CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, April 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 QUARTERLY WORKSHOP MINUTES of February 17, 2016

ADOPTION OF MINUTES OF REGULAR MEETING of March 21, 2016

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, May 16, 2016 at 7:00pm in the City Council Chambers.

2) Reminder: The next Planning Commission Quarterly Workshop is scheduled for WEDNESDAY, May 18, 2016 at 12:00 noon in the City Hall Conference Room.

3) Update on City Council Actions

4) Update on Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:
   A. C-14-02 YMCA of Delaware Kent Swim Club at 825 Kenton Road – Request for one year extension of the Planning Commission approval granted April 21, 2014 to the Conditional Use Site Plan Review to permit the construction of a new 1,600 S.F. pavilion, conversion of the property to public sewer service, and associated site improvements on an 18.3 acre parcel. The property is zoned R-10 (One-Family Residence Zone). The property is located on the east side of Kenton Road and south of Walker Road. The owner of record is YMCA of Delaware. Property Address: 825 Kenton Road. Tax Parcel: ED05-067.18-02-01.00-000. Council District 1.

NEW DEVELOPMENT APPLICATIONS

1) AX-16-02 Lands of Heartland Delaware, Inc. – Public Hearing and Review for Recommendation to City Council on an Annexation Request and Rezoning Request for two parcels of land located south of Webbs Lane between South Governors Avenue and South DuPont Highway abutting existing City limits. The annexation category according to Dover's *2008 Comprehensive Plan* is Category 2: 0-10 Years Priority Annexation Areas and the land use designation is Residential Medium Density. The owner of record is Heartland Delaware,

Inc. Proposed Council District 2. Ordinance #2016-12.

A. Property located at 1411 South Governors Avenue consisting of 0.2158 acres +/-. Property is currently zoned BG (General Business District) in Kent County. Proposed zoning is C-4 (Highway Commercial Zone). Located on the east side of South Governors Avenue. Address: 1411 South Governors Avenue. Tax Parcel: ED-00-086.09-01-21.00-000.
B. Property located at 1417 South Governors Avenue consisting of 0.4497 acres +/-. Property is currently zoned BG (General Business District) in Kent County. Proposed zoning is C-4 (Highway Commercial Zone). Located south of Webbs Lane with frontages on South Governors Avenue and South DuPont Highway. Address: 1417 South Governors Avenue. Tax Parcel: ED-00-086.09-01-22.00-000.

2) AX-16-03 Lands of Dover International Speedway, Inc. – Public Hearing and Review for Recommendation to City Council on an Annexation Request and Rezoning Request for multiple parcels of land located east of State Route 1 abutting existing City limits. The annexation category according to Dover's *2008 Comprehensive Plan* is Category 2: 0-10 Years Priority Annexation Areas and the land use designation is to be master planned at the time of annexation. The owner of record is Dover International Speedway, Inc. Proposed Council District 3. Ordinance #2016-13. *A Master Plan of the annexation area and certain adjacent properties was submitted with the application.*

A. Three (3) unaddressed lots of a single parcel totaling 29.57 acres +/-. Property is currently zoned AR (Agricultural Residential District) in Kent County. Proposed zoning is RC (Recreational and Commercial Zone). Located adjacent to State Route 1 and surrounding the intersection of Leipsic Road and Persimmon Tree Lane. Tax Parcel: LC-00-058.00-01-29.00-000.
B. Property located at 1229 Persimmon Tree Lane consisting of 228.86 acres +/-. Property is currently zoned AR (Agricultural Residential District) in Kent County. Proposed zoning is RC (Recreational and Commercial Zone). Located northwest of Persimmon Tree Lane. Tax Parcel: LC-00-058.00-01-02.00-000.

3) Z-16-04 Lands of Dover International Speedway, Inc. – Public Hearing and Review for Recommendation to City Council on a rezoning application for fourteen (14) parcels totaling 291.07 acres +/-. The parcels are located in three different areas (A, B, and C) outlined in the application. The proposed zoning of all parcels is RC (Recreational and Commercial Zone) with some areas also subject to the SWPOZ (Source Water Protection Overlay Zone). The owner of record is Dover International Speedway, Inc. Not all parcels have addresses. Council District 3. Ordinance #2016-15.

A. Area No. A: twelve (12) parcels located east of Leipsic Road and west of State Route 1, totaling 195.13 acres +/- and zoned CPO (Commercial and Professional Office Zone) and R-8 (One-Family Residence Zone), partially subject to the SWPOZ (Source Water Protection Overlay Zone). Tax Parcels: LC-05-058.17-02-01.00-000, LC-05-058.17-01-07.00-000, ED-05-058.17-01-11.00-000, LC-05-058.17-01-08.00-000, ED-05-058.17-01-18.00-000, LC-05-058.17-01-09.00-000, ED-05-058.17-01-19.00-000, ED-05-068.05-01-02.01-000, LC-05-058.00-02-08.00-000, ED-05-068.05-01-16.00-000, LC-05-068.00-01-01.00-000, and LC-05-068.10-01-01.00-000.
B. Area No. B: located east of State Route 1 and south of Pitstop Lane, totaling 10.43 acres +/- and zoned MHP (Mobile Home Park Zone). Tax Parcel: LC-05-058.17-02-01.00-000.
C. Area No. C: located north of Persimmon Tree Lane adjacent to the city limits, totaling 85.51 acres +/- and zoned A (Agricultural Zone). Tax Parcel: LC-05-058.00-02-15.00-000.

4) S-16-10 Dover Behavioral Health Systems: Phase II Building Addition at 725 Horsepond Road – Public Hearing and Review of a Site Plan application to permit the construction of a 10,629 S.F. +/- addition at the rear of the existing hospital building to consist of eight bedrooms and support space. The addition would connect to the existing hospital building by way of the Phase I addition currently under Administrative Site Plan review. The property consists of 14.746 acres and is located on the east side of Horsepond Road north of Lafferty Lane. The property is zoned IO (Institutional and Office Zone) and is subject to the AEOZ (Airport Environs Overlay Zone). The owner of record is UHS of Dover LLC. Property Address: 725 Horsepond Road. Tax Parcel: ED-05-078.00-01-08.00-000. Council District 2. *Waiver Requested: Reduction in Parking Requirement, Reduction in Bicycle Parking Requirement. This project site is also associated with the Administrative Site Plan application S-16-04 Phase I: Building Addition received by the Planning Office on February 1, 2016.*

5) S-16-11 Chesapeake Utilities Dover Campus at Northgate Center, Lot 6 – Public Hearing and Review of a Site Plan application to permit construction of a 56,000 S.F. +/- office building, a 36,000 S.F. +/- warehouse building, vehicle storage, material storage, compressed natural gas dispensers, and associated site improvements on a 20.6275 acre parcel. The proposed campus is intended to consolidate the operations of Chesapeake Utilities and Eastern Shore Natural Gas. The submission is subject to Review of a Performance Standards Review Application. The project site is located on the south side of Stover Boulevard and Krisko Circle between Bay Road and State Route 1. The property is zoned IPM (Industrial Park Manufacturing Zone) and is partially subject to the SWPOZ (Source Water Protection Overlay Zone). The owner of record is Eastern Shore Natural Gas. Tax Parcel: ED-05-077.00-03-06.00-000. Council District 2. *Waivers Requested: Partial Elimination of Curbing, Reduction of Parking Requirements. The property was created by application MI-15-07 Northgate Center Parcel Consolidation and Right of Way Abandonment.*

6) MI-16-04 Text Amendment: Revise Parking Provisions of Article 6 Section 5.3 – Public Hearing and Review for Recommendation to City Council on a Text Amendment to the *Zoning Ordinance,* Article 6 – Off-Street Parking, Driveways and Loading Facilities, Section 5.3. The proposed Ordinance revision would clarify the supplementary parking regulations for multiple dwellings by removing the references to the housing types and rely on the definition of "multiple dwelling." Ordinance #2016-14. *Public Hearing and Final Reading before City Council on May 9, 2016.*

NEW BUSINESS

ADJOURN

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

Posted Agenda: posted April 8, 2016

CITY OF DOVER PLANNING COMMISSION
QUARTERLY WORKSHOP
February 17, 2016

The Regular Quarterly Workshop Meeting of the City of Dover Planning Commission was held on Wednesday, February 17, 2016 at 12:00 noon with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Holt, Mr. Baldwin, Dr. Jones (arrived at 12:15pm), Colonel Welsh and Mr. Tolbert. Mr. Cregar, Ms. Still and Mr. Ambruso were absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Mrs. Harvey, Mr. Cook, Mr. Diaz and Mrs. Mullaney.

PLANNING COMMISSIONER COMMENTS AND CONCERNS

Mr. Tolbert stated that at last night's meeting he wore a shirt and tie. He did that because ever since he's been on the Planning Commission he has noticed that the applicants walk in appropriately and respectfully dressed. Staff does the same thing but the Commissioners do not. So after he became Chairman, he is looking at Mr. Cook and Mr. Jason Lyon, both with suit and ties on and he is sitting there very casually dressed. Yesterday he put a stop to that and it's his intention to come appropriately dressed to the Planning Commission meetings from here on out. Of course if any other Commissioners would like to, they can as well. He thinks the applicants are more appreciative of it when they come before an official body and the official body is dressed appropriately.

Colonel Welsh stated that when he first started on the Planning Commission everybody wore coat and ties except for the women.

Mr. Tolbert stated that he has had people mention to him why the official body is not appropriately dressed as everyone else is. He thinks the applicants get a better feel for the Commission if they are dressed appropriately.

Colonel Welsh stated that is probably a good point. He thinks a shirt and tie would certainly be an upgrade.

Dr. Jones arrived at the meeting.

Mrs. Townshend stated that Mr. Tolbert was talking about making a better appearance to the public if we attend the meetings in more professional attire.

Colonel Welsh questioned if they should talk about last night? He agrees with Mrs. Townshend; he still thinks that the Commission did the right thing but how they got to that point is questionable. He thinks they were victims of two smooth talkers.

Dr. Jones stated that her problem was that they weren't smooth talkers. They were trying to be.

Colonel Welsh stated that Mr. Anderson at least seemed to be sincere but he thinks in retrospect he was not. He kept getting contradicted by Mr. Sigler. There was discussion after the meeting and the fact that it's represented as a philanthropic endeavor he finds pretty amazing. Up until the time the applicant mentioned the contract with the State then he is looking at the paperwork and he is realizing that this is for profit.

Mrs. Townshend stated that it's kind of an interesting web there because you've got a church which she guessed Mr. Anderson is somehow involved in the church or the ownership of the property. What Mr. Anderson said was that it was a non-profit.

Dr. Jones stated that she doesn't think the property is sold unless Staff has record of it being sold. Responding Dr. Jones, Mrs. Townshend stated that she could check with the Tax Office.

Dr. Jones stated that she thinks the property belongs to the original owners of that entire complex. The owners were initially owners of the smaller church. Then there was some transitioning of some family members and by the time the new church was there so it's a family endeavor. The building in the back is Because We Care.

Mrs. Townshend questioned if it was a school? Responding to Mrs. Townshend, Dr. Jones stated that she wished she could remember the dates but probably in the early 90's, there was no program in this area for middle school aged children who were having disciplinary issues. This was the alternative school approved by the Department of Education. But along the lines as she understands it, there were not individuals who truly were certified educationally so they lost the contract. By this time, the State began to pick up and provide alternative education for kids. Now, when children get in trouble in school they are sent to a place that used to be called P.E.A.K. and now it's something else but it's above the Duncan Depot.

Mrs. Townshend stated that program took the place of Because We Care. Responding to Mrs. Townshend, Dr. Jones stated not immediately because that place is fairly new. She thinks what happened is that it's been under the umbrella of the school system so they lost that lucrative contract. She thinks the building on McKee Road has been vacant since that time but the building still belongs to the family. She also brought up the question about the vacant house because one of those houses in this area is Mr. Joe Burden's house. She knew that she could depend on her seasoned colleagues to vote and do what they need to do but for her, the applicants were talking out both sides of their mouths. When you come to a presentation for a rezoning or whatever the case might be, even if they don't like each other, they should still respect each other during the presentation.

Mrs. Townshend stated that Mr. Anderson's comments when he initially got up kind of indicate where she and he started. He said that he just wanted to go in under the prior use and she said no and there are a number of reasons. It's been vacant so it has not been consistently used under that Conditional Use so it's expired. The second reason being that the type of services are not the same thing. Mr. Anderson kept saying "technicality, technicality." She explained to him that it's not a technicality and that he needed to describe what he is doing because it wasn't entirely clear to her. They did get into the discussion of Psychotherapeutic Services Inc. being for-profit. Mr. Anderson indicated on the application that he is the equitable owner under a non-profit.

Dr. Jones questioned what equitable owner meant? Responding to Dr. Jones, Mrs. Townshend stated that it means that it's under contract for purchase.

Dr. Jones stated that she believes that this is not the first time that Mr. Anderson has been to the Planning Commission. She remembers him when there was some concern about opening those places on Forest Street. Responding to Dr. Jones, Mrs. Townshend stated that it's the same

company that opened the places on Forest Street.

Dr. Jones stated that there certainly is a need for those types of services but how can you vacillate from there being a serious need with veterans. We know how many are around in this area. Now we are going to talk about females and we are going to start bringing in children. She knows what the Planning Commission's task is but for her; she couldn't handle her task because they were just inconsistent and the presentation was very poor.

Colonel Welsh stated that Mr. Anderson was not very forthcoming. All of the information that he finally came up with was extracted by the Planning Commissioners.

Mr. Holt stated that he asked Mr. Anderson if there was going to be a fee and he got his lawyer up there right away.

Colonel Welsh stated that at first he thought that relationship and the way the lawyer jumped in was the typical lawyer and client relationship. Responding to Colonel Welsh, Mrs. Townshend stated that Mr. Sigler is not Mr. Anderson's attorney. There is a contractual relationship between Mr. Anderson and Mr. Sigler.

Colonel Welsh stated that he didn't understand that initially but it became apparent afterwards.

Dr. Jones stated that PSI apparently has a contract with the State and then PSI is contracting with those who claim can deliver the services. It wasn't the Commissioner's task but the young man who got up to answer the question about describing their services didn't do anything in terms of describing their services specifically. The service is need very much but they should just do what they are supposed to do. She thinks the Planning Commission members are reasonably intelligent people. These were her issues last night and especially knowing there is profit in non-profits.

Mrs. Townshend stated that Mr. Anderson tried to challenge that they needed to come back to the Commission and then in accepting that, tried to leave it somewhat open. So while PSI is saying this is the type of contract that they have and it's for women, Mr. Anderson wanted to keep it open so if that population changes or if the nature of the service changes that they don't have to come back to the Commission. That was also part of the rub there. Staff can't tell the applicant what they can ask for. She doesn't know that Mr. Anderson quite grasped the understanding of why he needed to come back to the Commission.

Colonel Welsh stated that Mr. Anderson didn't grasp it; he seemed a little flustered and he thinks the attorney also did a lot to make him feel that way. He has been thinking about it since last night and he still thinks the Commission did the right thing. When Mr. Anderson originally stated that he wanted to change from veterans to allow non-veterans that would be fine. Now they find out that it was never used as a veteran's home. Responding to Colonel Welsh, Mrs. Townshend stated that it was approved and they got a Certificate of Occupancy and they maintained their Lodging Permit so that they were continually licensed to provide that service. Typically, if we look at a non-conforming use or a conditional use expiring, they are going to look at things like the utilities and licensing. It's harder for Staff to say that it's expired if the applicant has maintained their Lodging Permit. There's been a little bit of let's keep all of our paperwork up to date so they know we exist but then last night it was stated on the record that they had been vacant for years.

Dr. Jones stated that she wonders how many years Mr. Anderson has been in this area. Responding to Dr. Jones, Mrs. Harvey stated that she thinks at least 10-15 years. Mrs. Townshend stated that it's more than ten years because she has been working with him since she has been with the City.

Dr. Jones asked if anyone picked up on as he was pushed for answers about the veterans, he in essence said there was some complications and some problems with VA. Her guess is that the VA is another one of those bureaucratic mazes but the State may be less of one because Mr. Anderson was expecting payment from the VA. Responding to Dr. Jones, Mrs. Townshend stated that Mrs. Harvey has been involved with the Mayor's challenge to end veteran's homeless. One thing that she learned in the first couple of meetings held is that VA funding is a nightmare to deal with. It could be that the way they had things set up did not qualify because it's not easy to qualify for the VA funding.

Mr. Tolbert questioned if the VA funds directly or does the VA funds go through the State? Responding to Mr. Tolbert, Mrs. Townshend stated that the VA funds directly.

Mr. Tolbert stated that what bothered him was that they started off just treating veterans and then the stated that they were just going to treat females and then they said at some point they were going to treat everybody. Responding to Mr. Tolbert, Mrs. Townshend stated that the only reason that veterans were included in the discussion at all was because that's what they had previously been approved for not because they were changing the nature of a program that's there.

Colonel Welsh stated that he was under the assumption that it had been used as a veteran's shelter. Responding to Colonel Welsh, Mrs. Townshend stated that she doesn't know if it was.

Mr. Holden stated that they certainly didn't make it clear that it had been used as a veteran's shelter. His challenge was that they were wrestling with the fact that they all agree it's needed and it's a good service and there isn't enough of that service around but he feels like in order to meet the hurdle of a Conditional Use the applicant needs to be honest and transparent and clear. Their information provided before the fact was not and their performance was clearly evasive at times so for him they didn't get over the hurdle simply because of that. Even if the treatment program was sufficiently descriptive so that the public had the information but they were evasive about the information. They were evasive about why they couldn't provide it but they were providing it. There are two things that came out of last night that he is curious about. With the two hundred (200) foot notification distance, are there different categories that push different notification distances or is that something that they could consider? Also, when they go to a meeting with DelDOT they have to tell them if they are bringing a lawyer and if we show up with a lawyer and haven't told them the meeting gets cancelled. He thinks it puts us in a difficult position at times, especially last night where Mr. Sigler was trying to hold over our heads a Code of Federal Regulations as to why this has to be. It's inappropriate and the Commission is not tasked to be knowledgeable in that advocacy. He would love for the City to take the standpoint that if the applicant is bringing along a lawyer to represent the project, they have to notify Staff ahead of time or their hearing is postponed. Responding to Mr. Holden, Mrs. Townshend stated that they do ask at DAC meetings if they will be bringing a lawyer but in this case Mr. Sigler was at the DAC meeting as well. He has been involved in everything.

Mr. Holden stated that DelDOT's form has a question that states "Are you bringing a lawyer?" and "If you don't notify us and show up with one, your hearing is cancelled." He thinks that it should be that clear. Responding to Mr. Holden, Mrs. Townshend stated that is something that the City could do and if they know somebody is going to be represented by counsel that they have legal counsel here as well. We need to figure out who that is because Mr. Bill Pepper has a conflict on the nights of Planning Commission meetings.

Mr. Holden stated that it will then spark a discussion on the applicant's side of whether or not it's needed. It brings up other discussions of bearing the cost. But it's challenges like the Commission faced last night, with Mr. Sigler trying to impart that pressure on them. Responding to Mr. Holden, Mrs. Townshend stated you are being bullied by somebody throwing the Code.

Mr. Holden stated that it was almost as if Mr. Sigler were saying "I've given you the information but you are not allowed to make it part of the public record because then you are breaking the law."

Mr. Tolbert stated that he didn't exactly buy that and he had a problem when Mr. Sigler said that because he had problems believing what he was saying.

Mr. Holden stated that he was clearly bullying.

Mr. Tolbert stated that it was a fiasco but the services are needed.

Mr. Holden stated that they would be sad to not have the services but are we going to be dangled and bullied into approving the application. The counter to that is that they have the one year review and the conditions so at the end of the day he thinks the process worked okay but there were a lot of wrinkles that he thinks they should work to mitigate. Responding to Mr. Holden, Mrs. Townshend stated that some of that is in the Code and she doesn't want to jump around too much but she did hand out a paper showing that Staff met to develop their 2016 work plan. One of their big projects for this year is a re-write of the residential zones. This whole idea of philanthropic uses to her is a loop hole that you can drive a truck through. She thinks pretty much by saying that any non-profit can come in as a Conditional Use. It would be easier if they had a clear Code that said these are the approved types of uses, independent of what type of organization owns the property.

Dr. Jones asked for Mrs. Townshend to explain the terminology "equitable owner." She knows the meaning of philanthropic but what does this mean in this context? Responding to Dr. Jones, Mrs. Townshend stated that it means it's a non-profit charitable type use.

Mr. Holden questioned if it had to be a 501c3? Responding to Mr. Holden, Mrs. Townshend stated that it's not clear. The other thing is that there are non-profits that do things that would be absolutely incompatible with a residential zone. So it really should be about the type of use and not the type of organization that is providing it.

Mr. Tolbert stated that you can be non-profit and not have 501c3 status.

Mr. Holden questioned why provide the loop hole for lack of a word, for an appropriate philanthropic? Where is that appropriate? Responding to Mr. Holden, Mrs. Townshend stated

that she can't think of anywhere that it hasn't left her a little anxious. She is trying to think of where they have used it. They have used it with the House of Pride.

Dr. Jones questioned what philanthropic means in this context? Does it mean that somebody has a property and they are allowing someone to use it for this type of program? Responding to Dr. Jones, Colonel Welsh stated that to him philanthropic means not-for-profit, for the good of the community.

Mrs. Townshend stated that the definition reads "dispensing or receiving aid from funds set aside for humanitarian purposes." To her, that's wide open.

Mr. Holden questioned why they would not remove that? Responding to Mr. Holden, Mrs. Townshend stated that she thinks in the updates that Staff will be working on in residential zones that it will come out and if there are uses that need to replace it then changes will be made. Churches and schools are already in the Code and day cares are Conditional Uses anywhere; so you already have those basic services that are allowed in the residential zones.

Dr. Jones questioned if for the day care center under the alspices of Solid Rock Baptist Church, was the same terminology used? Responding to Dr. Jones, Mrs. Townshend stated no, because day care is a Conditional Use in the zone. She thinks that's the problem. A philanthropic use is nebulous, it's hard to define; and it's hard to put your finger on so you could really cast a pretty broad net and come up with things that you could characterize that way that are not necessarily something that you want in the residential zone.

Mr. Holden stated without a good definition you could be forced legally to accept something so it either needs to be more defined or if there's not a driver than take it out. Let the tree shake for the uses that should be and they could be put in the Code by name or by clearer definitions. Responding to Mr. Holden, Mrs. Townshend stated again, they already have nursery schools, elementary schools, churches and the things that you would typically expect to be the non-profit type.

Colonel Welsh questioned if shelters were considered non-profit? Responding to Colonel Welsh, Mrs. Townshend stated that shelters are not; shelters are in the IO (Institutional and Office Zone). This is where as Staff looks at the residential zones, one of the things that they need to deal with is "transitional housing." How do we allow the "transitional housing" for people that are moving from potentially a homeless situation to being fully integrated into society? She did a lot of research on this in looking at some of the legal aspects of it and "transitional homes" are not protected from a fair housing standpoint the way group homes for people with disabilities are. This came up after everything that was happening with the House of Pride where they literally had two (2) City blocks where no one wanted to buy a home because it was such a transient population that they don't have a neighborhood anymore. Because of all of those challenges that they had, she started looking at the potential requirements for "transitional homes." Again, with the idea that they know that Interfaith is trying to do transitional homes. They saw on the news last night that there's a family who owns a home on Queen Street and the use is not really permitted so the City will have to reach out to them. They need to get their hands around this issue of "transitional homes" by making sure it's allowed and it doesn't over take a neighborhood. Maybe they could have a permitting process for it and a distancing requirement. Everything that she has read says that the purpose of "transitional housing" is to

help people transition back into the community. If you have saturation of "transitional housing" they are no longer doing that. It doesn't benefit the residents of the "transitional homes" and it doesn't benefit the community. Before Mr. Michael Albert left the City she had started doing this research and got side tracked with other things but now it is on the front burner again.

Dr. Jones stated that technically this place on McKee Road is a "transitional home."

Mrs. Townshend stated that you could do something that would be transitional housing for four (4) or fewer people or something of that nature that you could do in a residential zone. Part of the challenge is that they need to make sure that it's tightly defined enough so that it doesn't turn into somebody renting rooms and they've got the flat warming trays and crock pots, microwaves and all of these things that become fire traps.

Dr. Jones stated that it was not their task. When she asked the question about the ninety (90) days, there is no way that they are going to provide the in depth kind of service that they say in ninety (90) days. Responding to Dr. Jones, Mr. Holden stated that the Commission was asked to believe that they were because they had provided the contract.

Dr. Jones stated that there is no way that they are going to do it because it's too complex.

Colonel Welsh questioned if that was a State requirement? Responding to Colonel Welsh, Mrs. Townshend stated that the State will only do it for ninety (90) days and then you are out of the streets.

Mr. Tolbert stated that it's a State requirement but it doesn't make sense.

Mr. Holt questioned what happened at the end of the ninety (90) days? Responding to Mr. Holt, Dr. Jones stated that the client has to leave.

Mr. Tolbert stated that they did say last night that they would find some other program for the client to go to. That may be reality or it may not because people can only stay at shelters for a certain length of time.

Colonel Welsh stated that it isn't the applicant's responsibility; it's a State responsibility. The State is driving the whole thing and they have to meet the requirements of the State.

Mr. Tolbert stated that when the Commission reaches the one year requirement to review the application, they need to make sure that all of their concerns are brought up and looked into. The clientele that they are going to deal with can be very problematic and they are not an easy group of people to deal with.

Mr. Holt stated that nothing about the Clean Hands Ordinance came up last night. Responding to Mr. Holt, Mrs. Melson-Williams stated that the City of Dover has what's called a Clean Hands Ordinance meaning that approvals, final approvals or authorizations can be withheld if you are delinquent to the City in any way. Meaning if you owe us taxes, any unpaid code enforcement citations or if you actually have violations the City can withhold approvals. Mr. Anderson has some of those obligations that have not been satisfied with the City so in order to grant final approval; last night's approval from the Commission was a conditional approval. The plan has to

be revised and updated meeting all of the conditions that were established last night for Staff to grant final approval. She believes they can withhold that final plan approval if there are delinquencies or other obligations to the City. It's in the main part of Dover Code. Most commonly it gets utilized for someone when they owe taxes and they apply for a Building Permit. They will not get a Building Permit issued until the delinquent taxes are paid.

Mr. Tolbert questioned if the applicant from last night is aware of that? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that was why it's in the DAC comments.

Mrs. Townshend stated that they can't say that the applicant is aware of it but it's in their report so they have been notified. It will also be in the Notice of Decision letter. In this case it's not just money owed. There is money owed associated with fines but there's also code violations that haven't been corrected. Mr. Anderson is going to have to provide documentation and come up with an agreed upon schedule with Code Enforcement Staff for making repairs to the property.

Mrs. Melson-Williams stated that it's not just the subject site, it's any property that the own in the City.

Mr. Tolbert stated that he asked a question last night regarding the day care center application. He wanted to know the relationship between the day care and the church. He asked if it was a separate entity and the answer was yes. Responding to Mr. Tolbert, Mrs. Townshend stated that was correct.

Mr. Tolbert questioned that the church does nothing and it's not a non-profit business? Responding to Mr. Tolbert, Mrs. Townshend stated no.

Mr. Holden stated that it's more of a business and landlord set-up.

Mr. Tolbert questioned if they have to pay the church something? Responding to Mr. Tolbert, Mr. Holden stated the applicant has mentioned paying rent.

Mrs. Townshend stated that's between the owner and tenant, the City doesn't get involved in that relationship.

Colonel Welsh stated that the question was asked last night and the answer was not initially but eventually he looks for the church to probably start charging a nominal fee if in fact it's a viable operation. Responding to Colonel Welsh, Mrs. Townshend stated that the church is very community minded and has very generous in allowing the use of their facilities for things that benefit the community.

Dr. Jones stated that Ms. Bullock mentioned that the fee was going to be a nominal fee but probably what is happening is that she is getting Purchase of Care. The children going there, the mothers probably are meeting the requirements for Purchase of Care for the babies meaning they have to be engaged in looking for work. She thinks it's a smart move for Reverend Grimes on behalf of the church but she did want to clarify that issue about not having any services during the day while the day care is in session. Responding to Dr. Jones, Mrs. Townshend stated that she was thinking about funerals but she assumes that they would have them in the community center or at night.

Dr. Jones questioned if there was any variation in that two hundred (200) feet distance perimeter? Responding to Dr. Jones, Mrs. Townshend stated no.

Dr. Jones stated that they have to do what they have to do but she can just imagine that facility being in one of their backyards. Responding to Dr. Jones, Mr. Holden stated that not all conditional uses are similarly impactful.

Mrs. Townshend stated that this came up a number of years ago and the problem with altering the notification distance is that there becomes this degree of arbitrariness to it. Back in maybe 2010 Staff evaluated a number of options. One option was expanding it on a whole to three hundred (300) feet. The challenge is that there is always going to be somebody right on the other side of that that has interest. That's why they went with the physical posting. She thinks people are familiar enough with the signs that they kind of know what it means. If you see a yellow sign in an area that you feel impacted by, you can contact the City.

Dr. Jones questioned if a person could still speak during the public hearing even if they are not within the two hundred (200) feet notification area? Responding to Dr. Jones, Mrs. Townshend stated yes, anybody can speak.

Mr. Holden stated that at times it works great. The project from last night is at a dead-end road so maybe no one sees it. He wonders if there some thought if three hundred (300) feet gives comfort for the applications that they have concern over and is that really too much of a burden for other applications. Responding to Mr. Holden, Mrs. Townshend stated that they could certainly look at that. She thinks the area where they are going to have a big impact is in the Downtown area where the lots are so tight that you are going to end up really expanding the list.

Dr. Jones stated that even though it's a dead-end street, one way in and one way out, there are people right on the front who probably are impacted. There are several houses right near the property.

Mr. Holden questioned if it was two hundred (200) feet from the structure or the property? Responding to Mr. Holden, Mrs. Townshend stated that it's two hundred (200) feet from the property line.

Mr. Holden stated he thinks there are times when two hundred (200) feet maybe isn't enough. In an area such as Downtown Dover, are there alternative notifications where it can be done via email and not all mail. How burdensome is that? Responding to Mr. Holden, Mrs. Townshend stated that based on the legal guidance that they've gotten, it has to be consistent across the board. It could be expanded. It used to be done by certified mail and giving Staff the green cards and that's really expensive. The certificate of mailing is not incredibly expensive. They had a packet come in yesterday and it wasn't done in the format that they are used to seeing but they verified it with the applicant. There is still kind of a learning curve for everyone. It certainly has reduced the cost of the public notice. If they were requiring certified letters at $5-$10 each and they changed from having twenty (20) to forty (40) property owners that need to be notified then that's a big deal. It's about $1 for a certificate of mailing.

Mr. Cook stated that if it were up to him he would prefer that the mailing be done internally like

they do for Board of Adjustment. That's his preference because he does Board of Adjustment and as part of that process, they do all of the public notice. He has all of it automated to the extent that it's easier for Staff to do it then having to explain to other people how to do it.

Mrs. Townshend stated that it could be done if they added a public notice fee.

Mr. Holden stated that a Conditional Use in a dense area that has more mailings is potentially a higher value project. He would think that three hundred (300) feet would be better than two hundred (200) feet and that having the City of Dover do the mailings instead of the applicant is a good direction as well.

Dr. Jones stated that one thing she noticed last night on that correspondence was that there was no address on it. Responding to Dr. Jones, Mr. Cook stated that he believed there was an address of Walker Road.

Mr. Baldwin stated that a lot of the Commissioners were surprised to find out that this project that they approved had not been in use. Is there anybody in the City that knows when a project is approved if it's in operation or not? Responding to Mr. Baldwin, Mrs. Townshend stated that typically the track it through the licenses but since they've kept their licenses current and had been getting their inspections it was hard to verify. She guesses that when the Fire Marshals have gone in to do their inspections they can tell if nobody is there. They probably have documentation somewhere that it was not being used.

Mr. Baldwin questioned if there was one person assigned to track it? Responding to Mr. Baldwin, Mrs. Townshend stated that Staff tracks vacant buildings but a lot of times with that they are looking at utility usage. If there is no or very little utility usage then they identify things as vacant but it's hard to tell if something is regularly used.

Dr. Jones questioned if there was utility usage there? Responding to Dr. Jones, Mrs. Townshend stated that she believed so. They kept all of the utilities and permits current. Her guess is that if they checked the utility usage it would not reflect fourteen (14) people living there.

Mr. Holden stated that he is curious about the Dover Downs rezoning and map change that Mr. Tolbert recused himself for. Towards the end of that discussion what guides Planning Commissioner's involvement, discussion and comments when there's a rezoning, ordinance, or other thing that impacts that person? He doesn't expect the map change financially has any sway one way or another but Mr. Tolbert lives close by and so it potentially impacts him or his quality of life. On the other side of that is that he may represent his neighborhood so how do they navigate that? Responding to Mr. Holden, Mrs. Townshend stated that the by-laws indicate "conflict of interest" but typically unless there's a direct financial conflict of interest, the Commissioners are not required to recuse themselves. She thinks obviously when your employer is representing the applicant that's a very clear line. They have had the discussion at the Historic District Commission as well and Mr. Joe McDaniel has recused himself on Downtown Dover Partnership projects and projects involving Christ Church. But she doesn't know that there's a clear rule saying when a Commissioner has to recuse themselves or not. The ethics section in the Dover Code pretty much says it's all about financial conflict of interest.

Mr. Holden questioned what Mr. Tolbert's personal drive was for recusing himself from the

Dover Downs rezoning. Responding to Mr. Holden, Mr. Tolbert stated that the number one reason was that his neighborhood's HOA is right next door to that piece of property. They have the HOA in Chancery Court right now because of things that have been going on that they have been doing and his vote would automatically be biased because of that. He thought it was better for him to recuse himself from voting on that particular application. They have been in court since 2013 and there will be another court date in the future that hasn't been scheduled yet. There are a lot of problems in the development because of what's going on with the HOA. He just thought it would be better to recuse himself from the vote because he did not want to be biased because of that reason.

Colonel Welsh stated that in his time with the Planning Commission he has probably recused himself twice and both times were because of bias not because he was within two hundred (200) feet of the property or because he had any monetary ties to it; he was just very opinionated and he knew nothing was going to change his mind. Responding to Colonel Welsh, Mrs. Townshend stated that where the opinion is related to something that's not revalent to the application itself. It's one thing if you are opinionated that they haven't met the Code requirements but it's another if your opinion is based on a personal experience or a prior business transaction. She guesses that the general rule of thumb should maybe be if you feel there's an outside factor that could cloud your judgment or create the perception that your judgment has been clouded then it's best to step out.

DISCUSSION OF BUILDING AND ARCHITECTURE DESIGN PROVISIONS: *ZONING ORDINANCE*, ARTICLE 5 §19 AND ARTICLE 10 §2

Mrs. Townshend stated that Mrs. Melson-Williams has provided a copy of Article 5 Building and Architectural Design Guidelines and the Site Development Plan approval information as it relates to that and the Historical District zone. It talks in Article 5 about the design guidelines which are very general and then if you go to Page 3 of the handout under Site Development Plan, it states in Section 2.540 what needs to be part of the application. This she thinks was added to the agenda because of some of the stuff with the Village of McKee Branch. There was a project where there was significant change to the architecture between when the Commission saw it and when the applicant applied for their Building Permits. She thinks that was an exception and not a rule because they were building on the existing foundations and didn't change anything. Typically, if there is a big change to the architecture it's also to the building footprint. She thinks by putting notes in the DAC Report and Notice of Decision they can work to control that and maybe have some internal check as the designs go forward.

Colonel Welsh stated that's what kind of happened. Staff alerted the applicant to the fact that they were going to have an issue. Responding to Colonel Welsh, Mrs. Townshend stated yes, but that was after they had submitted their plans. If they had been able to determine earlier in their process of value engineering, they would have been able to bring it to the Commission before the applicant finalized the plan. By the time that they apply for a Building Permit, they've spent thousands on architectural fees. The time to catch it is somewhere between when the Commission approves it and before they get to that point. Staff needs to have a way to make sure that if there are meetings in the interim and communications that they make sure that the architecture is part of the approval.

Colonel Welsh stated also that the architecture has not changed. He doesn't think there needs to be a degree of change; he thinks any change should come back to the Commission.

Mrs. Townshend stated that the other issue that came up last night was as it relates to things like the old Kmart. They could say anything that goes to the Planning Commission even if it's not the building, anything where Planning Commission review is triggered, then the Commission needs to see the architecture. She thinks that the Code doesn't say that you don't.

Mr. Holden stated also in case where they plan to change the façade of the building. Responding to Mr. Holden, Colonel Welsh stated or to not change the façade of the building. He has beaten this drum for years and he thinks they are still not where he would like to be. He thinks they should be stricter than they are.

Mr. Holden stated that he thinks that the project last night should have been required to bring architecture because of the proximity to the public right-of-way. Responding to Mr. Holden, Mrs. Townshend stated that they can do that, similar to anything that goes to the Planning Commission has to have tree planting. Even with the residential treatment center, there was question if they really needed to go through the process since they were only changing the use and not the site but the Code says it doesn't matter, you have to demonstrate that you are meeting the tree planting requirements.

Mr. Holden questioned if the Kmart project did not have tree mitigation as an option. Responding to Mr. Holden, Mrs. Melson-Williams stated yes; they have that as an option but they haven't requested it.

Mrs. Townshend stated that part of it is that that's pretty large expanse of asphalt so if they could break it up with landscaping it would definitely improve the site. The preference would be to show us what you can do and if you can't get it all on the site then they would talk about tree mitigation.

Mr. Holden questioned how strongly do we want to incentivize that? It's going to cost them money to chop up the parking lot and create viable landscape beds instead of just planting tree for tree somewhere else, is that appropriate? Responding to Mr. Holden, Mrs. Townshend stated that if they are trying to improve the appearance of the Route 13 Corridor project by project then she thinks that they have to somehow get some landscaping.

Mr. Holden stated that he always gets a little uncomfortable about the arterial street buffer and they set it but they don't ever hold anybody to it. Responding to Mr. Holden, Mrs. Townshend stated that's one of the things that they will probably be looking at.

Mr. Holden stated that he's still a bit remiss about the sidewalk waiver on Kings Highway, it's needed there. There is no place for people to get across the sidewalk there. Just because it's hard doesn't mean that they shouldn't make people do it. Hard is different from "not possible".

Mr. Tolbert stated that with respect to the Kmart application, they just approved the building that is going to be retro-fitted and they would have to come back to the Commission for the approval of the tenants (of the pad sites)? Responding to Mr. Tolbert, Mrs. Melson-Williams stated yes, because of the type of process that they chose.

Mr. Tolbert questioned if Staff anticipated any problems with that project regarding parking? Responding to Mr. Tolbert, Mrs. Townshend stated that she didn't think so.

Mrs. Melon-Williams stated that she thinks they are going to be okay on parking.

Mr. Holden questioned why they chose to do that? Responding to Mr. Holden, Mrs. Melson-Williams stated that they don't have tenants for the out-pad sites stuff right now.

Mr. Holden stated that they didn't want to confine themselves. Responding to Mr. Holden, Mrs. Melson-Williams stated that they didn't want to do that and she would say that if you don't know what that building it going to look like, they are going to have to take the architecture back to the Planning Commission anyway.

Colonel Welsh stated that was his issue last night. They're going to renovate an existing building. they don't have to provide elevations the way that they are going to have to do for the two out-pad buildings because that's going to be a full blown Site Plan. What is it that exempts them from having to provide an architectural rendering or elevations that are going to identify building materials, finish materials, windows, entrances and all of that stuff? What drove this architectural review issue and the architectural standards years ago was that they are Dover; the capital of the First State. If you drive down Route 13 it's gotten a little bit better but it's still a hodgepodge of crap. When they have the opportunity on a highway like Kings Highway or Route 13 to upgrade a facility so that it's something that you can look at and be proud of, not something that you look at and think that you wished these changes were made when they had the opportunity. He is thrilled to death with what was done to the old Walmart. It's very attractive.

Mr. Holden stated that with that building, Staff pushed them on some of those issues and so they got there.

Colonel Welsh stated that there is no reason why they shouldn't be able to do the same for the renovation of the old Kmart. What was it that exempts them from having to provide architectural elements? Responding to Colonel Welsh, Mrs. Melson-Williams stated that it wasn't proposed as a new building. The Dover Towne Center project was a new building. They basically left one and a piece of another wall of the Walmart building. there are parts of that building that are totally new. They basically pushed the front wall back on that property.

Mr. Holden stated he agrees that project last night, even though it was only façade improvements not building tear down or re-build, what needs to be changed so that they get architectural elevations? How is it written so that they won't run into the instances of them proposing to build one thing and actually building another? Responding to Mr. Holden, Mrs. Townshend stated that she thinks that the first answer is that they can simply say that any project that goes to Planning Commission and if there's an alteration to the architecture; the applicant would have to bring renderings.

Mr. Holden questioned what that would scoop up? Responding to Mr. Holden, Mrs. Townshend stated that she doesn't think that it scoops up anything because the applicants are already coming to the Planning Commission; it's just a matter of now they have to bring a drawing.

Mrs. Melson-Williams stated that the Code reads "proposed building and/or building additions." So the language there would probably have to be changed.

Mr. Tolbert stated that when the question was asked last night, the applicant said that they didn't have the architectural rendering. He didn't believe that; they've already spent a lot of money and he is pretty sure that architectural renderings have been done.

Colonel Welsh stated that it was strange that when the Commission pressed the applicant, they had it.

Mr. Holden took that differently because they don't have a tenant that they can announce, they don't have tenant signs so they probably haven't done what they feel is an architectural rendering. That's probably what they are putting in front of their tenant to say "we are thinking something like this" and then they are going to work through everything. His sense was that they were too concerned that it was too far from what they thought it might end up at.

Colonel Welsh stated that he can be a little more cynical than that. He would like to think that's the case but it could be if we don't show them our hands aren't tied and we can do whatever we want with the building and not change it at all because that's money.

Mr. Tolbert stated that he can't believe that they have expended all of the money that they have expended thus far and not know what the architecture will look like.

Colonel Welsh stated that he thinks it should be standard that any time we have even a new use for a building; we know that they are going to renovate it to a degree. Responding to Colonel Welsh, Mrs. Townshend stated that a lot of that is done administratively. For instance, Grotto's didn't come to Planning Commission; they did some minor site reconfiguration and renovation. It was all done under a Building Permit.

Dr. Jones questioned what was at that location before Grotto's? Responding to Dr. Jones, Mrs. Townshend stated that it was Atlantic Book Warehouse.

Mr. Holden stated that he thinks they would have brought architecture for their project if they knew it was a requirement. He saw the quality of what they had and seeing that with the work that he does, it wasn't to the point that he would have said it was kind of schematic, not even conceptual, not even a draft construction graphic. He doesn't think it's an imposition to say bring a little more. In that example, if they knew that was a requirement they would have dressed that up.

Colonel Welsh stated that he agrees and if they go back to Atlantic Books Warehouse and Grotto's, what would be wrong with having them come before the Planning Commission? Other than it maybe creates more work for Staff. Responding to Colonel Welsh, Mrs. Townshend stated that it delays things significantly and adds costs to the project.

Mr. Holden stated that it's a variety of business plans and the economics of it.

Colonel Welsh stated that what Mrs. Townshend is saying is that Staff has a pretty good handle on what the Planning Commission would want to see and not want to see and Staff can approve a re-design administratively. Responding to Colonel Welsh, Mrs. Townshend stated that for an Administrative Site Plan the Code allows us if there's something about it that they are not comfortable with to refer it to the Planning Commission. It doesn't mean that it gets a public

hearing; it just gets a referral. They can look at the language in the Code to see if that pertains to architecture and Staff could do that. That way they can still do things administratively but if they get an applicant who wants to renovate an existing building and really doesn't want to do it right and doesn't want to do what the Planning Commission expects, Staff could refer the application.

Mrs. Melson-Williams stated that there's an exemption in the Code for building additions which is typically what Staff would see in Administrative Site Plans. Responding to Mrs. Melson-Williams, Mrs. Townshend stated that they might need to change the Code.

Mrs. Melson-Williams stated that they would have to do some work to that section of the Code because there is an exemption from having to submit any architecture. If it's going to match the existing building.

Colonel Welsh stated in the administrative review of the Building Permit that Staff is doing, we have individuals who are designated on the Planning Commission as members of the Architectural Review Committee. Maybe they could be a part of that review. Responding to Colonel Welsh, Mrs. Townshend stated that that would probably require Code amendments, so let's look and see what that it would take in the Code to do so.

Mr. Holden stated that it's viable commercial development. A lot of these corridors are seeing development so they've got the opportunity to make it better. He thinks that they are talking about the size of the process and avoiding the Route 13 Corridor through Saulsbury Road. Things happen but they don't want to go in that direction, they want it to be visually appealing and cleaned up, which costs but also adds value.

Colonel Welsh stated that what triggered him a long time ago was Gaithersburg, MD and their architectural requirements. Everything is red brick, everything ties in and it's a beautiful facility. If you own a McDonald's and you want to locate there, that's the way you build your building and if you're not happy with that then go someplace else. If there's a market there, they are going to do whatever they have to do to comply with the building codes and requirements.

Mrs. Townshend stated that one of the things in the recent years and the recent Code amendments that they have done is moved more toward administrative. Part of that is that sometimes the process will stifle the economic activity especially on a smaller venture. Is there a way to make sure that the architecture is maintained to a standard even if it doesn't go to the Planning Commission and if it doesn't go and Staff can't get that standard administratively do they then refer it to either the Architecture Committee or the Planning Commission? Her preference would be the Commission. If they treat it the way they do Historic District Commission, Staff can refer a Building Permit to the Historic District Commission for their input and they don't have to do the public notice and all of those things. From a bureaucracy standpoint, there's less process involved but it still allows it to be done.

Mr. Tolbert stated that what they are saying is that architecture is not just the building structure itself but it's the appearance and they need to take a look at it or make sure that when they are talking about the appearance of the building as much as the structure itself.

Dr. Jones stated that the question was asked last night about the appearance of the building and if the residents asked about the appearance of it; the applicant said yes but not one of the

Commissioners asked for them to elaborate. As she is listening and learning, Grotto's was an easy one; Grotto's has a brand. They know that if they see a Grotto's, a Grotto's is a Grotto's but for something like this she was even a little concerned with the conceptual rendering. She agrees that they should set some type of standard, maybe for the benefit of Staff they formalize some general guidelines for Staff regarding elevations for an existing building so when they sit down to review a Building Permit they have guidelines to follow. She thinks that anything that is going to come before the Planning Commission they should have something to let the Commission see what it's going to look like.

Colonel Welsh questioned if this was the first time that this particular firm has done work in the City of Dover? Responding to Colonel Welsh, Mrs. Townshend stated yes, in recent years. They did a subdivision on Jefferson Terrace. It was the five (5) lot subdivision off Wyoming Avenue.

Mr. Holden described the location that it was south on Governors Avenue, you would take a right onto Wyoming Avenue and then the first left.

Dr. Jones stated that there were only a couple of houses there. Responding to Dr. Jones, Mrs. Townshend stated yes, but they did the subdivision plan for that but that wasn't a Site Plan with architecture.

Mr. Tolbert stated that his experience on the Commission so far is when these large operations come in, they have a design that they want to use. If it's contrary to what the Commission wants they are adamant about getting the building to look like what they want it to look like. He has been through some communities in New Jersey and Pennsylvania and there are whole shopping centers where the buildings are absolutely beautiful and they look nothing like additional McDonald's. We back away from them when they are adamant about wanting to build how they want to and he doesn't think that the Commission should.

Mr. Holden questioned if TD Bank when it was Commerce Bank came through the Planning Commission? He remembers discussion that they were pushed into adding some colonial sense to their design. Responding to Mr. Holden, Colonel Welsh stated that that was a real success for the Planning Commission.

Mrs. Townshend stated that they then did it voluntarily at the location on Route 8.

Colonel Welsh stated that it was like pulling teeth for the location on Route 13. That's a major intersection and the Commission was absolutely adamant, they stuck to their guns about certain things that that applicant had to do. It looked absolutely horrible when it was first presented. They then came back with this design; sat it catty corner, lots of glass, lots of red brick and it tied in more with what you would perceive Dover, the capital of the First State.

Mr. Holden stated that they need to do more of that. They are talking about a step away in that just bring them the plan versus having a tight set of guidelines that really ties the community together. They have got to be able to move that direction and have those tools.

Colonel Welsh stated that if you go to Freeport, Maine, the McDonald's there is a white two story colonial building. The only thing that identifies it as being a McDonald's is a sign with the golden arch that is an emblem on the side of the door of the front entrance.

Mr. Holden stated that they don't have a framework, a feel or design that they are after but we have to take a step and move in that direction.

Mr. Tolbert stated that when you drive down Route 13 it can look like tacky mess when you get all of these different signs and building designs. It's just like a tacky little town and this is the capital; we should like very nice.

Dr. Jones questioned if the Kmart facility is an unusual request meaning that most of the buildings are not Kmart's? Responding to Dr. Jones, Mrs. Townshend stated that it's also rare that you have a project that only comes to the Commission because of the site work that they are doing not because of the building. Staff can ask applicants to start submitting an architectural rendering and then change the Code so that it's very clear that it's required. They can make it so that any façade renovations on something that's coming to the Planning Commission have to include renderings.

Colonel Welsh stated that even if there are not going to be doing a façade renovation maybe they need to.

Mr. Tolbert stated that if the applicant can't tell the Commission what they want to know then they are ready to come to the Planning Commission.

Dr. Jones stated that if the elevation is not more appealing then it might be the same old Kmart; it wasn't very nice. Responding to Dr. Jones, Mrs. Townshend stated that it was the epitome of 1960's junk of architecture.

Dr. Jones stated that the gentleman who sat all night to ask a question, it didn't take much to please him. He represented the gas station and she thought that was very interesting. He probably should have gone home because nothing has changed at that gas station. Responding to Dr. Jones, Colonel Welsh stated that he wasn't from US Gas.

Mrs. Townshend stated that it was the Valero.

Mr. Holden stated that he was worried about a competitor.

Dr. Jones questioned why it appears to here that there's so many requests for waivers if in fact the standards say that there must be curbing? Responding to Dr. Jones, Mrs. Townshend stated that is another change that is on Staff's work plan. The requirement for the six (6) inch upright curbing and the waiver for stormwater kind of pre-dates the rise of green technologies. She thinks that there should be provisions where it doesn't require a waiver so that you can do it. The other thing that they have had is some Administrative Site Plans that are really simple plans but because they are not proposing curbing, it needs to come to the Commission for the curbing waiver. They want to in the next year, draft an ordinance that would fix that. The other waiver that they need to look at is arterial street buffer. Maybe they look at what the width is and then don't waive it.

Mr. Holden questioned why ever set it to thirty (30) if they are never going to require thirty (30)? He thinks the only one who did that was the drug store there and he thinks probably because it

was being designed out of state and they didn't think the Commission was so soft about it. Responding to Mr. Holden, Mrs. Townshend stated that was where their stormwater is so it was easy.

Mr. Holden stated that the curbing should flow into a filter strip or some stormwater thing that pushes a lot of those and may be less expensive to not build the curbs and put parking bumpers up. What concerned him about the Kmart is if you are leaving a flush edge of paving that people are driving over then you get paving that is broken up and it's a degradation of the site. He thinks that some options for Staff to be able to handle the sheet flow conditions but not in an area where you are concerned that there's going to be traffic. Responding to Mr. Holden, Mrs. Townshend stated that it could be done in a way that doesn't require a waiver every time.

Dr. Jones questioned otherwise why have the regulation? It's like saying you are not getting but two (2) cookies, and they say but I really want another one so you give them one more this time.

Mr. Holden stated another thing that he was curious about was the bicycle parking counts. He doesn't know that he has ever seen a bicycle parking facility that has anywhere near 10% use. Responding to Mr. Holden, Mrs. Townshend stated that part of the challenge is that they are working to improve the bicycle infrastructure in the City. They have had a lot of support from DelDOT in that regard but if we don't make sure that they are building the bike racks so that when you get to a destination you have a safe place to put your bike then they can build all the trails and bike lanes that they want but they are not going to get there. The bike racks are a pretty inexpensive piece of infrastructure and before there was a requirement they would voluntarily get they if they asked anyway. Sometimes they're used and sometimes they're not but she thinks that they have also seen a lot of places where people have their bikes chained to things that are not intended to have bikes chained to them because they haven't provide bike racks.

Colonel Welsh stated that before we get away from what they were talking about with the architectural review through the Planning Commission, have they come up with any resolution for what they are going to look at or do? Responding to Colonel Welsh, Mrs. Townshend stated that she thinks they can do things administratively until they get the Code changed as it relates to buildings, renovations, building facades or anything that comes to the Commission. The other thing is more involvement of Staff as these projects unfold.

Mr. Holden questioned if there was a way to have the rendering that was approved in the hands of the person who is approving the Building Permit? Responding to Mr. Holden, Mrs. Townshend stated that she still thinks that it's too late at that point. They want them before they have their final engineered plans.

Mr. Holden stated in terms of bringing Site Plan stuff that has some architectural concerns to the Planning Commission, forcing the renderings to be amended maybe the exception for building additions. He thinks that they need to push that way so that they have the opportunity to make things better. Responding to Mr. Holden, Mrs. Townshend stated that one thing could be when they do their Check Print letters to be very clear that just like with a Site Plan, if there are any changes to their architecture that they should submit it with their Check Prints.

Mrs. Melson-Williams stated that it's in the advisory comments of the DAC Report and some of the recent Notices of Decision have statements as well.

Dr. Jones stated that maybe use the terminology "if there are any changes," the applicant may then say that they aren't making any changes.

Colonel Welsh stated that that may not be a good thing. Responding to Colonel Welsh, Mrs. Townshend stated that they will look at the wording in their letters.

Colonel Welsh stated that where he was going earlier was that they have designated people to be representatives on the Architectural Review Committee so if there is conflict, they can resolve it and they are representing the Planning Commission in that function. Maybe if Staff requires elevations or architectural renderings for a Building Permit then that person or those people on the Architectural Review Committee can simply come into the office, review them and say that looks good to them. That's taking the heat off of Staff and if they come in and think something wouldn't float with the Planning Commission then the application could be taken before the Commission. He thinks that would put a little more teeth in it. He hates to keep going back but it's his frame of reference, there was a point where people would come to the Planning Commission with a Site Plan and no architectural rendering, no artist conception and no elevations and the Commission would approve it. He thought that was crazy because it's basically like signing a blank check and saying that they can build whatever they want. What improvement are they making to the City's skyline or architecture? So he started asking the applicant for their rendering and elevation plans. Pretty soon the engineering firms around here knew that they were going to be asked for it when they came to the Planning Commission so they started providing it and then it became a requirement. Responding to Colonel Welsh, Mrs. Townshend stated that she thinks they need to probably go back and get back to the Commissioners on how they do this. Instead of waiting until the next Quarterly Workshop, Staff can provide an update at the next meeting.

Mr. Tolbert stated that the more information that they have as a Commissioner, the better decisions that they can make.

Colonel Welsh stated that his fear last night was that they were being asked to approve a Site Plan without benefit of any rendering; basically they are signing a blank check. They can do whatever they want and nobody can hold their hands to the fire.

Mr. Tolbert stated that the bottom line is if they don't have a rendering then they don't know what they are really approving.

Dr. Jones questioned if there is a standard for the Historic District zone? Is there a vision? We have talked about how Dover should look. She doesn't really know if she is suggesting anything like the Historic District but is there any benefit to somewhere along the line, brainstorming about how new construction or renovated construction should look like on Route 13 Corridor in the City of Dover and then that would be sort of a template for the administrative review. For instance, she heard someone mention something about a flat roof last night. If we don't want flat roofs in Dover then why can't they develop a vision statement or have something that allows a kind of a parameter of standards so that they won't have as many issues? This is going to come up over and over again and she knows that they don't want to back themselves into a box.

Mr. Tolbert stated that during Colonel Welsh's time as Chairman, he did push hard for doing away with flat roofs. Responding to Mr. Tolbert, Dr. Jones stated that they should say that they

don't want flat roofs.

Mr. Holden stated that it's a set of design guidelines. He was saying earlier that they are asking for plans so that they can have some input but the next step once you have that ability is then how can the Commission help guide before the plans come, what they would like to see. That's a notable effort to undertake that not a quick and easy process. Responding to Mr. Holden, Colonel Welsh stated that is a great idea and maybe it's something that they should get started with now but he doesn't think that they have evolved to that point yet. This has really been a slow process; much slower than he thought it would be.

Dr. Jones questioned how the process could be expedited? What creates the barriers? What are the problems? Responding to Dr. Jones, Mr. Holden stated that one big hurdle is the time and money to develop a set of architectural guidelines and then push them through a public review process so the City can incorporate them. He would expect that the City might say that they don't have the Staff to do it in-house so they would have to go out of house and they have to have the money to process that.

Mrs. Townshend stated that they can look and see what other places have. The bulk of the design guidelines that they have looked at recently have been the Historic District stuff because that's what they have been really kind of looking at. But they can look at what Gaithersburg, MD has and what other places have and see if even they could develop a check list or a list of preferred practices.

Colonel Welsh stated that they have had a relatively soft handed approach with this and he thinks it might be time to start, particularly as the economy picks up to start being a little more heavy handed with it and requiring a little bit more from them.

Mr. Tolbert stated that it's going to take time. If they start being a little heavier handed, it's going to take years to get the kind of finish that they want in the City so they might as well start now.

Mr. Holden stated that you can have all the rules in the world but you have to be able to say "no more cookies."

Dr. Jones stated that as a fairly new Commissioner, having so much to learn and understand if when Site Plans come through and there's not an understanding of some kind of standard, what is does for her is to have to depend on the other Commissioners who may have varying opinions. She thinks the small steps are good.

Colonel Welsh stated that recently in the past five (5) years or longer, Mrs. Townshend and her Staff have done a good job of letting the applicants know what's going to fly and what's not going to fly. So by the time the elevations and renderings get to the Commission they've already told them. Responding to Colonel Welsh, Mrs. Townshend stated that it's nice having the Commission's backing because they could tell the applicant that they need to do better than what they have but not if the Commission rolled over every time someone brought junk in. She thinks it's worked well because Staff knows that the Commission is going to demand something so they are able to demand it. They are able to tell the applicant that they can take the application to the Commission but it's not going to go well.

Dr. Jones stated that it is always good to have something to fall back on or even if you just use your judgement based on the guidance of this Committee until they get to a point. But if she were in Staff's shoes, she would not want to be in that position.

Colonel Welsh stated that they all agree that Route 13 is a mess and it's a mess that was started back in the 1950's or before. If they have the opportunity to improve properties on Route 13, they are remise in not taking advantage of it.

Dr. Jones stated that it is our community and some of those who are developers it's not their community; they are looking at the all mighty.

Colonel Welsh stated that it's their job to make money. Responding to Colonel Welsh, Dr. Jones stated that it's the Commission's job to hold them accountable to that.

Colonel Welsh stated that it's the Commission's job to make sure that it complies with the design standards. He hates to beat a dead horse but there aren't many capitals of the First State and there's no reason why Route 13 should look the way it does.

Dr. Jones questioned if there was an approximate date on when the Kmart project is supposed to start? Responding to Dr. Jones, Mrs. Townshend stated that they have Building Permit stuff in for the shell so she thinks that they are looking to start relatively soon.

Colonel Welsh stated that he drove by there on his way out to the Base this morning at 7:20am and there were lights on in there and that's the first time that he has seen lights on inside the Kmart so he thinks they are going to be moving along pretty quick.

Mr. Tolbert stated that last month there were people in and out of that building and he knew something was going on there.

Dr. Jones questioned when the minutes of the Planning Commission meetings are made public? Responding to Dr. Jones, Mrs. Townshend stated the morning that the packet goes out.

Dr. Jones stated that ideally those minutes can be visited on the website? Responding to Dr. Jones, Mrs. Townshend stated yes, ten (10) days prior to the Planning Commission meeting.

DEPARTMENT OF PLANNING AND INSPECTIONS UPDATE

Summary of 2015 Applications

Mrs. Townshend stated that the application volume didn't really pick up last year. It seems to be picking up this year based on last night's meeting and next month's meeting.

Research Activities

- **Update on Research for Ordinance Amendments**

Mrs. Townshend stated that they are working on updates to the residential zones and also the manufactured housing zone and regulations regarding manufactured homes.

1. **Manufactured Homes**

2. Residential Zones

Current Studies and Projects

- **Transportation Improvement District**

Mrs. Townshend stated that they are still working with DelDOT on the Transportation Improvement District; the ball is in their court.

- **Division Street/Forest Street Design Charrette**

Mrs. Townshend stated that they had the design charrette for Division Street/Forest Street through the Downtown area. They are waiting for something from the consultant on that.

- **Bradford Street Streetscape Enhancement Project**

Mrs. Townshend stated that there is a Bradford Street streetscape project that is going to go from Division Street to Loockerman Street. They are still waiting on design stuff for that.

Updates of Program and Plan Activities

- **Downtown Development District Program/Restoring Central Dover Community Plan**

Mrs. Townshend stated that they have been working with NCALL and the Downtown Dover Partnership and other partners on the Downtown revitalization stuff so hopefully they start seeing more stuff related to that.

Planning Staff Priorities for 2016

Mrs. Townshend stated that the Commissioners have a copy of Staff's work plan for the coming year. That has some short term tasks, a long list of ordinance updates that need to be worked on, projects that are continuing that have started previously, and new projects. One that is certainly worth making everyone aware of is at the request of City Council; they are going to be doing an evaluation of non-conforming uses. They are going to be looking at extent of what they have in terms of non-conforming uses beginning with residential zones. They will look at anything that is a non-conforming use in the residential zones, look at whether it's just truly non-conforming or non-conforming but permitted as a conditional use and figure out where to go from there.

Dr. Jones stated that conditional use means might not be permanent; it might change. Responding to Dr. Jones, Mrs. Townshend stated that conditional use means that the Commission is allowed to put conditions on it. They can approve it, deny it or approve it with conditions. Typically, it's approved with conditions. There are non-conforming uses that just aren't allowed and then there are a lot of things that are considered non-conforming uses that are like churches. They are non-conforming because they never went through the conditional use process because they existed before zoning. There are other non-conforming uses such as a liquor store in a residential zone; it would not be permitted as a conditional use.

Dr. Jones questioned if a daycare center in a residential area where the person doesn't live there would be permitted? Responding to Dr. Jones, Mrs. Townshend stated that it would be a conditional use.

Dr. Jones questioned if there was some type of guideline if there's a day care center in a residential area and the car giver or person in charge must live there? Responding to Dr. Jones, Mrs. Townshend stated no, it goes as a conditional use if they don't live there. The whole idea is

to get an inventory to see what's out there and see if there are things that they need to do to sunset some uses. What she said to City Council is that they need to be careful and deliberate in how they do it because what she doesn't want to do is address every church in the Downtown area as a non-conforming use. It really needs to be let's inventory what we have and then figure out the best way to deal with things that are incompatible.

Dr. Jones questioned if this is done by reviewing the files to see whether permits have been requested? Responding to Dr. Jones, Mrs. Townshend stated that the starting point is going to be putting two (2) people in a car with a tablet using a tablet based application so that Staff can drive through the residential zone, identify any non-conforming uses, indicate what the use is and then they can start to see if they have a lot of non-conforming uses or just a few and which ones are the ones that they need to look at transitioning out and which ones are the ones that they need to make sure they don't impede.

Mr. Tolbert stated that just that process will take some time.

Mrs. Townshend stated that there are a bunch of procedures that they need to develop. They kind of lost a little ground after Janelle left on keeping their digital mapping files current so they are working with the City's GIS Staff on that. They want to update application forms and develop work flow checklists for all of their application types and just improve and streamline processes where they can.

Colonel Welsh questioned if this strategic plan was something that Staff has been doing? Responding to Colonel Welsh, Mrs. Townshend stated that they were but the last couple years she isn't sure that they did. She thinks after Janelle left and for a while it was just herself, Dawn and Tracey, a lot of their effort was more staying afloat. Since they are now fully staffed, now is the time to get caught up because there is a lot that was put on the back burner.

Dr. Jones questioned if there were any complaints about the transition of stuff from McKee Road to State College Road? All of the cars back by the church where there were problems with Mr. Burden? Responding to Dr. Jones, Mrs. Townshend stated that they get complaints and there are active code enforcement cases. It's very slow moving. Part of the problem with the College Road property is that things spill over onto the neighboring property which is owned by the State of Delaware

EDUCATION AND TRAINING OPPORTUNITES

- **Delaware Planning Education Program by UD-IPA: Workshop Series**

Mrs. Townshend stated that the University of Delaware has their workshop series; the next one is on March 11, 2016 from 9:00AM to 12:00PM on "Land Use Development Administration." If anyone is interested, let Staff know and they will get you registered.

OPEN DISCUSSION – No items
Meeting adjourned at 2:02 PM

Sincerely,

Kristen Mullaney
Secretary

CITY OF DOVER PLANNING COMMISSION
March 21, 2016

The Regular Meeting of the City of Dover Planning Commission was held on Monday, March 21, 2016 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Cregar, Mr. Holt, Mr. Baldwin and Mr. Tolbert. Colonel Welsh, Dr. Jones, Ms. Still and Mr. Ambruso were absent.

Staff members present were Mrs. Ann Marie Townshend, Mr. Jason Lyon, Mr. Bill Cook, Mr. Eddie Diaz and Mrs. Mullaney. Also present was Mr. Jon Falkowski, Ms. Carol Ohm, Mr. Michael Maupin, Mr. James Burgess, Ms. Dana Sawyer, Mr. Allen Henson, Mr. Dale McCalister, Mr. Joseph Lazorick, Mr. Raymond Harbeson Jr., Mr. Alex Schmidt and Mr. Douglas Barry. Speaking from the public was Mr. Thomas DiSabatino, Mr. Dan Maler and Mr. Richard McKee.

APPROVAL OF AGENDA

Mr. Cregar moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 5-0 with Colonel Welsh, Dr. Jones, Ms. Still and Mr. Ambruso absent.

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

Mr. Holt moved to approve the Planning Commission Meeting minutes of February 16, 2016, seconded by Mr. Baldwin and the motion was unanimously carried 5-0 with Colonel Welsh, Dr. Jones, Ms. Still and Mr. Ambruso absent.

COMMUNICATIONS & REPORTS

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

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on February 22 & 23, 2016 and March 14 & 15, 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:
   A. S-14-08 Woodland Tree Clearing Plan of 560 Bay Road – Request for one year extension of Planning Commission approval granted on April 21, 2014 to the Site Development Plan to permit the clearing of approximately 7.45 acres ± of trees (woodland) on a 12.67 acre ± parcel. This included approval of the waiver request to permit the tree clearing to exceed 50% of the woodland on the property at 560 Bay Road and to accept the Woodland (Tree) Mitigation Plan at the Anne McClements Woodland Tract (Fork Branch Nature Preserve) previously approved by the Planning Commission on April 19, 2010 with Application S-10-03 South Dover Plaza. The Woodland Mitigation Plan was implemented and completed by October 2013. The property is zoned C-4 (Highway Commercial Zone). The property is located on the southwest side of Bay Road. The owner of record is S H E Holdings, LLC.

Property Address: 560 Bay Road. Tax Parcel: ED-05-077.00-01-10.00-000. Council District 2.

Representatives: None

Mrs. Townshend stated that this was a Site Plan application for woodland clearing of property at 560 Bay Road. When this application came to the Commission two (2) years ago, the mitigation associated with this has already been completed at McClements Nature Preserve but the clearing has not yet taken place. The applicant has requested a one year extension.

Mr. Cregar questioned if Staff knew what the hold-up was on this? Responding to Mr. Cregar, Mrs. Townshend stated no, she knows they have talked to the property owner about potential development but the clearing has not yet taken place; the mitigation has taken place.

Mr. Cregar moved to approve S-14-08 Woodland Tree Clearing Plan of 560 Bay Road for a one year extension, seconded by Mr. Baldwin and the motion was unanimously carried 5-0.

2. Revise Plan Information:
   A. C-13-11 Dover Christian Church at 1738 Forrest Avenue – Information on Revisions to Conditional Use Site Plan for construction of a one story 9,600 SF place of worship (church building) and associated site improvements. The proposed Revisions consist of reduction of building size, reduction of number of parking spaces, reduction of impervious coverage, revision to type of stormwater management facility and revisions to building architecture and materials. The existing residence on the property is proposed for demolition. The property is 1.5576 acres and is zoned R-10 (One Family Residential Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the south side of Forrest Avenue and west of Dover High Drive. The owner of record is Dover Christian Church, Inc. Address: 1738 Forrest Avenue. Tax Parcel: ED-05-075.00-01-04.00-000. Council District 1. *The Planning Commission granted conditional approval of the Conditional Use Site Plan on October 21, 2013 and a one year extension on August 17, 2015; Final Plan approval is still pending.*

Representatives: Mr. Jon Falkowski, Becker Morgan Group

Mr. Holden recused himself from this application due to his employer being the engineer on record.

Mrs. Townshend stated that this is a change to a Conditional Use Site Plan for the Dover Christian Church located on the south side of Forrest Avenue west of Dover High Drive. The Planning Commission approved plans for the construction of a one story 9,600 SF church at this location. At this point, they have been working through the application process. They have made some changes to the church. It's a smaller church and they have made some changes to the architecture. They are also requesting an extension as the plan is set to expire in October 2016. The applicant is here and can answer any questions.

Mr. Falkowski stated that as Mrs. Townshend mentioned, there is a significant reduction in footprint. It went from 9,600 SF to just below 4,000 SF mainly due to budgetary concerns and trying to get it down to a reasonable size that the congregation can raise enough money to afford.

There was also some stormwater limitations because they ran into some bad soils so they had to reduce the footprint at little bit and shift the building over slightly. Parking was also reduced mainly to match the assembly size of one hundred twenty-eight (128) seats. They have provided that minimum parking plus 25% extra for a total of forty (40) parking spaces. No other changes to the plan other than that and the exterior materials. They are still keeping some masonry and just adding some siding.

Mr. Tolbert stated that it's a much smaller building. Will they still be able to do all that they intended to do? Responding to Mr. Tolbert, Mr. Falkowski stated yes, it still meets the program. They will just be able to afford it a little better now.

Mr. Holt stated that it's usually the other way around; they normally want to enlarge instead of decrease in size. Responding to Mr. Holt, Mr. Falkowski stated that he thinks one day they would like to expand and they have left some space on either side as money would allow. They would like a few more meeting spaces.

Mr. Holt moved to approve C-13-11 Dover Christian Church at 1738 Forrest Avenue (Revised Plan) for a reduction in the size of the church, seconded by Mr. Baldwin and the motion was unanimously carried 4-0 with Mr. Holden recused and Colonel Welsh, Dr. Jones, Ms. Still and Mr. Ambruso absent.

NEW BUSINESS

1) S-16-04 Dover Behavioral Health Systems: Phase I, 4-Bedroom Additions at 725 Horsepond Road: Waiver Request – Review and Consideration of a Waiver Request for parking reduction as associated with the Administrative Site Plan for construction of a 1,400 ± sq. ft. addition at the rear of the building to consist of four bedrooms. This Administrative Site Plan review will precede a future Site Plan Application for a 9,800 sq. ft. Phase II addition. The project is located on the east side of Horsepond Road north of Lafferty Lane and is adjacent to the City Lane. The property is zoned IO (Institutional and Office Zone) and is subject to the AEOZ (Airport Environs Overlay Zone). The owner of the property is UHS of Dover LLC. Tax Parcel: ED-05-078.00-01-08.00-000. Council District 2.

Representatives: Ms. Carol Ohm, Apex Engineering Inc

Mr. Diaz stated that this project is Phase 1 and (the total project) is an approximately 12,000 SF addition to the Dover Behavioral Health building at 725 Horsepond Road which is just to the north of Lafferty Lane. This first Phase is 1,400 SF which was small enough to qualify it to come into the Planning Office for Administrative Site Plan review. The size of this addition would require them to construct four (4) more parking spaces than what are currently available on the site. Since they say that they are well served by existing parking they submitted a parking waiver request which cannot be processed administratively. The data that they provided Staff shows that on any given day they are using no more than 60% of their existing parking. They have one hundred sixty-one (161) parking spaces on site and the very maximum number of spaces that they are using is ninety-four (94). They also have some programs that provide shuttle service for their patients so on that basis Staff is recommending that the Commission approve the waiver request.

Ms. Ohm stated that their development plans for the site right now are for a 12,000 SF addition which they have split up into two (2) different phases. The first phase being just shy of 1,400 SF and the second phase being close to 9,800 SF. That was done because of the urgency for four (4) bedrooms immediately. So because of the timing for review and approval, they split the project up into two phases. Phase 1 is before the Commission currently and Phase 2 has been submitted to the Planning Office as well. Their request right now is for Phase 1 but the same request will also be for Phase 2. The site also has the capacity for an area on-site which they have labeled in the last edition that came before the Planning Commission. They showed a future parking area on-site. If in the event in the future parking became needed, they would be an area where parking could be constructed. They have now shown a little bit more information in terms of a parking layout for that area, showing that they could get as many as fifty-six (56) parking spaces if needed in the future. Typically, the parking lot is only 50% full so in order to save on stormwater management and so forth, they would like to leave the parking as is and show the future parking area that they have shown as needed in the event that it ever becomes necessary.

Mr. Cregar stated that in his day job he has had the opportunity to be at this facility at various times throughout the day and there is excess parking currently on that site for morning, afternoons and evenings. He thinks the waiver would be appropriate at this time.

Mr. Holden moved to approve S-16-04 Dover Behavioral Health Systems: Phase I, 4 Bedroom Addition at 725 Horsepond Road: Waiver Request due to adequate parking on-site, seconded by Mr. Baldwin and the motion was unanimously carried 5-0 with Colonel Welsh, Dr. Jones, Ms. Still and Mr. Ambruso absent.

NEW DEVELOPMENT APPLICATIONS

1) AX-16-01 Lands of Capitol Cleaners & Launderers, Inc at 1102 South State Street – Public Hearing and Review for Recommendation to City Council of an Annexation Request and Rezoning Request for one parcel of land totaling 6,331 S.F. ± located at 1102 South State Street. The property is currently zoned BG (General Business District) in Kent County. The proposed zoning for the property is C-2A (Limited Central Commercial Zone). The property is located west of South State Street and north of State Street Road and South DuPont Highway. The annexation category according to Dover's *2008 Comprehensive Plan* is Category 1: High Priority Annexation Area and the land use classification is Commercial. The owner of record is Capitol Cleaners & Launderers, Inc. Address: 1102 South State Street. Tax Parcel: ED-00-086.05-01-46.02-000.

Representatives: None

Mrs. Townshend stated that this is a small annexation application. It's a property that is just over 6,000 S.F. This is actually an interesting circumstance because the property line goes through a building and the two properties associated with the building have different owners. This is the front portion of the building and the property is located at 1102 South State Street. The property is owned by Capitol Cleaners & Launderers, Inc. The current zoning in Kent County is BG (General Business District) and the proposed zoning in the City is C-2A (Limited Central Commercial Zone). Currently, they receive City of Dover electric and water and they are looking to get into the City's sewer system. This is directly south of the dental office that came to the Commission about one year

ago and is currently under construction. Her understanding from the property owner is that they are working with the property owner to the north to secure an easement to get the sewer to their property. It is in a Category 1: High Priority Annexation Area with the land use classification as Commercial. The property immediately north is zoned C-2A (Limited Central Commercial Zone) and that is consistent with the zoning requested by this property owner. Staff would recommend in favor of the annexation and the zoning classification noting that this is one of the enclave areas of high priority annexation area.

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

Mr. Cregar stated that do we want to attach C-2A (Limited Central Commercial Zone) at this point in time? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Cregar moved to recommend approval to City Council for AX-16-01 Lands of Capitol Cleaners & Launderers, Inc. at 1102 South State Street. They recognize that this property is in a high priority area and he would move that they recommend that this annexation be approved and that it be recommended for C-2A (Limited Central Commercial Zone) upon its inclusion into the City, seconded by Mr. Holden and the motion was unanimously carried 5-0 by roll call vote with Colonel Welsh, Dr. Jones, Ms. Still and Mr. Ambruso absent. Mr. Holden voting yes, due to Staff comments and its positioning in a high priority annexation area. Mr. Cregar voting yes, for the same reasons. Mr. Holt voting yes; it is in a high priority area and he thinks it's going to be good for City. Mr. Baldwin voting yes, for the reasons previously stated. Mr. Tolbert voting yes; it's consistent with what they want to accomplish.

2) C-16-03 Duplexes at W. Reed Street and South Kirkwood Street – Public Hearing and Review of a Conditional Use application to construct three duplex buildings for a total of six dwelling units. The project includes a Minor Subdivision Plan to reconfigure the existing lot fronting on Reed Street and the two lots fronting on South Kirkwood Street into six lots fronting on Reed Street. Each of the six main lots is proposed to be between 1,673 S.F. and 2,345 S.F. in area. The total property area is 10,871 S.F. (0.247 acres) and is zoned RG-1 (General Residence Zone). The property is located on the east side of South Kirkwood Street just south of Reed Street. The owner of record is Mautiste Investment Group. Property Addresses: 420 West Reed Street, 105 South Kirkwood Street, and 107 South Kirkwood Street. Tax Parcels: ED-05-076.12-02-65.00-000, ED-05-076.12-02-64.00-000, and ED-05-076.12-02-63.00-000. Council District 4. *This application is associated with Application V-16-01 variance requests related to RG-1 bulk standards as approved by the Board of Adjustment on February 17, 2016.*

Representatives: Mr. Michael Maupin, Mautiste Investment Group; Mr. James Burgess, Elite Homes LLC

Mr. Cook stated that this application is for duplexes at West Reed Street and South Kirkwood Street. This is a review of a Conditional Use application to construct three (3) duplex buildings for a total of six (6) dwelling units. The project includes a Minor Subdivision Plan to reconfigure the existing lots fronting on South Kirkwood Street into six (6) lots fronting on West Reed Street. There are three (3) existing parcels that go east and west and the Minor Subdivision Plan would create six (6) parcels that go north and south and front on Reed Street. Each of the six (6) lots is purposed to

be between 1,673 SF and 2,345 SF in area. Lot property is 10,781 SF and is zoned RG-1 (General Residence Zone). The property is located on the east side of South Kirkwood Street and just south of Reed Street. Owner of record is Mautiste Investment Group.

This was a rather complex application that they have been working with the developer on for several months now. The property to note is within the City's Downtown Development District so a variety of incentives are available for construction projects that promote investment within that District. One of the goals of the Downtown Development District program as well as other City goals pertain to the promotion of homeownership opportunities in the Downtown area as well as improved housing stock generally in the Downtown area. This project did receive a Large Project Grant reserve through the Downtown Development District program.

On the next block north on Kirkwood Street, Central Delaware Habitat for Humanity has constructed three (3) homes at this time. All three (3) of those homes are occupied by homeowners and an additional home is under construction and there is an additional lot that they have not received plans for yet but it's anticipated that that additional lot will be built on as well.

The project is a Conditional Use because duplex one family dwellings are a Conditional Use housing type in the RG-1 (General Residence Zone). The Commission may recall back in October there were amendments to RG-1 (General Residence Zone) and RG-2 (General Residence Zone) to allow townhouses and duplexes to be Conditional Uses in those zones.

The way the houses are sited, they have parking in the front. They basically have two (2) spaces together which strattle the common property line between the two (2) units. There is one (1) parking space per dwelling unit which is the requirement for duplex dwellings within the RG-1 (General Residence Zone). The homes are sited towards the front with parking in the front. For Conditional Uses in the RG-1 (General Residence Zone), one of the stipulations for duplex dwellings would be that duplex dwellings shall be designed to minimize points of access to the public street and to take access from an alley or other shared access where such access is available. An early version of this plan did have an alley or driveway in the rear of these properties. It was a twelve (12) foot right-of-way which would have been dedicated to the City and the houses were out close to the front. The original plan had the parking in the back which was sort of the design intent of the RG-1 (General Residence Zone) to sort of minimize having parking in the front of the houses. But for various reasons among City Departments such as the Planning Office, Fire Marshal's Office and Public Works there was agreement that placing the parking in the front in this instance was a better solution. It had to do with the width of Reed Street and the ability to have fire access on Reed Street and the fact that there will not be parking on Reed Street. For a variety of reasons as well as maintenance of the proposed driveway in the back, the plan came to the conclusion that this was the better solution for this case.

The project did have an application through the Board of Adjustment for variances. The variances related to lot size because the lots would be undersized for the RG-1 (General Residence Zone) dimension standards, setbacks as well as lot coverage. Those variances were granted. Because of the change in the layout, the project will have to go back to the Board of Adjustment as an item of Old Business. Staff will take it back and modify the variances based on the changes in lot configuration. The trash pick-up is going to be from Reed Street and there will be fenced screening enclosures on

the fronts of the houses to contain the containers. Those will be accessible right off the driveways in the fronts of the houses.

Mr. Cook used a display to show a proposed rendering of one building with two dwelling units. There will be three (3) of these buildings with similar overall style and form. One of the recommended conditions of approval was to have some variation of the siding colors and minor architectural details when possible. There is sidewalk required which would be on the Reed Street frontage as well as the South Kirkwood Street frontage. There is existing sidewalk there but that will have to be improved in accordance with the requirements. There also is a proposed amendment to the *Zoning Ordinance* that will be going to City Council for first reading on Monday, March 28, 2016. That change relates to a provision within Article 6 Section 5.3 which is a supplementary set of regulations related to parking in multi-family dwellings. For whatever reason that particular provision is the only place in the *Zoning Ordinance* where duplexes are referred to as multi-family dwellings. Everywhere else, duplexes are considered one-family dwellings. That change is proposed to make the parking in the front possible and also to eliminate the inconsistency that was found. That's a part of the *Zoning Ordinance* that doesn't get looked at very much because they don't get that many situations where it comes up.

A landscape and tree planting plan will be received and that is considered part of the Final Plan approval. The recommendations suggested as conditions of approval are as follows: Staff recommended that three (3) foot sidewalks connect the driveways to the front steps of each unit. As mentioned, they also recommended that an enclosure be added to the front of the units to screen the trash receptacles. They recommend that siding colors vary among the structures. They recommended that the Landscape Plan to be submitted consider additional plantings in the yard of the lot that's farthest to the west that faces South Kirkwood Street. Plant materials should vary in height be hardy and low maintenance, include a mix of evergreen and deciduous plants. They also further recommended that driveways and sidewalks be surfaced in concrete.

Mrs. Townshend stated that she wanted to add that Staff did receive electronically the Landscape Plan. They do have a Landscape Plan that shows the required tree planting and landscaping. It came in on Friday afternoon.

Mr. Maupin stated that they didn't talk a lot about the construction of the inside of the units and the layouts. It's going to be approximately 1,200 SF of living space with one (1) full bath and two (2) half baths. There will be a half bath on the first floor and then a full bath and a half bath on the second floor. They do a lot of these types of projects; this is their first one in Delaware. Traditionally, they have done these in a modular fashion but he was happy to find a local builder that could build these on-site stick built.

Mrs. Townshend stated that this property is the location of the old Square Club which is very old dilapidated building. One of the things that has been appealing about this application is that it would replace that with new housing that would be targeted toward homeownership. Mr. Maupin came to Staff shortly after Dover received the Downtown Development District designation. He has looked at a number properties and has worked very closely with Staff. He has pretty much done anything that Staff has asked including initially designing the site to have alley access. Then after going through the DAC process and seeing that the alley access created challenges with stormwater, with the Public Works service delivery and a number of other issues, they very quickly changed the site

layout. This had been a very collaborative process to improve this property in this area of the City that is in great need of investment.

Mr. Tolbert questioned if Staff had recommended that each building be a different color? Responding to Mr. Tolbert, Mrs. Townshend stated not within the buildings. So if there are three (3) structures with two (2) units each then each set kind of has different siding so that it's not all one strip of one color.

Mr. Tolbert questioned if the applicant would have a problem with that? Responding to Mr. Tolbert, Mr. Maupin stated that there was no problem at all with that. That was already in the original plan. They've done it a couple of different ways in the past; this particular design doesn't warrant having color change in the middle of those two duplexes but they have done it that way. In this particular case, they are going to have three (3) separate colors of siding.

Mr. Tolbert further questioned if they knew what those colors were going to be at this point? Responding to Mr. Tolbert, Mr. Maupin stated no, he and Mr. Burgess (the builder) are going to talk about that. He is sure one of them will be a beige color. They tend to go with neutral colors most of the time.

Mr. Maupin stated that the old Square Club will be demolished and one of the things they look to do when they have to demolish a building is to try to give some development density to make the project work for them. As Mrs. Townshend stated, they worked pretty closely with the City to try to make a design to allow these three (3) duplexes to work on that footprint. He is very confident that it's really going to beautify the area.

Mr. Holt congratulated the applicant for what they have done with this property. The old Square Club going down is a big win for Dover in a lot of ways. It's been an eyesore for years.

Mr. Cregar stated that he is being challenged by the requested recommendation by the Planning Commission to put these recycling and dumpster bins on the front of the house. Responding to Mr. Cregar, Mrs. Townshend stated that trash collection was one of the issues that they had a lot of discussion about at DAC. If they don't have the enclosures in the front, the property owners would have to take the units behind the houses which unfortunately their experience in the Downtown areas and other areas throughout the City is people frequently do not do that. The concern was that if they did not have them provide enclosures that they would end up with a constant enforcement and complaints about trash cans being stored in the front.

Mr. Cregar questioned why the trash cans can't go on the sides of the duplexes? Responding to Mr. Cregar, Mrs. Townshend stated that there is only five (5) feet between the structures so the concern was that it would fill that area pretty quickly and not give very much room to move between the structures.

Mr. Cregar stated that he is trying to visualize how these enclosures are going to look on the front. Responding to Mr. Cregar, Mr. Maupin noted that the buildings are going to site twenty-four (24) feet off of the street. This will allow for the steps coming down and the sidewalk to make an "L" into the driveway. They will have a little bit of a front yard there; it won't be on the curb as the existing structure is today. They have kind of what back and forth with this amongst themselves but

after talking to his builder and architect, they believe that they can accommodate this request. The other issue with having a trash pick-up on the shared driveway in the rear making that a common drive was going to present some other problems. They were going back and forth on this from a design prospective to figure out which one looks the best. Mr. Burgess thinks this is going to look better than the original plan that they had.

Mr. Burgess stated that as far as the trash enclosures, he is thinking that the size was specified but it's probably going to be like a PVC type white fence area that can be opened and closed. So when the trash cans are taking care of they will just push both cans for each unit and close it up. The way that they designed it the driveways to be right in the center. He envisions the enclosures to be right in between the two center twin windows. Once you come out of the steps because they expanded the entryway and changed it so that the parking isn't right in front of the door and will have the steps and the three (3) foot sidewalk that was requested going to the driveway and then right in the center will be the enclosures. He thinks on the three (3) different buildings it will actually be a pretty nice looking unit.

Mr. Cregar questioned if the applicant was okay with the recommendation for the driveways to be concrete? Responding to Mr. Cregar, Mr. Maupin stated that maybe he read it wrong but he thought the sidewalk leading to the driveway is concrete.

Mrs. Townshend stated that it states both in the report.

Mr. Maupin stated that the only issue that he might have with it is that they were discussing pervious versus impervious type of paving and obviously with concrete they won't be able to do that. Asking for the driveway to be concrete, was that aesthetics? Responding to Mr. Maupin, Mrs. Townshend stated that it was aesthetics and maintenance. They find a lot of areas where the asphalt driveways get kind of chewed up by the grass and the weeds. Just because this is such a tight area, the concern was that if you have one property owner who doesn't maintain their asphalt then it could significantly change the whole project.

Mr. Maupin stated that they see no issue with that at all.

Mr. Holt stated that he had an asphalt driveway for a long time and they finally took it out and put in a concrete driveway. It has been such a big an improvement that he would never have another asphalt driveway if he had a choice. He always had to patch or seal the asphalt driveway. It actually makes the property look 100% better.

Mr. Holt questioned if this was going to be like a condo association? Responding to Mr. Holt, Mr. Maupin stated no, these will be six (6) individual lots, all separately owned and no condo association. With the proposal they are going to have a little bit more grass in the front so from a lawn care perspective, a little more is going to be on the homeowner with this design instead of having just a big open grassy area in the back yard. There will be more front maintenance required for the homeowner.

Mr. Holt further questioned if each homeowner would be responsible for his owner property? Responding to Mr. Holt, Mr. Maupin stated that was correct.

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

Mr. Holden moved to approve the Conditional Use application C-16-03 Duplexes at W. Reed Street and South Kirkwood Street, seconded by Mr. Holt and the motion was unanimously carried 5-0 by roll call vote. Mr. Holden voting yes; he thinks it's a good addition for Downtown and it appears to comply with Conditional Use and infill standards of the Zoning Ordinance and he is looking forward to revitalization of that area. He thinks residents in that area is a good thing. Mr. Cregar voting yes; this supports the Downtown Development District and Restoring Central Delaware and he concurs with Mr. Holden's reasons also. Mr. Holt voting yes; it's a win-win for the City of Dover and the removal of the old Square Club is a real plus. Mr. Baldwin voting yes; he is glad to see that green building leave. Mr. Tolbert voting yes; it's something that should have happened at that particular site. The old Square Club building was a terrible eye sore and this will be a dramatic change to the site and he is glad to see that.

3) US-16-01 Delaware Technical Community College Comprehensive Sign – Public Hearing and Review of a Unified Comprehensive Signage Plan application to amend the applicant's existing approved Signage Plan (US-13-02) to permit additional banners totaling 418 S.F., to be placed on multiple buildings on the Delaware Technical Community College campus. The property is zoned IO (Institutional and Office Zone). The property is located on the west side of North DuPont Highway between West Denney's Road and Scarborough Road. The owner of record is State of Delaware – Delaware Technical & Community College. Address: Delaware Tech Terry Campus, 100 Campus Drive. Tax Parcel: ED-05-057.00-01-00.000. Council District 3. *This application is associated with US-13-02 approved by the Planning Commission on December 16, 2013 with Final Plan approval on January 14, 2015.*

Representatives: Ms. Dana Sawyer, Delaware Tech; Mr. Allen Henson, Delaware Tech

Mr. Cook stated that this case is an amendment to approved Sign Plan US-13-02. This was a Comprehensive Unified Sign Plan for their entrance signage that the Commission approved a couple of years ago and was constructed not that long ago. This case is one of those cases where you think something should be simple and it isn't. The applicant approached us wanting to put up some banners to commemorate the 50 year anniversary of the institution. As stated in the report, the City has a Temporary Sign Permit program to allow placement of temporary signs for special events, sales and things of that nature. The applicant wanted to be able to display these signs for the duration of the calendar year of 2016. Unfortunately, the Temporary Sign provisions of the *Zoning Ordinance* only allow for display up to ninety (90) days in a calendar year on a property. Additionally, the Temporary Sign Permit provisions only permit two (2) signs per property up to a total of one hundred (100) SF. There are special provisions in the *Zoning Ordinance* for a grand opening but this isn't a business so they couldn't really go that angle. What they decided was that the best way to accomplish this was to amend the existing Unified Comprehensive Signage Plan to allow for the placement of the banners to commemorate the anniversary of the institution. However, in the future the applicant can change these banners around and use the space for whatever they want to use it for up to the size that the Planning Commission approves. So they would be able to use that space forever without having to apply for Temporary Sign Permits for any reason. There are three (3) different banners. In the packet there is a Site Plan and what they look like. They are on three (3) different buildings on the campus. There were a lot of gray areas and sort of holes that

this fell into that unfortunately just didn't work out favorably so that's the reason they have to go through this process. Normally on a campus such as this, if a sign isn't visible it doesn't even require a permit. The sign that's going to be on the building closest to Scarborough Road, because of the angle of the wall he isn't sure that it's going to be visible from the public right-of-way. It will be visible from the Campus. If you struggle to look for it from the right-of-way you might find it. The most visible sign is going to be on Building 200 which is on North DuPont Highway. It's a smaller building that's fairly close to Route 13. The other banner is going to be on a building off of Scarborough Road and then the third banner is going to be facing West Denney's Road. Staff recommends approval of the plan; it represents harmonious concept incorporating colors of the university and the college logo. The number, type and the size of the signs are appropriate to the building size, the distances from the public roadways and the different street classifications as we define them in the Sign Regulations of the *Zoning Ordinance*.

Mr. Tolbert questioned if they remove these banners with 50 year anniversary can they put anything up there? Responding to Mr. Tolbert, Mr. Cook stated that's the idea of putting in this plan. They would be limited to the size that this plan approves for them. The design can change but the size would have to stay these sizes or under and the locations approved as well.

Ms. Sawyer stated that they have nothing else to add. They are in agreement with everything stated by Mr. Cook.

Mr. Cregar questioned if they are amending what was really their Master Sign Plan before to allow these additional signs? Responding to Mr. Cregar, Mr. Cook stated that was correct.

Mr. Cregar stated that once they receive approval and the 50 year celebration is over, is there any thought as to what might go there at this point in time? Responding to Mr. Cregar, Ms. Sawyer stated that they may put up something like "Register Now, Classes Beginning" or something of that nature.

Mr. Cook stated that he believes that the signs are up at this time. They did find a loop hole within the Temporary Sign Ordinance to allow the signs to be placed up to the ninety (90) days. Basically, they started on January 1 and they are on their ninety (90) day clock and when that clock runs out it reverts to this plan assuming that it is approved.

Mr. Holt questioned if along with the signs is the school planning to have any kind of celebration or function to celebrate 50 years? Responding to Mr. Holt, Ms. Sawyer stated yes, they have numerous activities planned throughout the year and it's all listed on their website.

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

Mr. Holt moved to approve US-16-01 Delaware Technical Community College Comprehensive Sign Plan, seconded by Mr. Cregar and the motion was unanimously carried 5-0 by roll call vote. Mr. Holden voting yes; it makes sense, seems visually appealing and it seems to follow the Sign Ordinance. Mr. Cregar voting yes; he agrees with Staff in that he thinks the size and the location will be harmonious with the area and certainly represent the college very well. If we would have had these as part of the original Unified Sign Plan they would have probably approved them at that

point in time so he thinks this is fitting. Mr. Holt voting yes; he is sure this is going to be a real plus for the college and it helps them show off their 50 year anniversary. Mr. Baldwin voting yes, for all of the previously stated reasons. Mr. Tolbert voting yes; he has no problem with the application.

4) US-16-02 Winner Ford Comprehensive Sign Plan – Public Hearing and Review of a Unified Comprehensive Signage Plan (US-02-01) and permit the construction and implementation of new signage for multiple buildings of the motor vehicle sales and service facility. The subject property is a total of 9.94 acres ± and is zoned C-4 (Highway Commercial Zone). The property is located on the east side of South DuPont Highway just to the north of Public Safety Boulevard. The owner of record is 591 DuPont Highway LLC. Property Address: 592 South DuPont Highway. Tax Parcel: ED-05-077.00-01-12.05-000. Council District 2. *This application will supersede US-02-01 approved by the Planning Commission on January 22, 2002.*

Representatives: Mr. Dale McCalister, First State Signs; Mr. Joseph Lazorick, Montchanin Development Group

Mr. Cook stated this is a review of Unified Comprehensive Signage Plan US-16-02 that would supersede the applicant's existing approved Signage Plan which was US-02-01 that was approved about fifteen (15) years ago. It will permit the construction and implementation for new signage for multiple vehicles (brands) of the motor vehicle sales and service facility. The new signage would consist of an additional pylon sign, wall signs and post and panel directional signs. The subject property is 9.94 acres and is zoned C-4 (Highway Commercial Zone). The property is located on the east side of South DuPont Highway and north of Public Safety Boulevard.

The Commissioners have a Plan Book in their packets as well as a Site Plan but all the information needed for tonight is in the Plan Book. There was a recent Site Development Plan S-14-02 for the new Ford showroom and Final Plan approval was done in October 2014. Building Permits are issued and construction is almost done on that project. This plan is going to replace US-02-01, a previously approved Comprehensive Signage Plan. The reason this plan came about is because there has been a lot building changes on that property subsequent to when the US-02-01 was approved. He thinks the Hyundai building was new. There have also been changes in the brands that were offered on the property. Formerly, there was Mitsubishi and Kia so that has all changed. Some time ago a former Planner made a suggestion that at some point the whole property should be brought back for a new plan to encompass the changes to the site. In the Plan Book submitted by the applicant, the first ten (10) pages were provided to demonstrate how the site has changed and then the fact that overall this Plan is a net reduction in signage in terms of the number of signs on the site. Going through the application, Staff gave an overview of the rationale for a Unified Comprehensive Sign Plan and what qualifies. This one qualifies because it has the street frontage on Route 13. There is a minimum that you have to apply for a Unified Comprehensive Signage Plan and of course as you know a Unified Comprehensive Signage Plan allows for the ability to increase the number area or type of sign versus the standard Sign Ordinance. The Plan Book has the designs for the different signs and the locations and then Table 2 on page 5 has a summary of the signage area for each building by type and the dimensions of each sign.

Staff recommends approval of US-16-02 to include 1,139 SF of total signage as described in the submitted plan. There is one pylon sign which is proposed at the corner near Public Safety Boulevard and Route 13 and this is going to be a sign advertising their multi-brand servicing

meaning that they are going to service any kind of vehicle not just Ford or Hyundai. They feel that the property has the significant frontage to allow for this and also they note that not too far from where this sign is proposed to be, there used to be a Mitsubishi pylon sign in the past which was subsequently removed. The use of pylon signs in the proposed scale is appropriate for the use of property as a car dealership representing more than one brand. Also, the three (3) other pylon signs on the site are existing so there's no change there. In terms of the wall signage, most of the wall signage on this plan relates to the Ford building so it will be four (4) signs on the wall facing Route 13. The Hyundai building is not changing. The wall signage that's on the service and body shop in the back really isn't going to be visible from the public right-of-way but it's included with the Signage Plan. In terms of directional signs, there's a new design of directional signs which is consistent compared to the previous assortment of directional signs that used to be on the site. Staff feels that it's a visual improvement that will guide way-finding on the property.

Mr. McCalister stated that they agree with Staff. When they brought the plan in they were working off the old plan. They are tearing down the old Mitsubishi building and those two (2) pylons were already gone. They had one in the pond and another one by the building so it's a reduction from what they did last time and is pretty clean.

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

Mr. Cregar moved to approve US-16-02 Winner Ford Comprehensive Sign Plan, stating that having reviewed the DAC Report and having been to the site it seemed like there were a lot of signs when looking at the plan but when you look at it in its concept and how it's going to blend together and pull those buildings together, he believes that it's in the best interest to approve this Unified Sign Plan, seconded by Mr. Baldwin and the motion was unanimously carried 5-0 by roll call vote. Mr. Holden voting yes, due to Staff comments and other comments offered. Mr. Cregar voting yes, based on Staff comments and actually seeing the site. Mr. Holt voting yes; he feels like it will be a big improvement for the site. Mr. Baldwin voting yes. Mr. Tolbert voting yes; the signs are consistent with what they are all about and there are no problems with the plan.

5) S-16-06 Grace Presbyterian Church Site Development Master Plan at 350 McKee Road – Public Hearing and Review of a Site Development Master Plan application to permit construction in six phases consisting of three building additions and a parking lot expansion. The building additions would total 20,857 S.F. ±. The Plan also proposes demolition of a 1,485 S.F. ± building near the western edge of the site. The total building area on site after completion of the Plan would be 43,307 S.F. ±. The property is zoned IO (Institutional and Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the west side of McKee Road south of College Road. The owner of record is Grace Presbyterian Church, Inc. Address: 350 McKee Road. Tax Parcel: ED-05-067.14-01-70.01-000. Council District 4. *Waivers Requested: Elimination of Opaque Barrier Fence Component and Partial Elimination of Curbing. This application is associated with Application V-15-15 a variance request to exceed the maximum number of parking spaces as approved by Board of Adjustment on December 16, 2015.*

Representatives: Mr. Raymond Harbeson Jr., Grace Presbyterian Church

Mr. Diaz stated that is a Site Development Master Plan. It proposes adding about 20,000 SF onto an existing 22,000 SF church building over six (6) separate phases. The property is zoned IO (Institutional and Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone) and is located on the west side of McKee Road south of College Road. The City and the church have worked together a couple of times in the past on this property. In 2010 they went before the Planning Commission and City Council to get their current zoning classification and in 2011 the Planning Office approved administratively a Parcel Consolidation Plan that turned the four (4) parcels on their property into one (1) parcel. The City records still show the property as four (4) parcels but they have been moving forward with this Site Development Master Plan under the assumption that the deed was successfully recorded at Kent County. Most recently in 2015, they went before the Board of Adjustment to allow more parking on-site than the *Zoning Ordinance* allows. They need that Variance because they plan to build most of the parking that they need on-site in an earlier phase than the buildings that would allow that parking.

The first phase consists of most of the site work. They are expanding the parking lot and also adding some stormwater management facilities. The second phase is a hospitality addition that is essentially an expansion of the connection between the two (2) halves of the existing building. The third phase is a new sanctuary that is about 10,000 SF. The fourth phase is the demolition of an existing house that's on the west side of the property. The fifth phase is interior renovations to the old sanctuary that would turn it into two (2) floors so that would without extending the footprint of the building, add about 3,200 SF. The sixth phase would be adding a new multi-purpose room that's about 3,500 SF. Since this is a Site Development Master Plan, what Staff will be asking the Commission to do tonight is approve the overall Master Plan and then the individual phases would go through Staff for individual Administrative Site Plan reviews.

There are a couple of things that Staff asked the applicant to change during the DAC meeting. Most importantly, the Fire Marshal wants the fire lane to come up around the northwestern side of the site so that they would be able to access the addition. The applicant has assured Staff that they can make the changes that are being asked. There are a couple of waiver requests attached to this application. One is a waiver request for upright curbing around portions of the edges of the parking lot and they are requesting those to allow better stormwater flow to their stormwater management facilities. The other request is for a waiver of the opaque barrier requirement along the southern edge of the property. That barrier would ordinarily be required because it's zoned residential on the other side but it's actually another church there and Liberty Church sent a letter concurring with the applicant's waiver request. It is also a forested property line so it's partially opaque already.

The architectural drawings are particularly important because this building is in the COZ-1 (Corridor Overlay Zone) so the building side that faces McKee Road is the corridor elevation. It has more strict requirements for architecture than the base zoning. They look for functioning windows and architectural features on the façade but based on the drawings that the applicant gave, Staff is satisfied that it would meet the requirements of the COZ-1 (Corridor Overlay Zone). When the individual phases come back through to Staff, they will be reviewing the architecture in more detail. Staff is recommending approval of the Master Site Development Plan and they would also ask the Commission to act on the two (2) waiver requests for upright curbing and for the opaque barrier.

Mr. Harbeson stated that as Mr. Diaz stated, in addition to the advertisement requirements for this public hearing they did meet with the property owners adjacent to their church and explain their plans to them. They did get a letter from Liberty Church supporting their waiver request and just today he was handed a letter from the Hamlet Homes Association which is the other residential community supporting their waivers as well.

Mr. Harbeson presented a copy of the letter from the Hamlet Homes Association.

Mr. Tolbert stated that Phase 5 says it's an interior church addition. Are they enlarging the church? Responding to Mr. Tolbert, Mr. Diaz stated that the sanctuary is two stories tall but because it's a church it's an open interior two story space so the renovation would actually add a floor inside the building.

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

Mr. Cregar questioned if the applicant agreed with all of the DAC comments and recommendations that were brought forth by Staff? Responding to Mr. Cregar, Mr. Harbeson stated that they agree with everything and they have worked very closely with Staff for about five (5) years on this Master Plan and they have been very helpful.

Mr. Cregar stated that it's very ambitious; it's going to be a great site.

Mr. Cregar moved to approve S-16-06 Grace Presbyterian Church Site Development Master Plan at 350 McKee Road to include the waivers for the elimination of curbing and the opaque barrier that would be required under normal conditions, seconded by Mr. Holt and the motion was unanimously carried 5-0 by roll call vote. Mr. Holden voting yes, due to near resident support for the project, Staff comments, the applicant's acceptance of Staff and DAC comments. He also thinks that it's a well thought out Master Plan. He appreciates all of the hard work that it takes to get to that point. Mr. Cregar voting yes, for the reasons given by Mr. Holden and it meets the City's Master Plan requirements and it will be a really great site. Mr. Holt voting yes; he feels that it's a very nicely laid out Master Plan and it's going to be a plus for the church. Mr. Baldwin voting yes; it's a very good plan that's going to be a beautiful addition to the church. Mr. Tolbert voting yes; due to Mr. Diaz's thorough review and clarification on some questions that he had.

6) S-16-07 The Arbors Senior Garden Apartments at 1051 College Road – Public Hearing and Review of a Site Plan application to permit construction of a 48-unit senior garden apartment complex. The project consists of a proposed three-story 55,350 S.F. residential building and associated site improvements, including construction of an improved public street (Senior Way) on existing right-of-way connecting College Road and Topaz Circle. The parcel is divided into two discontinuous areas on either side of the right-of-way and totals 3.77 acres. It is zoned RG-2 (General Residence Zone). The property is located on the north side of College Road and west of McKee Road. The owner of record is Shree Ganesh LLC. Address: 1051 College Road. Tax Parcel: ED-05-067.00-01-35.03-000. Council District 1. *Waivers to be Requested: Partial Elimination of Curbing. Project includes review of an Active Recreation Plan. A previous Conditional Use Site Plan C-10-02 The Arbors Condominiums was reviewed by Planning Commission in August 2010 but has since expired.*

Representatives: Mr. Alex Schmidt, Century Engineering Inc; Mr. Douglas Barry, T&M Associates

Mrs. Townshend stated that this property is known as The Arbors Senior Garden Apartments. It's located on College Road just west of McKee Road. This project has been before the Planning Commission on three (3) other occasions. First back in 2005 as College Road Garden Apartments, it was a Planned Neighborhood Design Senior Citizen Housing Option. After it expired, it came back again as The Arbors Planned Neighborhood Design Senior Citizen Housing Option. At that point in time the road right-of-way for Senior Way was platted as part of that plan so the road right-of-way for Senior Way was recorded in 2009 but then the Site Plan expired and The Arbors Condominiums came back to the Planning Commission in 2010. That plan has also since expired. The proposed plan has forty-eight (48) dwelling units on 3.77 acres.

There is a revised plan sheet that is on the Commissioner's desks that shows some of the changes to the plan. Most notably is the removal of ten (10) parking spaces. There were ten (10) parking spaces that were within or partially within the front yard of the property as it relates to Senior Way. There is a written request for a reduction of ten (10) spaces to bring the parking down to ninety-eight (98) spaces instead of one hundred eight (108) spaces. As a part of that, they will need to on their Final Plan, show where that parking would be accommodated in the future if they were to need it. Part of that justification for the parking reduction is that these will be senior apartments. This is not however coming to the Commission as a Senior PND. The other waiver request that is requested by the applicant is the partial elimination of curbing and that again is to facilitate stormwater. There is an Active Recreation Plan because of the size and the density being proposed. There is a minimum Active Recreation Area of 150 SF per dwelling unit required or a minimum per project of 10,000 SF. Therefore, 10,000 SF is required. The Commission does have the Active Recreation Plan on the sheet in front of them. The report indicates that there is about 21,000 SF of active recreation based on the calculation of 150 SF per dwelling unit or 10,000 SF total; 10,000 SF is what is required. What they did is changed the calculation to incorporate the path but not a lot of the lawn area around the path. The Active Recreation Area proposal submitted includes a walking path on the west side of Senior Way along with a gazebo in that area. That was reviewed by the Parks, Recreation and Community Enhancement Committee last week at their meeting on the March 15, 2016.

Renderings of the building are consistent with what was approved before. The building is three (3) stories and the height is listed as 38 feet and 6 inches to the mean height between the eave and the ridge which is how they determine height for things with this type of roof. They do have bicycle parking proposed; they have a bicycle rack proposed near the front entrance sidewalk. They will need to install sidewalks along the public street frontages including Senior Way. They have provided the emergency rear access that is required for apartments. The other DAC agencies have reviewed this and offered their comments as well. The stormwater management plan is still active from its prior approval so at this point they would be working through the City's process and DelDOT's approval for the final approvals.

Mr. Tolbert questioned if the pathway was a walking pathway? Responding to Mr. Tolbert, Mrs. Townshend stated yes, it's a five (5) foot wide walking path.

Mr. Tolbert questioned how long the pathway would be? Responding to Mr. Tolbert, Mr. Barry stated two hundred (200) yards; it circulates through the site so it's continuous path.

Mr. Holt stated that it looks like the walking path will be concrete. Responding to Mr. Holt, Mrs. Townshend stated yes.

Mr. Barry stated that he just wanted to reiterate since this project has been approved twice but expired because it was never constructed. The first time it was approved it was senior only, the second time it was approved it was non-senior. This time it is definitely going to be deed restricted to seniors.

Mr. Tolbert opened a public hearing.

Mr. Thomas DiSabatino – 346 Topaz Circle Dover, DE 19901

Mr. DiSabatino stated that he is a five (5) year resident in Emerald Pointe which is property adjacent to this project. He is here basically to voice concerns of some of the neighbors considering the concern about joining Topaz Circle with Senior Way and the traffic situation that would result from it. The intersection at McKee Road and College Road is a high traffic area. A lot of traffic goes through there during the daytime, he guesses to get to Kraft and the Edgewell factories. It's pretty much very busy for twelve (12) hours a day. Emerald Pointe only has one entrance into it at the moment and that entrance is on McKee Road and for approximately twelve (12) hours a day it's very difficult to make a left turn out of there to head in the direction of Del-Tech. A right turn from that entrance is not so bad. He thinks there has been one fatality at that location since he has been living in the development for the past five (5) years. The residents are concerned since that is such a high traffic area that people making a left turn at College Road and McKee Road might start to use Senior Way and Topaz Circle to avoid the long wait to make a left hand turn during rush hour. He thinks the signal at this location is about thirty (30) seconds long which allows about five to six (5-6) cars through to make that left turn. They are also concerned that they may be missing that intersection completely by coming off of McKee Road into Emerald Pointe and exiting Senior Way onto College Road. Frankly, he doesn't see the benefit of all that extra traffic through the neighborhood to the residents of this proposed complex and their residents. It seems to him that over time it's going to become a cut-through to try voiding that intersection at College Road and McKee Road.

Mr. Dan Maler – 16 Inverness Court Dover, DE 19904

Mr. Maler stated that his concerns are basically the same as Mr. DiSabatino but from the College Road viewpoint. Coming out of Fox Hall right now making a left hand turn is very difficult. He has measured it since he has heard about this meeting from the entrance of the Woodlands of Fox Hall to the exit of the shopping center on the east side of the corner is approximately 2/10 of a mile. You already have three intersections in this area, the Woodlands, Hidden Oaks and the Shopping Center and on the opposite of the road you have two (2) churches and the business center on McKee Road. The traffic is just ridiculous now and to add another street he thinks it's just an accident waiting to happen unless there is going to be improvements to that intersection and that road. If you go out there in the mornings and the evenings, the traffic is backed up halfway to Hidden Oaks because of that light. He doesn't have any problem with the Senior Apartments, he just has a major problem with the extension of the road out to State College Road. He doesn't think they need another

intersection there at this point in time. Responding to Mr. Maler, Mrs. Townshend stated that DelDOT reviews the entrances.

Mr. Maler questioned if DelDOT had approved the entrance or if they were still reviewing it? Responding to Mr. Maler, Mrs. Townshend stated that they are in the process. It had been approved in the past. DelDOT says that it was received for formal review in February and that they would be issuing comments and then the applicant would address them. We do not have the detailed comments from DelDOT at this time.

Mr. Maler stated that the road has not been approved at this point. Responding to Mr. Maler, Mrs. Townshend stated that Senior Way has been recorded; that was recorded back in 2009 after the plan went to the Planning Commission in 2007.

Mr. Maler stated that he understands that but they are now talking about seven (7) years later and the traffic conditions were very much different from when it was originally approved. So he is wondering where they stand now. Responding to Mr. Maler, Mrs. Townshend stated that DelDOT will be doing a full review of the entrance at College Road with the traffic generation that would be expected from both this and any traffic associated with Emerald Pointe.

Mr. Maler stated that he is anticipating at least sixty (60) vehicles if there are forty-eight (48) units even if it's senior center because more people have two (2) cars today. If you add the traffic from Emerald Pointe, you would be talking about one hundred (100) cars a day.

Mr. Tolbert questioned if Mr. Maler had talked to DelDOT about his concerns? Responding to Mr. Tolbert, Mr. Maler stated no because he just recently found out about this project. He has concern about the traffic; he thinks there are too many outlets on State College Road in 2/10 of a mile.

Mr. Tolbert stated that DelDOT was aware of this situation. Responding to Mr. Tolbert, Mr. Maler asked if there was a contact person at DelDOT for him to contact?

Mrs. Townshend stated that the entrance permit is only granted after the DelDOT Planning Section has coordinated the development review with all of the sections in DelDOT. So at this point what they are looking at is the entrance and whether there would need to be any modifications to College Road in the area of the entrance which could be things like deceleration lanes, acceleration lanes or turn lanes.

Mr. Maler stated that was his question, if there were any plans to approve that would maybe change his perspective but a two (2) lane road now with that intersection is not going to work. The right turn lane onto State College Road is ridiculously short and that's one of the reasons why traffic backs up at the light. Responding to Mr. Maler, Mrs. Townshend stated that Mr. Barry has met with DelDOT so he might have some of the preliminary information.

Mr. Barry stated that they have had several meetings with DelDOT. They have done a detailed traffic analysis and while it's in the infancy of the review process they do know that there is going to be right turn lane requirements, bike lane requirements, deceleration lane requirements but they won't know what the final permits will be until it's gone through the cycle of DelDOT's review and approval process.

Mr. Tolbert questioned if the applicant would be in contact with the residents in the area regarding this matter after getting a resolution from DelDOT? Responding to Mr. Tolbert, Mr. Barry stated that he can.

Mr. Tolbert stated that Mr. Maler may want to be in contact with the residents afterwards because there is a traffic concern there and it's going to continue to be a problem in that area. That is not something that the Planning Commission can resolve. They can disapprove the application but they have to have a reason to do that. But he suggests that the problem be taken to DelDOT because they have the say so over that traffic situation. The applicant is already in contact with DelDOT but he should be in contact with DelDOT also so that he is aware of DelDOT's plan.

Mr. Holden stated that the challenge of entrances and traffic onto the road is one that we certainly deal with. Any property owner because they weren't there first still also has a similar right to access to the road and so it's a challenge that we face as any area grows. The intersection of McKee Road and College Road is known be of issue and that's a point for any citizen to push with DelDOT to address that. They also have to be cognizant of that because this project comes after others doesn't mean that they have a diminished right to State College Road to get to and from their project. They have to build to certain standards; the Site Plan shows bike lanes, deceleration lane, easement for other improvements so they are held to a standard that past developments were not. So they do carry some greater burden but it is also a challenge that we deal with. Is the connection to Topaz Circle is under DelDOT's specific direction or is that City purvue? Is there something that pushes for the connection? Is that a connection that the project desires or one that's required? Responding to Mr. Holden, Mrs. Townshend stated that the connection at Topaz Circle is under the City's review. She doesn't believe that it's under the Planning Commission at this point in time. The right-of-way is platted; it exists. When Emerald Pointe was designed it has a sub-street that connects to this property in anticipation of development of this property. The Subdivision Ordinance requires that when you have a development that exceeds twenty (20) lots that you have to have two (2) connections to a public road. This is that second connection to a public road for Emerald Pointe. She thinks that if this were to be modified, eliminated or blocked, they would have to determine what process that would be but she thinks that would go through a process where there would need to be a request to waive the request of the requirements of the Subdivision Ordinance and to expunge the right-of-way. This is a separate process that she believes would come through here but ultimately ends up at City Council.

Mr. Holden stated that he understands the concerns of the thru traffic. He doesn't know that he would think driving through the residential development would be a short cut because of the challenges of getting back onto McKee Road. If traffic is backed up at the intersection, traffic on McKee Road is going to be very busy too so he would hope that it wouldn't be seen as a shortcut. He doesn't know that he would see it as a shortcut; he would think heading to the stop light to take the right would be the faster route there as well. It's always a concern as you interconnect roads but it's also the intent of what the right-of-way that's been platted. There's some history for the intent for that to occur when these different properties build out and so he doesn't know that the Planning Commission has too much to say there. Talking to your City Council person might be a route or talking to DelDOT might be a route to overcome it and amend that connection as its planned right now is a relatively high hurdle. There are some pieces to get through but it is certainly something to push as a resident position.

Mr. Maler stated that he understands that if there is an open lot that something is eventually going to be there. His concern about improvements to State College Road cannot be answered by anyone tonight and the inclusion of Emerald Pointe brings additional traffic other than the complex that's going in. You aren't just talking about forty-eight (48) units worth of cars or traffic coming in and out; you are talking about a whole other neighborhood which is apparently in excess of twenty (20) residential lots. You are bringing additional traffic other than what's being built there. Responding to Mr. Maler, Mr. Holden stated that is specifically under DelDOT's purvue and that is going through the entrance plan process. DelDOT takes a look at the potential traffic. They take a look at whether you have to do a Traffic Operational Analysis or a Traffic Impact Study, whether off-site improvements are warranted and so DelDOT carries the ball there with looking at that issue.

Mr. Maler stated that he has a contact at DelDOT that he can talk to but he thought that Mrs. Townshend just stated that the connection between Emerald Pointe and Senior Way is the City's purvue not DelDOT's. Responding to Mr. Maler, Mr. Holden stated that as he understands it, it's driven by the Subdivision Ordinance. It's platted right-of-way has been made plain that that was the intent when Emerald Pointe was approved but also when this project had a prior approval that did end up being recorded. DelDOT is going to have that knowledge and they are going to have that knowledge of the potential traffic in the residential area and from this. But if his concerns are truly valid DelDOT is the one who looks at those concerns then he needs to speak with them regarding it.

Mr. Maler stated that if this project wasn't being built would Senior Way be coming through now even though Emerald Pointe is over by twenty (20) units or would it still be blocked up like it is now? Responding to Mr. Maler, Mrs. Townshend stated that the City would not construct Senior Way.

Mr. Maler stated that Senior Way is being driven by this project. Responding to Mr. Maler, Mrs. Townshend stated yes.

Mr. Cregar stated that the access onto College Road provides the second access to what would be Emerald Pointe also. Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Cregar stated for public safety, that was always considered to be part of what would be needed. Responding to Mr. Cregar, Mrs. Townshend stated yes. To give a comparison, the reason for the requirement for multiple points of access exist is because of what they ended up with along Route 8 and the situation where you have many developments that can only get in and out one way. It is not efficient for traffic for traffic circulation but also if there's an issue, you only have one way in for public safety.

Mr. Richard McKee – 1021 West State College Road, Dover DE 19904

Mr. McKee stated his property abuts the planned property to the west side. He noticed on the agenda that the owner is listed as Shree Ganesh LLC. Is it anticipated that this be the owner of the property at the time of construction of this project? He noticed that there has been out there for quite some time a real estate sign for R&R Real Estate. He presumed the property was for sale. Responding to Mr. McKee, Mrs. Townshend stated that the City doesn't have a role in ownership transfer.

Mr. McKee stated that the traffic concerns are very real; he sees them from his living room window every day. As for connecting Topaz Circle and Senior Way, he has a suggestion that entry and exit from Senior Way onto College Road probably should be right turns only under current conditions and as for in and out of Topaz Circle he suggests that it be gated and accessed only by emergency vehicles. You have the fire station right down the road and it would certainly be a blessing to them to be able to have that and having limited access to emergency vehicles only would eliminate the cut through issue that is being brought up this evening.

Mr. Tolbert stated that everyone who spoke during the public hearing tonight should get together after the meeting.

Mr. Tolbert closed the public hearing.

Mr. Holden moved to approve S-16-07 The Arbors Senior Garden Apartments at 1051 College Road including the two (2) waiver requests for upright curbing and required parking and inclusion of all Staff comments, second by Mr. Holt.

Mr. Cregar questioned if the recreation part of this is also part of what they need to approve? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Holden moved to approve S-16-07 The Arbors Senior Garden Apartments at 1051 College Road including the two (2) waiver requests for upright curbing and required parking and inclusion of all Staff comments and the Active Recreation Plan, second by Mr. Holt and the motion was unanimously carried 5-0 by roll call vote. Mr. Holden voting yes, for the reasons stated and Staff comments. Mr. Cregar voting yes; the concerns mentioned tonight are legitimate and we need to rely on the State to look at this entrance as part of their overall review and whatever recommendations they make the Commission would have to adhere to. Mr. Holt voting yes, with the hope that they can get the traffic problem worked out for this roadway. Mr. Baldwin voting yes, for the reasons previously stated. Mr. Tolbert voting yes; he is fully aware of the concerns that have been expressed but the applicant will work closely with the Staff and DelDOT.

7) MI-16-02 Text Amendment: Keeping of Domestic Animals and Keeping of Chickens – Public Hearing and Review for Recommendation to City Council on a series of Text Amendments to *Zoning Ordinance*, Article 3 – District Regulations, Section 1.15d. The proposed Ordinance revisions would amend the accessory uses of the One Family Residence Zone regarding the provisions of keeping of domestic animals and add Article 3, Section 1.15e pertaining to the keeping of chickens and the associated restrictions. Staff Substitute #1 for Ordinance #2016-01. *The Public Hearing and Final Reading before City Council on April 11, 2016.*

Representatives: None

Mrs. Townshend stated that this was a proposed amendment to the Article 3 District Regulations, Section 1 One Family Residence Zones, specifically relating to accessory uses within the one family residence zones. Many of the other residential zones also refer back to the one family residence zones so this applies beyond simply the one family residence zones. What this would do is change some language. It would make it clear that keeping of domestic animals as pets would be permitted

and takes out the references to allowing up to twenty-five (25) foul but then creates a new subsection that would allow keeping of chickens for individual domestic purposes subject to a number of restrictions. When this went before City Council for first reading a question came up as to whether or not this would prevent the keeping of roosters. They thought that had been addressed in the animal control section of the Code but upon review of that section they determined that roosters are not prohibited anywhere in the Code. Therefore, Staff is recommending that a line be added between lines 38 and 39 that would prohibit the keeping of roosters. In terms of the restrictions that they would have on keeping of chickens, you would have to have a quarter acre lot. You could not have more than five (5) chickens on a residential lot and they would need to be registered with the Delaware Department of Agriculture. The purpose of this registration is so if there is some type of avian virus they can notify the owners of chickens. They would require that chickens be penned in a coop that would be at least four (4) square feet per chicken and be located in a rear yard with a minimum of twenty (20) feet from the side and rear yard property lines and that any odor associated with the chickens would not be discernable from the property lines. By June 1st, the properties would have to be in compliance. Properties that are not large enough to have chickens or that have more than five (5) chickens or that are not penned in the proper way would need to be in full compliance by June 1st.

Mr. Holden stated that he is going to abstain from the discussion and voting because he has a bias since he has chickens of his own.

Mr. Cregar stated that he assumes this came about through City Council because there is a problem. Responding to Mr. Cregar, Mrs. Townshend stated that there is an area in the City where there are chickens on a residential lot that the odor is discernable from beyond the property lines and neighbors are concerned.

Mr. Baldwin questioned how many chickens this person has? Responding to Mr. Baldwin, Mrs. Townsend stated that she thinks it was six (6).

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

Mr. Holt questioned if roosters were more of a problem? Responding to Mr. Holt, Mrs. Townshend stated that they are noisy.

Mr. Cregar moved to recommend approval to City Council for MI-16-02 Text Amendment: Keeping of Domestic Animals and Keeping of Chickens, seconded by Ms. Holt and the motion was unanimously carried 4-0 by roll call vote with Mr. Holden abstaining and Colonel Welsh, Dr. Jones, Ms. Still and Mr. Ambruso absent. Mr. Cregar voting yes. Mr. Holt voting yes. Mr. Baldwin voting yes. Mr. Tolbert voting yes.

Meeting adjourned at 9:01 PM.

Sincerely,

Kristen Mullaney
Secretary

FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

March 22, 2016

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

Subject: YMCA of Delaware Kent Swim Club – Site Plan
City of Dover Project No.: C-14-02
1-year Extension Request Letter

Dear Ms. Townshend:

In accordance with the City of Dover requirements, Zoning Ordinance Article 10 Section 2.43(I), we hereby request a 1-year extension for the Site Plan for YMCA of Delaware Kent Swim Club (C-14-02), set to expire April 30, 2016.

This project has experienced significant unavoidable delays due to difficulty in obtaining Sanitary Sewer approval. The site is currently on septic, and over the past two years we have been exploring options to connect to public sewer.

Originally we had attempted to secure approval to connect to the existing public sewer system located in the adjacent English Village Condominium Association. After meeting with the Condominium Association and receiving positive feedback, we pursued this sanitary sewer option. However after preparing the detailed design plans and reviewing with City, we received subsequent negative feedback from the Association preventing us connecting to the public sewer located on their property.

As a secondary option we reviewed connecting to the public sewer located in Fox Hall Drive. For this sewer extension, we needed to cross the DelDOT Kenton Road (KCR 104). To design new sewer across Kenton Road, we had to engage a Subsurface Utility Excavation (SUE) company to perform vacuum exaction test holes at all crossing utility locations. Based on this SUE test hole findings, this proposed sewer routing to Fox Hall Drive, was determined to not be feasible.

With this sanitary issue still unresolved, we plan to again engage the English Village Condominium and need additional time to resolve this sanitary sewer issue. To afford us the necessary time, we are formally requesting a 1-year extension.

Should you have any questions regarding this extension request, please call me at 302-571-6923. Thank you.

Sincerely,

James Kelly

YMCA OF DELAWARE ASSOCIATION OFFICE
100 W. 10th Street, Suite1100, Wilmington, DE 19801
P 302-571-6908 **F** 302-656-5035 www.ymcade.org

PETITION TO ANNEX AND REZONE PROPERTY
Public Hearing Before the Dover Planning Commission

April 18, 2016

File Number:	AX-16-02
Applicant:	Bob Howarth
Owner of Record:	Heartland Delaware, Inc.
Property Address:	1411 & 1417 South Governors Avenue
Tax Parcel ID #:	Parcel C: ED-00-086.09-01-21.00-000 Parcel D: ED-00-086.09-01-22.00-000
Lot Size:	Parcel C: 0.2158 Ac +/- (9,402 SF +/-) Parcel D: 0.4497 Ac +/- (19,588 SF +/-) Total: 0.6655 Ac +/- (28,990 SF +/-)
Present Use:	Commercial, Residential
Proposed Use:	No Proposed Change
Present Zoning:	BG (General Business)
Proposed Zoning:	C-4 (Highway Commercial Zone)
Comprehensive Plan Designation:	Category 2: 0-10 Years Priority Annexation Areas
Comprehensive Plan Land Use Designation:	Residential Medium Density
Utility Availability:	1411 South Governors Avenue is currently served by City of Dover Electric, Water and Sewer. 1417 South Governors Avenue is currently served with City of Dover Electric. Water and sanitary sewer service is available within South Governors Avenue. The property owner would be responsible for the costs associated with tapping the sanitary sewer mains extending services to the property, payment of impact fees, and obtaining permits associated with such improvements.
Staff Recommendation:	Staff recommends that the City proceed with annexation of the subject property.

Summary

This application is for the annexation and rezoning of properties located at 1411 & 1417 South Governors Avenue. The properties are owned by Heartland Delaware, Inc. The Tax Parcel Identification Numbers are: Parcel C: ED-00-086.09-01-21.00-000, Parcel D: ED-00-086.09-01-22.00-000.

Existing Property

Both properties are located on the east side of South Governors Avenue just south of the intersection with Webbs Lane. Parcel C is addressed as 1411 South Governors Avenue and has two buildings. The building closest to the street is a 1 ½ story former residence used commercially, and the rear building is a 2-story building with garage space below. Parcel D is addressed as 1417 South Governors Avenue and has no buildings. Parcel D has frontage on both South Governors Avenue and South DuPont Highway as shown on the Zoning Exhibit Map.

Surrounding Land Uses

Immediately surrounding uses consist of fast-food restaurants (Wendy's and Burger King) that abut both properties proposed to be annexed. Other commercial uses are found farther north and south along the east side of South Governors Avenue. The west side of South Governors Avenue consists of residences.

Comprehensive Plan

In the *2008 Comprehensive Plan* (amended) the property is identified as Category 2: 0-10 Years Priority Annexation Areas with a land use classification of Residential Medium Density.

The Land Use Map 13-2 shows the land to be annexed as Residential Medium Density, however the adjacent land uses that are within in the City limits are Commercial. Map 12-1, the Land Development Plan Map, shows the adjacent property within the City as Commercial. The proposed commercial zoning in this location qualifies as a Minor Variation in accordance with the *2008 Comprehensive Plan*.

Request for C-4 (Highway Commercial Zone)

The types of permitted uses in the C-4 (Highway Commercial Zone) are given in Article 3 §16 of the *Zoning Ordinance*, and include the following: retail stores, business, professional or governmental offices, restaurants, personal service establishments, service establishments, hotels and motels, places of public assembly, bus terminal, wholesale, storage, warehousing, and distribution establishments, indoor or outdoor recreation and amusement establishments, hospitals and medical centers, drive-throughs. There are provisions with restrictions for uses such as motor vehicle sales or service, manufacturing, mini-storage, and adult entertainment establishments. Conditional Uses subject to approval by the Planning Commission include apartments and multi-family dwellings and crematories.

Recommendation of Planning Staff

Staff recommends the annexation of the property and rezoning to C-4 (Highway Commercial Zone) be approved as submitted. The subject property is in the City's Category 2: 0-10 Years

Priority Annexation Area. The C-4 zoning is consistent with the development in the area and is consistent with the Minor Variation criteria set forth in the *2008 Comprehensive Plan*.

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

ADVISORY COMMENTS TO THE APPLICANT

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MARCH 30, 2016

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **LANDS OF HEARTLAND DELAWARE, INC.**

FILE #: **AX-16-02**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

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

1. Our office has no objections to the proposed annexation of tax parcel ED-00-086.09-01-21.00-000 and ED-00-086.09-01-22.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER

1. As per the Petition to Annex and Rezone Property, as heard by the City of Dover Utility Committee, March 29, 2016, please find the following:
   a. 1411 South Governors Avenue is currently served by City of Dover Electric, Water and Sewer. 1417 South Governors Avenue is currently served with City of Dover Electric. Water and sanitary sewer service is available within South Governors Avenue. The property owner would be responsible for the costs associated with tapping the sanitary sewer mains extending services to the property, payment of impact fees, and obtaining permits associated with such improvements.

SANITATION

1. The City of Dover will only provide sanitation service to residential properties. .

STORMWATER / 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.

AX-16-02

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 04/06/16

CITY OF DOVER FIRE MARSHAL

APPLICATION: Lands of Heartland Delaware, Inc.

FILE #: AX-16-02 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. Address numbers of at least 12 inches in height for commercial and 6" in height for residential and must be placed on the street side of the building visible from the street.

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. **The current properties are located in the Camden-Wyoming Fire Company's fire district as outlined by the Delaware State Fire Commission.**

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: March 30, 2016

D E L D O T

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APPLICATION: Lands of Heartland Delaware, Inc

FILE#: AX-16-02 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
April 2016

APPLICATION: Lands of Heartland Delaware, Inc.

FILE #: AX-16-02

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 annexation and rezoning of the above referenced site.

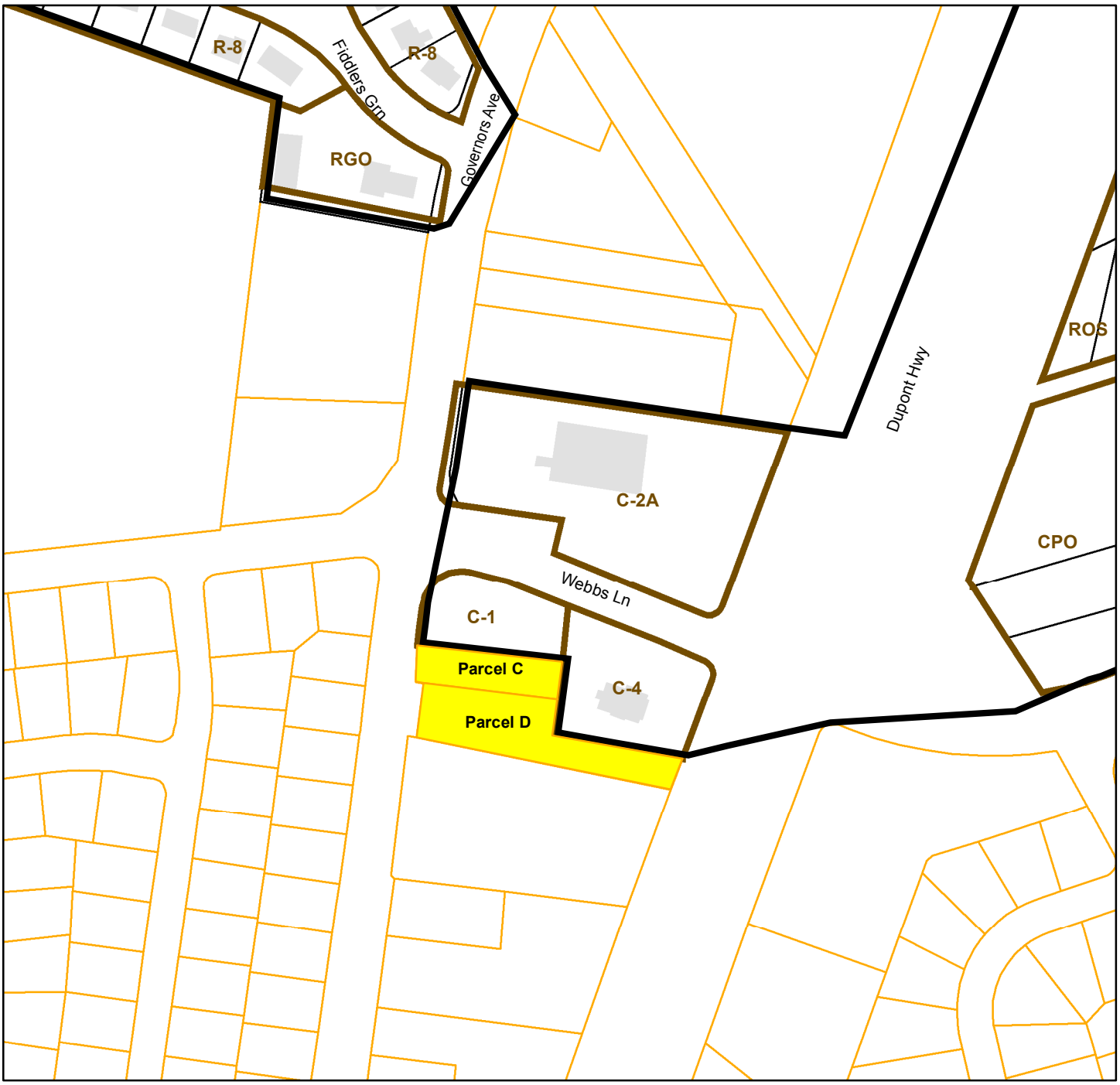
ADVISORY COMMENTS TO THE APPLICANT:

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

City of Dover

Department of Planning & Inspections

Application No.: AX-16-02



Title: Lands of Heartland Delaware, Inc.
Address: 1411 & 1417 South Governors Avenue
Parcel ID: (C) ED-00-086.09-01-21.00-000
(D) ED-00-086.09-01-22.00-000
Zoning: C-4 (proposed)
Owner: Heartland Delaware, Inc.
Date: 2/24/2016

Legend

- Subject Property
- Kent County Parcels
- Dover Parcels
- Zoning
- Dover Boundary
- 2012 Buildings

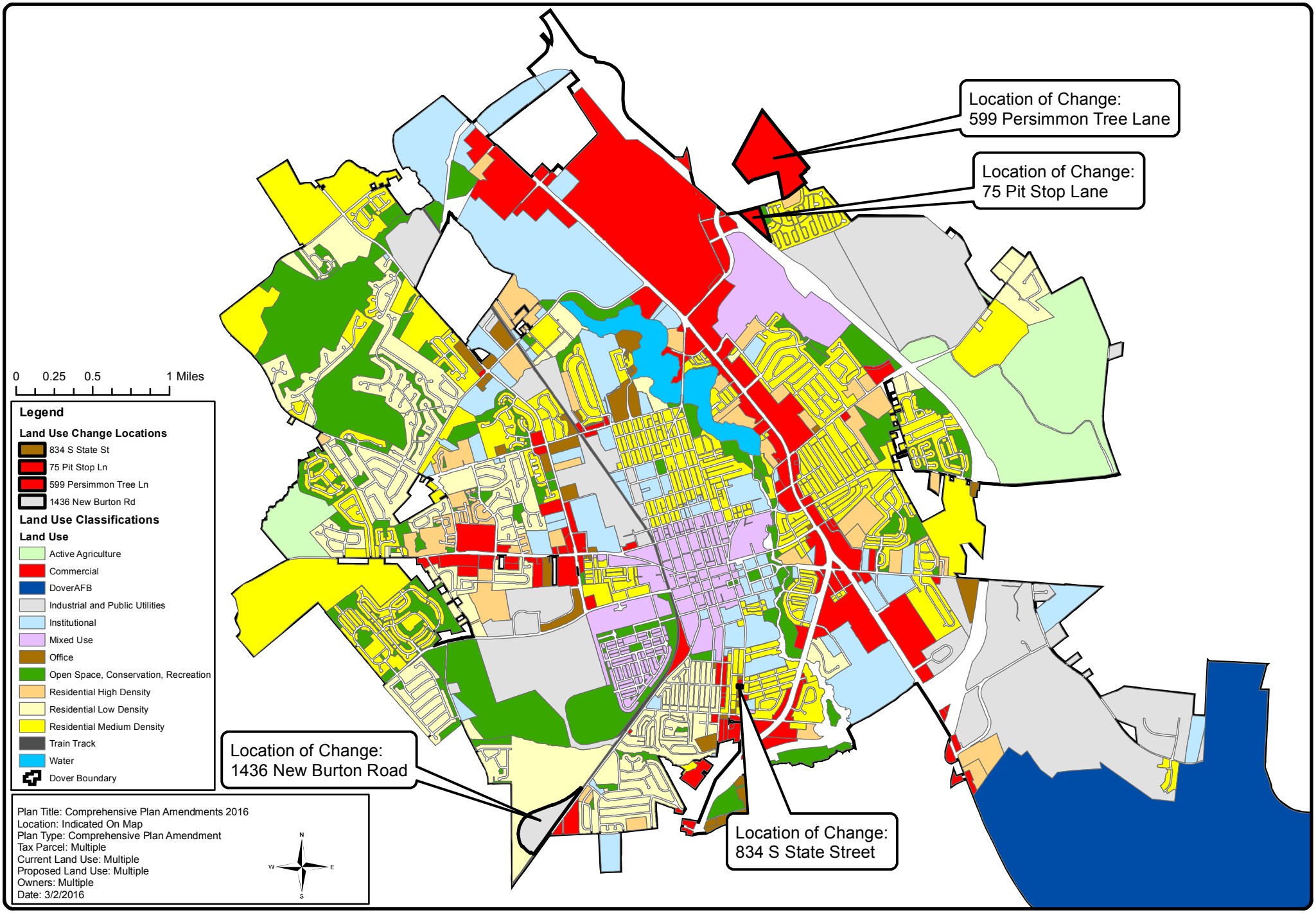
N W E S

0 125 250 500 Feet

City of Dover

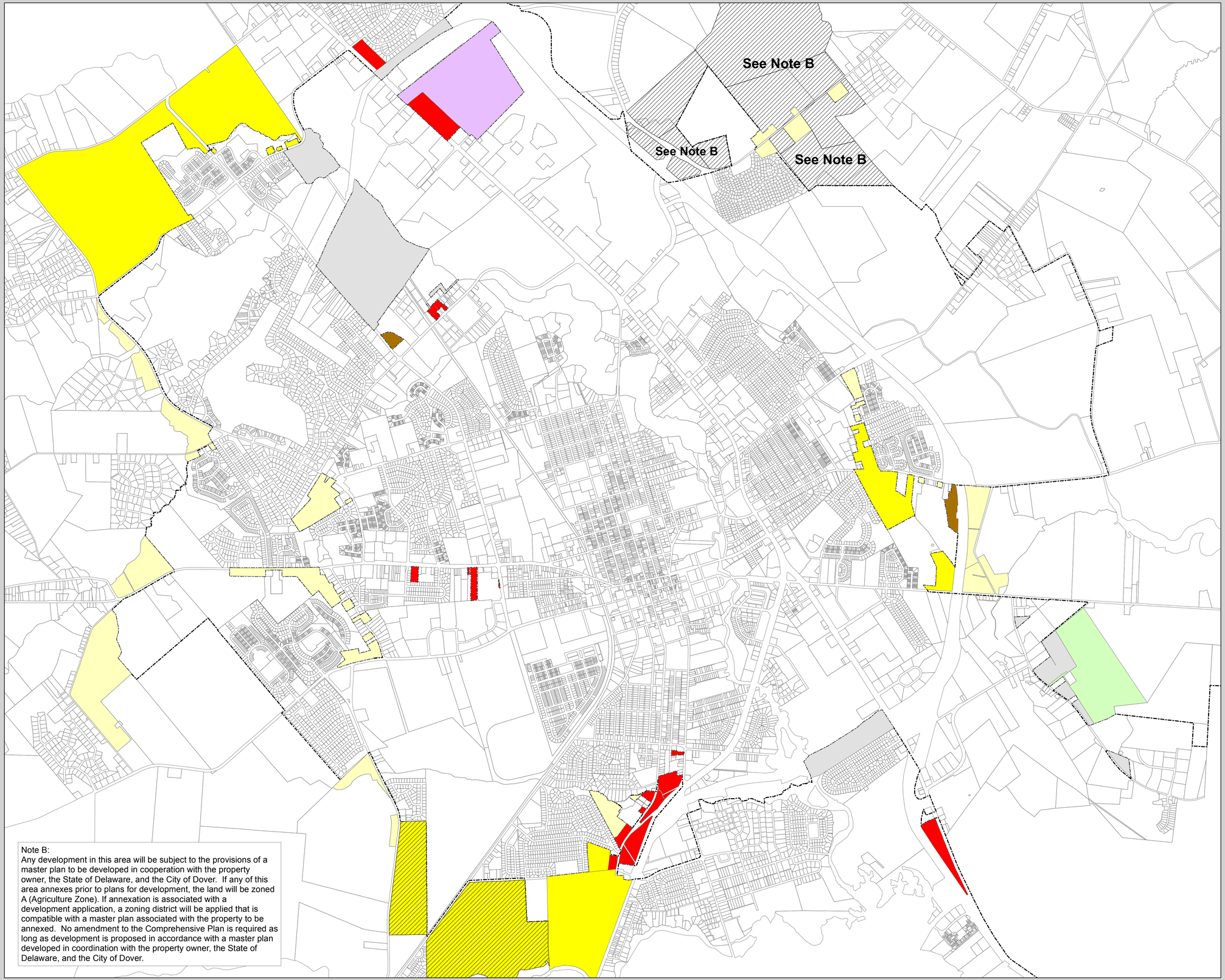
Department of Planning & Inspections

Map 12-1: Land Development Plan (Amended 3/14/2016)



City of Dover, Delaware

Map 13-2
Potential Land Use for Annexation Areas



- Agriculture
- Commercial
- Industrial and Public Utilities
- Mixed Use
- Office and Office Park
- Residential Low Density
- Residential Medium Density
- To Be Master Planned at time of Annexation
- Common Interest with Wyoming
- Municipal Boundaries
- County Parcels
- Dover Parcels

N
W E
S

As Adopted on February 9, 2009
As Amended on March 12, 2012

0 2,750 5,500 Feet

Note B:
Any development in this area will be subject to the provisions of a master plan to be developed in cooperation with the property owner, the State of Delaware, and the City of Dover. If any of this area annexes prior to plans for development, the land will be zoned A (Agriculture Zone). If annexation is associated with a development application, a zoning district will be applied that is compatible with a master plan associated with the property to be annexed. No amendment to the Comprehensive Plan is required as long as development is proposed in accordance with a master plan developed in coordination with the property owner, the State of Delaware, and the City of Dover.

Paper Map DISCLAIMER:

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Date Printed: March 13, 2012
Date Created: July 17, 2008
File: m:\ps_data\projects\comp_plan2012 Adopted Land Use forannexation areas 2012
Map Created by:
Department: Planning and Inspections
City of Dover, Delaware

PETITION TO ANNEX AND REZONE PROPERTY

Public Hearing Before the
Dover Planning Commission
April 18, 2016

File Number:	AX-16-03
Applicant/Owner:	Dover International Speedway, Inc.
Property Address:	Persimmon Tree Lane
Tax Parcel ID #:	Lots 8, 9, 10A: LC-00-058.00-01-29.00-000 Lot 18: LC-00-058.00-01-02.00-000
Lot Size:	Lot 8: 5.67 Ac +/- Lot 9: 10.21 Ac +/- Lot 10A: 13.69 Ac +/- Lot 18: 228.86 Ac +/- Total: 258.43 Ac +/-
Present Use:	Parking, Camping, Outdoor Festival Space
Proposed Use:	No Proposed Change
Present Zoning:	AR (Agricultural Residential)
Proposed Zoning:	RC (Recreational and Commercial Zone)
Comprehensive Plan Designation:	Category 2: 0-10 Years Priority Annexation Areas
Comprehensive Plan Land Use Designation:	To be master planned at the time of annexation
Utility Availability:	Electric, water and sanitary sewer service is available to the following property, however, the water service must be accessed from Persimmon Tree Lane. The sanitary sewer service must be accessed from either Old Leipsic Road (gravity) or through Persimmon Tree Lane (force main). The proposed connection to utilities must be submitted to the City of Dover for review and approval at the expense of the property owner. The property owner would be responsible for the costs associated with tapping the sanitary sewer mains extending services to the property, payment of impact fees, and obtaining permits associated with such improvements.
Staff Recommendation:	Staff recommends that the City proceed with annexation and rezoning of the subject property.

Summary

This application is for review of an Annexation and Rezoning request for multiple parcels of land located east of State Route 1 abutting existing city limits. The owner of record is Dover International Speedway, Inc. The Tax Parcel Identification Numbers are: Lots 8, 9, 10A: LC-00-058.00-01-29.00-000, and Lot 18: LC-00-058.00-01-02.00-000.

Existing Property

Lots 8, 9, and 10A are all located at the intersection of Leipsic Road and Persimmon Tree Lane as shown on the Zoning Exhibit Map. These lots are all used as parking, camping, and outdoor space associated with events at Dover International Speedway. Lots 8 and 9 are located on the left and right sides of the "T" intersection respectively. Lot 10A is located to the north of the intersection and contains a utility building on the northwest end of the property.

Lot 18 is located farther north and accessed from a driveway off Persimmon Tree Lane.

The subject property includes camping areas associated with Dover International Speedway events and the area now known as "The Woodlands" where the Firefly Music Festival is held.

Surrounding Land Uses

Immediately surrounding uses are primarily similar lots associated with Dover International Speedway. There are wooded areas adjacent to Lot 10A. There are commercial areas adjacent to the southeast portion of Lot 10A. The residential communities of Persimmon Park Place, Wild Meadows, and Persimmon Tree Apartments are located nearby. Lots 8 and 9 are surrounded by roads.

Residential lots are found near the entrance to Lot 18, and large-lot residential, wooded, and agricultural uses are abutting various portions of Lot 18.

Comprehensive Plan
Preliminary Land Use Services Review (PLUS)

In the *2008 Comprehensive Plan* (amended) on Map 13-1: Potential Annexation Areas and on Map 13-2: Potential Land Uses for Annexation Areas, the property is identified as Category 2: 0-10 Years Priority Annexation Areas with a land use designation to be master planned at the time of annexation. A plan was included with the annexation application that represents the Firefly Music Festival layout.

This Annexation Request for Lands of Dover International Speedway Inc. (PLUS #2016-03-09) was submitted to the Office of State Planning Coordination for PLUS review at the March 23, 2016 meeting. Copies of the PLUS Review Comments will be provided to the Planning Commission upon receipt.

Request for RC (Recreational and Commercial Zone)

The request for the RC (Recreational and Commercial) zoning classification is consistent with the efforts of the Planning Office and the Dover International Speedway to bring all of the property associated with the Firefly Music Festival under one common jurisdiction and one common zoning classification. The City recently amended the RC zone to add provisions that

allow the City to more effectively manage the Firefly Music Festival and other large events that may take place on the subject property.

The types of permitted uses in the RC (Recreational and Commercial Zone) are given in Article 3 §18 of the *Zoning Ordinance,* and include the following: Public and private parks and playgrounds, athletic fields, sports stadiums and arenas, casinos, auto, horse, and motorcycle racetracks, hotels, motels, and restaurants, and a variety of other recreational uses. Temporary outdoor activities, such as fairs, music festivals, and other outdoor events, including temporary camping areas associated with such events are permitted subject to requirements. Conditional Uses subject to approval by the Planning Commission include livery stables and riding academies, aviation and facilities incident to aviation, and outdoor theaters and drive-in theaters.

Recommendation of Planning Staff

Staff recommends the annexation of the property and rezoning to RC (Recreational and Commercial Zone) be approved as submitted. The subject property is in the City's Category 2: 0-10 Years Priority Annexation Area. The annexation request and the RC zoning are consistent with the overall plan to bring all of the Dover International Speedway property into the City and under one consistent zoning classification. This allows for the City to better work with the Speedway to manage large events such as the Firefly Music Festival.

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

ADVISORY COMMENTS TO THE APPLICANT

1) Staff notes a labeling error on the plan sheet regarding labeling of boundaries the City of Dover versus Kent County for a property on the north side of Persimmon Tree Lane. This mislabel does not affect the annexation request as proposed.

2) The applicant shall be aware that approval of any Annexation and Rezoning application does not represent Site Development Plan or Record Plan approval. A separate Site Development Plan must be submitted and approved if development activities are proposed on the property. A separate Record Plan must be submitted and approved if changes to existing property lines are proposed.

3) The applicant shall be aware that approval of any Annexation and Rezoning application does not represent a Building Permit or other construction activity permit approval. A separate application submission showing all improvements is required before issuance of permits by the City of Dover. Temporary outdoor activities and temporary camping activities in the RC zone are subject to a separate permit review process.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MARCH 30, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **LANDS OF DOVER INTERNATIONAL SPEEDWAY, INC.**

FILE #: **AX-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 / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. Our office has no objections to the proposed annexation of tax parcel LC-00-058.00-01-29.00-000 and LC-00-058.00-01-02.00-000

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER

1. As per the Petition to Annex and Rezone Property, as heard by the City of Dover Utility Committee, March 29, 2016, please find the following:
   a. Electric, water and sanitary sewer service is available to the following property, however, the water service must be accessed from Persimmon Tree Lane. The sanitary sewer service must be accessed from either Old Leipsic Road (gravity) or through Persimmon Tree Lane (force main). The proposed connection to utilities must be submitted to the City of Dover for review and approval at the expense of the property owner. The property owner would be responsible for the costs associated with tapping the sanitary sewer mains extending services to the property, payment of impact fees, and obtaining permits associated with such improvements.

SANITATION

1. The City of Dover will only provide sanitation service to residential properties. .

STORMWATER / 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.

AX-16-03

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 04/06/16

CITY OF DOVER FIRE MARSHAL

APPLICATION: Lands of Dover International Speedway Inc

FILE #: AX-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:

1. Address numbers of at least 12 inches in height must be placed on the street side of the building visible from the street.

2. Gates are to be operational with Fire Department Opti-Con Systems approved by Delaware Department of Transportation. All gates are required to have one manual and one automated means for opening. To be considered accessible for fire department apparatus the actual clear openings shall be not less than 14ft, the paved surface through the gate shall be not less than 12ft and the gate shall be setback from the perpendicular street by at least 50ft.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. **A. three unaddressed lots need addresses**
2. **Kent County/City of Dover labeling in Lot 10 possibly incorrect on plan**

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: March 30, 2016

DELDOT

==========

APPLICATION: Lands of Dover International Speedway, Inc.

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

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

==========

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
April 2016

APPLICATION: Lands of Dover International Speedway

FILE #: AX-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:

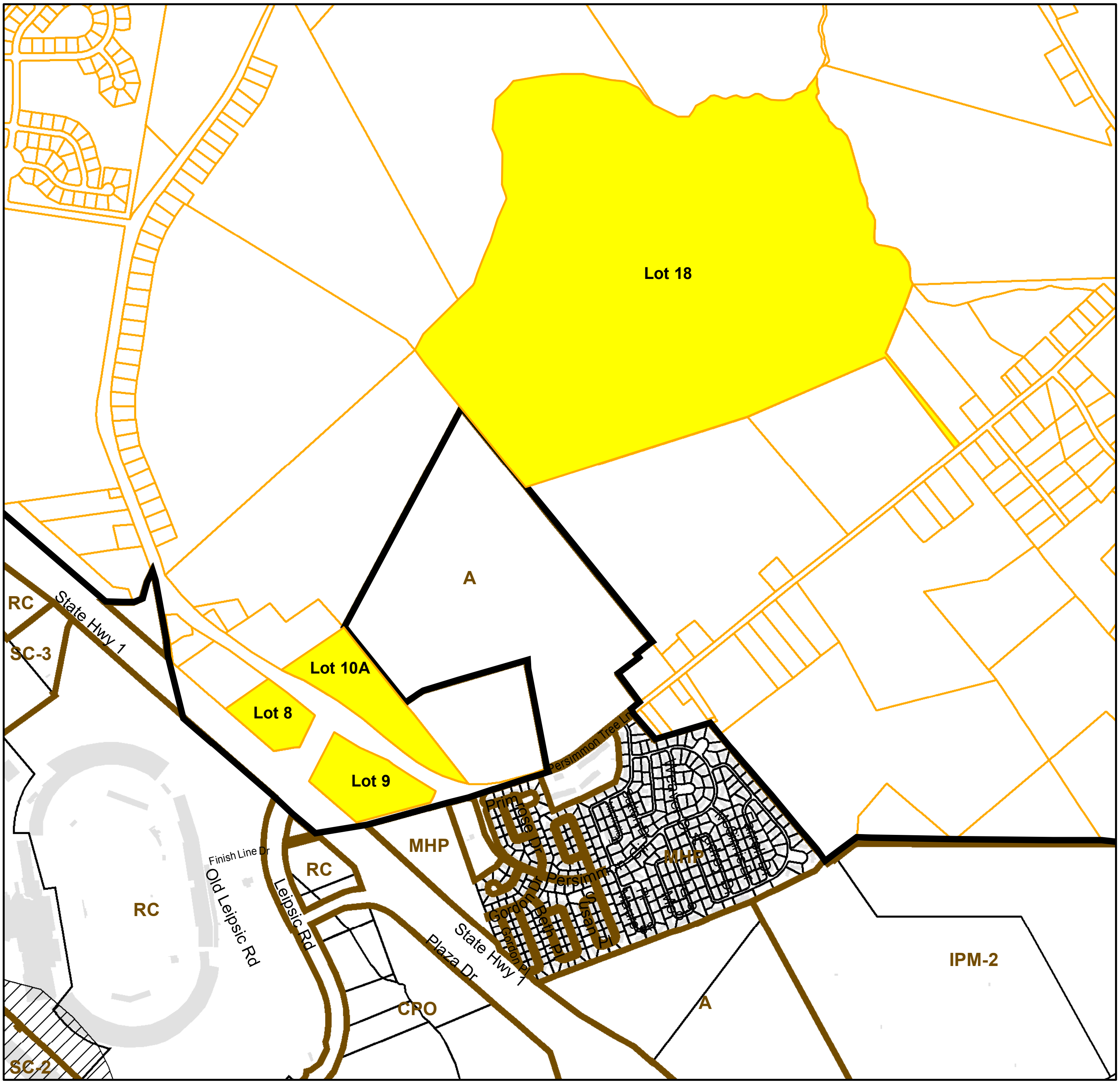
1. Kent Conservation District has no objection to the annexation and rezoning of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

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

City of Dover
Department of Planning & Inspections

Application No.: AX-16-03



Title: Lands of Dover International Speedway, Inc.
Address: Near Persimmon Tree Lane
Parcel ID: LC-00-058.00-01-29.00-000 (Lots 8,9,10A)
LC-00-058.00-01-02.00-000 (Lot 18)
Zoning: RC (proposed)
Owner: Dover International Speedway, Inc.
Date: 3/8/2016

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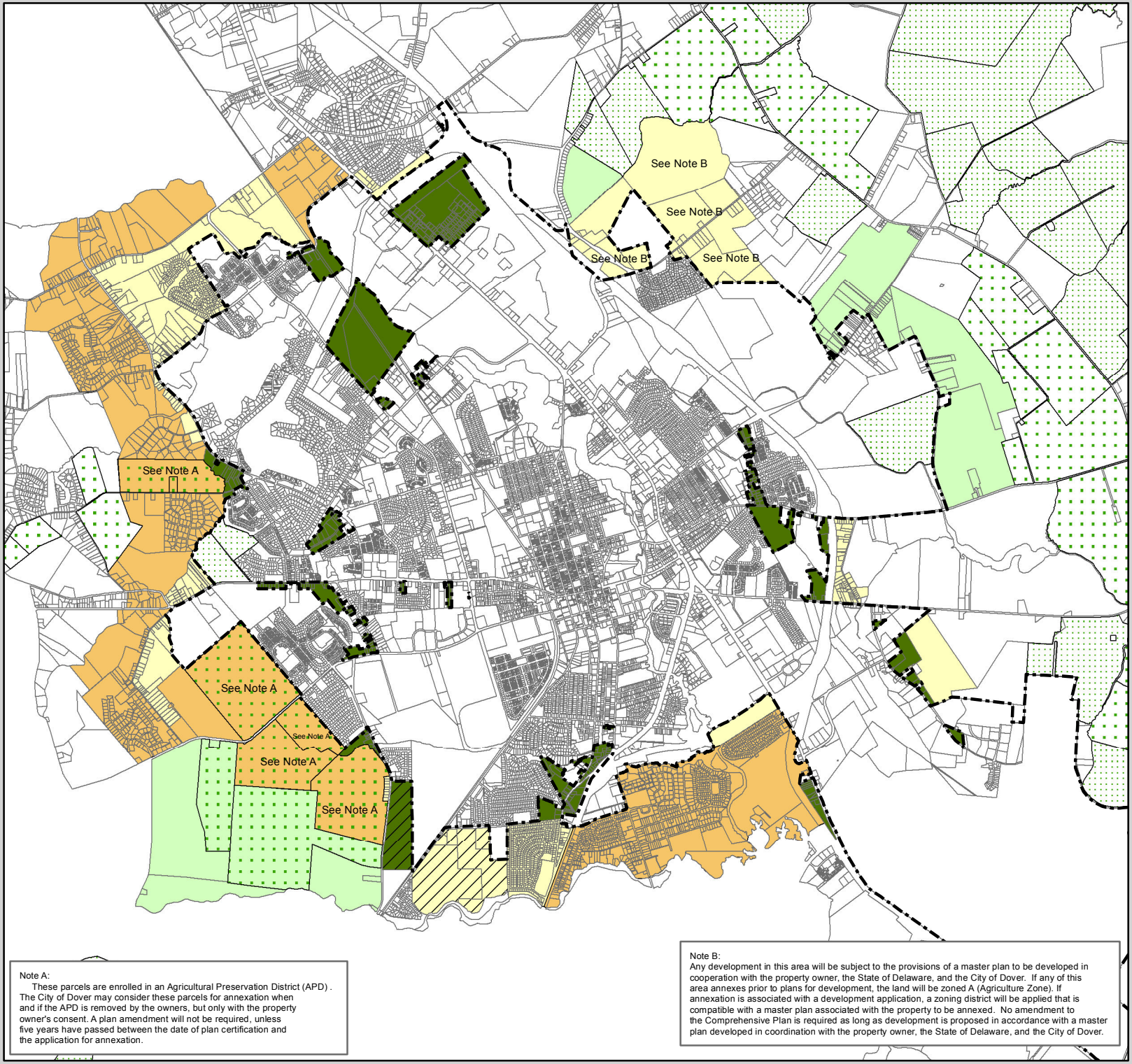
0 700 1,400 2,800 Feet

Legend

- Subject Property
- Kent County Parcels
- Dover Parcels
- Zoning
- Dover Boundary
- 2012 Buildings

City of Dover, Delaware

Map 13-1 Potential Annexation Areas



- Ag Preservation Districts
- State Ag Easements
- Municipal Boundaries
- County Parcels
- Dover Parcels
- Common Interest with Wyoming
- Category 1: High Priority Annexation Areas
- Category 2: 0-10 years Priority Annexation Areas
- Category 3: 5 + years Areas to be Considered for Long Term Annexation
- Areas of Concern

As Adopted on February 9, 2009
As Amended on March 12, 2012

0 4,200 8,400 Feet

Note A:
These parcels are enrolled in an Agricultural Preservation District (APD) . The City of Dover may consider these parcels for annexation when and if the APD is removed by the owners, but only with the property owner's consent. A plan amendment will not be required, unless five years have passed between the date of plan certification and the application for annexation.

Note B:
Any development in this area will be subject to the provisions of a master plan to be developed in cooperation with the property owner, the State of Delaware, and the City of Dover. If any of this area annexes prior to plans for development, the land will be zoned A (Agriculture Zone). If annexation is associated with a development application, a zoning district will be applied that is compatible with a master plan associated with the property to be annexed. No amendment to the Comprehensive Plan is required as long as development is proposed in accordance with a master plan developed in coordination with the property owner, the State of Delaware, and the City of Dover.

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Date Printed: March 13, 2012
Date Created: May 15, 2008
File: m:\ps_data\projects\comp_plan2012\
\Adopted Potential Annexation areas 2012
Department: Planning and Inspections
City of Dover, Delaware

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF April 6, 2016

PLANNING COMMISSION MEETING OF April 18, 2016

Plan Title:	Dover Behavioral Health Systems Phase II Building Addition at 725 Horsepond Road S-16-10
Plan Type:	Site Plan Review
Location:	East side of Horsepond Road north of Lafferty Lane
Address:	725 Horsepond Road
Tax Parcel:	ED-05-078.00-01-08.00-000
Owner:	UHS of Dover, LLC
Project Engineer:	Apex Engineering
Proposed Use:	Hospital
Property Area:	14.746 acres
Building Areas:	Existing Building – 59,105 S.F. Proposed Phase I Addition (S-16-04) – 1,371 S.F. Proposed Phase II Addition – 10,629 S.F. Total – 71,105 S.F.
Impervious Areas:	Proposed – 5.21 acres (35.3%)
Off Street Parking:	Required – 237 spaces Provided – 151 spaces
Sewer & Water:	City of Dover
Present Zoning:	IO (Institutional and Office Zone) AEOZ (Airport Environs Overlay Zone) APZ II (Accident Potential Zone II) Noise Zones B & C
Waiver Requested:	Reduction of Parking Reduction of Bicycle Parking

CITY OF DOVER PLANNING

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

APPLICATION: Dover Behavioral Health Phase II Building Addition at 725 Horsepond Road

FILE #: S-16-10 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:
This Site Plan application for review is to permit the construction of a 10,629 S.F. +/- addition at the rear of the existing hospital building to consist of eight bedrooms and support space. The addition would connect to the existing hospital building by way of the Phase I addition currently under Administrative Site Plan Review. The property consists of 14.746 acres and is located on the east side of Horsepond Road north of Lafferty Lane. The property is zoned IO (Institutional and Office Zone) and is subject to the AEOZ (Airport Environs Overlay Zone). The owner of record is UHS of Dover LLC. Address: 725 Horsepond Road. Tax Parcel: ED-05-078.00-01-08.00-000. Council District 2.

PREVIOUS APPLICATIONS:
On December 21, 1993, the Planning Commission approved a Site Plan for the site to construct a 47,105 S.F. hospital building (S-93-26). In October 2006, the Planning Commission approved a Minor Subdivision Plan (SB-06-07) to subdivide the then 35.88 acre site into three parcels, including the subject parcel. In September 2011, the Board of Adjustment granted a variance (V-11-02) for the site to permit a 12,000 SF building addition, which was the subject of a subsequent Site Plan (S-11-06) approved by the Planning Commission in November 2011.

On March 11, 2013, City Council amended the *Zoning Ordinance* to permit limited expansion of uses in the AEOZ nonconforming to that zone's specific restrictions (Ord. No. 2013-01). This amendment allowed the following two applications to appear before the Planning Commission without need of a prior Board of Adjustment hearing. The first (S-16-04) was filed for Administrative Site Plan Review on February 10, 2016 and received a Reduction of Parking waiver from the Planning Commission on March 21, 2016. The second is the current Site Plan under review.

SITE CONSIDERATIONS
The property currently includes a 59,105 SF hospital building and associated parking. A 12,000 S.F. building addition is proposed on the south side of the existing building, divided into two phases: a Phase I, 4-bedroom addition that was previously filed for Administrative Site Plan Review in order to meet immediate expansion needs of the facility, and a Phase II, 8-

bedroom/support space addition that is the subject of the current Site Plan review. The placement of the Phase II addition is proposed over what is currently impervious area, including parking spaces.

The subject property is located within the Institutional and Office Zone (IO) and Airport Environs Overlay Zone (AEOZ), APZ II and Noise Zones B and C. The use as a hospital is a permitted use in the IO Zone. The use is not permitted in the APZ II; however, the hospital was in existence before the creation of the AEOZ and is therefore a legal nonconforming use. Under the *Zoning Ordinance,* Article 3 §22.4, non-residential uses and buildings designed for human occupancy which are nonconforming to the provisions of the AEOZ may be expanded in floor area up to 50%. The proposed Phase I and Phase II additions would together expand the hospital's floor area by 20%.

PARKING SUMMARY

Under the *Zoning Ordinance,* Article 6 §3, parking for this site is calculated based on number of beds or based on building square footage as specified in Article 4 – Zoning Bulk and Parking Regulations, whichever is greater. The number of beds in this facility is variable depending on its needs. Based on the building's proposed 71,105 S.F., therefore, 237 parking spaces are required for the site. The plan indicates that 151 spaces will be provided, nine of which are handicap spaces. This represents a removal of ten spaces from the 161 spaces currently existing on site.

Waiver Requested: Reduction of Parking

The number of parking spaces provided on the plan (151) is 86 fewer than the 237 required by the provisions of Article 4 §4.15. This represents a reduction of 36.2%. The plan reserves an area on the site for future parking spaces, should they be deemed necessary; however, the reserved area is sufficient to provide only 56 parking spaces. A second reserved area containing thirty (30) spaces is required to be identified to fully satisfy the reduction in number of parking spaces sought by this waiver request. The applicant has provided the request in writing detailing why they believe the parking reduction is necessary.

LOADING SPACES

The building's proposed 71,105 S.F. would require it to have four loading spaces; however, under the *Zoning Ordinance,* Article 6 §4.16, buildings less than 150,000 S.F. are not required to have more than three loading spaces. On November 21, 2011, the Planning Commission granted a waiver to reduce the number of required loading spaces on this site from three to two. The applicant has indicated that since then a dumpster previously obstructing a loading space on site has been moved, returning the number of serviceable loading spaces on site from two to three. The three loading spaces on site are adequate to serve the needs of the building.

BICYCLE PARKING

The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces. Based on the total number of 151 parking spaces, a minimum of eight (8) bicycle parking spaces are required. The plan shows four existing bicycle parking spaces in front of the building and two in the rear, for a total of six (6).

Waiver Requested: Reduction of Bicycle Parking

The applicant has provided in writing a waiver request for relief from constructing the two additional bicycle parking spaces required to serve the site. Per Article 6, §3.10 of the *Zoning Ordinance*, the Planning Commission may waive the requirement for bicycle parking if it is demonstrated that bicycle parking would not be appropriate for safety reasons or due to the nature of the use of the site. The applicant also provided to the Planning Office supplementary information indicating an absence of bicycle traffic on Horsepond Road during the most recent traffic count performed for the site in December 2015. This detailed information (Attachments to Waiver Request) is part of the Application file in the Planning Office.

SIDEWALKS

There are existing sidewalks along the north-facing (front) side of the building and along the south-facing (rear) side of the building near the building entrances. There is also a sidewalk that leads from the main parking lot to the street frontage and partial sidewalk coverage along the street frontage itself. New sidewalk is proposed at the rear of the building to connect the new addition with the reconfigured rear parking lot.

On November 21, 2011, the Planning Commission granted a partial waiver relieving the requirement to construct sidewalk along the site's entire street frontage. In lieu of constructing the remaining sidewalk, the applicant paid $9,340 to DelDOT so that agency could construct it should it be deemed necessary in the future. Construction of the remaining frontage sidewalk is currently the responsibility of and at the discretion of DelDOT.

LIGHTING

The existing site includes site lighting throughout the parking lot areas. One light fixture on the southwest side of the site is proposed to be relocated to accommodate the building addition. Lighting shall be no less than 1 ½ footcandles at grade.

DUMPSTERS

Based on the total building square footage on site of 71,105 S.F., two dumpsters are required in accordance with Article 5 §6.12 of the *Zoning Ordinance*. The plan identifies an existing trash compactor and an existing dumpster. No dumpster enclosure is required because the dumpster pad will be screened from adjacent properties by the new building addition and existing landscaping. The dumpster pad site shown on the plan is less than the 12'x12' minimum dumpster pad site required. However, the area of the site where the dumpsters are located is not being affected by the proposed building addition, and the addition does not require an additional dumpster pad. The dumpster area is therefore currently sufficient to serve the site.

BUILDING ARCHITECTURE

Elevation drawings of the new addition were provided with the submission. The exterior materials are proposed to generally match those on the existing building, and include a split-face concrete masonry unit base and vinyl siding above. Unlike the existing building the addition is proposed to have a predominately flat roof.

In accordance with the requirements of the Noise Zones as specified in the AEOZ Land Use Compatibility Table (*Zoning Ordinance*, Article 3 §22.6), the building shall be constructed to achieve an interior noise reduction of 30 decibels.

LANDSCAPE PLAN

A Landscape Plan sheet was included in the submission. The plan identifies existing trees onsite and identifies eleven trees that would be removed as a result of the building construction. Based on the site area of the parcel 215 trees are required. The plan sheet submitted shows 229 existing trees with eleven trees to be removed. This will leave 218 trees on the site.

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) The Site Plan must comply with City parking space requirements unless a waiver is granted by the Planning Commission for a parking reduction. The Site Plan must include reserved parking area(s) large enough to accommodate the 86 spaces that would be required to bring the site into compliance with minimum parking requirements.

2) Bicycle parking shall be included on the site in accordance with the requirement of one bicycle parking space for every 20 vehicle parking spaces, unless a waiver is granted by the Planning Commission for a bicycle parking reduction.

3) The site data column will need to be updated prior to Final Approval to document the action taken by the Planning Commission in regards to any waivers, including adding any notes about future construction requirements if approval is granted.

4) Add a note indicating that all new utilities to be constructed on the site shall be constructed at the expense of the developer.

5) The subject site is split by two noise zones. Add the AEOZ noise zone boundary on the site map and indicate each noise zone.

6) Show on the plan that the dumpster has been moved to be clear of the third loading space.

7) The Details sheet must include a bicycle rack detail should additional bicycle parking be constructed on the site.

8) Landscape Plan:
   a) Update the Landscape Plan's new summary table to indicate that 218 trees on site are to remain (the existing figure of 230 trees is out of date). In addition, the summary table must include the calculation showing tree density requirements for the site have been attained (642,335 S.F. site area / 1 tree per 3,000 S.F. site area = 215 trees)
   b) Update the Plant Type Key to show how many trees of each species will remain on site following conclusion of the project.
   c) The Landscape Plan must have an up to date signature by a licensed landscape architect, architect or Delaware certified nursery professional.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Waiver Request for Parking Reduction: Staff recommends approval of the waiver request to allow the site to be served by 151 parking spaces. The applicant has submitted documentation indicating that the parking currently on site is well in excess of the facility's current needs. Additional demand for parking generated by the building addition will be met by parking spaces currently unused on site. The designated reserved parking area shown on the plan is not large enough to accommodate the 86 additional parking spaces the Planning Commission may require to be constructed if future demand proves need for them. However, there is ample room on site to designate additional reserved parking area.

2) Waiver Request for Bicycle Parking Reduction: Staff recommends approval of the waiver request to allow the site to be served by six (6) bicycle parking spaces (rather than eight (8) spaces). Per Article 6, §3.10 of the *Zoning Ordinance,* the Planning Commission may waive the requirement for bicycle parking if it is demonstrated that bicycle parking would not be appropriate for safety reasons. Many of the site's neighbors are zoned Service Commercial (C-3), Industrial Park Manufacturing (IPM) and Manufacturing (M), and have corresponding land uses that generate heavy truck traffic. In addition, Horsepond Road is not a designated bike route and has narrow shoulders when any are present. For these reasons Staff concurs with the applicant's opinion that the site's surrounding area is inappropriate for bicycle traffic.

ADVISORY COMMENTS TO THE APPLICANT:

1) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements. Compliance with other agency technical review comments is required.

2) 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 other agencies providing comments. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.

3) In the event, that major changes and revisions to the Site Plan or building design occur in the finalization of the Site Plan contact the Planning Office. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other commissions making recommendations in regards to the plan.

4) Construction activities may have an effect on-site visitors and parking areas. Any work requiring the closing or rerouting of staff and visitors to the on-site building and to adjacent parking areas should be coordinated as to offer the least amount of inconvenience.

5) The applicant/developer shall be aware that prior to the commencement of ground disturbing activities on the site the project must receive Final Plan approval and the appropriate City Departments and agencies must be notified.

6) 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.

7) 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. The installation of certain types of signs requires a Sign Permit from the City of Dover prior to placement of any such sign.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MARCH 30, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Dover Behavioral Health Systems: Phase II Building Addition at 725 Horsepond Road**

FILE #: **S-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

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) 736-7070 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.
7. No trees may be planted within ten feet (10') of water utility infrastructure.
8. No structure shall be installed within ten feet (10') of water utility infrastructure.
9. The minimum spacing between fire hydrants and hydrant valves shall be fifteen feet (15').
10. A sequence of construction shall be submitted for review and approval for the water main rerouting activity.

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. No structure shall be installed within ten feet (10') of wastewater utility infrastructure.

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 / SANITATION / GROUNDS

1. None

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.

2. The final site plan must be submitted in the following compatible digital formats:

   a. AutoCAD 2004 (.dwg format).

   b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

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

WASTEWATER

1. The City of Dover sanitary sewer system is available to this site. The developer is responsible for all costs associated with extending and providing service and capacity to the proposed development.
2. Prior to plan approval, the sanitary sewer system plans may be required to be submitted to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.
3. 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 will be required for this proposed site plan.
5. The City of Dover will not maintain the sanitary sewer infrastructure beyond the existing property lines.

STORMWATER / GROUNDS / STREETS

1. None

SANITATION

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

GENERAL

1. Sanitary sewer laterals and water services shall have a minimum of five-feet (5') horizontal separation.
2. 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.
3. 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-16-10

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 04/06/16

CITY OF DOVER FIRE MARSHAL

APPLICATION: Dover Behavioral Health Systems: Phase II Building Addition

FILE #: S-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:

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is Hospital. 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. .

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. Speed Reduction devices or any other like device used to reduce vehicle speed are prohibited per City of Dover Code of Ordinances.

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

7. 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".

8. 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.

9. 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.

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

11. Full building and fire plan review is required.

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

13. 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.

14. As building is over 100,000 square feet, building shall meet the requirements of Large Area Buildings per Delaware State Fire Prevention Regulations 2009.

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

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

17. 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.

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

19. Fire Alarm System required per occupancy code requirements.

20. Knox Box required at all tenant spaces.

21. Standpipes required.

22. Smoke control required.

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

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

25. Gates are to be operational with Fire Department Opti-Con Systems approved by Delaware Department of Transportation. All gates are required to have one manual and one automated means for opening. To be considered accessible for fire department apparatus the actual clear openings shall be not less than 14ft, the paved surface through the gate shall be not less than 12ft and the gate shall be setback from the perpendicular street by at least 50ft.

26. Project to be completed per approved Site Plan.

27. 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. **The FDC needs to be changed to a 5" stortz connection with clear unobstructed access. An additional FDC sign will be needed, area TBD.**
2. **This office has had discussion in regards to the fire hydrant location.**
3. **Need documentation that the loading dock parking area meets the Delaware State Fire Prevention Regulations in regards to apparatus turn around radius.**

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: March 30, 2016

D E L D O T

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APPLICATION: Dover Behavioral Health System: Phase II Building Addition at 725 Horsepond Road

FILE#: S-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:

This project has been through one (1) round of formal Record Plan and Entrance Plan Review, and received comments on 3/28/2016. Once all comments have been addressed, the project can be resubmitted through the PDCA. Please contact the person listed above should you have any questions regarding this project or the PDCA submittal.

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
April 2016

APPLICATION: *Dover Behavioral Health Systems*

FILE #: S-16-10

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 approval and/or issuing of construction permits for the above referenced site once the standard plan has been approved by the District.

ADVISORY COMMENTS TO THE APPLICANT:

1. If the land disturbing activities are greater than 5,000 square feet in land disturbance. The project is required to be reviewed and approved under the Delaware Sediment Stormwater Regulations.

2. The project is less than one acre of land disturbance and Stormwater management is not required. The project has been approved under a non-residential standard plan.

APEX ENGINEERING INCORPORATED
27 WEST MARKET STREET NEWPORT, DE 19804
(302) 994-1900 (302) 994-9099 FAX
www.apexengineeringinc.com

March 4, 2016

Apex Project No. 10163.005

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

RE: Dover Behavioral Health Systems
725 Horsepond Road
PHASE II – SITE PLAN SUBMISSION

Dear Ms. Townsend:

On behalf of our client, UHS of Dover, LLC (UHS), we making the enclosed Site Plan submission for a proposed addition to the Dover Behavioral Health Services facility located at 725 Horsepond Road, Dover, DE. As we have discussed, the project consists of a 12,000± square foot addition to the existing 59,105 square foot facility. The 12,000± square feet consists of 12 bedrooms and support space for the additional rooms such as a nurse's station, laundry, consult rooms, group activity rooms, quiet activity rooms, etc.

The facility is currently in need of four (4) of the bedrooms immediately. To enable UHS to get a building permit for the four (4) bedrooms as quickly as possible, the project was divided into two (2) phases. Phase I consists of a 1,371± square foot, four (4) bedroom addition and was submitted to the City of Dover on January 29, 2016 as an Administrative Site Plan due to the small size of the addition and its relatively minor disturbance to the site. Phase II consists of a 10,629± square foot, eight (8) bedroom addition with support space and is the subject of the enclosed submission. The Phase II Site Plan was submitted to DelDOT on February 15, 2016 for review and is being submitted to the Kent County Conservation District (KCCD) today as well. The plan submission to KCCD is a Standard Plan submission since the area of disturbance is less than an acre and the increase in impervious had a less than one whole number increase in the cover number for the drainage area.

Also included in this submission is a parking space waiver request. Similar to what was found in 2011 when UHS constructed a similar 12,000 sf addition at the southeast corner of the building, the parking lot is significantly underutilized. The same is true today, following the construction of the 2011 addition and therefore we have submitted another waiver request to permit the removal ten (10) parking spaces with no plans for relocating those spaces. The site plan does identify an area in the parking area along the northern boundary where as many as 56 parking spaces could be constructed in the event they were ever needed. A parking study has been included in the submission that shows of the 161 existing parking spaces on site, only an average of 75 spaces are utilized on any given day.

We look forward to working with the City of Dover on another exciting project at the Dover Behavioral Health Services facility. If you have any questions or comments regarding the site plan submission, please feel free to contact me at (302)994-1900, x-206.

Sincerely,

Carol W. Ohm, P.E.

cc: Jean-Charles Constant, UHS of Dover, LLC
Ron Pilgreen, UHS of Dover, LLC
Julian Thompson, Array Architects

APEX ENGINEERING INCORPORATED
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(302) 994-1900 (302) 994-9099 FAX
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March 4, 2016

Apex Project No. 10163.005

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

RE: Dover Behavioral Health Systems
725 Horsepond Road
PHASE II EXPANSION

Dear Ms. Townsend:

As discussed, the Dover Behavioral Health System Facility is submitting a site plan for Phase II of the proposed expansion, consisting of 10,629 square feet, to the existing facility, totaling 71,105 square feet (which includes the Phase I – 1,371 sf). There are currently 161 parking spaces on the site for the existing 59,105 square feet. Phase II proposes to eliminate ten (10) parking spaces, bringing the total number of parking spaces provided on site to 151. According to the City of Dover parking requirements, the site is required to have 237 parking spaces as a "hospital" use (1 PS/300 SF).

Currently the facility has three shifts that cover 24 hours a day, seven days a week. The maximum number of employees during any one shift is approximately 50. Most of the patients are dropped off at the facility. The facility also has three (3) programs that provide a van that picks up patients at their residence and brings them to the site and returns them to their residence. Each van holds between 12 and 15 passengers, therefore contributing to the existing unoccupied parking spaces on site.

At least half of the existing parking lot remains unused during most days. For example, the owner counted the number of parking spaces that were occupied at three different times during a full week. The results of that count are as follows:

# PARKING SPACES OCCUPIED				
DATE	7:00AM	12:00PM	4:00PM	AVERAGE
Tues (12/15/15)	53	84	86	74
Wed (12/16/15)	57	78	88	74
Thurs (12/17/15)	53	87	94	78
Fri (12/18/15)	51	81	88	73
Mon (12/21/15)	48	88	92	76
Tues (12/22/15)	55	87	84	75

The daily average number of spaces occupied was 75. These numbers are typical of most days at the facility. Consequently, the site has ample parking to meet the current needs and the needs following construction of the proposed addition(s) – Phase I and II. Therefore, we would like to request relief from the parking requirement of 237 parking spaces to permit the 151 existing parking spaces.

The site is 14.75 acres with 9.68 acres of open space. Per the 2011 Site Plan, an area in the northeast corner of the site has been designated for additional parking spaces and could be constructed if the demand for parking changes. As shown on the Site Plan, the designated area could fit as many as 56 parking spaces, thereby providing a total of 207 spaces, if needed. We ask that the City consider this request for relief to avoid additional impervious area from being added to the site that is not warranted now and following occupancy of the proposed additions.

If you have any questions, please feel free to contact me.

Sincerely,

Carol W. Ohm, P.E.

Cc: Jean-Charles Constant, UHS of Dover LLC.

APEX ENGINEERING INCORPORATED
27 WEST MARKET STREET NEWPORT, DE 19804
(302) 994-1900 (302) 994-9099 FAX
www.apexengineeringinc.com

April 7, 2016

Apex Project No. 10163.005

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

RE: Dover Behavioral Health Systems, 725 Horsepond Road
PHASE II – 10,629 SF ADDITION
BICYCLE PARKING SPACE WAIVER REQUEST

Dear Ms. Townsend:

On behalf of the property owner, UHS of Dover, LLC, I am formally requesting relief from the required number of bicycle parking spaces on the subject property. As a result of the Phase II proposed addition (10,629 SF), eight (8) bicycle parking spaces are required on the site. There are currently six (6) bicycle parking spaces on site, which rarely get utilized. The property is situated on Horsepond Road amongst mostly service commercial (C-3), Industrial Park Manufacturing (IPM), and Manufacturing (M) zoned land. Based on the results of a turning movement traffic count, performed by Tri-State Traffic Data, Inc. at the site entrance on Horsepond Road in December, 2015, there were no recorded bicyclists during the morning and evening peak hour as shown on the enclosed turning movement data sheets.

According to the City of Dover Bicycle Plan, dated March 2015, it does not appear that Horsepond Road is designated as any kind of bike route, nor are there any bike path improvements scheduled for Horsepond Road. Most of Horsepond Road has a shoulder width of approximately 2-3 feet. With the amount of truck traffic on Horsepond Road going to and from the nearby manufacturing businesses, this area of Dover is most likely not attractive or "inviting" to bicyclists. For these reasons, we request that the City of Dover grant the Dover Behavioral Health Facility a waiver from installing the two (2) additional bicycle parking spaces, required by the zoning code.

If you have any questions, please feel free to contact me.

Sincerely,

Carol W. Ohm, P.E.

Cc: Jean-Charles Constant, UHS of Dover LLC
Ronald Pilgreen, UHS of Dover, LLC
Julian Thompson, Array

U:\2010 APEX PROJECTS\10163005 DOVER BEHAVIORAL HEALTH - 2015 ADDITION - LAND DEV\CORRESPONDENCE\16-0406 WAIVER REQUEST FOR ADDITIONAL BICYCLE SPACES.DOC

PETITION TO AMEND THE ZONING DISTRICT
Public Hearing Before the
Dover Planning Commission
April 18, 2016

File Number:	Z-16-04
Ordinance Number:	2016-15
Applicant:	Dover International Speedway
Owner of Record:	Dover International Speedway
Property Address:	Multiple Addresses, Refer to Ordinance #2016-15 Exhibit A and Exhibit B
Location:	Area A: east of Leipsic Road west of State Route 1 Area B: east of State Route 1 and south of Pit Stop Lane Area C: north of Persimmon Tree Lane adjacent to the city limits
Tax Parcel ID #:	14 parcels, refer to Ordinance #2016-15 Exhibit A and Exhibit B
Lot Size:	14 parcels, total 291.07 Ac +/-, refer to Ordinance 2016-15 Exhibit A and Exhibit B
Present Zoning:	Refer to Ordinance #2016-15 Exhibit A and Exhibit B: C-PO (Commercial and Professional Office Zone) R-8 (One-Family Residence Zone) MHP (Mobile Home Park Zone) A (Agricultural Zone) SWPOZ (1 parcel) (Source Water Protection Overlay Zone)
Proposed Zoning:	RC (Recreational and Commercial Zone) SWPOZ (1 parcel) (Source Water Protection Overlay Zone)
Comprehensive Plan Land Use Designation:	Area A: Mixed Use Area B & C: Commercial
Present Use:	Parking, Camping, Outdoor Festival Space
Proposed Use:	No Proposed Change

Summary

This application is for review of a Rezoning request for fourteen parcels of land owned by Dover International Speedway. The subject properties include properties east of State Route 1 and properties west of State Route 1 south of Leipsic Road. The owner of record is Dover International Speedway, Inc. The Tax Parcel Identification Numbers are listed on Exhibit B.

Existing Property

The subject properties are depicted on Exhibit A. The area on the map identified as Area A includes twelve parcels totaling 195.13 acres of land west of State Route 1 and south of Leipsic Road. The property is used as camping area for large events such as the NASCAR races and the Firefly Music Festival. A portion of this area is subject to the SWPOZ (Source Water Protection Overlay Zone) as an excellent recharge area.

The area depicted as Area B includes a 10.43-acre wedge-shaped parcel of land located between State Route 1 and Persimmon Park Place.

The area depicted as Area C includes 85.51 acres of land that is known as Lot 10. This area is used for camping for NASCAR events and is part of what is known as The Woodlands, where the Firefly Music Festival is held.

All of the subject properties are undeveloped and used only in association with temporary events.

Surrounding Land Uses

For Area A, the surrounding land uses include the residential neighborhoods of Towne Point which is zoned R-8 (One Family Residence zone) and Baytree which is zoned RM-2 (Medium Density Residence zone). Williams Park, a City-owned park, is located between Towne Point and the southernmost portion of the subject property. Other areas surrounding Area A are commercial uses, vacant commercial, land, and State Route 1.

For Area B, surrounding uses include the Persimmon Park Place neighborhood, zoned MHP (Mobile Home Park Zone), State Route 1, and other lands owned by Dover International Speedway.

For Area C, the surrounding land uses include other Dover International Speedway properties currently being considered for annexation and agricultural lands.

Comprehensive Plan

In the *2008 Comprehensive Plan* (as amended in March 2016) the property has a land use designation of Commercial.

Request for RC (Recreational and Commercial Zone)

The request for the RC (Recreational and Commercial) zoning classification is consistent with the efforts of the Planning Office and the Dover International Speedway to bring all of the property associated with the Firefly Music Festival under one common jurisdiction and one common zoning classification. The City recently amended the RC zone to add provisions that

allow the City to more effectively manage the Firefly Music Festival and other large events that may take place on the subject property.

The types of permitted uses in the RC (Recreational and Commercial Zone) are given in Article 3 §18 of the *Zoning Ordinance*, and include the following: Public and private parks and playgrounds, athletic fields, sports stadiums and arenas, casinos, auto, horse, and motorcycle racetracks, hotels, motels, and restaurants, and a variety of other recreational uses. Temporary outdoor activities, such as fairs, music festivals, and other outdoor events, including temporary camping areas associated with such events are permitted subject to requirements. Conditional Uses subject to approval by the Planning Commission include livery stables and riding academies, aviation and facilities incident to aviation, and outdoor theaters and drive-in theaters.

Recommendation of Planning Staff

Staff recommends that the rezoning of the subject property to RC (Recreational and Commercial Zone) be approved as submitted. The RC zoning is consistent with the overall plan to bring all of the Dover International Speedway property into the City and under one consistent zoning classification and consistent with the *2008 Comprehensive Plan* as most recently amended in March 2016. This allows for the City to better work with the Dover International Speedway to manage large events such as the Firefly Music Festival.

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

ADVISORY COMMENTS TO THE APPLICANT

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

2) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit or other construction activity permit approval. A separate application submission showing all improvements is required before issuance of permits by the City of Dover. Temporary outdoor activities and temporary camping activities in the RC zone are subject to a separate permit review process.

If you have any questions or need to discuss any of the above comments, please call the Planning Office at (302) 736-7196 as soon as possible.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MARCH 30, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **LANDS OF DOVER INTERNATIONAL SPEEDWAY, INC.**

FILE #: **Z-16-04**

REVIEWING AGENCY: **City of Dover**

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 / STREETS / SANITATION / GROUNDS

Our office has no objection to the rezoning of the fourteen (14) parcels proposed with this project.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

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

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER / STORMWATER / STREETS / GROUNDS

1. None.

SANITATION

1. The City of Dover will only provide sanitation service to residential properties. .

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

Z-16-04

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 04/06/16

CITY OF DOVER FIRE MARSHAL

APPLICATION: Lands of Dover International Speedway Inc

FILE #: Z-16-04 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. This office has no objections

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: March 30, 2016

D E L D O T

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APPLICATION: Lands of Dover International Speedway, Inc.

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

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

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

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

CITY & STATE CODE REQUIREMENTS:

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:

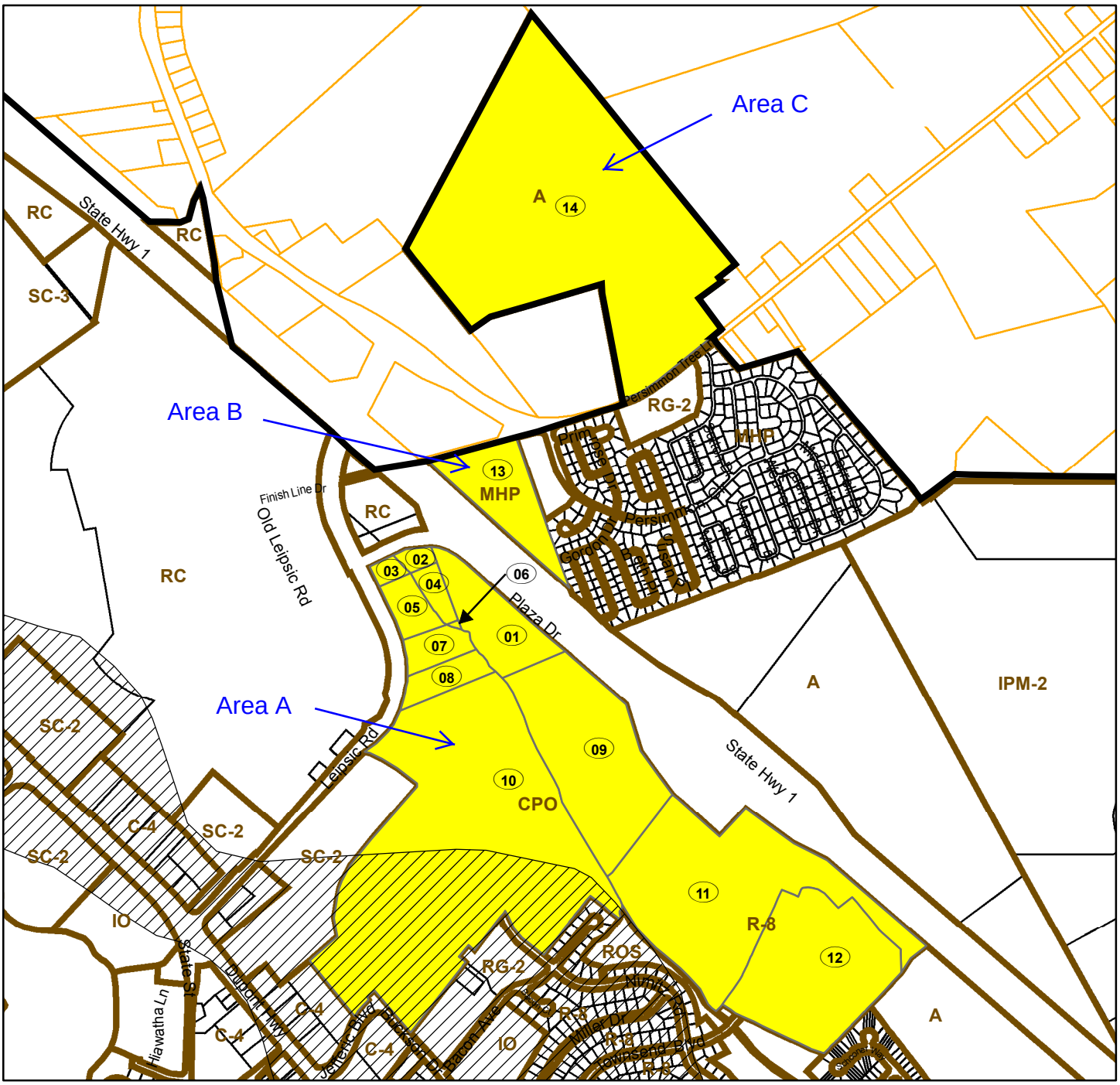
DelDOT has no advisory comments at this time.

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

Department of Planning & Inspections

Zoning Map: Exhibit A



Ordinance: #2016-15
File: Z-16-04
Title: Lands of Dover International Speedway
Proposed Zoning: RC (Recreational and Commercial Zone)
Owner: Dover International Speedway, Inc.
Date: 3/22/2016

Refer to Exhibit B table for Parcel ID, Address, and Existing Zoning

Legend

- Subject Parcels
- Dover Parcels
- Zoning
- Dover Boundary
- Kent County Parcels

N W E S

0 700 1,400 2,800 Feet

EXHIBIT B
Lands of Dover International Speedway, Inc.
Ordinance #2016-15, File Z-16-04

Map References		Parcel	Parcel Size (Ac.)	Address	Current Zoning	Proposed Zoning
No.	Area					
1	A	LC-05-058.17-02-01.00-000	9.21 +/-	75 Pit Stop Ln	C-PO (Commercial and Professional Office Zone)	RC (Recreational and Commercial Zone)
2	A	LC-05-058.17-01-07-00-000	1.22 +/-	Persimmon Tree Ln	C-PO (Commercial and Professional Office Zone)	RC (Recreational and Commercial Zone)
3	A	ED-05-058.17-01-11-00-000	1.25 +/-	979 Dover Leipsic Rd	C-PO (Commercial and Professional Office Zone)	RC (Recreational and Commercial Zone)
4	A	LC-05-058.17-01-08-00-000	1.83 +/-	Leipsic Rd	C-PO (Commercial and Professional Office Zone)	RC (Recreational and Commercial Zone)
5	A	ED-05-058.17-01-18.00-000	3.48 +/-	98 Old Leipsic Rd	C-PO (Commercial and Professional Office Zone)	RC (Recreational and Commercial Zone)
6	A	LC-05-058.17-01-09.00-000	0.34 +/-	Persimmon Tree Ln	C-PO (Commercial and Professional Office Zone)	RC (Recreational and Commercial Zone)
7	A	ED-05-058.17-01-19.00-000	2.87 +/-	Old Leipsic Rd	C-PO (Commercial and Professional Office Zone)	RC (Recreational and Commercial Zone)
8	A	ED-05-068.05-01-02.01-000	3.61 +/-	Leipsic Rd	C-PO (Commercial and Professional Office Zone)	RC (Recreational and Commercial Zone)
9	A	LC-05-058.00-02-08-00-000	27.65 +/-	Persimmon Tree Ln	C-PO (Commercial and Professional Office Zone)	RC (Recreational and Commercial Zone)
10	A	ED-05-068.05-01-16.00-000	78.15 +/-	Gruwell Farm	C-PO (Commercial and Professional Office Zone) SWPOZ (Source Water Protection Overlay Zone) Tier 3: Excellent Recharge Areas	RC (Recreational and Commercial Zone) SWPOZ (Source Water Protection Overlay Zone) Tier 3: Excellent Recharge Areas
11	A	LC-05-068.00-01-01.00-000	36.4 +/-	White Oak Rd	R-8 (One-Family Residence Zone)	RC (Recreational and Commercial Zone)
12	A	LC-05-068.10-01-01.00-000	29.12 +/-	Long Point Rd	R-8 (One-Family Residence Zone)	RC (Recreational and Commercial Zone)
13	B	LC-05-058.17-02-01.00-000	10.43 +/-	75 Pit Stop Ln	MHP (Mobile Home Park Zone)	RC (Recreational and Commercial Zone)
14	C	LC-05-058.00-02-15.00-000	85.51 +/-	599 Persimmon Tree Ln	A (Agricultural Zone)	RC (Recreational and Commercial Zone)
		Total Acreage:	291.07 +/-			

Map References are to Zoning Map Exhibit A and map submitted by applicant.

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF April 6, 2016

PLANNING COMMISSION MEETING OF April 18, 2016

Plan Title:	Chesapeake Utilities Dover Campus at Northgate Center (S-16-11)
Previous Plan:	MI-15-07 Northgate Center Parcel Consolidation Plan
Plan Type:	Site Development Plan
Owner:	Eastern Shore Natural Gas
Site Area:	20.6275 acres +/-
Present Use:	Vacant land in Planned Industrial Park
Proposed Use:	Office Building, Warehouse Building, Vehicle & Material Storage , Compressed Natural Gas Dispensers
Building Areas:	Office Building: 56,000 SF Warehouse Building: 36,000 SF Covered Truck Canopy: 9,700 SF
Impervious Areas:	Proposed – 39%
Off Street Parking:	Required: 389 parking spaces (based on employee count) Proposed: 250 parking spaces
Sewer & Water:	Proposed City of Dover
Zoning Classification:	IPM (Industrial Park Manufacturing Zone) SWPOZ (Source Water Protection Overlay Zone)
Waivers Requested:	Partial elimination of curbing Reduction of parking spaces

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

APPLICATION: Chesapeake Utilities Dover Campus at Northgate Center

FILE #: S-16-11 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

This is a Review of a Site Plan application to permit construction of a 56,000 S.F. +/- office building, a 36,000 S.F. +/- warehouse building, vehicle storage, material storage, compressed natural gas dispensers, and associated site improvements on a 20.6275 acre parcel to serve as Chesapeake Utilities Dover campus. The proposed campus is intended to consolidate the operations of Chesapeake Utilities and Eastern Shore Natural Gas. The submission is subject to a Performance Standards Review Application. The project site is located within the Northgate Center on the south side of Stover Boulevard and Krisko Circle between Bay Road and State Route 1. The property is zoned IPM (Industrial Park Manufacturing Zone) and is partially subject to the SWPOZ (Source Water Protection Overlay Zone). The owner of record is Eastern Shore Natural Gas. Tax Parcel: ED-05-077.00-03-06.00-000.

Previous Applications:

This property has been the subject of multiple applications. The most recent application was approved and recorded in 2015 for the MI-15-07 Northgate Center Parcel Consolidation Plan and Right-of-Way Abandonment. The plan consolidated seven (7) parcels into the subject parcel and the abandoned of a portion of the right-of-way for Krisko Circle.

The overall property was originally subdivided with Application SB-05-05 Stover Professional Campus with Planning Commission approvals in September and November 2005. The Record Plan, recorded on April 20, 2007 subdivided the tract into twelve (12) lots and identified the new streets to be developed under the guidelines for a Planned Industrial Park with access to the site from Bay Road. Construction of the Industrial Park infrastructure commenced in 2007 with utilities, the stormwater management facility, and the streets partially constructed. Site Plan S-06-37 developed the Mainstay Suites Hotel at 201 Stover Boulevard (Lot 2). Another Site Plan S-05-32 proposed an office building on Lot 6; however, that plan has expired.

Preliminary Land Use Services Review (PLUS)

The Chesapeake Utilities Dover Campus Plan application (PLUS Review #2016-02-07) was reviewed on February 24, 2016 by the Preliminary Land Use Services as required by the City of

Dover's Memorandum of Understanding (MOU). This MOU requires that non-residential developments of over 75,000 square feet complete the PLUS Review process prior to application submission. Copies of the PLUS Review Comments and the applicant's response have been provided to the Planning Commission.

CURRENT PROJECT DESCRIPTION

The current project Site Plan S-16-11 proposes the development of the Chesapeake Utilities Dover Campus to consist of a shared facility for Chesapeake Utilities and Eastern Shore Natural Gas. The proposed development consists of a two story office building, a warehouse building, vehicle storage areas including covered truck canopy, work yard area with material storage, a natural gas filling station, and compressed natural gas storage tanks. The applicant has indicated that the design and size of the work yard has been refined to include an expanded area to the east with modifications to its access drive.

IPM Zoning District

This property is zoned IPM (Industrial Park Manufacturing Zone) and was established under the Planned Industrial Park provisions of *Zoning Ordinance,* Article 3 §20.5 and Article 4 §4.16.

Approved Waiver Request: IPM Planned Industrial Park Rear Yard Setback

The original Subdivision Plan (SB-05-05) was granted a waiver of the design standards for the setback from the development property line (rear yard setback) on the IPM zoned properties developed under the Planned Industrial Park design standards. The property line setback was reduced from 100 feet to 40 feet for Lots 3-10 and will maintain the 100 foot setback from residentially zoned properties (Lot 5). Planning Commission granted this waiver of the design standards on September 19, 2005. For this current Lot 6 (previously Lots 6-10), this setback occurs along the southern property line adjacent to State Route 1.

Airport Environs Overlay Zone (AEOZ)

Previously, this property was subject to the requirements of the Airport Environs Overlay Zone (AEOZ) with portions of the property located within Noise Zone A (65dB - 69dB) and within Noise Zone B (70dB – 74dB). With the amendment to the Zoning Map and *Zoning Ordinance* on March 11, 2013 (Ordinance #2013-01), this property area was removed from the AEOZ.

Source Water Protection Overlay Zone

A small portion of the northwest corner of the current Lot 10 is within the SWPOZ (Source Water Protection Overlay Zone) – Tier 3 Excellent Recharge Area. The purpose of the SWPOZ (Source Water Protection Overlay Zone) is to protect groundwater resources. For the Tier 3 Excellent Recharge Area, the area is so designated to safeguard the recharge resources per the provisions found in *Zoning Ordinance,* Article 3 §29. There are no site improvements proposed to be located within the SWPOZ area of the lot; there is construction of sidewalk and curbing within the nearby right-of-way area.

BUILDING ARCHITECTURE

The architectural elevations for the buildings were submitted showing all four elevations of the office building and the warehouse building. The exterior finishes for the two story office building consists of brick masonry in red and grey tones, metal panels, and multiple windows and

horizontal canopy elements. The roof system is flat of varying heights for the one story and two story sections of the building and in several locations there are roof mounted aluminum roof screen assemblies. The exterior finishes for the warehouse building include a cast concrete or masonry base with metal panel siding and a standing seam metal roof. The brick masonry and aluminum fascia on the canopy roof are elements repeated on this building from the office building. The Loading dock area on the south elevation includes a canopy roof system. All elevations of the warehouse have some window and/or door openings.

PERFORMANCE STANDARDS REVIEW

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

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

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

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

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

As part of this procedure, a separate *Performance Standard Review Application* is required to accompany the application for Site Plan approval. The applicant has submitted a Performance Standard Review Application letter indicating how the proposed development will restrict the

emission of dangerous and objectionable elements detailed in *Zoning Ordinance,* Article 5, Section 8.5. The letter provides responses for each specific building type in the proposed development including the office building, warehouse, truck canopy, and compressed natural gas (CNG0 filling station. The Planning Commission may refer the Application to expert consultants for review if deemed necessary. The Planning Commission is charged with determining if the proposed use conforms to the applicable performance standards.

SITE CONSIDERATIONS:

Site Circulation and Public Street Network

The site includes access points from Stover Boulevard and Krisko Circle with two entrances leading to the two separate parking lots that flank the office building. A third entrance point leads directly to the work yard area. Upon completion to City standards, Stover Boulevard and Krisko Circle will be dedicated to the City. Direct access to/from State Route 1 is not permitted for this property.

PARKING SUMMARY

The parking requirement in the IPM zoning district is one (1) parking space per 800 S.F. of floor area or 1.5 spaces per employee per largest working shift. Based on the employee ratio, the proposed building must be served by at least 389 parking spaces. The applicant proposes to provide 250 parking spaces and has filed a waiver request for a reduction in the parking space requirement from 389 spaces to 250 spaces, a reduction of 36%.

Waiver Request: Reduction of Parking Requirement

Under the provisions of *Zoning Ordinance,* Article 6 §3.9 the Planning Commission may reduce the parking for a site up to 50% of the required parking when "the use is adequately served by transportation and parking alternatives." However, the site must have an area of designated space where parking can be constructed equal to the number being reduced and by accepting the parking reduction the applicant agrees to construct the additional required parking in the future should by Public Hearing the Planning Commission determines the reasons for granting the reduction no longer exist.

Waiver Requested: Partial Elimination of Curbing

The *Zoning Ordinance,* Article 6 §3.6(b) requires upright curbing for all parking areas and access drives. The plan does not include curbing for vehicle & material storage yard area located adjacent to the warehouse and truck parking canopy. The work yard area is enclosed with fencing and surface of the yard area is compacted gravel with selected area of asphalt and concrete paving. A written waiver request for the elimination of curbing surrounding this yard area was submitted to the Planning Office for consideration by the Planning Commission citing the reasons for the request related to drainage related to stormwater management.

Loading Spaces

For buildings with professional, governmental, or business offices of at least 10,000 S.F., one loading berth is required for each 25,000 S.F. or fraction thereof. For warehouse/storage uses in the IPM zones, the *Zoning Ordinance* requires that the loading areas be sufficient to meet the site needs. For this project with a total office building area of 56,000 S.F., the requirement is three (3) loading berths. The applicant proposes to provide a centralized loading dock area as part of the

warehouse building in the work yard area for site operations.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces. Based on the number of parking spaces in the parking lot, a minimum of thirteen (13) bicycle parking spaces is required. The plan lists a proposal for thirteen (13) bicycle space; however, the location(s) was not identified.

Sidewalks:

Zoning Ordinance, Article 5 §18 requires sidewalks to be installed along the public street frontages of a property. The site proposes construction of sidewalks along Stover Boulevard and Krisko Circle frontages of the property. In addition, sidewalks connecting from the street frontage sidewalk into the site are shown and for pedestrian access from parking areas to building entrances.

Dumpster

For industrial uses, one dumpster is required for the first 40,000 S.F. of building area and one for each additional 40,000 S.F. of building area or fraction thereof. For this project with a total building area of 92,000 S.F., the requirement is for three (3) dumpsters. The project shows three (3) Dumpsters and three (3) Recycling Dumpsters as part of the work yard area.

Lighting

Lighting is provided on the plan through a series of light poles in parking lot islands and along the perimeter of the parking lots and entrance drives.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan sheets include a Landscape Plan. Based on a lot area of 20.6275 acres, a total of three hundred (300) trees are required to meeting the tree density requirements. A total of three hundred (300) tree plantings are shown on the plan. The planting concept includes street tress and other trees and shrubs along the frontage of the property, trees in parking lot islands and areas adjacent to the parking lot. A significant tree planting of evergreens and other trees is proposed along the bio-swale at the southern property line adjacent to State Route 1.

The development of this property in the IPM Zone as part of the Planned Industrial Park requires a ten (10) foot landscape buffer along all property lines and with 35% of the site as grass or landscaping. This project complies with these requirements. The Landscape Plan must take into account the location of all proposed utility lines and other site elements to avoid conflicts.

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) Review and Approval of the *Performance Standards Review Application* is required for the

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

2) Upright curbing must be provided around all parking areas unless a waiver is granted by the Planning Commission. A waiver request for the partial elimination of curbing was submitted for consideration by the Planning Commission for the vehicle & material storage work yard area.

3) The parking as required must be constructed unless a waiver is granted by the Planning Commission. A waiver request for a reduction in the parking requirement was submitted for consideration by the Planning Commission.
   a. The plan must identify the area reserved for future construction of parking equivalent to the number of parking spaces reduced.

4) Sheet C-001, Cover Sheet:
   a. Site Data Column:
      i) Add SWPOZ zone.
      ii) List present use as Planned Industrial Park and proposed use as the activities of this development (i.e. office building, warehouse, etc.)
      iii) Update building sizes. Listing here does not match plan drawings.
      iv) Revise Landscape Requirement calculations. The calculation is based on the entire lot and results in a requirement for 300 trees. See Landscape Sheet L-101 for correct calculation.
   b. The Utility Note is provided twice on this plan sheet.
   c. General Notes:
      i) Add reference to the most recent Parcel Consolidation/Right-of-Way Abandonment Plan as recorded.
      ii) In Note #8, add the action taken by the Planning Commission in regards to the waivers and Performance Standards Review Application.
   d. Add north arrow to plan drawing.
   e. The Planning Commission signature block is not required for this type of plan. Remove.
   f. Add title of owners' representative. Update engineer of record.

5) Sheets C-101 and C-102, Existing Conditions and Demolition Plan:
   a. Identify status of southern waterline loop.
   b. Determine status of City of Dover storm drain easement leading to pond from abandoned street segment.

6) Sheets C-201 and C-202, Site Plan:
   a. Clarify canopy at natural gas filling station.
   b. Provide impact protection for compressed natural gas storage tank area. The appropriate State permits will also be required for these tanks.
   c. Add parking bumpers to parking spaces west of truck canopy.
   d. Identify location of Fire Department Connections and other utility lines.
   e. Identify location of bicycle parking rack(s).

f. The parking tally of the east parking lot is 106 spaces. Update all data columns and labeling.
g. Update all plan sheets with the design and size revisions to the work yard area.

7) Sheets L-101 and L-102 Landscape Sheet:
   a. Label the 9 JV (Junipers in groupings of 3) north of the office building.
   b. Ensure trees are at least ten feet on the water service line on the east end of the office building. Relocate the Crepe Myrtles adjacent to the building and adjust multiple trees near the street.
   c. Ensure that proposed Landscape plantings (upon planting and at maturity) do not conflict with the lighting within parking lot islands, utility lines, fire lanes, etc.

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

9) Provide detail of the proposed fencing (multiple types) including height. Fencing is limited to a maximum height of eight (8) feet. Gates will need access provisions (opt-con, Knox box, etc.) for emergency response.

10) The Site Plan submission must include a Details sheet in the plan set to include details on the dumpster enclosures, sidewalks, curbing, work yard surface, traffic control signage, striping and markings, bike rack, light fixtures, sanitary sewer and water systems, and any other utility details required.

11) A Record Plan sheet may be required to record any changes to add/remove easements or right-of-way dedications for this project. It appears that one of the drainage easements leading to the existing stormwater management facility is dedicated to the City of Dover yet appears only to serve an access drive private property as a result of this project's parcel consolidation.

12) 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.

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

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

15) The applicant will need to work with the Department of Public Works regarding the redesign of Krisko Circle as related to the City of Dover Standards for the street, curbing, sidewalks, traffic control markings as well as existing utilities. The applicant will need to work with the City Electric Department regarding existing electric infrastructure and any existing street light removals/relocations.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Recommendations on Waiver Requests: The Staff recommendations regarding the waiver requests are as follows:
    a. Partial Elimination of Curbing: Staff recommends approval of the partial elimination of curbing in designated areas of the proposed vehicle & material storage yard area as it will facilitate the management of stormwater. The Plan should indicate the installation of parking bumpers at the head of parking spaces lacking upright curbing the area west of the truck parking canopy.

    b. Waiver Request for Parking Reduction: Planning Staff recommends approval of the parking reduction of the 139 parking spaces on the site. This reduction of 139 parking spaces is a parking reduction of 36%; however, the parking constructed on the site is adequate to serve the facility given the current staffing level and anticipated daily staffing levels for this type of facility with office and field operations. The site development also proposes bicycle parking racks and the compacted gravel work yard area that could be utilized for overflow parking. Areas must be reserved for the construction of parking areas equal to the amount of any parking reduction and depicted on the plan. If in the future parking becomes an issue at the site then the provisions of *Zoning Ordinance*, Article 6 §3.9 can be implemented to construct parking spaces in the reserved areas.

2) *Performance Standard Review Application*: Staff recommends the Commission affirm that the site's proposed use as an office building, utility company warehouse and work yard with truck parking, and compressed natural gas filling station facility conforms to all the applicable performance standards of the *Zoning Ordinance*, Article 5, Section 8. The proposed use is not expected to generate excessive dangerous or objectionable elements or emissions. Specific design requirements and State permitting requirements have noted regarding the compressed natural gas (CNG) filling station.

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

3) 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 on the streetscape.

ADVISORY COMMENTS TO THE APPLICANT:

1) The Planning Commission should act upon the request for waivers as part of any motion

regarding this project application, or as a separate motion as necessary. Note: All waivers are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.

2) Project files from 2005 indicate that a Traffic Impact Study was underway associated with the proposed development at that time. This property is located within the boundary of the Dover US Route 13/Bay Road Corridor Transportation Improvement District (TID) as established by an agreement between the City of Dover and DelDOT in 2014.

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

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

5) The professional engineer and landscape architect signing/sealing the plan are required to have a City of Dover Business License. Contact the Permit & Licensing Section at (302)-736-7010 regarding the licensing procedures.

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

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

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

9) Construction activities will have an effect on the adjacent property owners and to travel lanes and/or shoulder area of the adjacent roadway. Any work requiring the closing or rerouting of potential residents or visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners and the roadway.

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 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 at the Department of Planning & Inspections.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MARCH 30, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Chesapeake Utilities Dover Campus at Northgate Center, Lot 6**

FILE #: **S-16-11**

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) 736-7070 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.
7. Each property shall be served by a single water service line which shall be furnished and installed by the property owner. In the event a property contains multiple principle structures, such as shopping centers or apartment complexes, the property shall be served by a single water main where a water service line may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate water facilities.
8. No trees may be planted within ten feet (10') of water utility infrastructure.
9. No structure shall be installed within ten feet (10') of water utility infrastructure.
10. The minimum spacing between fire hydrants and hydrant valves shall be fifteen feet (15').

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. No structure shall be installed within ten feet (10') of wastewater utility infrastructure.

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. Sidewalk proposed within the right-of-way shall be constructed as per the City of Dover Standards and Specifications. All sidewalks must be poured by hand; curb machine slip formed sidewalks will not be permitted. The sidewalk must be scored in five feet (5') squares using hand tooled joints. All tool marks shall be removed as tool finished edges are not permitted. Expansion joints shall be installed at a spacing of twenty feet (20') and shall be precut, one-half inch (½ ") thick, four-inch (4") wide, cork sheets. All sidewalk proposed within the right-of-way shall consist of Class B concrete, without reinforcing material, in order to prevent future interference with utility locating. The proposed five feet (5') wide public sidewalk shall be installed 5 feet from the back of curb. The sidewalk cross slope shall not exceed 2% including across the driveways to ensure ADA and FHA compliance. A sidewalk construction detail containing the above information must be provided on the plan.
2. All barrier free access ramps and driveway aprons constructed with the site improvements shall be in accordance with the most current ADA and DelDOT requirements and standards at the time of construction. To meet cross slope requirements a five feet (5') wide grass strip must be provided between a five feet (5') sidewalk and the curb.
3. Signage and markings must be included with the site plan in accordance the Manual for Uniform Traffic Control Devices. Signage proposed for streets to be dedicated to the City of Dover must be included on the plan (no parking signs, speed limit signs, street blades, stops signs, watch children, etc.) All signs must be installed on two-inch (2") square break away sign posts.

SANITATION / GROUNDS

1. None

GENERAL

1. Any existing utility lines not to be utilized by the proposed project shall be properly abandoned at the mains by the developer / owner.
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. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

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

1. None.

STREETS

1. Please relocate the first entrance, the existing catch basin is not adjacent to a curb.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. Current underground electric is placed on the south side of the circular road per previous plans for the parcel. Any relocation of the wire to the north side of the circular road will be at the expense of the developer/builder.

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 will be required for this proposed site plan.
5. The City of Dover will not maintain the water service within the property.

WASTEWATER

1. The City of Dover sanitary sewer system is available to this site. The developer is responsible for all costs associated with extending and providing service and capacity to the proposed development.

2. Prior to plan approval, the sanitary sewer system plans may be required to be submitted to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.
3. 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 will be required for this proposed site plan.
5. The City of Dover will not maintain the sanitary sewer infrastructure beyond the existing property lines.

STORMWATER / GROUNDS / STREETS

1. None

SANITATION

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

GENERAL

1. Sanitary sewer laterals and water services shall have a minimum of five-feet (5') horizontal separation.
2. 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.
3. 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-16-11

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 04/06/16

CITY OF DOVER FIRE MARSHAL

APPLICATION: Chesapeake Utilities Dover Campus at Northgate Center Lot 6

FILE #: S-16-11 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 and Storage. 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 buildings (Business and Storage).

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. Speed Reduction devices or any other like device used to reduce vehicle speed are prohibited per City of Dover Code of Ordinances.

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

7. 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".

8. Perimeter access will be 50% for the Storage 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.

9. 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.

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

11. Full building and fire plan review is required.

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

13. 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.

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

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

21. Gates are to be operational with Fire Department Opti-Con Systems approved by Delaware Department of Transportation. All gates are required to have one manual and one automated means for opening. To be considered accessible for fire department apparatus the actual clear openings shall be not less than 14ft, the paved surface through the gate shall be not less than 12ft and the gate shall be setback from the perpendicular street by at least 50ft.

22. Project to be completed per approved Site Plan.

23. 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:

Proposed Office Building

1. Need to show that the 25% Fire Lane coverage is provided
2. Need to provide FDC location
3. Need to discuss hydrant locations, must be with 300' of FDC as hose would come off of apparatus
4. Need to discuss employee entrance area to ensure the entrance pad is utilized as part of the Fire Lane.

Proposed Storage

1. Need to show that the 25% Fire Lane coverage is provided
2. Need to show that the 50% perimeter access is provided
3. Need to provide FDC location
4. Need to discuss hydrant locations, must be with 300' of FDC as hose would come off of apparatus

General Site Comments

1. Need confirmation/documentation that the compacted gravel yard meets Delaware State Fire Prevention Regulations for approved surface for fire apparatus.
2. Gates are to be operational with Fire Department Opti-Con Systems approved by Delaware Department of Transportation. All gates are required to have one manual and one automated means for opening. To be considered accessible for fire department apparatus the actual clear openings shall be not less than 14ft, the paved surface through the gate shall be not less than 12ft and the gate shall be setback from the perpendicular street by at least 50ft.
3. Compressed natural gas storage tanks, natural gas filling station area, and generator pad require impact protection per City of Dover Code.
4. Fire Lanes need to extend from entrance on Stover Blvd and complete the entire circle for both occupancies
5. Need information in regards to truck canopy (open or closed)

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: March 30, 2016

DELDOT

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APPLICATION: Chesapeake Utilities Dover Campus at Northgate Center, Lot 6

FILE#: S-16-11 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 has requested to be considered for the Letter of No Contention (LONC)/ Permit For Entrance Construction (PEC) process. Once they submit their permit application, site plans, and supporting documentation through the PDCA, DelDOT will review the project and determine if it is a candidate for the LONC/ PEC process. After the review, DelDOT will issue a determination to the owner, developer, and/ or the engineer. Should you have any questions regarding the LONC/ PEC process or the PDCA submittal process, please contact the person listed above.

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
April 2016

APPLICATION: *Chesapeake Utilities Dover Campus*

FILE #: S-16-11

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 does not object to the approval of the conditional site plan, subject to an erosion and sediment control plan approval from the District.

ADVISORY COMMENTS TO THE APPLICANT:

1. If the land disturbing activities are greater than 5,000 square feet in land disturbance. The project is required to be reviewed and approved under the Delaware Sediment Stormwater Regulations.
2. The Stover Professional Campus was approved with an allowable impervious on the future individual lots. It must be shown that the allowable impervious has not been exceeded.
3. Projects that are one acre of land disturbance or greater and the Stormwater management requirements are covered under an existing Stormwater facility are required to submit an erosion and sediment control plan only. The plan must be approved prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The application and requirements' can be found on the KCD web site WWW.KENTCD.ORG

WAIVER REQUEST

CHESAPEAKE UTILITIES CORPORATION
DOVER CAMPUS

PARKING REQUIREMENTS

REQUEST: We are proposing a parking reduction of 36% (139 spaces) for the proposed Chesapeake Dover Campus project.

EXTENT OF THE REQUEST: By code, the project is required to have 1.5 parking spaces per employee for projects in the IPM zone. We are proposing to provide 250 parking spaces for the offices (a reduction of 139 spaces).

BASIS FOR REQUEST: Article 6, section 3.9 of the City of Dover zoning code states that the planning commission may reduce, in an amount not to exceed 50 percent, the number of parking spaces required… Site plan proposals within the IPM Zone require 1.5 parking spaces per employee of the largest shift. As the site will primarily be utilized as the offices of Chesapeake Utilities and Eastern Shore Natural Gas, the total employee count to date is 171 with the potential of 259 total employees in the future.

The current requirement would park the site as follows:

Current employee
171 employees * 1.5/employee = 257 spaces

Max employee
259 employees * 1.5/employee = 389 spaces

Parking Provided
250 spaces

Due to the nature of the use the potential for maxing out the parking lots at any one time is minimal, however providing

an addition 139 spaces over the total expanded employee count of 259, would over park the lot by more than the 125% allowed by code. As our plan proposes 250 spaces, the parking provided meets the current and future needs of the office space as planned. We are requesting a 36% reduction of the total parking count, from 389 to 250 spaces.

The project, in addition to providing the 250 spaces also includes a compacted gravel yard which could serve as emergency overflow parking for the business if needed, thus we are requesting the 36% reduction as stated above.

WAIVER REQUEST

CHESAPEAKE UTILITIES CORPORATION
DOVER CAMPUS

CURBING REQUIREMENTS

REQUEST: A waiver is requested to eliminate the portion of upright curbing for the material storage yard.

EXTENT OF THE REQUEST: By code, all permanent parking areas shall be enclosed with upright concrete curbing at least six (6) inches in height. We are requesting a waiver to eliminate portions of upright curbing in the material storage yard to allow for the sheet flow of runoff into an existing bio-swale along the rear of the property.

BASIS FOR REQUEST:

1. Article 6, section 3.6 (b) of the City of Dover zoning standards states that 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.
2. A bio-swale was designed and constructed for stormwater qualitative control. The bio-swale requires sheet flow in order to properly provide quality treatment prior to discharging to the stormwater pond.

BECKER MORGAN GROUP

ARCHITECTURE
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PLANNING OUR
CLIENTS' SUCCESS

April 7, 2016

Mrs. Dawn Melson-Williams, AICP
City of Dover
Department of Planning and Inspections
P.O. Box 475
Dover, DE 19903-0475

RE: **Performance Standard Review Application**
CHESAPEAKE UTILITIES / DOVER CAMPUS
Dover, Delaware
2005019.11

Dear Mrs. Melson-Williams:

On behalf of our client, Eastern Shore Natural Gas, we are hereby submitting a Performance Standard Review Application as a supplement to the Application for Site Development Plan Approval for the above-referenced project. This is submitted for consideration at the April 18, 2016 Planning Commission meeting. This project proposes the construction of an office building, storage warehouse, truck canopy and a compressed natural gas filling station. (2) Responses to the Performance Standards for each of the structures is provided below.

OFFICE BUILDING

Section 8.51 - Fire and Explosion hazards: The proposed building will be sprinklered in accordance with the Delaware State Fire Prevention Regulations. It will not contain any hazardous or explosive materials.

Section 8.52 - Radioactivity or Electromagnetic Disturbance: Not Applicable. The proposed office building will not produce radioactivity or electromagnetic disturbance.

Section 8.53 - Noise: Not Applicable - The proposed office building will not generate any noise beyond that which is consistent with an office use.

Section 8.54 - Vibration: Not Applicable - The proposed office building will not generate any vibrations.

Section 8.55 - Smoke: Not Applicable - The proposed office building will not generate smoke.

Section 8.56 – Odors: Not Applicable - The proposed office building will not generate odorous gases or other offensive odorous matter.

Section 8.57 – Fly Ash, Dust, Fumes, Gases, and other forms of Air Pollution: Not Applicable - The proposed office building will not generate any of the aforementioned forms of air pollution.

Section 8.58 - Glare: The proposed site and parking lot lighting will meet City of Dover lighting requirements.

Section 8.59 – Liquid or Solid Wastes: No liquid or solid wastes will be discharged to the public sewer other than normal sanitary sewage from the building.

Section 8.60 – Traffic Congestion: Not Applicable - The proposed site is part of a previously

BECKER MORGAN GROUP, INC.

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309 SOUTH GOVERNORS AVENUE
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RITTENHOUSE STATION
250 SOUTH MAIN STREET, SUITE 109
NEWARK, DELAWARE 19711
302.369.3700

PORT EXCHANGE
312 WEST MAIN STREET, SUITE 300
SALISBURY, MARYLAND 21801
410.546.9100
FAX 410.546.5824

ARCHITECTURE & PLANNING

3205 RANDALL PARKWAY, SUITE 211
WILMINGTON, NORTH CAROLINA 28403
910.341.7600
FAX 910.341.7506

www.beckermorgan.com

approved Industrial Park Subdivision and approved Traffic Impact Study (TIS). The traffic from all of the lots within the subdivision was accounted for when the subdivision was designed and the TIS approved. This lot accesses city owned internal subdivision streets and has several exit points from the subdivision to the external road network.

WAREHOUSE

Section 8.51 - Fire and Explosion hazards: The proposed warehouse will be sprinklered in accordance with the Delaware State Fire Prevention Regulations. It will not contain any hazardous or explosive materials.

Section 8.52 - Radioactivity or Electromagnetic Disturbance: Not Applicable. The proposed ware house will not produce radioactivity or electromagnetic disturbance.

Section 8.53 - Noise: Not Applicable - The proposed warehouse will not generate any noise beyond that which is consistent with deliveries during normal business hours.

Section 8.54 - Vibration: Not Applicable - The proposed warehouse will not generate any vibrations.

Section 8.55 - Smoke: Not Applicable - The proposed warehouse will not generate smoke.

Section 8.56 – Odors: Not Applicable - The proposed warehouse will not generate odorous gases or other offensive odorous matter.

Section 8.57 – Fly Ash, Dust, Fumes, Gases, and other forms of Air Pollution: Not Applicable - The proposed warehouse will not generate any of the aforementioned forms of air pollution.

Section 8.58 - Glare: The proposed site and parking lot lighting will meet City of Dover lighting requirements.

Section 8.59 – Liquid or Solid Wastes: No liquid or solid wastes will be discharged to the public sewer other than normal sanitary sewage from the proposed ware house.

Section 8.60 – Traffic Congestion: Not Applicable - The proposed site is part of a previously approved Stover Business Park Subdivision and approved Traffic Impact Study (TIS). The traffic from all of the lots within the subdivision was accounted for when the subdivision was designed and the TIS approved. This lot accesses City owned internal subdivision streets and has several exit points from the subdivision to the external road network.

TRUCK CANOPY

Section 8.51 - Fire and Explosion hazards: The proposed truck canopy is not enclosed and will not be sprinklered in accordance with the Delaware State Fire Prevention Regulations. It will not contain any hazardous or explosive materials.

Section 8.52 - Radioactivity or Electromagnetic Disturbance: Not Applicable. The proposed truck canopy will not produce radioactivity or electromagnetic disturbance.

Section 8.53 - Noise: Not Applicable - The proposed truck canopy will not generate any noise beyond that which is consistent with customary vehicular noise during normal business hours.

Section 8.54 - Vibration: Not Applicable - The proposed truck canopy will not generate any

vibrations.

Section 8.55 - Smoke: Not Applicable - The proposed truck canopy will not generate smoke.

Section 8.56 – Odors: Not Applicable - The proposed truck canopy will not generate odorous gases or other offensive odorous matter.

Section 8.57 – Fly Ash, Dust, Fumes, Gases, and other forms of Air Pollution: Not Applicable - The proposed truck canopy will not generate any of the aforementioned forms of air pollution.

Section 8.58 - Glare: The proposed site and parking lot lighting will meet City of Dover lighting requirements.

Section 8.59 – Liquid or Solid Wastes: No liquid or solid wastes will be discharged to the public sewer from the proposed truck canopy.

Section 8.60 – Traffic Congestion: Not Applicable - The proposed site is part of a previously approved Stover Business Park Subdivision and approved Traffic Impact Study (TIS). The traffic from all of the lots within the subdivision was accounted for when the subdivision was designed and the TIS approved. This lot accesses City owned internal subdivision streets and has several exit points from the site to the external road network.

COMPRESSED NATURAL GAS (CNG) FILLING STATION

Section 8.51 - Fire and Explosion hazards: The proposed canopy of the CNG filling station may be sprinklered in accordance with the Delaware State Fire Prevention Regulations and/or other jurisdictional authority. At this time, it's unknown whether this requirement will exist. The canopy will be designed to dissipate all natural gas vapor so as to not collect within the structure. The canopy will have explosion proof lighting and all wiring will be explosion proof. Dispensers will meet or exceed all applicable Delaware State Fire Prevention Regulations applicable to CNG filling stations.

The CNG filling station will be outfitted with all necessary operation, safety and evacuation signage and on-site fire extinguishers. An Emergency Shutdown Device (ESD) will be provided.

Section 8.52 - Radioactivity or Electromagnetic Disturbance: Not Applicable. The proposed CNG filling station will not produce radioactivity or electromagnetic disturbance.

Section 8.53 - Noise: Not Applicable - The proposed CNG filling station compressors will be located behind sound attenuating enclosures, eliminating any noise concerns. They will also be located within the proposed storage yard. The CNG filling station will not generate any noise beyond that which is consistent with customary vehicular noise.

Section 8.54 - Vibration: Not Applicable - The proposed CNG filling station will not generate any vibrations.

Section 8.55 - Smoke: Not Applicable - The proposed CNG filling station will not generate smoke.

Section 8.56 – Odors: Not Applicable - The proposed CNG filling station will not generate odorous gases or other offensive odorous matter.

Section 8.57 – Fly Ash, Dust, Fumes, Gases, and other forms of Air Pollution: Not Applicable -

The proposed CNG filling station will not generate any of the above forms of air pollution.

Section 8.58 - Glare: The proposed site and parking lot lighting will meet City of Dover lighting requirements.

Section 8.59 – Liquid or Solid Wastes: No liquid or solid wastes will be discharged to the public sewer.

Section 8.60 – Traffic Congestion: Not Applicable - The proposed site is part of a previously approved Industrial Park Subdivision and approved Traffic Impact Study (TIS). The traffic from all of the lots within the subdivision was accounted for when the subdivision was designed and approved the TIS. This lot accesses city owned internal subdivision streets and has several exit points from the subdivision to the external road network.

We believe this addresses the requirements for the Performance Standard Review Application. Please attach this application to our Application for Site Development Plan Approval scheduled for review by the Planning Commission and contact me with any questions.

Sincerely,

BECKER MORGAN GROUP, INC.

Jonathan N. H. Street
Civil Designer

JNS/rlh

Cc: Mark Parker – Eastern Shore Natural Gas

200501911aq-Perf-Rev-ltr.doc

PETITION TO AMEND ZONING ORDINANCE TEXT

Report to the
Dover Planning Commission
April 18, 2016

Proposed Change:	Text Amendment to the *Zoning Ordinance,* Article 6 – Off-Street Parking, Driveways and Loading Facilities, Section 5.3.
Summary of Amendment:	The proposed Ordinance revision would clarify the supplementary parking regulations for multiple dwellings by removing the references to the housing types and rely on the definition of "multiple dwelling."
Ordinance Number:	Proposed Ordinance #2016-14
File Number:	MI-16-04

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MARCH 30, 2016

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **TEXT AMENDMENT: REVISE PARKING PROVISIONS OF ARTICLE 6, SECTION 5.3.**

FILE #: **MI-16-04**

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

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

CONTACT PHONE #: **ELECTRIC - 302-736-7070 PUBLIC WORKS – 302-736-7025**

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

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

CITY AND STATE CODE REQUIREMENTS

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

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

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

1. None.

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

MI-16-04

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 04/06/16

CITY OF DOVER FIRE MARSHAL

APPLICATION: Revise Parking Provisions of Article 6 Section 5.3

FILE #: MI-16-04 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. This office has no objections

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: March 30, 2016

DELDOT

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APPLICATION: Text Amendment: Revise Parking Provision of Article 6 Section 5.3

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

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

DelDOT has no advisory comments at this time.

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

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2016-14

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

That Appendix B - Zoning, Article 6 - Off-street Parking, Driveways and Loading Facilities, Section 5 - Supplementary Regulations for Parking and Loading Facilities, Subsection 5.3 - Supplementary Parking Regulations for Multiple Dwellings, Including Duplexes, Multiplexes, and Apartments of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Section 5. - Supplementary regulations for parking and loading facilities.

5.1 *Access near street corners*. No entrance or exit for any accessory off-street parking area with over ten parking spaces, nor any loading berth shall be located within 50 feet of the intersection of any two street lines.

5.2 *On lots divided by zone boundaries*. When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces or loading berths shall apply to all of the lot. Parking spaces or loading berths on such a lot may be located without regard to district lines, provided that no such parking spaces or loading berths shall be located in a residence zone, unless the use to which they are accessory is permitted in such zone, or by special permission of the board of adjustment.

5.3 *Supplementary parking regulations for multiple dwellings~~, including duplexes, multiplexes, and apartments~~*. No parking space shall be located in any front yard or within three feet of any lot line in side or rear yards. The parking of motor vehicles within 15 feet of any wall or portion thereof, which wall contains legal windows (other than legal bathroom or kitchen windows) with a sill height of less than eight feet above the level of the said parking space is prohibited. No service of any kind shall be permitted to be extended to users of the lot, including automobile service, repair or fueling, and no gasoline, oil, grease, or other supplies shall be stored or sold in any such lot or in any garage on such lot.

5.4 *Supplementary regulations for any parking lots adjacent to residential lots*.

5.41 Whenever space is provided for the parking of ten or more vehicles in the open, such spaces shall be individually identified by means of pavement markings.

5.42 Reserved.

5.43 Wherever a parking lot is located across the street from other land in any residence zone, it shall be screened from the view of such land by a thick hedge located along a line drawn parallel to the street and a distance of 20 feet therefrom, [and] such hedge [is] to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street. A fence five feet high may be required while such hedge is growing to a suitable thickness.

Draft

5.44 Identification and directional signs shall not exceed an area of three square feet each and shall be limited to such as are essential for the particular use.

5.5 Parking for motorsports racing. During any ten-day period prior to or two-day period following an auto racing event the following provisions shall apply:

5.51 *Automobile parking*.

a. Property located within a residential zone may be used for fee-based parking of motor vehicles. Fee-based parking shall not include parking of commercial vehicles for use by commercial vendors and sales representatives.

b. Unimproved surfaces may be used for automobile parking. Such areas shall be reviewed by the fire marshal to ensure adequate emergency access. No stormwater management areas or other preserved open space shall be used for automobile parking.

c. Automobile parking shall in no case obstruct fire lanes, parking lot drive aisles, emergency access, fire protection equipment, or cross access easements between properties.

5.52 *Recreational vehicle parking*. Recreational vehicle parking shall be permitted within all zones subject to the following requirements:

a. No more than three recreational vehicles shall be parked on a residential lot.

b. Property owners wishing to provide parking for more than five recreational vehicles shall apply for a permit from the licensing and permitting division a minimum of 60 days prior to the race event. Fees for the permit will be charged in accordance with appendix F. Prior to issuance of a permit, the property owner or his agent must submit a legible diagram of the camping area to the licensing and permitting division. The diagram shall show recreational vehicle parking location, emergency access, drive aisles, entrance and exit, number of proposed recreational vehicles to be parked, location of power lines, and location of restroom facilities.

c. Recreational vehicles shall not be parked within 25 feet of power lines as measured from the center of the utility pole. Vertical extensions from recreational vehicles shall not be closer than 25 feet to power lines as measured from any point on the vertical extension.

d. Recreational vehicles shall not be parked closer than ten feet to other recreational vehicles, buildings or other structures, as measured from the long side of the vehicle; nor closer than two feet from other recreational vehicles, buildings or other structures, as measured from the front or rear of the vehicle. The required ten feet shall exclude any bump-outs or other protrusions from the side of the vehicle.

e. Recreational vehicle parking areas shall have drivable surfaces engineered to hold the weight of recreational vehicles, fire equipment, and other emergency response equipment in all types of weather.

Draft

f. Any changes to the layout of recreational vehicle parking areas shall be required to be submitted to the licensing and permitting division at least 30 days prior to the race event.

g. The Fire Marshal's Office may grant an exception to any provision of section 5.52 if it can be demonstrated that equivalent means of public safety and fire protection is being provided.

h. The fire marshal's office shall develop policy guidance on the implementation of this section.

(Ord. of 4-25-1994; Ord. of 9-13-1999; Ord. of 10-12-1998; Ord. No. 2009-28, 3-8-2010)

ADOPTED: *

S:\ORDINANCES\2016\DRAFT\ORDINANCE #2016-14 APP B-ZONING, ART 6-OFF-ST PKING, SEC 5-SUPP REGULATIONS\ORDINANCE #2016-14 APP B-ZONING, ART 6-OFF-ST PKING, SEC 5-SUPP REGULATIONS-First Reading.wpd

SYNOPSIS

The proposed amendment removes references to housing types which could cause confusion and inconsistencies in the Code. With the proposed amendment, reference to multiple dwellings would rely on the definition of the term in Article 12.

(SPONSORS: HARE, COLE, AND TOWNSHEND)

Actions History

03/28/2016 - Scheduled for First Reading - City Council

03/15/2016 - Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

Draft