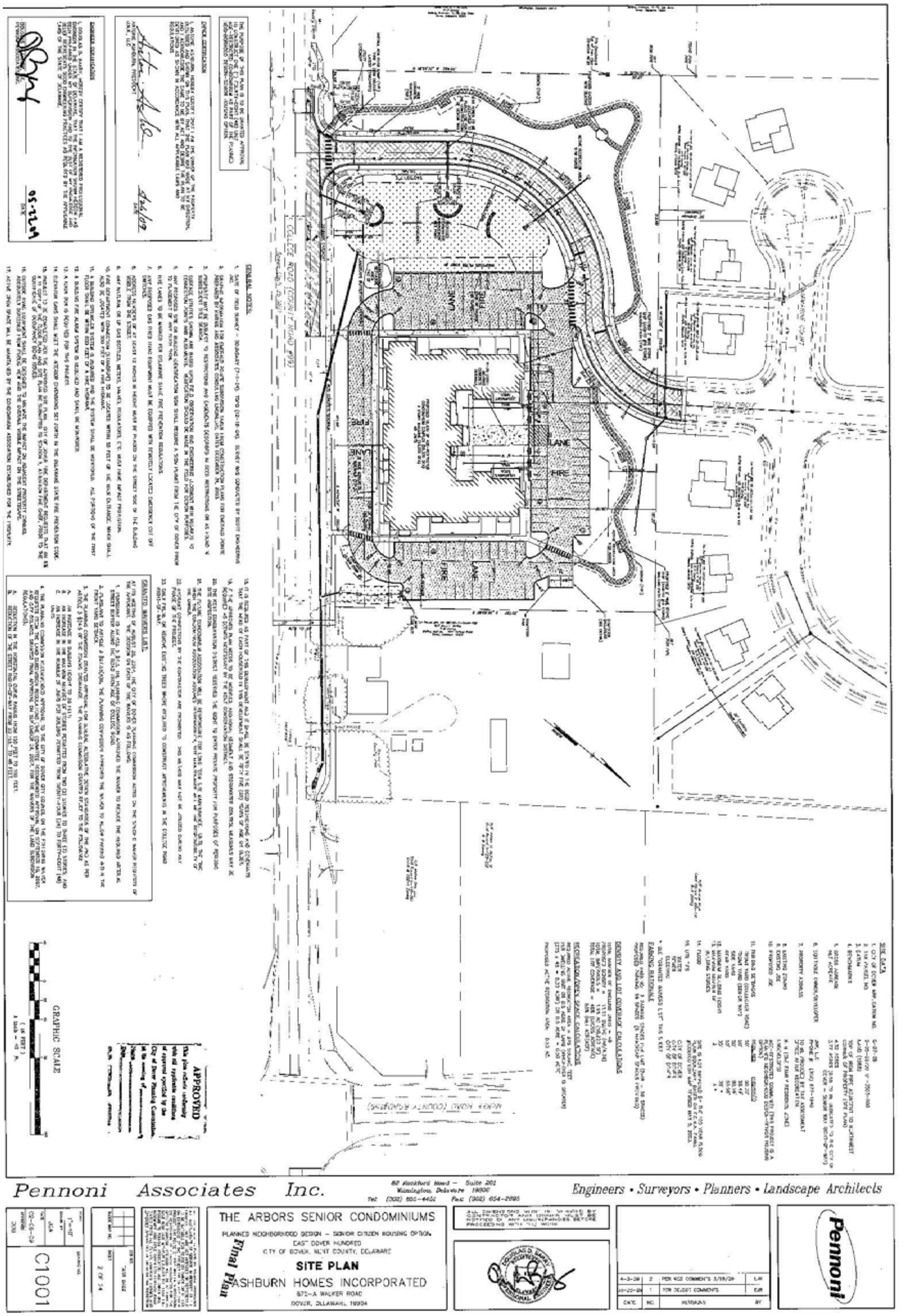
- 2002 Emerald Point Subdivision approved
  - *107 Single Family Detached Dwellings*
  - *Stub street from Topaz Circle to property to the south (The Arbors)*
- 2004 Minor Subdivision of McKee Property
  - *DelDOT requests 60 ft. cross access easement from subject property to Emerald Point*
  - *Public Works also requested a cross access easement*
  - *Cross access approved by Planning Commission and on the final recorded plan*
- 2005 College Road Garden Apartments
  - *Reviewed as Planned Neighborhood Design – Senior Citizen Housing Option*
  - *Site Plan approved by Planning Commission but expired in 2007*

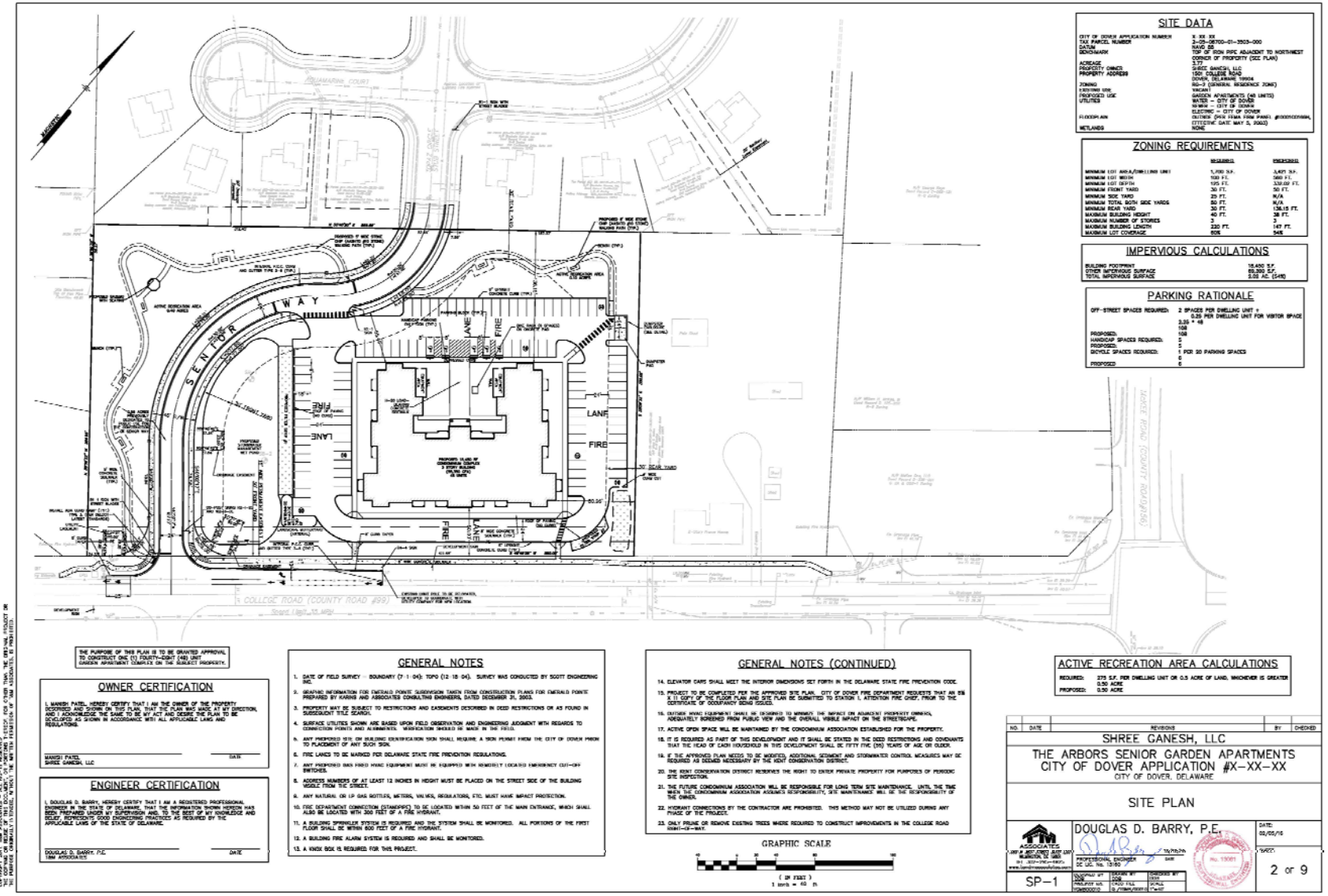
Chronology of The Arbors and Emerald Point

- 2007 The Arbors – Planned Neighborhood Design Senior Citizen Housing Option
  - *Approved by Planning Commission*
  - *Received Final Site Plan Approval*
  - *Expired due to no commencement of construction (August 2009)*
- 2009 Record Plan Established Right-of-Way for Senior Way, which connects with Topaz Circle Stub Street
  - *This connection provides the second access to a public street as required by the* Land Subdivision Regulations
- 2009-10 Rezoning of Lands of JNK, LLC from R-8 to RG-2
- 2010 Conditional Use Site Plan for The Arbors Condominiums (48 units)
  - *Original proposal to have access only through Emerald Point*
  - *Staff recommendation and Planning Commission requirement to construct Senior Way, connecting Topaz Circle and College Road*
  - *Plan expired prior to finalization*

The Arbors – Current Plan

- The Arbors land plan consistent with prior submissions
- Approved by Planning Commission on March 21, 2016
- Includes interconnection with Topaz Circle stub street


GRAPHIC SCALE
APPROVED
Pennoni Associates Inc.
Engineers • Surveyors • Planners • Landscape Architects
THE ARBORS SENIOR CONDOMINIUMS
PLANNED NEIGHBORHOOD DESIGN – SENIOR CITIZEN HOUSING OPTION
EAST DOVER HUNDRED
CITY OF DOVER, KENT COUNTY, DELAWARE
Final Plan
SITE PLAN
ASHBURN HOMES INCORPORATED
C1001
Pennoni



SITE DATA

CITY OF DOVER APPLICATION NUMBER	X-XX-XX
TAX PARCEL NUMBER	3-05-06700-01-3503-000
DATUM	NAVD 88
BENCHMARK	TOP OF IRON PIPE ADJACENT TO NORTHWEST CORNER OF PROPERTY (SEE PLAN)
ACREAGE	5.77
PROPERTY OWNER	SHREE GANESH, LLC
PROPERTY ADDRESS	1501 COLLEGE ROAD DOVER, DELAWARE 19904
ZONING	RG-3 (GENERAL RESIDENCE ZONE)
EXISTING USE	VACANT
PROPOSED USE	GARDEN APARTMENTS (48 UNITS)
UTILITIES	WATER – CITY OF DOVER SEWER – CITY OF DOVER ELECTRIC – CITY OF DOVER
FLOODPLAIN	OUTSIDE (PER FEMA FIRM PANEL #0005C0016K, EFFECTIVE DATE MAY 5, 2003)
WETLANDS	NONE

ZONING REQUIREMENTS

	REQUIRED	PROPOSED
MINIMUM LOT AREA/DWELLING UNIT	1,000 S.F.	3,421 S.F.
MINIMUM LOT WIDTH	100 FT.	580 FT.
MINIMUM LOT DEPTH	125 FT.	330.09' FT.
MINIMUM FRONT YARD	30 FT.	50 FT.
MINIMUM SIDE YARD	25 FT.	N/A
MINIMUM TOTAL BOTH SIDE YARDS	50 FT.	N/A
MINIMUM REAR YARD	30 FT.	136.15 FT.
MAXIMUM BUILDING HEIGHT	40 FT.	38 FT.
MAXIMUM NUMBER OF STORIES	3	3
MAXIMUM BUILDING LENGTH	220 FT.	147 FT.
MAXIMUM LOT COVERAGE	60%	54%

IMPERVIOUS CALCULATIONS

BUILDING FOOTPRINT	18,400 S.F.
OTHER IMPERVIOUS SURFACE	69,300 S.F.
TOTAL IMPERVIOUS SURFACE	2.02 AC (54%)

PARKING RATIONALE

OFF-STREET SPACES REQUIRED:	2 SPACES PER DWELLING UNIT + 0.25 PER DWELLING UNIT FOR VISITOR SPACE
	2.25 * 48
	108
PROPOSED:	108
HANDICAP SPACES REQUIRED:	5
PROPOSED:	5
BICYCLE SPACES REQUIRED:	1 PER 20 PARKING SPACES
	6
PROPOSED	6

THE PURPOSE OF THIS PLAN IS TO BE GRANTED APPROVAL TO CONSTRUCT ONE (1) FOURTY-EIGHT (48) UNIT GARDEN APARTMENT COMPLEX ON THE SUBJECT PROPERTY.

OWNER CERTIFICATION

I, MANISH PATEL, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

MANISH PATEL
SHREE GANESH, LLC

DATE

ENGINEER CERTIFICATION

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

DOUGLAS D. BARRY, P.E.
IBM ASSOCIATES

DATE

GENERAL NOTES

1. DATE OF FIELD SURVEY – BOUNDARY (7-1-04); TOPO (12-18-04). SURVEY WAS CONDUCTED BY SCOTT ENGINEERING INC.
2. GRAPHIC INFORMATION FOR EMERALD POINTE SUBDIVISION TAKEN FROM CONSTRUCTION PLANS FOR EMERALD POINTE PREPARED BY KARINS AND ASSOCIATES CONSULTING ENGINEERS, DATED DECEMBER 31, 2003.
3. PROPERTY MAY BE SUBJECT TO RESTRICTIONS AND EASEMENTS DESCRIBED IN DEED RESTRICTIONS OR AS FOUND IN SUBSEQUENT TITLE SEARCH.
4. SURFACE UTILITIES SHOWN ARE BASED UPON FIELD OBSERVATION AND ENGINEERING JUDGMENT WITH REGARDS TO CONNECTION POINTS AND ALIGNMENTS. VERIFICATION SHOULD BE MADE IN THE FIELD.
5. ANY PROPOSED SIGN ON BUILDING IDENTIFICATION SIGN SHALL REQUIRE A SIGN PERMIT FROM THE CITY OF DOVER PRIOR TO PLACEMENT OF ANY SUCH SIGN.
6. FIRE LANES TO BE MARKED PER DELAWARE STATE FIRE PREVENTION REGULATIONS.
7. ANY PROPOSED GAS FIRED HVAC EQUIPMENT MUST BE EQUIPPED WITH REMOTELY LOCATED EMERGENCY CUT-OFF SWITCHES.
8. ADDRESS NUMBERS OF AT LEAST 12 INCHES IN HEIGHT MUST BE PLACED ON THE STREET SIDE OF THE BUILDING VISIBLE FROM THE STREET.
9. ANY NATURAL OR LP GAS BOTTLES, METERS, VALVES, REGULATORS, ETC. MUST HAVE IMPACT PROTECTION.
10. FIRE DEPARTMENT CONNECTION (STANDPIPE) TO BE LOCATED WITHIN 50 FEET OF THE MAIN ENTRANCE, WHICH SHALL ALSO BE LOCATED WITH 300 FEET OF A FIRE HYDRANT.
11. A BUILDING SPRINKLER SYSTEM IS REQUIRED AND THE SYSTEM SHALL BE MONITORED. ALL PORTIONS OF THE FIRST FLOOR SHALL BE WITHIN 800 FEET OF A FIRE HYDRANT.
12. A BUILDING FIRE ALARM SYSTEM IS REQUIRED AND SHALL BE MONITORED.
13. A KNOX BOX IS REQUIRED FOR THIS PROJECT.

GENERAL NOTES (CONTINUED)

14. ELEVATOR CARS SHALL MEET THE INTERIOR DIMENSIONS SET FORTH IN THE DELAWARE STATE FIRE PREVENTION CODE.
15. PROJECT TO BE COMPLETED PER THE APPROVED SITE PLAN. CITY OF DOVER FIRE DEPARTMENT REQUESTS THAT AN 8½ X 11 COPY OF THE FLOOR PLAN AND SITE PLAN BE SUBMITTED TO STATION 1, ATTENTION FIRE CHIEF, PRIOR TO THE CERTIFICATE OF OCCUPANCY BEING ISSUED.
16. EXTERIOR HVAC EQUIPMENT SHALL BE DESIGNED TO MINIMIZE ITS IMPACT ON ADJACENT PROPERTY OWNERS, ADEQUATELY SCREENED FROM PUBLIC VIEW AND THE OVERALL VISIBLE IMPACT ON THE STREETSCAPE.
17. ACTIVE OPEN SPACE WILL BE MAINTAINED BY THE CONDOMINIUM ASSOCIATION ESTABLISHED FOR THE PROPERTY.
18. IT IS REQUIRED AS PART OF THIS DEVELOPMENT AND IT SHALL BE STATED IN THE DEED RESTRICTIONS AND COVENANTS THAT THE HEAD OF EACH HOUSEHOLD IN THIS DEVELOPMENT SHALL BE FIFTY FIVE (55) YEARS OF AGE OR OLDER.
19. IF THE APPROVED PLAN NEEDS TO BE MODIFIED, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY THE KENT CONSERVATION DISTRICT.
20. THE KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR PURPOSES OF PERIODIC SITE INSPECTION.
21. THE FUTURE CONDOMINIUM ASSOCIATION WILL BE RESPONSIBLE FOR LONG TERM SITE MAINTENANCE. UNTIL THE TIME WHEN THE CONDOMINIUM ASSOCIATION ASSUMES RESPONSIBILITY, SITE MAINTENANCE WILL BE THE RESPONSIBILITY OF THE OWNER.
22. HIGHWAY CONNECTIONS BY THE CONTRACTOR ARE PROHIBITED. THIS METHOD MAY NOT BE UTILIZED DURING ANY PHASE OF THE PROJECT.
23. ONLY PRUNE OR REMOVE EXISTING TREES WHERE REQUIRED TO CONSTRUCT IMPROVEMENTS IN THE COLLEGE ROAD RIGHT-OF-WAY.

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft

ACTIVE RECREATION AREA CALCULATIONS

REQUIRED:	275 S.F. PER DWELLING UNIT OR 0.5 ACRE OF LAND, WHICHEVER IS GREATER
	0.50 ACRE
PROPOSED:	0.50 ACRE

NO.	DATE	REVISIONS	BY	CHECKED

SHREE GANESH, LLC

THE ARBORS SENIOR GARDEN APARTMENTS
CITY OF DOVER APPLICATION #X-XX-XX
CITY OF DOVER, DELAWARE

SITE PLAN

IBM ASSOCIATES
1207 W. WEST CHESTER PIKE (US 322)
HAVERTOWN, PA 19083
(610) 853-1900 • FAX(610) 853-1901
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DOUGLAS D. BARRY, P.E.
PROFESSIONAL ENGINEER
DE LIC. No. 13161

DATE: 10/10/06

DATE: 02/05/10

SCALE: 1"=40'

SP-1

DRAWN BY: DDB	CHECKED BY: DDB		
PROJECT NO.: YGM000010	CADD FILE: D:\YGM\000010	SCALE: 1"=40'	

2 or 9

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Ms. Susan Hessler, 120 Cobblestone Lane, stated that she had attended two (2) of the community meetings and there was not an overwhelming majority that wanted anything done, except for some sort of speed control, whether it was a lighted fixture such as that now on Bicentennial. She expressed concern, if a roundabout were installed, that instead of going through the circle, people would come out onto Colony Drive, go through the light at Meetinghouse Lane and Colony Drive, and then divert onto Bicentennial Boulevard to cut over to Walker Road, and traffic would just be redirected. Ms. Hessler felt that this would create more of an excessive traffic pattern through the neighborhood.

Mr. Hosfelt stated his view that, historically, people had not circumvented the current roundabout on Mifflin Road to go through Woodmill to Route 8.

Based on the size and dimensions of the roundabouts, Ms. Hessler did not think they could be compared. She indicated that people cut through Colony Drive now, and she felt the mindset would be that if people want to get to Walker Road, they would go down to Bicentennial Boulevard and go right or left on Walker Road.

Mr. Sudler questioned how concerns regarding parking at Continental Park would be addressed if the park was used for recreation. He questioned if there would be parking allowed for a time frame or if those who park there would be ticketed.

Mr. Hosfelt stated his belief that there were no signs on the roadway that restrict parking at this time and parking would remain open.

Mr. Sudler moved to recommend acceptance of the recommendation of DelDOT and the working group for the roundabout, seconded by Mr. Neil and unanimously carried.

Traffic Concerns - Proposed Interconnection Between The Arbors Senior Garden Apartments and Emerald Pointe

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed a presentation entitled "The Arbors - Review of Interconnection with Emerald Pointe*"* ***(Attachment #2)***. She explained that, in 2002, the Planning Commission approved the subdivision now known as Emerald Pointe with 107 single-family detached homes. That plan included two (2) stub streets; one (1) extending west to a vacant property between Emerald Pointe and Hidden Oaks, and another extending from Topaz Circle to the south, to the subject property of The Arbors.

Mrs. Townshend advised that, in 2004, there was a minor subdivision of the McKee Property, which resulted in the parcel that was again the subject of The Arbors. At that time, the Delaware Department of Transportation (DelDOT) and the Public Works Department requested a 60-foot cross access easement from the McKee property to Emerald Pointe to line up with the stub street. This easement was approved by the Planning Commission and was on the final recorded plan for that minor subdivision.

Mrs. Townshend indicated that a project called "College Road Garden Apartments" came forward in 2005 and was reviewed as a Planned Neighborhood Design - Senior Citizen Housing option. The site plan was approved by the Planning Commission, but it expired in 2007, before it went to final plan, or construction was begun. She stated that in 2007, The Arbors came forward again as a Planned Neighborhood Design - Senior Citizen Housing, which was essentially the same plan that had expired previously with a few small changes. Mrs. Townshend explained that this project was approved by the Planning Commission and received final site plan approvals from all agencies; however, construction never commenced and the plan expired in 2009. Prior to the expiration of the site plan, the right of way that establishes Senior Way was recorded. She noted that, in 2009 and early 2010, the property was rezoned from R-8 (One-Family Residence Zone), to RG-2 (General Residence Zone), and the previous plans were brought forward as senior apartments, since apartments became a permitted use.

Mrs. Townshend informed members that, in 2010, there was another conditional use site plan application for the Arbors, with essentially the same building layout, which had minor tweaks to the parking and other layout on the site. She noted that this was for a 48-unit apartment building, and that every iteration for the property had been for 48 units. Mrs. Townshend stated that the original proposal would have had all traffic coming through Emerald Pointe, and there would be no access to College Road; however, Planning Department and DelDOT staff expressed concern about this. She noted that the Planning Commission ultimately required the construction of Senior Way, which would include access to College Road, and the connection to the Topaz Circle stub street. Mrs. Townshend indicated that this plan expired again, prior to getting all of the approvals and being finalized.

Mrs. Townshend advised members that the current land plan submission for The Arbors was consistent with the prior submission, but had some changes to the parking layout. It was approved by the Planning Commission on March 21, 2016, and included the interconnection with the Topaz Circle stub street. Mrs. Townshend reviewed the 2007 site plan for The Arbors Planned Neighborhood Design - Senior Citizen Option on Page 5 of the presentation, and reminded members that this project went to final plan approval, but was not constructed. She explained that the active recreation area on the west side of Senior Way showed a multi-use path for the residents of the development, and the connection to Topaz Circle was part of the plan. Mrs. Townshend then reviewed the land plan for the Arbors that was approved by the Planning Commission on Page 6. She indicated that, for the most part, this plan remained unchanged from the 2007 plan, noting that parking would be tweaked and the connections to Topaz Circle and College Road would be retained. Mrs. Townshend advised members that there were concerns regarding how the connections would affect traffic through Emerald Pointe, in particular at the location where Emerald Pointe connects with McKee Road. Mrs. Townshend stated that, in terms of the history and prior approvals of Emerald Pointe, and the prior iterations of The Arbors property interconnection had always been part of the plan approval.

Mr. Hosfelt commented that he travels this road back and forth to work each day, and it was not uncommon to sit through the light at College and McKee Roads for three (3) or four (4) cycles before getting through. He questioned if DelDOT could help with this.

Mr. Marc Cote, Assistant Director, Planning Development Coordination, DelDOT stated that the intersection of McKee and College Roads was eventually planned to be part of the Dover Transportation Improvement District that DelDOT was working with the City on; however, this was in the infancy stages and there were no planned improvements at the intersection at this time. Mr. Cote advised that the interconnection was there to provide the residents of the community another access point to College Road so they do not have to travel through the intersection. He stated that the senior housing generates only a little over 160 trips per day, so not much traffic would be using it, and the interconnection is there mainly for the community to use.

Mr. Hosfelt invited those present who wished to speak to come forward.

Mr. Thomas Disabatino, 346 Topaz Circle, Emerald Pointe, informed members that when he found out about the plan he was immediately concerned, due to the traffic at McKee and College Road. He stated that traffic stacks up from College Road all the way to the entrance and beyond of Emerald Pointe when heading in the direction of Kraft Foods. Mr. DiSabatino feared that Emerald Pointe will just become a pass-through to College Road at those times when the traffic is heavy. In addition, he indicated that when trying to make a left turn from College Road to McKee Road headed toward Delaware Technical and Community College, the left turn cycle allows only five (5) to six (6) cars through; therefore, he felt that people would use Senior Way, go through Emerald Pointe, and take their chances on trying to make a left turn at the Emerald Pointe entrance, which he indicated was already a dangerous proposition. Mr. Disabatino reiterated the major concern that this would become a pass-through for those trying to avoid the intersection, noting that he did not know the date when the improvements would be made.

Mr. Hosfelt indicated that the improvements would take years.

Mr. Dan Maher, 16 Inverness Court, Woodlands of Fox Hall, expressed his desire to raise the same issues that he raised before the Planning Commission. He stated that the distance from the entrance of Fox Hall on College Road to the intersection is roughly 0.3 miles and this area contains two (2) churches, a private residence, and a building development that empty onto College Road. Mr. Maher advised that the Arbors development would be the fourth development between the Woodlands of Fox Hall, Hidden Acres, the Arbors, and a little shopping center. He stated that those who are four (4) or five (5) cars back in the intersection during the day are stuck and cannot get to the left or right turn lane. Mr. Maher felt that having additional cars there would make that matter considerably worse. He did not understand where the projection of 160 trips came from, noting that there would be 48 units, each one with a car going in and out, and he felt the intersection would be a disaster. Mr. Maher expressed concern that the Arbors would be built before improvements are made and that it would make a bad situation worse. Referring to the discussion earlier in the meeting regarding Independence Boulevard, he questioned how many cars were traversing College Road if there were 6,000 per day on Independence Boulevard.

Mr. David Pokrajac, 6 Tanzanite Court, agreed with other members of the public. He stated that two (2) years ago in March he was living at the Courtyards when there was an accident at night. The police were chasing someone in an all-terrain vehicle who entered the neighborhood, causing havoc

and waking up Mr. Pokrajac and his neighbor. He noted this happened before this became a through traffic road and questioned what would happen if the interconnection came to fruition. Mr. Pokrajac noted that earlier in the meeting members discussed measures to improve the traffic situation on Independence Boulevard, which had become a through-traffic road, and now they were proposing to open a through-traffic road. He questioned if they would propose to build a roundabout in one (1) to ten (10) years to prevent traffic accidents, noting that there was no space in the neighborhood for a roundabout. Mr. Pokrajac stated that kids play basketball and baseball on the streets in the neighborhood and run and ride bicycles there. He questioned if there was a desire for kids to be healthy and able to defend our country if needed or to be on Facebook all the time and have spinal injuries.

Ms. LaKeesha Christian, 207 Topaz Circle, advised members that her family had been living in the neighborhood for approximately seven (7) to eight (8) years. She referenced the concerns stated earlier in the meeting of residents living in and around Bicentennial Village, who felt they had lost the peacefulness of their neighborhood with all the traffic constantly going through. Ms. Christian noted that 6,000 cars was a lot of traffic going through and she did not want her neighborhood to experience this. She stated that they have a small community, know each other, and know the cars that travel in and out of the neighborhood. Ms. Christian feels very safe and secure there, her children play there, and she feels comfortable letting them go outside, run around the house, and go down to the park, knowing that they will be safe, and her neighbors will be looking out for them. She stated that she would lose all of that comfort if members agree to let a street cut through from one end to another. She stated her understanding that the purpose of the proposal was to help people to get in and out of the new residential area better, but expressed concern for those who are already living there and dealing with traffic when coming out. Ms. Christian noted that there is no light in front of Emerald Pointe and no approval for a light, so it would take longer to get out of the neighborhood. In addition to the safety concerns, she noted that there would be 48 additional units, which would mean 100 extra cars if people have two (2) cars. Ms. Christian reiterated that she would like her children to be safe and did not think it fair to lose that just to add a new development to the community.

Mr. Mark Reaves, 10 Tanzanite Court, President, Emerald Pointe Homeowners Association, stated his concern that this development had come up numerous times under multiple names, and each time it had expired. He stated that they had no idea of ownership of this project, the owner had not come forward to the residents of the community, and there had been no discussion with the community regarding what was going on with the project. Mr. Reaves noted that Mr. Cote had casually stated that this was a through put to McKee Road on the other side. Mr. Reaves reiterated others' comments that this was a neighborhood, and the road comes directly through a residential area. He indicated that, currently, one (1) vehicle can pass through the street, and drivers must pull over to the side to pass. Mr. Reaves felt it infeasible for cars to pass each other coming through.

Mr. Reaves stated that if the Arbors development moves forward, there should be a "Do Not Enter" indication so others would not be entering his neighborhood, if there is some type of pass-through street. This would facilitate emergency vehicles reaching Emerald Pointe as they would not have to go all the way around and come down McKee Road to get into his community, which would be

a benefit. However, Mr. Reaves felt that normal traffic should come in and out on College Road. He expressed his opinion that there should be discussion with DelDOT, noting that they had sent letters to DelDOT since late 2013 and early 2014 about getting some type of traffic light, such as a flashing yellow or flashing red light, but had been ignored for two (2) years. Mr. Reaves explained that residents must sometimes wait 15 minutes to get out of their neighborhood to go to work. He stated that there had been two (2) or three (3) fatalities. They had lost their neighborhood entrance signs which had not been replaced, although they had asked DelDOT for them numerous times for over two-and-a-half years, but had gotten the run-around. Mr. Reaves felt that if anything were to come before the City in regard to the interconnection, there had to be discussion with the neighborhood. He also commented that there were safety concerns due to numerous young children, expressing the desire to avoid an Amber Alert situation.

Mayor Christiansen stated that Mr. Reaves was correct, noting that he and Council President Slavin had made two (2) requests for traffic studies to be initiated at the entrance to Emerald Pointe, at the request of the residents, and also at the request of the residents of The Meadows. He informed members that he had observed in the morning that it was "Death Wish 2000" coming out of Emerald Pointe and The Meadows. Mayor Christiansen said he did not know if this had any bearing on whether or not there would be a through street. He questioned if staff had received information from DelDOT in regard to traffic counts. Mayor Christiansen stated his belief that, with the completion of the West Dover Connector that runs through the south of the City, the traffic situation on McKee Road and Scarborough Road, and at the entrance and exit to Emerald Pointe, would be exacerbated. Mayor Christiansen indicated that he would like to see those traffic studies in hand for the City to make an intelligent decision on which direction the City would go.

Mrs. Townshend advised that she was not aware of any studies. She indicated that she could follow up with the DelDOT traffic section, especially if there had been fatalities. If a study had not been done, Mrs. Townshend indicated that staff could work with DelDOT on this. [Sent to AMT]

Mr. Cote stated that he would follow up with DelDOT's traffic study section to see what the results were of the requests; however, based on his experience, there was not enough traffic out of Emerald Pointe to warrant a signal.

Mr. Reaves suggested a signal at the intersection of McKee and Scarborough Roads, noting that this would break up the traffic pattern. Responding, Mr. Cote advised that warrants must be satisfied in order to place traffic signals, and even if a warrant is met, this does not necessarily mean that DelDOT would install a signal, just that the location is eligible for one. He reiterated his doubt that a warrant would be met. Mr. Cote noted that the residents were concerned about getting out onto McKee Road; however, he stated that an interconnection would allow them the opportunity to exit onto College Road. He explained that McKee Road has about 15,800 vehicles per day, whereas College Road has almost half that volume with 8,300 vehicles. Mr. Cote indicated that it would be much easier to get out onto College Road, which would provide the opportunity to bypass the intersection completely, when traveling westbound on College Road.

As a resident who lives and works off State College Road, and who grew up on State College Road, Mr. Sudler concurred with the majority of the residents who had voiced their opinion tonight. He stated that he would not vote in favor of the interconnection.

Mr. Scott Koenig, City Manager, stated that he recalled receiving an email from Mr. Mark Luszcz, Assistant Chief Traffic Engineer, regarding the intersection of McKee Road modified to Scarborough Road. It was Mr. Koenig's belief that DelDOT had done a traffic study and recommended that a signal be constructed at that location when the budget allows.

In regard to community planning, Mr. Koenig stated that interconnectivity is a component of the City's Subdivision Code and staff had been working on this with design engineers, developers, and existing developments for more than 25 years. He explained that communities such as Bicentennial Village, Presidential Courts, The Green, Deerfield, Woodmill, and Woodmill Apartments are interconnected by roads. Mr. Koenig explained that roads were constructed all the way to the boundaries of these subdivisions. He noted that Emerald Pointe, Hidden Oaks, the Village of Cannon Mill, and the Village of Westover all have stub roads constructed to the boundaries to attain interconnectivity for school buses, emergency vehicles, vehicular traffic, and general day-to-day activities of a community. Mr. Koenig indicated that staff had fought for many years for cross-access agreements and cross-access construction to facilitate interconnections between various types of developments to alleviate additional traffic on main roads and main intersections. He advised that State growth patterns are pushing development to the communities. Mr. Koenig noted that traffic volumes in the City would continue to go up as Dover grows and becomes more urbanized and this was a reality for which staff had been planning for more than two (2) decades. He stated that transportation systems, transportation planning, utilities, etc., are part of the community fabric. Acknowledging that he understood that there are negatives to interconnectivity, Mr. Koenig noted that there are also positives that the City assumed would happen when developments and construction were planned and authorized. He explained that if Council decides not to approve the interconnection, there would be a subdivision with 150 units that has one (1) connection to the road for emergency vehicles to get in or out.

Mr. Koenig advised that votes by Council and the Planning Commission regarding interconnectivity had not always been unanimous because it is difficult when portions of the community say they do not want it. Some residents who bought lots in a subdivision become upset because roads may actually be connected to other developments. Mr. Koenig expressed his opinion that staff had done a good job of laying the foundation for interconnections because they are important to the community.

Mr. Reaves stated that the community was planned in 2005 or 2006, and he felt the interconnectivity should have happened when they started building the neighborhood. He indicated that a road could have been put through to College Road at that time, noting that it was now coming as a surprise to residents. He expressed his belief that residents did not disagree with interconnectivity; however, they had a problem with traffic flow coming through the neighborhood. Mr. Reaves felt that this should be considered strongly, noting that emergency vehicles coming in from College Road would be welcome; however, studies were incomplete regarding traffic coming in through the other

neighborhood. He indicated that currently there were 107 houses, and children in the neighborhood had grown, and were now driving. Mr. Reaves stated that households that used to have one (1) or two (2) vehicles now had four (4), and all of this traffic was trying to exit at the same time. He stated that DelDOT had denied their request for any type of alleviation for traffic exiting out onto Scarborough/McKee Road. Mr. Reaves indicated that they had asked for the center lane to be extended to allow drivers to pass and get to the center lane and then merge in to the traffic, noting that this lane ends before their development. Mr. Reaves informed members that they had asked for a flashing red or yellow light. All of these things were requested over the past two (2) years and were denied. He stated, if the project goes forward and more cars are added to the flow, nothing had been suggested to alleviate problems getting out of the development, and he reiterated that there have been three (3) fatalities.

Mrs. Townshend pointed out that the subdivision site plan had been approved with the interconnection. The Planning Commission had acted, and this matter was not being brought to the Committee or Council for approval. She indicated that if Council determines that they want to look at how this could be eliminated, there would be ways to consider this; however, approval was not on the current agenda.

Mr. Hosfelt questioned the process if there was a desire to take action. Responding, Mrs. Townshend explained that she provided information to Mr. William Pepper, Deputy City Solicitor, who evaluated the various codes and stated that Council would have the purview to abandon the right of way of the stub street in Emerald Pointe. Mrs. Townshend advised that if this was something that Council wants to do, it would be initiated. This matter would have to go through the Development Advisory Committee process and through the Planning Commission, with a recommendation, so this would not be a simple motion, but a process that would have to go forward to effect a change.

Mr. Sudler moved to look into the process of abandoning the stub street that was recommended by the Planning Commission in Emerald Pointe, seconded by Mr. Hare.

Mr. Hare stated his belief that there was plenty of time on this issue, noting that the project had not yet been developed or built. He suggested reviewing it for access for emergency vehicles or school buses. Mr. Hare pointed out that there are other developments, such as Hidden Acres, that have only one (1) way in and out. He felt that if the development is built and there are issues and problems, they could be addressed in two (2) or three (3) years, as problems were being addressed in Bicentennial Village.

Ms. Rose Shields, 339 Topaz Circle, stated that when she purchased her property, she asked about this section and was told not to worry about it. She expressed concern about the two (2) houses on either side with traffic going through.

Mr. Sudler stated that he did not oppose interconnection; however, he opposed it at the location discussed at the present moment. He felt that with further input from the community and further

planning, a happy medium would be found. He noted that the Village of Westover had one (1) way in and out and they had been fine.

Mr. Hutchison felt, based on the comments made by neighbors this evening, that members had an opportunity and responsibility to review this matter further to make sure that everyone is on the same page, and understands the issue. He also felt that there was a responsibility to address the concerns, due to public safety.

Mr. Hosfelt advised that he lives in Fox Hall West, where residents suffer every day with interconnection from Westfield cutting through the neighborhood to get to Kenton Road more quickly. He stated that he receives complaints from his neighbors, understood the concerns it causes, and could only imagine what this would cause for the development of Emerald Pointe. Mr. Hosfelt noted that representatives from DelDOT had indicated there would be 8,500 vehicles going back and forth each day. He believed that growth and speeds would become greater. Based on Captain Mark Spicer's comments earlier in the evening, Mr. Hosfelt felt that accidents would increase and expressed the desire to learn from the discussions earlier in the evening in regard to Bicentennial Village.

Mr. Keller stated that he lives in Fox Hall and that any more traffic on College Road would be a mess. He stated that he travels two (2) to three (3) times per day from Oakmont Road to College Road.

The motion to recommend looking into the process of abandoning the stub street that was recommended by the Planning Commission in Emerald Pointe unanimously carried.

Mr. Marion Wright, 118 Topaz Circle, expressed concern about the traffic problems they had experienced, noting that there had been two (2) or three (3) fatalities at the intersection where residents exit. He indicated that when he is exiting to the left or right and he sees a car turning the corner, he thinks he has adequate time to exit; however, the next thing he knows, the car is on top of him, going about 60 or 65 miles per hour. Mr. Wright advised that he and his wife see people flying on their way to work and home at night. He felt this was a dangerous problem that might be reduced if there were stop or speed limit signs. Mr. Wright stated that when making a left-hand turn, he must pull up because he is afraid that someone will hit him from behind instead of going around. Mr. Wright advised members that cars in back cannot see the curve in the road. He felt that bringing a policeman to this location from time to time to warn people about high speeds would probably help, and hopefully there would be no more fatalities.

Review of Position Description/Requirements - City Fire Marshal (Inspector III)
Due to time constraints, this item was deferred.

Mr. Hutchison moved for adjournment of the Safety Advisory and Transportation Committee meeting, seconded by Mr. Cole and unanimously carried.

Meeting adjourned at 7:14 p.m.

ACTION FORM

PROCEEDING: Council
DEPARTMENT OF ORIGIN: Safety Advisory & Transportation Committee **DATE SUBMITTED**: 6/20/16
PREPARED BY: Ann Marie Townshend on behalf of Councilman James Hosfelt
SUBJECT: Abandonment of Topaz Circle Stub Street
REFERENCE: N/A
RELATED PROJECT: The Arbors Senior Apartments
REVIEWED BY: N/A
EXHIBITS: Map Exhibit MI-16-06, Chronology of Development Activity for 1051 College Road, Abandonment of Streets or Alleys – Improved – Policy for City Clerk's Office
EXPENDITURE REQUIRED: **N/A** **AMOUNT BUDGETED**: N/A **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: Referral to Development Advisory Committee and Planning Commission (July 18, 2016 meeting); Utility Committee for August 9, 2016
RECOMMENDED ACTION: City Council needs to make a recommendation to: 1) waive the normal process for street abandonment, and 2) refer the matter to the Planning Commission for a public hearing on July 18, 2016.

BACKGROUND AND ANALYSIS

Following the Planning Commission's approval of the Arbors Senior Garden Apartments (S-16-07) at 1051 College Road, members of City Council heard concerns from residents in Emerald Point regarding the interconnection between the Arbors and Emerald Point. Emerald Point was approved by the Planning Commission with two stub streets, one of which is at Topaz Circle and connects south to 1051 College Road (the Arbors). This stub street has been improved as part of the Emerald Point construction.

At the Safety Advisory and Transportation Committee meeting of April 26, 2016, the Committee heard a presentation from the Planning Office about the history of the Arbors project and interconnection between the subject site and Emerald Point, followed by public testimony with regard to the interconnection. The Committee unanimously approved a motion to "[look] into the process of abandoning the stub street that was recommended by the Planning Commission in Emerald Pointe." This motion was ultimately approved by City Council through the acceptance of the Safety Advisory and Transportation Committee minutes on May 9, 2016.

The City's charter provides City Council the power and authority to vacate or abandon streets (Article II, Section 27). The Dover Code of Ordinances does not specify a process for street abandonment, but the City has consistently followed a process specified by the City Clerk's Office (attached). This process begins with a request from an adjacent property owner. In this case, there is no such request; however, it is within the authority of City Council to initiate the process. Proposals for abandonment of improved streets are referred to the Development Advisory Committee and the Planning Commission. The Planning Commission makes a recommendation to the Utility Committee. The Utility Committee makes a recommendation to City Council, who sets a public hearing and takes action following the public hearing. This process would start with a motion by City Council to waive the normal process for street abandonment and to refer the matter to the Planning Commission.

Chronology of Development Activity for Property at 1051 College Road, Dover, DE
Tax Parcel: ED-05-067.00-01-35.03-000

2002 Emerald Point Subdivision (SB-02-01F)

- Development review for property to the north of property at 1051 College Road.
- Residential Subdivision of 107 single family detached dwelling units.
    - Subdivision entrance from McKee Road leading to internal street network of two major streets with several other cul-de-sac streets and two streets showing interconnectivity to adjacent parcels.
    - During the land planning process for the residential subdivision of Emerald Pointe a 'stub street' from Topaz Circle was planned to provide for access to a then vacant tract of land on College Road and to provide the continuation of the traffic circulation network in the general area. Opal Place is also a 'stub street' to another adjacent vacant lot north of Hidden Oaks.
    - Utility network (water and sewer services) located within the right-of-way are stubbed to the property line.
- July 3, 2002 Development Advisory Committee Review
- August 19, 2002 Planning Commission Review of Conceptual Subdivision Plan and granted approval to concept plan and recommended approval of waiver to reduce paved street width from 38 feet to 32 feet in the subdivision.
- September 9, 2002 Utility Committee Recommends approval of waiver to reduce the paved width of the streets from 38 feet to 32 feet with the right-of-way remaining at 60 feet. Accepted by City Council on September 23, 2002.
- October 10, 2002 Development Advisory Committee Review
- October 25, 2002 Planning Commission Review of Preliminary Subdivision Plan and grants conditional plan approval including waiver to reduce paved street width from 38 feet to 32 feet and noting that future interconnection from the subdivision to adjacent properties will be subject to review processes.
    - The subdivision streets of Topaz Avenue (Circle) and Opal Place are designed to provide the opportunity for interconnection to adjacent parcels should they be developed in the future.
    - DelDOT recommends relocation of the future connection that extends Topaz Avenue (Circle) to College Road since its it too close to the intersection of Saulsbury/McKee Road; the recommendation is to move the connection further west.
- March 19, 2004 Final Plan Approval granted to Subdivision Final Record Plat by Planning Office.
    - Includes Entrance Plan approval by DelDOT on March 6, 2003. Commercial Entrance Permit issued October 6, 2003 for subdivision entrance to McKee Road
- Construction of Emerald Point Phase 1 begins June 2004 and construction of Emerald Point Phase II begins February 2006.

2004 **Lands of Mary E. McKee: Minor Subdivision Plan (SB-04-06)**

- Application filed August 4, 2004: Property at 1021 W. State College Road (6.1163 acres) is proposed for subdivision into two parcels as Parcel A of 4.0345 acres and the residual of 2.0818 acres. Initial parcel identified as Tax Parcel Ed-05-067.00-01-35.00-000. (Parcel A becomes The Arbors site.) Property is zoned R-8.
    - The Property had filed applications in June 2004 for amendment to the Comprehensive Plan and seeking rezoning of the property to CPO. The requests were denied by the Planning Commission and then withdrawn by the applicant. (MI-04-07 and Z-04-07).
- September 9, 2004 Development Advisory Committee Review.
    - City Public Works Office requested cross access easement language to allow access from College Road to the proposed stub of Topaz Circle in Emerald Point subdivision.
    - DelDOT requests 60 ft. cross access easement across property from property to the north (for continuation of street network from Emerald Point project). Specific location to be determined in the future.
- September 20, 2004 Planning Commission Public Hearing and Review: Action to approve subdivision with condition.
    - Planning Commission required that the location and width of the perpetual cross access from the adjacent property on the north (Emerald Pointe Subdivision) across the subject property to College Road will be determined in conjunction with the Site Plan approval process for development of the subject property.
    - The adjacent property on the north (Emerald Point) includes a right-of-way for a public street which currently terminates at the adjoining property line.
- October 29, 2004 Final Record Plan Approval granted to Subdivision Plan. Record Plan includes Note: "This plan hereby provides a 24 feet wide perpetual cross access easement from College Road to the proposed stub street of Topaz Circle to be construction in Emerald Point Subdivision. The exact location of the easement to be determined at the time of development of Parcel A."

2005 **College Road Garden Apartments: Planned Neighborhood Design - Senior Housing Option (C-05-01)**

- The project was reviewed under the provisions of the Planned Neighborhood Design – Senior Citizen Housing Option in order to construct 52 units in two apartment style buildings and with a garage building. Project included entrance to College Road and a connection of a drive aisle to Topaz Circle.
- April 7, 2005 Development Advisory Committee Review
- April 18, 2005 Planning Commission Public Hearing and Review: took action to table application seeking additional information on building details, project density, traffic circulation, and the recreation area.

- April 21, 2005 Active Recreation Area Plan reviewed by PRCE.
- May 6, 2005 Revised Plan submitted that revised unit count to 48 dwelling units, revised traffic circulation, etc.
- May 16, 2005 Planning Commission Review: Action to grant approval with conditions
- 2005-2006 Review of several Check Prints as project moved toward Final Plan
- May 15, 2006 Planning Commission grants a one-year extension of plan approval.
- May 30, 2007 Plan expires; plan not finalized.

2007 **The Arbors: Planned Neighborhood Design – Senior Housing Option (C-07-05)**

- The Conditional Use Site Plan project was reviewed under the provisions of the Planned Neighborhood Design – Senior Citizen Housing Option in order to construction an apartment style building of 48 units.
- June 7, 2007 Development Advisory Committee Review
- June 18, 2017 Planning Commission Public Hearing and Review: took action to table application seeking further discussions of the traffic distribution and circulation for the site and the potential extension of Topaz Circle to College Road as a public street.
- August 9, 2007 Development Advisory Committee Review of Revised Plan
- August 20, 2007 Planning Commission Public Hearing & Review: Action to grant approval with conditions and including recommendations of approval for street waivers on horizontal curve radius and reduction of street right-of-way from 60 feet to 46 feet for creation of public street.
- September 9, 2007 Utility Committee Review of street waivers recommending approval to City Council.
- August 18, 2008 Planning Commission grants a one-year extension of plan approval.
- February 17, 2009 Planning Commission informational review of plan design revisions.
- June 22, 2009 Record Plan approval granted.
- June 26, 2009 Record Plan recorded to establish right-of-way of Senior Way as a public street that divided the parcel into two areas.
- July 13, 2009 Final Plan Approval granted to Conditional Use Site Plan.
- August 31, 2009 C-07-05 Plan approval expires as construction was not commenced.

2009 **Record Plan for Senior Way**

- June 26, 2009 Record Plan recorded establishing the right-of-way for Senior Way as associated with C-07-05. Record Plan was completed and recorded to establish the street right-of-way (width of 46 feet) for Senior Way as a public street and divided the property into two areas.
    - The street known as Senior Way (the continuation of the Topaz Circle "Stub Street") as a public street to interconnect with College Road.
    - In addition, the street interconnection provides a distinct second

entrance to both The Arbors and to Emerald Pointe Subdivision as now required with the revised *Land Subdivision Regulations* pertaining to streets.
    - Record Plan establishing public street right-of-way remains in place; no requirement for plan expungement in *Land Subdivision Regulations*.

2009-2010 Rezoning of Lands of JNK, LLC at 1051 College Road: Rezoning to RG-2 (Z-09-05)

- Rezoning request (Z-09-05) for the property at 1051 College Road (Lands of JNK, LLC) from R-8 (One Family Residence Zone) to RG-2 (General Residence Zone). RG-2 allows multiple dwellings.
- March 15, 2010 Planning Commission Public Hearing and Review: Recommends approval of rezoning to RG-2.
- April 12, 2010 City Council approved the rezoning to RG-2.

2010 The Arbors Condominiums (C-10-02)

- April 22, 2010 Application Filed: Conditional Use Site Development Plan C-10-02 proposed The Arbors Condominiums as an apartment building with forty-eight (48) units. The proposed use is considered a multiple dwelling.
    - The Application proposed access to The Arbors from McKee Road only by traveling through Emerald Point via the Topaz Circle stub street to two entrance/exit points (no public street construction proposed). An emergency access only connection to College Road was proposed.
- July 8, 2010 Development Advisory Committee Review
    - Planning Staff recommends redesign of the site layout to implement construction of Senior Way (the continuation of the Topaz Circle stub street) to interconnect with College Road and to also provide access from the street to The Arbors. Similar comments also provided by Public Works Office, Fire Marshal's Office, and Dover/Kent County MPO.
- July 12, 2010 Review of Active Recreation Area Plan by PRCE Committee
- July 19, 2010 Planning Commission Public Hearing but postponed action on Application C-10-02 seeking additional information on unit types and streets/interconnectivity.
- August 16, 2010 Planning Commission Review continued: granted approval of C-10-02 with conditions.
    - Condition of approval includes the requirement to construct a public street from College Road and connecting to Emerald Point at Topaz Circle. This public street is to be constructed in the existing right-of-way for Senior Way. Access to The Arbors would be from this new public street.
- July 18, 2011 Planning Commission grants a one-year extension of plan approval.
- August 20, 2012 Planning Commission grants a second one-year extension of plan approval.
- August 31, 2013 Plan expired. Plan not finalized; no construction authorized.

2016 The Arbors Senior Garden Apartments (S-16-07)

- February 5, 2016 Application filed: Site Plan (S-16-07) to permit construction of a 48-unit senior garden apartment complex consists of a proposed three-story 55,350 S.F. residential building and associated site improvements.
    - Includes construction of an improved public street (Senior Way) on existing right-of-way connecting College Road and Topaz Circle. The parcel exists as two discontinuous areas on either side of the right-of-way. The entrance to The Arbors is from Senior Way.
    - The owner of record is Shree Ganesh LLC
- March 2 and 6, 2016 Development Advisory Committee Meetings & Review
- March 15, 2016 Review of Active Recreation Plan by PRCE-COW
- March 21, 2016 Planning Commission Public Hearing and Review: Action to grant conditional approval of Site Plan S-16-07

Appointment of the Architectural Review Oversight Subcommittee of Planning Commission

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

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

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

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

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

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

As of the Annual Meeting of the Planning Commission on July 20, 2015, the following individuals are currently appointed to the Architectural Review Oversight Subcommittee of Planning Commission.

- Kathleen Still, Planning Commission member
- Dean Holden, Planning Commission member

- Ms. Sarah Keifer, Director of Planning Services for Kent County, Design Professional
- Dr. R.G. Chandler, Director of Architecture at DelTech Community College, Design Professional

- Mayor or Mayor’s designee

- Alternates (Design Professionals): None appointed

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