CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, March 21, 2016 – 7:00 P.M.

City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

ADOPTION OF MINUTES OF REGULAR MEETING of February 16, 2016

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, April 18, 2016 at 7:00pm in the City Council Chambers.

2) Update on City Council Actions

3) Update on Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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 to create a minimum of 4.65 acres of new woodland at an off-site location. No buildings or paving were proposed. This is associated with 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.

2) Revised Plan Information:
   A. C-13-11 Dover Christian Church at 1738 Forrest Avenue – Information on Revisions to Conditional Use Site Plan for construction of 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.*

NEW BUSINESS

1) S-16-04 Dover Behavioral Health Systems: Phase I, 4-Bedroom Addition 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 existing 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 Line. 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.

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.

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 10,781 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 W. 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.*

3) US-16-01 Delaware Technical Community College Comprehensive Sign Plan – 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 Denneys 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-05-057.00-01-01.00-000. 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.*

4) US-16-02 Winner Ford Comprehensive Sign Plan – Public Hearing and Review of a Unified Comprehensive Signage Plan application which would supersede the applicant's existing approved 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 new signage would consist of a pylon sign, wall signs, and post and panel directional signs. 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: 591 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.*

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 the Board of Adjustment on December 16, 2015.*

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.*

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 Zones 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.*

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 x

CITY OF DOVER PLANNING COMMISSION
February 16, 2016

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, February 16, 2016 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Cregar, Colonel Welsh, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Still and Mr. Tolbert. Mr. Ambruso was absent.

Staff members present were Mrs. Ann Marie Townshend, Mr. Jason Lyon, Mr. Bill Cook, Mrs. Dawn Melson-Williams, Mrs. Tracey Harvey, Mr. Eddie Diaz and Mrs. Mullaney. Also present were Mr. Jack Kling, Mr. Michael Braun, Ms. Donna Bullock, Mr. William Grimes, Mr. Tolano Anderson, Mr. John Sigler, Mr. Sean Keblen, Mr. Gregory Moore, Mr. Bob MacLeish, Mr. Steve Hutchison and Mr. David Kuklish. Speaking from the public was Mr. William Heinz.

APPROVAL OF AGENDA

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JANUARY 19, 2016

Ms. Still moved to approve the Planning Commission Meeting minutes of January 19, 2016, seconded by Dr. Jones and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the Planning Commission Quarterly Workshop is scheduled for Wednesday, February 17, 2016 at noon in the City Hall Conference Room. If you can let Staff know if you will be attending that way they can plan accordingly.

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, March 21, 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 January 25 & 26, 2016 and February 8 & 9, 2016.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1. Requests for Extensions of Planning Commission Approval: None

NEW DEVELOPMENT APPLICATIONS

1. MI-16-01 Comprehensive Plan Amendments 2016 – Public Hearing and Review for Recommendations to City Council on a series of Amendments to the *2008 Comprehensive Plan*, as amended. The Amendments include consideration of the following: two requests for amendment of Map 12-1: Land Development Plan to revise the Land Use Classification

of properties as associated with rezoning application Z-16-02 and with rezoning application Z-16-03, and a request for amendment of Map 12-1: Land Development Plan to revise the Land Use Classification of properties associated with the Woodlands Area of Dover International Speedway. Ordinance #2016-01. *A Public Hearing and Final Reading are scheduled for action before the City Council on March 14, 2016.*

A. Consideration of Amendment to Map 12-1: Land Development Plan Map – Request for a parcel located on the west side of New Burton Road and west of the railroad corridor to revise the Land Use Classification from Residential Low Density to Industrial and Public Utilities on Map 12-1: Land Development Plan Map. Property Addresses: 37.2 acres New Burton Road & 1436 New Burton Road. This is associated with rezoning application Z-16-02.

B. Consideration of Amendment to Map 12-1: Land Development Plan Map – Request for a parcel located on the west side of South State Street south of Gooden Avenue to revise the Land Use Classification from Residential Medium Density to Office and Office Parks on Map 12-1: Land Development Plan Map. Property Address: 834 South State Street. This is associated with rezoning application Z-16-03.

C. Consideration of Amendment to Map 12-1: Land Development Plan Map – Request for properties owned by Dover International Speedway Inc. located east of Delaware Route 1 on the north side and south side of Persimmon Tree Lane to revise the Land Use Classification from Active Agriculture to Commercial. Property Addresses: 75 Pit Stop Lane and 599 Persimmon Tree Lane. This amendment is proposed to facilitate the consistent zoning of the Woodlands Area, which is the location of the Firefly music festival.

Representatives: None

Mrs. Townshend stated that each year the City allows members of the public to request amendments to the *Comprehensive Plan*. Typical, these are done in conjunction with Rezoning requests and Staff also evaluates conditions to determine if Staff needs to also bring forward proposed amendments at that time. The annual deadline for these applications is December 15th and there are two applications this year and then one plan amendment being proposed by Staff. All of the amendments for this evening are amendments to Map 12-1 which is the Land Development Plan Map.

The first two are associated with Rezoning applications that are on this evening's agenda. The decision the Commission makes on the *Comprehensive Plan* amendment needs to also inform the decision that they will make about that particular Rezoning application.

The first of these is a request to amend the *Comprehensive Plan* regarding a 37.2 acre parcel located on the west side of New Burton Road, west of the railroad corridor. It would revise the Land Use Classification from Residential Low Density to Industrial and Public Utilities. In this case, the West Dover Connector has cut a pretty large squath through this Kesselring Farm which is a property that again is currently zoned R-20 (One Family Residence Zone) and was depicted as Residential Low Density in the *Comprehensive Plan*. The construction of the road and the associated right of way does significantly change the character of the area and leaves this piece of land bound by the new

road and the railroad tracks. It does make it certainly less desirable for residential development. The request by this applicant is to amend the Land Development Plan Map to change it from Residential Low Density to Industrial and Public Utilities.

The second of these requests is for a parcel of land located on the west side of South State Street, south of Gooden Avenue. The request is to revise the Land Use Classification from Residential Medium Density to Office and Office Parks. Again, when you look at that particular stretch of South State Street you have the old Steele's Pharmacy which is commercial and the immediately adjacent property to the south is zoned RGO (General Residence and Office Zone) and is developed as on office building. Additionally, what the Land Development Plan Map does not show is the parcel located on Bradford Street; it's the Medical Arts Building. While that shows as residential land use on the *Comprehensive Plan*, it is zoned RGO (General Residence and Office Zone) and has an office building on it. Again, in looking at the specific circumstances surrounding this property, it is consistent with the land use pattern in the area. This Land Development Plan amendment is associated with a Rezoning for that same property.

The third of the plan amendments is an amendment to the Land Development Plan Map to take lands that are owned by Dover International Speedway located east of Route 1 on the north and south side of Persimmon Tree Lane to revise the classification from Active Agriculture to Commercial. We are currently in the process of working with Dover International Speedway to annex the balance of the property where they have the festivals into the City. As you recall, there were changes made to the RC (Recreational and Commercial Zone) that would specifically address the festivals and the associated camping and other types of temporary events. They wanted to change the *Comprehensive Plan* so that all of these properties can brought under the same zoning for consistency with how it's regulated. The *Comprehensive Plan* amendments are required under State Law to go to the State under PLUS review. This did go to the State for PLUS review; they do not have the comments in hand at this point. She does know at least what was conveyed to her verbally is that they will probably have some caveats related to the change of the Speedway property from Agricultural to Commercial in the *Comprehensive Plan* but she doesn't have detailed comments yet. She thinks their concern is principally about how it develops over time and at this point it's a festival and they want to make sure that we understand that if it is changed to Commercial and rezoned accordingly that other things other than the festivals could happen there. She thinks the way they structured the RC (Recreational and Commercial Zone) changes was in anticipation of having all of the Speedway under one umbrella, all within the City and all under the same zone so it's all part of this Master Plan related to the Speedway. There are comments from the other agencies, mainly standard comments.

Mr. Tolbert has indicated that he would like to recuse himself on any discussion or vote related to the Speedway Plan Amendment. Typically in the past, they have held a public hearing on each and after all of the public hearings they would make a motion on each so that it's very clear how they are voting on each of the amendments. They will be able to accept one, two or three of them but they are not bound under one action.

Mr. Holden recused himself from Item C due to the fact that his employer has worked with the applicant and also since it was initiated by Staff.

Mr. Cregar stated in looking at the proposed designation for the State Street property and he is

looking at the individual yellow spot on the display map next to the commercial and the office; should they not have looked at extending the amendment to include that property as well? Responding to Mr. Cregar, Mrs. Townshend stated that the way they do it when it's applicant initiated they look specifically at that piece. She would say with the update the *Comprehensive Plan* which they plan to work on next year that they need to look at that particular piece at that point.

Mr. Cregar stated that because they don't have the comments regarding Dover Downs, he is curious how they proceed with that because their comments may be important. Responding to Mr. Cregar, Mrs. Townshend stated that they could certainly defer action on that specific item.

Mr. Cregar questioned if there were any Staff suggestions? Responding to Mr. Cregar, Mrs. Townshend stated that she has been very open with the State Planning Office that this Plan Amendment is very important to the overall way the City deals with the music festival. Staff recognizes that when you zone something, other things can happen. She thinks, one the economy isn't such that anything is likely to happen in the near term but she also is not entirely sure that it would be a detriment if something happened there as long as it was well planned.

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

Colonel Welsh moved to recommend approval to City Council for MI-16-01 Comprehensive Plan Amendments 2016 Item A: Consideration of Amendment to Map 12-1: Land Development Plan Map for a parcel located on the west side of New Burton Road to be changed from Residential Low Density to Industrial and Public Utilities, seconded by Ms. Still and the motion was carried 8-0 by roll call vote with Mr. Ambruso absent. Mr. Holden voting yes as the other land changes currently in the surrounding area supports the conversion. Mr. Cregar voting yes, because of the way the road configuration has cut that piece of property; it really is not logical for residential and he thinks it meets what they would like to see for an industrial public utility area. Colonel Welsh voting yes, it's a good revision to the Land Use Classification as has been stated. Mr. Holt voting yes, it's a good use of the land and it works in well with the whole development there as far as bringing it into the 20th century for the City of Dover. Mr. Baldwin voting yes, it conforms with the newly constructed roadway in that area. Dr. Jones voting yes, for all of the aforementioned reasons. Ms. Still voting yes, it's an appropriate change to the Land Use Classification in light of all the changes in that area. Mr. Tolbert voting yes, for all the reasons stated and it does maximize land uses.

Ms. Still moved to recommend approval to City Council for MI-16-01 Comprehensive Plan Amendments 2016 Item B: Consideration of Amendment to Map 12-1: Land Development Plan Map for a parcel (834 South State Street) located on the west side of South State Street south of Gooden Avenue to be changed from Residential Medium Density to Office and Office Parks, seconded by Dr. Jones and the motion was carried 8-0 by roll call vote with Mr. Ambruso absent. Mr. Holden voting yes, the slow conversion of land use in that area and also due to Staff and other advisory comments. Mr. Cregar voting yes, as they look at updating the Comprehensive Plan they should look at this property and several other properties along that area because of the nature of that area has changed considerably. Colonel Welsh voting yes, because of the reasons previously stated. Mr. Holt voting yes, because of reasons previously stated. Mr. Baldwin voting yes, for the aforementioned reasons. Dr. Jones voting yes, she thinks it's a good idea to move forward with the

consistency with the land uses in that area. Ms. Still voting yes, in concurrence with all of the previously mentioned reasons. Mr. Tolbert voting yes, he concurs with all of the statements made concerning the approval of this part of the plan.

Colonel Welsh moved to recommend approval to City Council for MI-16-01 Comprehensive Plan Amendments 2016 Item C: Consideration of Amendment to Map 12-1: Land Development Plan Map for properties owned by Dover International Speedway Inc. located east of Delaware Route 1 on the north side and south side of Persimmon Tree Lane to revise the Land Use Classification from Active Agriculture to Commercial, seconded by Mr. Holt and the motion was carried 5-0 by roll call vote with Mr. Holden and Mr. Tolbert recused, Mr. Cregar not voting and Mr. Ambruso absent. Mr. Cregar abstained from voting only for the reason that he still does not feel comfortable going ahead with this without the comments that the State would provide. It's a big chunk of land; it has the potential for a considerable amount of re-development at some point in time and he just feels like he doesn't want to vote in favor or against without having all of the pieces yet. Colonel Welsh voting yes, he thinks it's an appropriate land use and he thinks it will serve the City and Dover Downs quite well. Mr. Holt voting yes, he thinks it's a good use of the land and it will be a benefit to Dover Downs. Mr. Baldwin voting yes, he thinks it's an appropriate fit for the activities that will be taking place there. Dr. Jones voting yes, for the aforementioned reasons and also based upon the comfort level of Staff. Ms. Still voting yes, for the aforementioned reasons.

2. Z-16-02 Lands of Kesselring Company, LLC near New Burton Road: Rezoning from R-20 to IPM – Public Hearing and Review for Recommendation to City Council on a rezoning application for a 37.2 acre ± parcel. The property is zoned R-20 (One Family Residence Zone). The proposed zoning is IPM (Industrial Park Manufacturing Zone). The property is located on the west side of New Burton Road and west of the railroad corridor and surrounded by the right-of-way for the West Dover Connector. The owners of record are Kesselring Company, LLC & Others and Larry Kesselring. Addresses: 37.2 acres New Burton Road & 1436 New Burton Road. Tax Parcels: ED-05-085.00-01-07.00-000 and ED-05-085.00-01-07.00-001. Council District 2. Ordinance #2016-03. *Associated with request (MI-16-01A) for Comprehensive Plan Amendment as a land use classification revision to Map 12-1. A Public Hearing and Final Reading are scheduled for action before the City Council on March 14, 2016.*

Representatives: Mr. Jack Kling, Remax Horizons

Mrs. Townshend stated that this is a rezoning application for 37.2 acres of land on New Burton Road. Again, this is associated with the first part of the *Comprehensive Plan* Amendment that the Commission just recommended in favor of. This is a rezoning request to take the vacant land that is left now caught between the road and the rail line from R-20 (One Family Residence Zone) to IPM (Industrial Park Manufacturing Zone). The reasons are previously stated but it there are any questions she would be glad to answer them.

Mr. Kling stated that he is here on behalf of the Kesselring family to answer any questions. They made the request for rezoning of that property for obvious reasons. The bypass connector route basically made it much more feasible as an industrial property than a residential property. At least that was his opinion in the beginning and why it was brought before the Commission.

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

Mr. Holden moved the recommend approval to City Council for Z-16-02 Lands of Kesselring Company, LLC near New Burton Road: Rezoning from R-20 to IPM due to the fact that the changes in the area and changes in land use support the conversion and it would be a good use; residential is not necessarily a good use anymore, seconded by Ms. Still and the motion was carried 8-0 by roll call with Mr. Ambruso absent. Mr. Holden voting yes, due to Staff comments. Mr. Cregar voting yes, for all of the previous reasons that were discussed with the change to the Comprehensive Plan and due to Mr. Holden's comments. Colonel Welsh voting yes, for all of the same reasons. Mr. Holt voting yes, for the previous reasons discussed. Mr. Baldwin voting yes, for the reasons previously discussed. Dr. Jones voting yes, for all of the same reasons. Ms. Still voting yes, for all of the same reasons. Mr. Tolbert voting yes, for all of the same reasons; the recommendation is good for the City.

3. Z-16-03 Lands of Michael W. & Winifred M. Braun at 834 South State Street: Rezoning from R-8 to CPO – Public Hearing and Review for Recommendation to City Council on a rezoning application for a 17,000 S.F. ± parcel. The property is zoned R-8 (One Family Residence Zone). The proposed zoning is CPO (Commercial and Professional Office Zone). The property is located on the west side of South State Street and south of Gooden Avenue. The owner of record is Michael W. & Winifred M. Braun. Address: 834 South State Street. Tax Parcel: ED-05-077.17-03-45.00-000. Council District 2. Ordinance #2016-04. *Associated with request (MI-16-01B) for Comprehensive Plan Amendment as a land use classification revision to Map 12-1. A Public Hearing and Final Reading are scheduled for action before the City Council on March 14, 2016.*

Representatives: Mr. Michael Braun, Owner

Mrs. Townshend stated that this is a rezoning request that is associated with the *Comprehensive Plan* amendment request that was just considered. This is for a 17,000 square foot piece of property located at 834 South State Street. The request is to rezone the property from R-8 (One Family Residence Zone) to CPO (Commercial and Professional Office Zone). She would go back to the same reasons supporting the *Comprehensive Plan* amendment. She would also note that the house on the property has been vacant for some time and has had some issues with the repair of it. The conversion to an office could definitely be an improvement as you would have an investment in the property that would detract from any of the nuisance that would be part of dealing with a vacant building.

Mr. Braun stated that the comment that he was about to make was addressed by Mrs. Townshend. That property has a number of physical characteristics that don't make it particularly useful as a residence and lend themselves to converting it to an office. Not only is the area changing, the physical nature of the property itself sort of pushes towards a commercial operation.

Mr. Holden stated that he was curious what characteristics of the property other than the location are changing the character of the neighborhood. Responding to Mr. Holden, Mr. Braun stated that the kitchen is poorly laid out. It would not be useful as a kitchen; it would require a complete renovation. Conversely, it's fine for an office break room. The bathroom that would be for the two

bedrooms on the second floor is off the kitchen meaning the occupants of that bedroom would have to come down the stairs to the back of the house to access the bathroom. The bedrooms are small, the closets are tiny, they would have to be expanded which would make the bedrooms even smaller but they are fine in an office environment. Those sorts of things are what he sees as he looks at this property.

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

Dr. Jones moved to recommend approval to City Council for Z-16-03 Lands of Michael W. & Winifred M. Braun at 834 South State Street: Rezoning from R-8 to CPO, seconded by Ms. Still and the motion carried 8-0 by roll call vote with Mr. Ambruso absent. Mr. Holden voting yes, due to Staff comments and other discussion. Mr. Cregar voting yes, supporting the change to the Comprehensive Plan that was also supported and the nature of the area and how it's changed to an office area. Colonel Welsh voting yes, agreeing with previously stated comments. Mr. Holt voting yes, because the nature of the area has changed considerably. Mr. Baldwin voting yes, for the aforementioned statements. Dr. Jones voting yes, in view of previous discussion regarding the Comprehensive Plan. Ms. Still voting yes, in concurrence with all of the previous statements. Mr. Tolbert voting yes, for all of the previous statements made and he thinks it's going to make better use of that particular piece of property.

4. C-16-01 The Gathering Place Large Family Day Care at Solid Rock Baptist Church at 113 North West Street – Public Hearing and Review of a Conditional Use application to establish a large family day care serving seven children within an existing building. The property is 0.558 acres and is zoned RG-1 (General Residence Zone). The property is located on the east side of North West Street just north of Fulton Street. The owner of record is the Solid Rock Baptist Church. Property Address: 113 North West Street. Tax Parcel: ED-05-076.08-03-02.00-000. Council District 4.

Representatives: Ms. Donna Bullock, The Gathering Place; Pastor William Grimes, Solid Rock Baptist Church

Mrs. Harvey stated that the Conditional Use Site Plan is to permit a large family day care in the community room of an existing building utilized as a church at 113 North West Street to be known as The Gathering Place. The property is zoned RG-1 (General Residence Zone). The owner of record is Solid Rock Baptist Church and the leasee is Donna Bullock.

Conditional Use Site Plan application C-13-07 for the construction of a two story community center also on the property but addressed as 109 North West Street was approved by the Planning Commission on August 19, 2013. It is adjacent to the existing place of worship. The parking lot and the tree planting requirements were also included and approved in the Site Plan application. The project proposal for seven (7) children and three (3) attendants will be classified as a large family day care by the *Zoning Ordinance*. Day care facilities also require licensing through the State of Delaware. The number of children permitted in a day care facility is determined by the State of Delaware along with mandated child to attendant ratios. The applicant provided a copy of the requirements from the State Office of Child Care Licensing with regards to the requirements of Rule 265 for an outdoor play area located within a safe walking distance. The applicant indicated

that the day care intends to utilize the play area located on the corner of West Division Street and North Kirkwood Street. The applicant will need to provide approval for this site from Child Care Licensing.

Based on the square footage of the new community building and the existing use as a place of worship, the total number of parking spaces required for these uses are fifty (50) parking spaces. With the previous application C-13-07, the Planning Commission considered and approved two (2) waivers for an overall reduction in the number of off-street parking spaces and the utilization of the combined parking spaces outlined in the *Zoning Ordinance* Article 6, Section 3.9 which allows the Planning Commission to reduce the overall number of off-street parking spaces. The applicant's request for the reduction of overall number of parking spaces to twenty-six (26) was approved. Four (4) parking spaces are required in the *Zoning Ordinance* for a large family day care which meets the requirement for the parking on the site.

Based on the total site area of 24,298 square feet, nine (9) trees will be required. There are a total of ten (10) trees located on the site which met the tree planting requirements for Conditional Use Site Plan application C-13-07.

Ms. Bullock stated that she was in complete agreement with everything stated by Mrs. Harvey.

Mr. Tolbert questioned what the relationship was between her organization and the church? Responding to Mr. Tolbert, Ms. Bullock stated that there is no affiliation; her organization is a separate entity.

Dr. Jones stated that she thinks she read that there will be no worship services when the day care is in operation. Responding to Dr. Jones, Ms. Bullock stated that was correct.

Dr. Jones questioned if that would be Monday through Friday? Responding to Dr. Jones, Ms. Bullock stated yes.

Dr. Jones further questioned if this would create an issue for services held on Good Friday or on other days during the week? Responding to Dr. Jones, Pastor William Grimes stated that there will never be any services that will need to be held in the sanctuary when the day care is open. If they needed to do anything it would be in the community outreach center next door to the church.

Mr. Tolbert stated that it's described as a large family day care, what services will they provide? Responding to Mr. Tolbert, Ms. Bullock stated that they would provide minimal fee day care for children ages infant to two (2) years old.

Mr. Tolbert stated that large "family" day care threw him off; he didn't realize that the services would be for children. Responding to Mr. Tolbert, Mrs. Townshend stated that's the *Zoning Ordinance* classification.

Mr. Cregar stated the hours of operation listed were 7:30am to 5:30pm and may vary. How would they vary? Responding to Mr. Cregar, Ms. Bullock stated that the only change in hours of operation would be if a parent was late picking up a child.

Mr. Tolbert questioned if Ms. Bullock has had experience with running day cares? Responding to Mr. Tolbert, Ms. Bullock stated yes, she was the director for Mom's House on South State Street for almost nine years.

Dr. Jones questioned if this was a contractual relationship with the church? Responding to Dr. Jones, Pastor Grimes stated yes.

Mr. Holt questioned if the day care would be open to the general public or if they would have to be a member of the church? Responding to Mr. Holt, Ms. Bullock stated that they would not have to be a member of the church but they are trying to offer the service to low income mothers or families, preferably single parents how are working and trying to better themselves. With the cost of day care today, it's very high. When she worked at Mom's House, it was a free day care. She can't do a free day care but she can do a very cheap day care.

Mr. Holt questioned if the expense of the day care would be because they would have to provide food to the children? Responding to Mr. Holt, Ms. Bullock stated that there are programs where they can get food to feed the children. The overall cost at some point will be to pay rent and utilities for the property and also to cover the cost of staff. The three (3) of them are not looking to get rich; they are looking to offer a service.

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

Mr. Holden stated that for infants to two (2) year olds, he doesn't know that there will be a lot of playground use but he is curious on distance and ownership of the playground and if Planning Staff views that as a potential conflict or is that addressed by other regulatory authority? Responding to Mr. Holden, Mrs. Harvey stated that would be addressed by Child Care Licensing.

Mrs. Townshend stated that the property that they look to use is a City park just across the street.

Mr. Holden questioned if from a City standpoint that would be an issue? Responding to Mr. Holden, Mrs. Townshend stated no.

Colonel Welsh moved to approve C-16-01 The Gathering Place Large Family Day Care at Solid Rock Baptist Church at 113 North West Street, he thinks it's a good thing for the community and that it's a very good thing that Ms. Bullock is doing. The motion was seconded by Mr. Holt and unanimously carried 8-0 by roll call vote. Mr. Holden voting yes; he thinks that affordable child care is a very important thing in our community and he appreciates the efforts. He thinks the area, use and impacts to the community are reasonable. Mr. Cregar voting yes; he likes the idea that the church and citizens are working together to provide this less expensive day care. He thinks it's a good use of the building and a good mixed use to allow for people with lower incomes to have child care. Colonel Welsh voting yes, for all of the previously stated comments. Mr. Holt voting yes; he feels like it's a good asset for the community and also for the church. Mr. Baldwin voting yes, for the reasons stated; it's a much needed service and he applauds the applicant. Dr. Jones voting yes, she commends Pastor Grimes and his congregation for the vision of outreach in a high need area. She is familiar with Mom's House and looks forward to the same level of quality of child care in an area of high need. Ms. Still voting yes; she thinks it's a very appropriate Conditional Use for the

area and she thinks it's a good opportunity for people to have low cost day care. Mr. Tolbert voting yes, for all of the reasons previously stated. He is particularly impressed with what Ms. Bullock stated about the cost of services at her facility. There is no question that day care today is a very costly thing for a lot of parents and she is going to try to help as many people as they can with that cost and he appreciates that.

5. C-16-02 Residential Treatment Facility on property of Healing Wings Christian Center – Public Hearing and Review of a Conditional Use application to establish a residential treatment facility as a philanthropic use within an existing building previously approved for use as a homeless veterans shelter under Application C-11-01. The use is proposed for the westernmost building (rear building) on the property which is constructed in a dormitory format. The property is 3.32 acres and is zoned R-8 (One Family Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the southwest side of McKee Road, north of the Emerald Pointe subdivision. The owner if record is Healing Wings Christian Center. Address: 1420 McKee Road. Tax Parcel: ED-05-067.00-01-20.00-000. Council District 1. *This application is associated with C-11-01 approved by the Planning Commission on April 18, 2011 with Final Plan approval on October 28, 2011.*

Representatives: Mr. Tolano Anderson, Owner of Because We Care; Mr. John Sigler, Esq. General Counsel for Psychotherapeutic Services Inc; Mr. Sean Keblen, Psychotherapeutic Services Inc

Mr. Cook stated that this Conditional Use review is to establish a residential treatment facility as philanthropic use within an existing building which was previously approved for use as a homeless veterans shelter under application C-11-01. The project area consists of a portion of one parcel of land located at 1420 McKee Road. The building where the activity will take place is in the rear of the property where the existing dormitory facilities are located. The application as submitted proposes no changes to the existing site or structures. The conditional use review is to review the change of use from what was specifically approved in the previous application.

In the DAC Report of February 3, 2016, there were a few things commented upon by Planning Staff as well as some of the other agencies. The existing structure includes fourteen (14) beds. Staff noted in the report that the parking requirement has been met; there are fifty-four (54) spaces provided and fifty-two (52) spaces required. Some of the other physical requirements of the site are in place such as a loading area. Dumpsters are located on the site. There are sidewalks located along the public road frontage but he doesn't believe that there is connecting sidewalk on either adjacent parcel. There are fences existing along property lines and at various places within the site. There is also lighting provided throughout the parking lot on a series of poles.

The two (2) story building has fourteen (14) beds and fourteen (14) rooms. The residential rooms are located on the second floor and the first floor has common areas, offices, a full kitchen and utilities on-site. There is a requirement for tree planting and landscaping. They did not submit a landscape plan with the application so the receipt of a landscape plan and verification of planting is a condition of the Site Plan approval. The tree planting requirements will be verified at the time of a Certificate of Occupancy inspection.

The property is zoned R-8 (One Family Residence Zone) which is one of the reasons why it's coming in for conditional review again. It's also subject to the COZ-1 (Corridor Overlay Zone). The

applicable portions of that Code relate to tree planting. Staff did provide some comments to the applicant regarding some corrections that they will be working to make on the submitted plan before Final Plan approval is granted by Staff. The total tree count required was forty-five (45) trees; they estimate that a good portion of those are already on the site and they just have to verify them on the plan.

In terms of recommendations suggested as conditions of approval, there were questions from the Fire Marshal's Office and the Planning Office regarding the exact nature of the activities and services being provided on the site which they would like a detailed description of that in writing. Also, for the Commission's consideration in terms of their motion, recommended that the Commission consider recommending an overnight resident occupancy maximum. This was done with the previous use and that was for fourteen (14) rooms and fourteen (14) beds. Also in Article 10 Section 1.42, as they have done in the past with some Conditional Use applications, Staff recommended that the Planning Commission approval be conditioned upon the requirement for a review in one (1) year to confirm compliance with the conditions of approval and to see if further review is required.

Mr. Anderson stated that he was here to speak on behalf of this application. They are here to resolve a technicality. The Commission approved this project as a veteran's home years ago and as a result of that it limited the use of the facility to military veterans only. Having served in the U.S. Army for twenty-four (24) years, he can appreciate that consideration; however, it's not really practical. They are here to resolve that issue simply in terms of allowing non-military veterans to also use the facility. There are no planned changes, no changes to the site, and no changes to the building. They simply want to make a change to the people that are being served to be more than U.S. military veterans.

They have had a visit from the Fire Marshal, who has received the letter with the information that Mr. Cook has referenced. They are also expecting sixteen (16) beds. The difference between fourteen (14) and sixteen (16) would not be a change that he is aware of from a previous application but they actually look forward to moving forward with this. They are excited and eliminating that limitation or discriminator from military veterans, really helps them to move forward.

Mr. Tolbert questioned what Mr. Anderson considers non-military veteran? Responding to Mr. Tolbert, Mr. Anderson stated any individual that needs help and support. It could be a veteran or not. Veterans are absolutely appreciated and welcome but those who have not served in the military would also be welcome as well.

Colonel Welsh stated that in 2011 this property was approved as a veteran's shelter, now you are seeking approval as a residential treatment facility. That kind of indicates perhaps a different operation; is it basically a different operation not just a different name? Responding to Colonel Welsh, Mr. Anderson stated that it basically is the same operation, it would allow for people that haven't served in the military to utilize the facility.

Colonel Welsh questioned if they would be using it as a shelter or as some type of drug or alcohol treatment center? Responding to Colonel Welsh, Mr. Anderson stated that it would be residential treatment center. Basically the same services provided to the veterans; they have very many of the

same issues, problems and concerns as those on the civilian side. So it would simply open this location up to those who are non-military.

Mr. Holt questioned if they charge a fee? Responding to Mr. Holt, Mr. Anderson stated that there is no fee charged the individual attending.

Mr. Sigler stated that he is an attorney in the City of Dover and is also General Counsel for the organization that is working with Mr. Anderson's organization to provide these services. Yes, there is a charge. This is an addictions treatment program for adult females who have already been detoxified who are already in recovery and this is there next step. They will be in residence for no more than ninety (90) days. Some will be private pay; they could be our neighbors, friends or family members. Others may be Medicaid, Medicare or other government subsides.

Mr. Tolbert questioned if Mr. Sigler stated that the treatment center would be just for females? Responding to Mr. Tolbert, Mr. Sigler stated this is a female addictions treatment program licensed by the State of Delaware.

Mr. Tolbert stated that this facility was originally a program for veterans, now it would be for anyone. Is there a shortage of veterans? Responding to Mr. Tolbert, Mr. Anderson stated no, they expect the population of veterans to certainly be in attendance or clients at this facility. He doesn't want this issue to be lost. If we specifically say females at this point for this Commission then they will once again be limited in the future to only being able to help females, just like they are limited now to only being able to help veterans. He would like to not have that distinction although this particular program is catering particularly to these women; he doesn't want that to be a limitation so that they can serve men and women in the future.

Mr. Tolbert questioned if Mr. Anderson planned on serving men in the future? Responding to Mr. Tolbert, Mr. Anderson stated that he doesn't want a limitation of not being able to serve males in the future.

Mr. Tolbert questioned what the limit of beds was that can be at this location? Responding to Mr. Tolbert, Mr. Anderson stated sixteen (16).

Mr. Tolbert stated that it shouldn't be too difficult to fill the sixteen (16) beds. Responding to Mr. Tolbert, Mr. Anderson stated no, not with the needs of our community.

Dr. Jones questioned if there was proper notification to the public? Is this one of those situations where the public has to be notified? Responding to Dr. Jones, Mrs. Townshend stated yes, they did meet the public notice requirements.

Dr. Jones stated that she thinks she has received a little bit more information because residential treatment was just a little bit vague for her. She thinks they have some additional information but she sees that one of the conditions of the application was to provide more clarity on the services being provided. Responding to Dr. Jones, Mrs. Townshend stated, yes and to date the Planning Office do not have that in hand.

Dr. Jones stated that she is a little bit uncomfortable with the vacillation. She knows that the applicant stated that they don't want to be pinned in but as a Commissioner she is a little uncomfortable with it. Responding to Dr. Jones, Mr. Anderson stated that that's exactly the point; not wanting to be pinned in. This particular program that they are working with right now is for females but that doesn't mean that from this point forward that it would just be limited to females. That's the distinction that we wanted to make; not just veterans, not just women but human beings in need of the services.

Mr. Sigler stated that the information that is apparently not in the packet was submitted by letter on February 9, 2016 to the Fire Marshal. It is a full description of the service to be rendered as well as the staffing. He provided a copy of the letter to the Commission.

Subsequent to that letter, he had the privilege of speaking with the Fire Marshal and he informed him that he had looked at the submission and it met with all the requirements. The contract that they will have to provide these services is a five (5) year contract and it is female only during that five (5) years.

Mr. Tolbert questioned if they had a contract with the State? Responding to Mr. Tolbert, Mr. Sigler stated that they have a contract with the State and with Mr. Anderson's organization for five years.

Mr. Tolbert stated that the applicant says there will be sixteen (16) beds; do they plan to enlarge that facility? Responding to Mr. Tolbert, Mr. Sigler stated that they have absolutely no plans to enlarge and sixteen (16) is a maximum number not a minimum number. That number cannot go above sixteen (16) at any given time.

Dr. Jones questioned who Mr. Sigler was representing? Responding to Dr. Jones, Mr. Sigler stated that he is General Counsel for a licensed provider by the name of Psychotherapeutic Services Inc. They have been providing these services in the State of Delaware since 1988. This is something that they know how to do and he is also a retired police officer in this town and he can tell you that they need this type of service for these people. This is something that is very important; addiction is a problem that unfortunately they are re-visiting since his days in the 1970's and it's a very ugly thing. Unfortunately, we as a State don't look at a female addicted person the same way as a male addicted person and it's time that we did so and that's what this program is.

Mr. Cregar stated that he needs clarification on exactly what is going on in that building today. Responding to Mr. Cregar, Mr. Sigler stated that the building is empty and has been empty for years.

Mr. Cregar questioned that it has not provided services to homeless veterans? Responding to Mr. Cregar, Mr. Anderson stated no, the programs for Veteran's Administration due to government budgeting constraints has always been an issue because of continuing resolutions or other budget issues and so forth with the Veteran's Administration. They have has several meetings with them and have come close several times but they are not able to complete the transaction because of budget constraints on the Veteran's Administration side. That also was one of the reasons for lifting this restriction or limitation to veterans only because it did not make it a practical program in order to use this facility with just military veterans only; it basically tied their hands.

Mr. Cregar stated to explain to him exactly what this building will be used for now with these female addictions people. Responding to Mr. Cregar, Mr. Sigler stated that he is not the clinical person but he has the person here who is the clinical person, Mr. Sean Keblen.

Mr. Keblen stated that there will be female specific treatment because issues that females come in with are often different than male clientele which was stated earlier. The female population has often been not looked at as having as severe of an issue or needing as severe of treatment. There will be treatment that is gender specific for females like parenting, different adult living skills that will help them be successful, it will be a trauma informed cognitive behavior therapy model which is a national trend and empirically based as to be what is most effective in dealing with addictions at this point in time. It will also be a person centered model which helps deal with an individual rather than the group of people as a whole. They will go through individual counseling, they will have group counseling, they'll have family counseling, vocational services to help them locate jobs, they will have educational opportunities like GED to help them with educational progress that they will need, help finding them placement when they have completed the program and they are ready for discharge to help them be successful in their sobriety and maintain their sobriety in linking them to the appropriate community based resources.

Mr. Cregar questioned if this was a locked facility? Responding to Mr. Cregar, Mr. Keblen stated it was locked from the outside. From the outside you can't enter but you can exit.

Mr. Sigler stated that he thinks Mr. Cregar was asking if this is a secure facility. This is not a secure facility; this is a voluntary treatment program. It will have security but it is not a secure facility.

Mr. Cregar questioned if any of these residents that could participate in this program have criminal charges? Responding to Mr. Cregar, Mr. Keblen stated yes, they possibly could. They could be referred through the court system as having a need for treatment.

Mr. Cregar questioned Staff if when this was advertised, when we say residential treatment does the neighborhood really know what's being proposed? Responding to Mr. Cregar, Mrs. Townshend stated that she believes that the advertisement said residential treatment so it may not have had the specific details. That's part of the reason why Staff requested the details. She believes that it's more than just a technicality that it's not a veteran's home anymore because there was no reference in the previous Conditional Use to providing substance abuse treatment services or any of those things. From her perspective, this is a change in the Conditional Use that had been previously granted so that's why it is back to the Planning Commission.

Mr. Sigler stated that the answer that was just given to Mr. Cregar was partially correct and very misleading. The people who will be referred to this program may or may not be there as a result of a court commitment. It is possible that they could be but that is not one of the requirements. They have the absolute ability and responsibility to reject anyone who does not fit the model. These people have to be socially, physically and emotional capable of being in the community. They have the ability and they will reject anybody with a history of violence, fire setting or any of that. According to their contract with the State, they have the ability to keep these people out if they don't fit their model. The answer that was just received from Mr. Keblen was correct; they may have had criminal justice impact record but it won't be serious because they won't accept them and are not required to accept them.

Mr. Anderson stated that he wanted to clarify whether or not people are going to receive treatment because of addictions. He doesn't view that as something that wasn't shared openly from the very beginning. The term residential treatment facility in itself to some extent indicates that these are people that are receiving treatment for this issue in terms of addictions. In terms of his dialogue with Planning Staff he doesn't remember any time were that wasn't open and apparent. He thinks that the fact of the matter is and he remembers discussing this with the Councilman for that district, Mr. Hosfelt who came to the facility, who toured the facility and who walked through and talked about specifically what they were going to be doing and how much the community needed it. He appreciated the fact of the good paying jobs that are going to be brought into the community and that this particular group of people in our community that really need help were actually going to have an opportunity to be helped in a facility over 6,300 square feet that has been sitting there waiting to be put into service to help the City and to help this community and to help those individuals that is literally languishing there. His appreciation for that and his consideration for it and the discussions with Planning Staff on the specifics of it, made it very apparent to him of what it is that they are trying to do, what they think is of benefit and he just doesn't want there to be any misunderstanding of that particular aspect. They have no opposition from the neighborhood. This particular building as it's referenced in the packet is several hundred feet off of the road. It is almost four hundred (400) feet off the road on a fenced property. This is a dormitory building that's designed almost perfectly for this purpose and it's no secret what needs to be accomplished there and what these people need.

Dr. Jones questioned if she understood that the duration of a stay is ninety (90) days? Responding to Dr. Jones, Mr. Sigler stated yes, no more than ninety (90) days. It's probable that most of these people will have gotten to the point where they can move to the next step in their rehabilitation; return to their families and jobs probably prior to the ninety (90) days but ninety (90) days is the maximum in this program. Remember that the patients will have already been through detox, they will already be stable and they will have been deemed by the Division to be ready for this kind of program. After this program, they will go into other programs that are not residential.

Dr. Jones questioned what division he was referring to? Responding to Dr. Jones, Mr. Sigler stated the Division of Mental Health and Substance Abuse.

Mr. Anderson stated that because the question of possible criminal background or having a record was raised, he wants to make it clear that many of their military veterans do have those interactions with the police departments. They do have records; they do have criminal backgrounds in many cases as a result of their substance abuses. That's why they would fully expect veterans to not only use this facility as well as civilians but that should not necessarily be a discriminator. Part of the problem that these people have brings them in to contact with law enforcement.

Mr. Holden stated that substance abuse treatment is needed; he doesn't doubt that female substance abuse treatment is a much needed service in our community. He has concern over the fact that here in this area we are gaining a better understanding of what is sought by the Conditional Use, but his real concern is that the general public doesn't have benefit of this prior. In a procedural sense, what are the Commissioner's options? He is not comfortable supporting this moving forward without the airing of what they have learned here to allow the public to understand. They are surrounded by residential neighborhoods and an elementary school across the street and he thinks the public needs

the benefit of the knowledge that they have gained here tonight to choose if they want to come to support or to speak in opposition of them. What options do they have? He doesn't want to shut the door but he doesn't feel comfortable supporting it tonight either. Responding to Mr. Holden, Mrs. Townshend stated just to reiterate in response to Mr. Holden's question and Mr. Cregar's earlier question, the public notice states Conditional Use review for a residential treatment facility. The whole idea of substance abuse treatment was not a surprise to Staff, that's been the discussion all along. What they did not know and what this letter handed out tonight helps to clarify is what that means. In terms of substance abuse treatment, there is kind of a continuum of care as Mr. Sigler stated, detox into transitioning back into the residential setting. If the Planning Commission is not comfortable that residential treatment facility is descriptive enough for the adjacent property owners to truly know what is being proposed here, it could be deferred with a hearing set for next month and then re-advertised.

Mr. Holden questioned if it would be deferred by motion of the Commission? Responding to Mr. Holden, Mrs. Townshend stated yes.

Mr. Holden stated that the Site Plan shows that there is partial fencing there, not full fencing. They don't have benefit of the aerial to understand. He wants the applicant to hear that he doesn't know that this is not an appropriate use but he thinks the public needs to see the full record; the packet that's available to the public needs to be complete for the Commission to appropriately address what they are being asked to do tonight. He would be more in favor of deferring it to allow that process to happen and see where we get to. Responding to Mr. Holden, Mr. Anderson stated that the primary issue being dealt with for the veterans occupying that facility is the same problem which is substance abuse. The second thing was that the public notice requirements are very specific and they are very detailed. They have met all of their obligations, the public notice was printed in the newspapers, they posted the property within the time frame necessary, they sent letters to every property owner within two hundred (200) feet and they've met with their obligation. They are not here to do anything that is adverse to the community. The property is fenced, there is an entrance on the roadway and the entire property is fenced. It's several hundred feet to the back of the property. It's almost ideally suited for this particular purpose, as he mentioned Mr. Hosfelt's comments earlier. Having met their obligations, he is not asking the Commission to do something that they are uncomfortable with but he is thinking in terms of what they have done. The applicant met with the Development Advisory Committee and they answered all of their questions and they were very specific. They were specifically asked questions by Staff and by all of the other agencies that were there. They have met with the Fire Marshal and he has been on to the property as well. This is essentially where they stand right now. There is a serious problem for them if the Commission doesn't consider the application; this program could very well be torpedoed altogether if they are not granted a Conditional Use. He just wants to make sure it's clear that they did meet all of the public notice requirements and they did meet every obligation with the DAC, and they have done everything that they were asked to do up to this point in time. To be in this position now is a little precarious.

Colonel Welsh stated that he initially asked for the distinction between what was homeless veteran's shelter and now a residential treatment facility. Quite honestly, it seemed that you tapped danced around it a little. You said that you just wanted to make it open to everybody not just veterans. It wasn't until after there was more questions asked, it came out that it was going to be a treatment facility; a drug and alcohol abuse treatment facility or people with behavioral issues. That

is needed in the community and he doesn't think anyone can deny that. He thinks Mr. Holden was very eloquent in his comments that we need to have that. His concern is the same as Mr. Holden's; did the public know that there are going to be people there receiving treatment for drug and alcohol abuse or perhaps even a criminal record? Responding to Colonel Welsh, Mr. Anderson stated that what they had in their proposal to the Veteran's Administration was very specific. The primary elements were the drug and alcohol abuse counseling, social adjustment counseling, transportation for off-site counseling for various mental and/or drug related and medical appointments and there was in-house counseling and off-site counseling. It's essentially a mirror of what's happening here just with a different population. The original program was also residential, the veterans lived there and they were also cared for there. They had treatment and appointments there but they were also being transported off-site to other appointments for their abuse issues and being brought back to the facility. That was the scope of the contract with the VA.

Colonel Welsh stated that was the contract with the VA and the VA certainly knows it but does the surrounding public know that? In the notification letters that were sent to them, did they spell that out, that there were going to be people there potentially with criminal backgrounds or with drug and alcohol abuse issues that are going to be undergoing counseling? Responding to Colonel Welsh, Mr. Anderson stated that they didn't specify that there would be people there with criminal backgrounds because they actually don't know if there will be anyone there with a criminal background. That's a probability and a possibility but to specify that that's what's going to be the makeup of clientele he thinks would be inappropriate.

Colonel Welsh stated that the possibility exists. Responding to Colonel Welsh, Mr. Anderson stated that the possibility existed with the veterans as well. When the Commission approved the application last time that was apparent, these were veterans and we know what the issues are with our military veterans. If you look at any of the homeless or veterans shelters now, you can see that there is a certain effort to support them in their abuse issues.

Colonel Welsh stated again they have gone from a veteran's shelter, with thirty-five (35) years in the military he understands that there is a desperate need for it. He is sure there is need for counseling and drug and alcohol abuse treatment but again, he goes back to the same concern that Mr. Holden had and that's the reason that he asked this question. Did the notification that went to the neighbors spell that out? Responding to Colonel Welsh, Mr. Sigler stated that as an attorney in this area he can tell you that 42 CFR Part 2 tells them that they cannot tell the public that these people in fact are receiving treatment for addictions because that violates federal law. That identifies them and by identifying them if they had put that in the notice, they would be subject to federal penalties.

Mr. Holden stated that in his view, there's some kind of nebulous shifts here. The original Conditional Use for a veteran's home and code purple shelter, he wasn't here for that application so he doesn't know if that was described as a veteran's treatment facility that could include substance abuse or if that's inherently understood. He did not understand it that way and so that's a bit of a change. Anytime you see a multitude of changes in these discussions it raises some concern. The fact that the information that was provided to the Commission tonight that was not in the public packet and available to the public is his greater concern. He is comfortable with denying the application or deferring the application because of those reasons. He understands that that's a challenge in the business sense that there are issues there that they have been struggling with the

VA and he also thinks that the citizen's rights and the Conditional Use hurdles are onerous for good reason. Responding to Mr. Holden, Mr. Sigler stated that they are in a position and he has shared this with Staff as well, that if they don't have this program open and up and running in that facility or another facility and there is no other facility in Dover or Kent County to hold this, then this will not happen in Kent County this year and it may not happen in Kent County at all. He doesn't make that as a threat; this is the pressure that they have been working under. Mrs. Townshend and Mr. Cook know that this is one of the reasons why they are here tonight because they are trying to get this thing done and they are trying to get this done in such a fashion that these people can get the treatment that they are entitled to, that they deserve and that they need. The fact of the matter is that the State of Delaware is going to cancel their contract if they do not open by April 1, 2016. That's not a threat, it's a fact. It's not just a business fact, it's a fact that they will pull this contract and give it to someone else somewhere else.

Mrs. Townshend stated that one point that she did make with the applicant during the pre-application meeting was the reason for the Conditional Use process. It's because this is a residential zone so that's the purpose of the scrutiny, not to say that uses aren't desirable in Dover or desirable at this location but it's to allow for the input and allow for the Planning Commission to place the appropriate conditions based on the factual information and the knowledge of the ordinance to protect this use as it relates to the zone. She doesn't want to take away from the need but she wants to correct the one thing that was stated previously, that this was a technicality. She never saw it as a technicality; she sees it as a Conditional Use in a residential zone regardless of the fact that it's setup like a dormitory building. There is the possibility when they do the *Comprehensive Plan* updates to look at the zoning and see if there is a more appropriate zoning classification but right now this is what they are left with. From the applicant's perspective, if you believe that the Planning Commissioners are asking a lot of hard questions it's because they are here to maintain a standard and again the R-8 (One Family Residence Zone) is a very common residential zone. If we are saying this is appropriate here then we are saying it's good in many of our neighborhoods. Again, the issue is about consistency, fairness and transparency. She thinks those are the issues that Commissioners have raised. That's part of the reason that they did want more information on the record about the types of services being provided so that they had the information for them to have in your deliberation. Responding to Mrs. Townshend, Mr. Sigler stated that if you go look at this property you will see that it's isolated. There is nowhere else in the City that he is aware of, where it would be appropriate for this type of facility. If you don't have this kind of facility there then that building is absolutely useless; it has no other use except as a residential facility of some sort. That's why it was built to begin with he would assume. To be very frank, behind it is woods. This is about as isolated as it can get and although it's not a secure facility, it might as well be because you can't get to it from anywhere. This is about as good as it gets in the City of Dover for this kind of facility. He thinks everyone would be a lot more comfortable if they went to this property to see it. You would see that this is absolutely ideal and there is no one around it to be impacted.

Colonel Welsh questioned how many notices went out? Responding to Colonel Welsh, Mr. Anderson stated that there were six (6) notices sent out.

Colonel Welsh stated that there are six (6) neighbors that are within two-hundred (200) feet that could be impacted. Responding to Colonel Welsh, Mr. Anderson stated that they made it a point through their individuals who are associated with the church to get a sense of whether or not the neighbors would have any issues and the reason that you don't see them here tonight is for that

specific reason. There is a fourteen (14) acre parcel that completely surrounds this parcel except for the street. To the rear, because of the wetlands located behind it and on both sides the land can never be utilized of developed. That individual as they understand it has no issues with their use. The adjacent property to it is another church and between the two (2) properties is over twenty-five (25) acres of property. Yes, this is a residential zone but the reason that the notice was only sent to six (6) people is because there aren't very many homes there. This is so isolated and so remote in terms of unless you drive several hundred feet down the drive, you can't even tell that the building is there necessarily. He knows the Planning Staff relatively well; they have been through a lot of projects with the City. He has worked with Downtown Dover Development Corporation. They have done their part; they have invested and tried to help the community and they are in process of doing it right now on several fronts. They have been designated as a brownfield developer. They are looking at blighted areas. They have done several projects in the Downtown area and other parts of the City. They are not here to make a problem for the City or for their neighbors. It's all about working together and improving the community and improving our environment. They would never do something that would be negative or adversely impact on them or their property values or their ability to enjoy their properties. For this particular project, they have gone through great lengths to make sure that it would have an adverse impact. He just wanted to let the Commission know that he appreciates all of their questions and concerns. They have the same concerns as well. He understands that they have got to make a decision but the fact of the matter is, they are in this together to make this a better community and to make Dover a better place. This is not just business, this is actually making a difference because we care.

Mr. Tolbert asked if the residents would only be able to stay there for ninety (90) days? Responding to Mr. Tolbert, Mr. Anderson stated yes, ninety (90) days and he doesn't know if that can be reinstated but there's a ninety (90) day time frame. This is the best part of the program, before they get into the part of the program that actually re-introduces them to help them with placement, with jobs and with things that are going to help them become productive members of the community again.

Mr. Tolbert questioned what about the females that have children? How will that be handled? Responding to Mr. Tolbert, Mr. Anderson stated that there are other programs that deal with women with children but as of right now these are single women without children at this particular facility.

Mr. Sigler stated that is not correct. There is the possibility that there will be women with children. That's one of the reasons why this property was chosen, one of the reasons why the State has decided to license this facility. Up to four (4) women can have children there but at no time will there be more than four (4) children on the property. The minimum age for the children is three (3) years old.

Colonel Welsh questioned if that was a State requirement? Responding to Colonel Welsh, Mr. Sigler stated yes, that is a State requirement in the contract and it's no more than four (4) children at any given time and no more than four (4) women with children. The children will be housed with the mothers and the mothers will be taking care of the children. In response to the question before of is this a secure facility, it's a staff secure facility. A minimum of two (2) trained individuals will be there 24/7 plus the treatment staff during the day makes it even more than that.

Mr. Cregar questioned how long this contract has been negotiated? Responding to Mr. Cregar, Mr. Sigler stated that they bid this contract last year.

Mr. Cregar further questioned if that contract was made available to City staff, which spelled out all of the parameters of this program? Responding to Mr. Cregar, Mr. Sigler stated that City staff did not ask for it, they asked for a synopsis and that's what we gave them. It can be provided if it needs to be.

Mrs. Townshend stated just going back to the public notice, as Mr. Anderson stated there were six (6) addresses on the mailing list. Three (3) of those properties are churches and three (3) of them are residences so it is half church and half residences.

Dr. Jones stated the churches are there but are the residences occupied? She believes that one residence is not occupied. Responding to Dr. Jones, Mrs. Townshend stated that she believes that Dr. Jones is correct just given her knowledge of the area. It looks like at least one may be but she can't tell for sure.

Mr. Tolbert stated that because of the ninety (90) day restriction and the limitation of females and the restrictions on children, do they anticipate having to turn many women away because of that requirement? Responding to Mr. Tolbert, Mr. Sigler stated that the State makes the referrals to them and then they review those referrals to see which ones are appropriate and which ones are not appropriate.

Mr. Tolbert questioned if the women couldn't come straight to the facility to apply for the program? Responding to Mr. Tolbert, Mr. Sigler stated they cannot, even private pay insurance has to go through the process.

Colonel Welsh stated that it was a coordinated process through the State. Responding to Colonel Welsh, Mr. Sigler stated yes, it's a coordinated process through the State and overseen by the State. He can guarantee based on his experience with the Division, they are going to be in there more than he is, looking at them and they should be. They welcome them and will be prepared for them.

Colonel Welsh stated that it's a much needed service and he thinks he would feel that perhaps he hasn't been responsible if they turned the applicant away. He was concerned about whether it was a drug and alcohol treatment facility versus a veteran's home. But it is a Conditional Use; it's something that the Commission can allow to happen, they can get their licensing, they can establish their contract with the State of Delaware and during the course of that year if they have issues and problems with the neighbors they can deal with it. Would the Commission have to wait one year before dealing with it? Responding to Colonel Welsh, Mrs. Townshend stated if the Commission sets conditions and they do not comply with the conditions then Staff can bring it back to the Planning Commission.

Colonel Welsh stated that is kind of his thought process. He doesn't want to deny people who need the service. He is not an attorney but he kind of disagrees with the HIPPA law. Responding to Colonel Welsh, Mr. Sigler stated that it is not HIPPA; this is the federal statute and the federal regulations dealing with specifically with drug and alcohol. If you identify to the public what the

facility is doing or identifying the people there as addicts then therefore you are in violation of 42 CFR Part 2.

Colonel Welsh questioned if you would be in violation if you say "they may be undergoing treatment for drug and alcohol abuse?" Responding to Colonel Welsh, Mr. Sigler stated that is correct because you have identified them.

Colonel Welsh stated that he finds that kind of hard to believe because he thinks a neighbor has a right to know what's going on there. How do you serve notice to that neighbor without violating this Code that he is addressing? Responding to Colonel Welsh, Mr. Sigler stated that until he started this particular path down his practice of law he would have agreed with Colonel Welsh 100%. Having said that, he has appeared in court at every county of the State at every trial level on 42 CFR Part 2 to protect the identity of and/or the fact they that were in treatment and the records of drug and alcohol clients.

Colonel Welsh questioned even if you are not addressing specific individuals, just anybody that comes and goes from there may be coming and going for drug and alcohol treatment? Responding to Colonel Welsh, Mr. Sigler stated if they identify it as substance abuse treatment center which is what it is then they have identified the occupants as people in need of substance abuse treatment and we are in violation of 42 CFR Part 2.

Mr. Anderson stated that he is not an attorney; he is a practical person. He loves people, he is a Christian that's where his heart is and he appreciates Colonel Welsh's consideration. This has been a long year going through this process and it's been very difficult. If the Commission would in fact consider something to that effect they will meet whatever obligations are necessary in order to provide this service to the community with whatever restrictions necessary. He thinks everyone will see the benefit of it in the future and then whatever restrictions, limitations or conditions are set they will be able to certainly see that is met. This is not your typical neighborhood. Within the twenty-five (25) or twenty-eight (28) acre area there's the three (3) churches and a couple houses. This is not something that you are going into a neighborhood and splashing down this center.

Mr. Holt questioned how often can the City go out and inspect a facility like this? Can we go every so many week or so many months? Responding to Mr. Holt, Mrs. Townshend stated that she doesn't know exactly what they would be inspecting it for. In terms of the care that they deliver, she knows that City Staff is not qualified to inspect it for the quality of care. The only things that she can think of that Staff would do routine inspections for are fire or building code issues. That's typically a once a year inspection.

Colonel Welsh stated that he was referring to the Conditional Use. The State is going to do the inspection to make everything in the program is okay. His concern with the Conditional Use is if they have neighbors who are complaining about activities that are going on there that otherwise shouldn't be going on there then they have the opportunity to review and revoke the Conditional Use and they shutter their doors. Responding to Colonel Welsh, Mr. Sigler stated that one of the things that they do when they have a program such as this is they try to put together a group of neighbors although neighbors are a little scarce in this area. The neighbors know that they are providing treatment; they don't tell them what kind of treatment because they can't. They may guess, we may say too much and they may conclude but we don't tell them. What we do tell them is

that we want to be good neighbors and if they have problems this is who to call. Mr. Mark Hester is his risk manager and he is also for a lack of better terms he is a complaint internal affairs investigator. Every single complaint that they get becomes something that he has to investigate and that they have to report. It's reported to the State and also internally. Part of what they do is try to be good neighbors. They understand that the general public doesn't understand what they are doing and has fears. All of us have trepidations about things that we don't understand. They will have an advisory group that will be there. It's part of what they are required to do under contract but it also makes business sense; that you go in and introduce yourself and give them a point of contact. One of the reasons why they took Councilman Hosfelt out to see the property is so that he could see what was going on with the property and what they were doing. He thinks that he can represent to the Commission that Councilman Hosfelt was comfortable with what they were doing.

Mr. Anderson stated that all of the Commissioners are welcome to come to the site any time; it will be a Class A operation and it will be effective. They won't just be doing something they will be making a difference.

Mr. Baldwin stated that he appreciates the fact that this is a much needed service. At the end of this five (5) year contract, what are our options? Responding to Mr. Baldwin, Mrs. Townshend stated that she would say that it relates specifically to the conditions that the Commission places on the approval. If the Commission approves the Conditional Use permit subject to the statements made in the letter sent by Psychotherapeutic Services Inc dated February 9, 2016, that has very specific criteria and it does specify women as the clients that they are serving and specifying the number of beds in the motion. That way at the end of the five (5) years, if the nature of the services changes beyond what ever conditions the Commission set it would come back. So if the Commission set a condition that it be for substance abuse services for women then in order to expand the services to men, it would need to come back. If you don't specify that in the motion as a condition then it would not need to come back. That's really at the purview of the Commission to determine what specific conditions they want to put to make sure that they are comfortable with the approval.

Mr. Tolbert stated that they can't state in the literature to the public that you are serving people who are suffering from drug abuse. Aren't there other terms that can be used without stating that they are addicted to drugs like social problems, societal problems or some other terminology without saying drug addictions but it would compass drug addiction? Responding to Mr. Tolbert, Mr. Sigler stated that places them in a rather precarious position in that these people are not psychiatric so they can't say that they are. Which takes us out of 42 CFR Part 2 and puts us into HIPPA and there is no violation there. These people are not psychotic, they are addicted. Saying that it is a residential treatment center facility is about as far as they can go and still be honest with the people that they are trying to tell. They are between a rock and a hard place. If he thought it would solve it, they would do it but he knows he can't allow his people to do it. He is not Mr. Anderson's attorney but he is not going to allow his people to do it.

Mr. Cregar stated that Mr. Sigler is now on the public record as saying that this is a drug and alcohol treatment facility. Responding to Mr. Cregar, Mr. Sigler stated that is correct.

Mr. Cregar questioned if they have just violated 42 CFR Part 2? Responding to Mr. Cregar, Mr. Sigler stated maybe; they will find out if somebody sues.

Mr. Cregar stated that this is a little nebulosus. Responding to Mr. Cregar, Mr. Sigler stated that this is the real world that Colonel Welsh referred to earlier; they are between a rock and a hard place.

Mr. Cregar stated that it has just been identified in a public forum as a drug and alcohol rehabilitation facility. It is out there and the paper wanted to write an article about it tomorrow they could. Responding to Mr. Cregar, Mr. Sigler stated that is correct but they would hope that the paper would not because they would be getting a violation from him stating that they are in violation of CFR 42 Part 2.

Mr. Cregar questioned how the paper could be in violation if it was addressed in a public forum? Responding to Mr. Cregar, Mr. Sigler stated that it doesn't matter how you get the information, if you disseminate the information you are in violation of 42 CFR Part 2.

Mr. Cregar stated that they have a land use decision that they have to make. Responding to Mr. Cregar, Mr. Sigler stated that he understands and he is trying desperately to be helpful.

Mr. Cregar stated that need is not necessarily the issue that they have to address. They have to address whether this facility in this area is in harmony with the character or what is there and whether those churches and those other residents understand what is getting ready to take place. That is the decision that he feels he has to make.

Mr. Sigler thanked the Commissioners and apologized for muddying the waters.

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

Mr. Baldwin questioned if they needed to specify that it is a treatment facility for females? Responding to Mr. Baldwin, Colonel Welsh stated that he didn't but they probably should specify that.

Mrs. Townshend stated that Colonel Welsh made it subject to the correspondence of February 9, 2016 to Tim Mullaney Jr which specifies women. It also specifies that the number of beds can be up to sixteen (16) but it does not specify a one year review.

Mrs. Townshend questioned if the DAC comments were also going to be accepted as conditions? Responding to Mrs. Townshend, Colonel Welsh stated yes, he assume that the applicant is accepting all of the DAC comments.

Colonel Welsh moved to approve C-16-02 Residential Treatment Facility on property of Healing Wings Christian Center at 1420 McKee Road for a Conditional Use application to establish a residential treatment facility emphasizing that it is conditional and that they comply with all of the conditions that were set forth in the letter from Psychotherapeutic Services Inc to Timothy P. Mullaney Jr. and now the Planning Commission is in receipt of and to include a review by the Planning Commission of the Conditional Use in one year and the DAC comments, seconded by Mr. Holt. The motion was carried 5-3 by roll call vote. Mr. Holden voting no, he is uncomfortable with a number of factors. He thinks it's a bit disingenuous to introduce a signed letter into the public record and state at the same time that the information can't be shared with public. He is

uncomfortable that it's been stated that it's been used as a treatment facility when it's Conditional Use doesn't support it and he is uncomfortable with what the public has had available to them so that they knew whether to come in opposition or support of this application. Mr. Cregar voting no, with all the reasons stated by Mr. Holden. Colonel Welsh voting yes, for the reasons that he stated earlier. The community is in desperate need of a facility like this and the only question that the Commission seems to have is perhaps one of public notification. We can't answer one way or the other if they do or do not know but he thinks fact that it is a Conditional Use allows the Commission to at any time, terminate that Conditional Use. Mr. Holt voting yes, since it is a Conditional Use and he feels that it is much needed in the community. Mr. Baldwin voting yes, it is a much needed service and also because it's a Conditional Use where the Commission can address any problems that may come up in the future. Dr. Jones voting no, for several reasons. She has been on a rollercoaster experience with the presentation. She was just not totally clear that all of the presenters were on the same page in terms of what this project is about. She is a little bit concerned about the inconsistent comments about the population being served. She is very uncomfortable with it. Ms. Still voting yes, in reviewing everything stated in the February 9, 2016 letter she feels that it's a needed project and the fact that the Conditional Use can be terminated at any time in conjunction with a one year review. Mr. Tolbert voting yes, because of the need for the services. This Commission serves the right to oversee this application again so that gives them some control over what happens and he is comfortable to a great extent with that.

The Commissioners recessed at 9:10PM for five (5) minutes.

The Commissioners returned at 9:15PM.

6. S-16-01 Lighthouse Construction Inc. Enterprise Office Building at 285 Beiser Boulevard – Public Hearing and Review of a Site Plan application to permit the construction of a two story 43,700 S.F. office building and associated site improvements. The project includes a Minor Lot Line Adjustment Plan to increase Lot 2 from 1.578 acres to 3.294 acres with the adjoining Lot 1 to be 21.744 acres. The submission includes the Performance Standards Review Application. The property is zoned IPM (Industrial Park Manufacturing Zone) and is part of the Enterprise Business Park. The property is located on the north side of Beiser Boulevard east of Enterprise Place. The owners of record are Eric and Maria Tamesis and the Del-Homes Catalog Group LLC; an equitable owner is Lighthouse Construction Inc. Address: 285 Beiser Boulevard. Tax Parcels: ED-05-076.15-01-03.01-000 and a portion of ED-05-076.15-01-03.00-000. Council District 1. *Waiver Requested: Increase Impervious Surface Coverage of Lot 1.*

Representatives: Mr. Gregory Moore, Becker Morgan Group; Mr. Bob MacLeish, Lighthouse Construction, Inc.

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

Mr. Diaz stated that this Site Plan is for a two story 43,700 square foot medical office building at 285 Beiser Boulevard in the Enterprise Business Park. The lot is in the IPM (Industrial Park Manufacturing Zone). This application also includes a Minor Lot Line Adjustment Plan to increase the size of the lot to 1.5 acres to 3.2 acres with the additional land coming from the neighboring lot

at 1 Commerce Way to the north. The Lot Line Adjustment expands the lot so that it takes up the full block that is bound by Beiser Boulevard, Enterprise Place and Commerce Way to the north. Previously, it was about half the size of this block. The expansion also brings into the lot an existing parking lot and a stormwater management pond that previously belonged to 1 Commerce Way. Use of his existing parking lot ensures that the medical office building exactly meets its parking requirements. They have a need for one hundred forty-six (146) parking spaces and have that number provided in both the existing lot and the amount they are proposing to add.

One small issue that they had was that the Minor Lot Line Adjustment Plan slightly increased the percent impervious surface coverage on 1 Commerce Way. The applicant has requested a waiver for this increase in impervious surface coverage. Staff is recommending approval of the waiver because while the percentage is increasing because of the Lot Line Adjustment, there isn't any actual construction of impervious surface on 1 Commerce Way.

The applicants are planning a varied façade on all four (4) sides of the building so there is visual interest from all of the right-of-ways. All four facades are within the packet. Because the development is in the IPM (Industrial Park Manufacturing Zone) it required a Performance Standards Review Application. Staff is recommending that the Commission affirm that the site's proposed use meets the City's performance standards because as an office building it will not generate the hazards or the other objectionable elements that are expected of industrial uses. You can also find that application in the packet.

The more detailed comments can be found in the DAC Report. There are comments from Public Works, the Fire Marshal's Office, DelDOT and Kent Conservation District. The two main things that Staff would like the Commission to act on are the waiver request for additional lot coverage on 1 Commerce Way as part of the Lot Line Adjustment Plan and to review the Performance Standards Review Application which is asking for affirmation that the office building will meet the City's performance standards.

Mr. Moore stated they are fine with everything that was stated by Mr. Diaz.

Mr. Welsh stated that this was a very attractive design.

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

Mr. Moore stated that they are fine with the DAC comments as presented with exception of DelDOT. DelDOT actually indicated that they may consider a Traffic Impact Study for this property and they don't believe that a Traffic Impact Study will be beneficial because of the construction of the new West Dover Connector. Mr. MacLeish and he had actually worked on a larger project on the other side of Dover, directly adjacent to the same West Dover Connector and DelDOT did not require a Traffic Impact Study for that project. They had done a study of the entire region that covered the property and he believes that this property falls in the same category. The improvements that will be made by that roadway will greatly benefit the intersections that affect this property and they believe that a study being done before that road is finished, which is about twelve (12) months out, would be a complete waste of money.

Mr. Tolbert questioned if the applicant had spoken to DelDOT about their concerns? Responding to Mr. Tolbert, Mr. Moore stated that DelDOT did not appear at the DAC meeting so they were unable to speak about this there. They would ask that Mrs. Townshend join them in making their voice known to DelDOT in terms of their belief in lack of use of a study.

Mrs. Townshend stated that she and Mr. Jason Lyon have discussed it and he has had some follow up with DelDOT. The other issue is that they property is located on a City street. They want to work with DelDOT but they understand the applicant's position so they will work through it.

Colonel Welsh stated that under Recommendations, Suggestions and Conditions of Approval to meet the Code, Staff recommended that the outside HVAC equipment be designed to minimize impact. Where is the HVAC equipment going to be placed? Responding to Colonel Welsh, Mr. MacLeish stated that it will all be mounted on the roof.

Colonel Welsh stated that's what he was hoping to hear and asked if it would not be visible. Responding to Colonel Welsh, Mr. MacLeish stated that you try hiding these units the best as you can. When you get to some of the ERV units and depending on what exactly that final system looks like, they are centered in the building. The building is pretty wide but you may see a portion of it but they do their best to hide it.

Colonel Welsh further questioned that it wouldn't take over the architecture of the building? Responding to Colonel Welsh, Mr. MacLeish stated no.

Mr. Cregar questioned if there were any green technologies being incorporated into the construction of this project? Responding to Mr. Cregar, Mr. MacLeish stated yes, there are a number of green technologies that they are working into it. This building will be very similar to the building that they just created on New Burton Road.

Mr. Moore stated that in addition they use a parking lot that's already there for another building that actually is no longer there. It was a 70,000 square foot building that failed in a snow storm and never got rebuilt. They are also reusing the stormwater facilities that were implemented for that building and that property.

Ms. Still moved to approve S-16-01 Lighthouse Construction Inc. Enterprise Office Building at 285 Beiser Boulevard and to affirm that the proposed use as a medical office conforms to the Performance Standards of the Zoning Ordinance and is not expected to generate excessive or dangerous objectionable emissions and also to include the waiver for impervious surface coverage.

Colonel Welsh questioned if that waiver was required? He noticed in the comments that it states that it's going to be below the amount granted to Lot 1. Responding to Colonel Welsh, Mrs. Melson-Williams stated that it's actually an increase to what was previously approved. It's over the Code and it's over the previous waiver that was granted.

Ms. Still moved to approve S-16-01 Lighthouse Construction Inc. Enterprise Office Building at 285 Beiser Boulevard and to affirm that the proposed use as a medical office conforms to the Performance Standards of the Zoning Ordinance and is not expected to generate excessive or dangerous objectionable emissions and also to include the waiver for impervious surface coverage,

seconded by Mr. Cregar and the motion carried 7-0 by roll call vote with Mr. Holden recused and Mr. Ambruso absent.

Mr. Cregar questioned if the applicant was okay working with Mrs. Townshend to work out anything with DelDOT? Responding to Mr. Cregar, Mr. Moore stated yes.

Mr. Cregar further questioned if Mrs. Townshend feels comfortable in being able to help facilitate that? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Cregar voting yes, in accordance with the DAC comments and the review process that this Site Plan is undergoing. Colonel Welsh voting yes, for reasons previously stated. Mr. Holt voting yes, for all of the previous reasons stated. Mr. Baldwin voting yes, for the reasons previously stated. Dr. Jones voting yes, for the aforementioned comments. Ms. Still voting yes, in accordance with her comments in the motion. Mr. Tolbert voting yes; he is very well satisfied that the applicant will work cooperatively with Staff.

7. S-16-02 Capital Commons at 505 & 515 North DuPont Highway – Public Hearing and Review of a Site Plan application to permit the retrofitting of an existing vacant commercial building (previous Kmart location) into two tenant spaces of 55,020 S.F. and 29,456 S.F. and to permit the future use of two future restaurant/retail pad sites with buildings of 6,400 S.F. and 6,083 S.F. The overall building area totals 96,000 S.F. ± for the location to be known as Capital Commons. Consisting of two parcels, the total property area is 9.079 acres. It is zoned C-4 (Highway Commercial Zone) with a portion of the property is located on the northeast side of North DuPont Highway north of Townsend Boulevard. The owner of record is Dover, DE Retail LLC. Addresses: 505 & 515 North DuPont Highway. Tax Parcels: ED-05-068.09-01-35.00-000 & ED05-068.09-01-34.00-000. Council District 3. *Waivers Requested: Reduction in Arterial Street Buffer, Partial Elimination of Curbing, Opaque Barrier Alternative Format*

Representatives: Mr. Steve Hutchison, The DDR Corp; Mr. David Kuklish, Bohler Engineering

Mrs. Melson-Williams stated that this was a Site Plan application for the re-development for the former Kmart site at 515 North DuPont Highway. The project actually involves two (2) parcels of land which includes the corner property at 505 North DuPont Highway which was previously a bank location. The property is zoned C-4 (Highway Commercial Zone) and there is a portion of it, the northern part of the property, that is subject to the SWPOZ (Source Water Protection Overlay Zone). The project today is primarily focusing on what is the re-development of the existing vacant commercial building that exists on the site along with some associated site improvements for that project. Because of the level of the site improvements and its adjacency to portions of the Towne Pointe residential neighborhood, it is before the Planning Commission. The site improvements include improvements to the parking lot itself, most specifically and probably most noticeably the re-alignment and re-configuration of the entrance off of Townsend Boulevard which currently is an angle. With this project, it will re-align that drive aisle entrance to the T typed intersection and make some adjustments to the adjacent property in the parking lot areas.

First, she wants to focus on the SWPOZ (Source Water Protection Overlay Zone). With re-development, there is a need to reduce impervious cover that exists within the SWPOZ (Source

Water Protection Overlay Zone). The Code establishes some thresholds for that. Currently, the project is still working to achieve compliance with that aspect of the reduction of impervious surface coverage in that area. There are a number of options that can be utilized to address that and Staff's fairly comfortable that as moving through the finalization of a Site Plan that they can get to compliance with that through a number of ways. This project while focusing on the re-development of the existing commercial building, could have utilized what they call the Site Development Master Plan process to actually tell them all of the details about the two (2) pad site locations which are at this point really serving as placeholders. The current bank building is proposed for demolition and then a future building will be built at that location and then a second pad site location in the northern corner of the site along Route 13. The applicant gave Staff some preliminary numbers for sizing of those buildings and Staff has utilized some of that to test the parking that's being proposed on the site. But ultimately because they are not using that Site Development Master Plan process, each of those pad site buildings will have to come back through a Site Development Plan review with the Planning Commission and subject to a hearing when they actually have a tenant and a formal design for each of those buildings.

Specifically, for this project because they are utilizing the existing building, there is no architecture that's required to be presented. The plan indicates at this point that they are seeking to divide that large commercial building into multiple tenant spaces. At this point, it's looking like two (2) tenant spaces. Specifically with the parking, they do see somewhat of a reduction than what is currently on the site available for parking with this project and the redesign. They go from an angled parking scenario to the more standard format for parking. With this project, based just on the floor area calculations for the buildings on the site, the minimum number of parking spaces required for the project is three hundred twenty-four (324) parking spaces giving the maximum allowable by Code to be four hundred five (405) parking spaces. The plan is currently showing three hundred eighty-two (382) parking spaces so they are within the realm of parking. Should the pad site buildings develop differently, different sizing, different uses with different parking calculations then the parking in the future may need to be re-evaluated at that time.

The property is providing a series of loading areas to the rear of the main commercial building and has indicated that bicycle parking will also be made available with the strategy of placing racks at each of the building locations with more details to follow. With this project, they are seeing a significant change in the sidewalk network that serves this property. For the sidewalk along Townsend Boulevard, there is some improvement in that area. Specifically, along the Route 13 frontage this project will be constructing a ten (10) foot wide shared use path across that frontage that is currently not there today. They are also starting to show the beginnings of connections from these street frontage sidewalks into the site. There's some clarity that needs to happen with that but they are certainly making some progress in that realm as well.

Regarding waivers for this project, the first one is related to curbing and it's a request for the partial elimination of curbing. There are areas of the existing parking lot that do not contain upright curbing and they would like to recognize that existing condition as improvements to those areas of the parking lot are not anticipated. There's a portion of what they call the north pad site area that is currently a paved area that will turn into a green space in the intervening time which will also not have curbing until ultimately its final design. There are kind of two (2) aspects for the partial elimination of curbing. They are showing dumpster information. The other significant items with the project are related to landscaping. There is a tree planting requirement and since they are

focused on the main building, Staff is suggesting utilizing a project site area that focuses just on that building and its parking lot areas. Basically by pulling out the two (2) pad site areas, those areas will be addressed in the future for those tree planting requirements. With that said, the project still for what's presented today requires one hundred ten (110) trees. Their initial plan that was submitted showed significantly less than that but the applicant has indicated their willingness to continue to work on finding homes for trees on their site. One of those potential homes of course would be along the arterial street buffer that is required along the Route 13 Corridor. This is where the second waiver is found. That arterial street buffer is required to be thirty (30) feet in width. It is proposed at thirty (30) feet for the most part; however, there are areas in the parking lot that reduce down to twenty (20) feet so the applicant is seeking a reduction in the width of the arterial street buffer. The third waiver is related to an alternative format of the opaque component of the opaque barrier. The opaque barrier is required along the east property line where this non-residential project is adjacent to the residential area. There is an existing chain link fence with slats in that area which if accepted, can count towards meeting the opaque barrier aspect and then they will also have to address a landscape planting component along that property line.

There will be some opportunities for green space and recognizing that the two (2) pad sites are kind of placeholders at this point in time. The Planning Office has identified a series of comments with the project. Specifically, they provided recommendations on all three (3) of the waiver requests and they are in support of them. They are noting that they are continuing to evaluate pedestrian circulation and how that system of sidewalks throughout the site from the street frontage sidewalks can occur. As always with the Development Advisory Committee Report, there are comments from other agencies including the Department of Public Works and Electric for the City and the City's Fire Marshal's Office. They have already been working with DelDOT since Route 13 is State maintained road and actually did perform a Traffic Operational Analysis which has helped push the concept of changing the entrance configuration along Townsend Boulevard even though it is a City street. They have also been working with the Kent Conservation District.

Mr. Kuklish stated that they did have two (2) comments. They do agree with everything that was mentioned by Mrs. Melson-Williams. Secondly, on February 9, 2016 he, Mr. Steve Hutchinson and they DDR Corp met with the White Oak Farm/Towne Pointe Association behind them at the elementary school. They reviewed the project, spoke through questions and comments and they (the community) were very much in support of the project, very happy to hear about the entrance getting realigned and the pedestrian connections getting extended on both Route 13 and Townsend Boulevard.

Mr. Cregar questioned if they could share who might be going in the building? Responding to Mr. Cregar, Mr. Kuklish stated that they could not discuss tenants at this time. They can safely state that they are in final negotiations with two (2) national retail tenants. Once those leases are final they will be able to state who there are.

Mr. Cregar further questioned that it is two (2) tenants? Responding to Mr. Cregar, Mr. Kuklish stated yes.

Colonel Welsh thanked the applicant for taking over an eyesore for the City from the past several years since Kmart has shut their doors. Even before they closed it wasn't a particularly attractive building. Are there any plans for architecture modifications to at least the external portion of the

building? He knows there will be modifications on the inside. Responding to Colonel Welsh, Mr. Kuklish stated yes, plans for the two (2) proposed tenants will be to put new facades or faces on the building with new entrance features for both tenants.

Colonel Welsh stated that a really nice model is the old Walmart location. He was by that location today and they have done such a great job with that project. The way they have staggered the roof line and the way they have staggered the frontage of the buildings. He knows they the applicant probably won't be able to do that but if they could do something with the façade to dress that up so that they don't have a flat roof, long building with no windows. He is a little disappointed that they don't have elevations and he would ask Staff why there are no architectural requirements for the Commission to review when this application comes forward. Responding to Colonel Welsh, Mrs. Melson-Williams stated that in this case it's really the site improvements that are generating the need to be here in front of the Commission. If they were making no changes to the parking lot at all it could be reviewed through a zoning review of the Building Permit. It's the impacts to the site that they are doing in changing the entrance and the site disturbance activities that brings it in front of the Planning Commission because of it being adjacent to residential.

Colonel Welsh stated that perhaps they need to look at changes that can be made because one of the charges that they have is to ensure that it is architecturally pleasing and in compliance with the rest of the neighborhood. They have a chance to make a big difference here and take what he has always thought to be an eyesore in the City of Dover, especially on the main corridor through Dover and dressing it up a little bit making a significant improvement. He thinks that's part of their responsibility to ensure that happens. Responding to Colonel Welsh, Mrs. Townshend stated that they were going to be talking about architectural review tomorrow at the Planning Commission Workshop.

Colonel Welsh stated that it wasn't required of the applicant tonight but he would appeal to their community responsibilities and good citizenship to do what they can to make it an attractive building. He's sure the new buildings are going to be attractive buildings but that old Kmart building needs a lot of work.

Mr. Tolbert questioned if the applicant had an architectural rendering of some sort from an architect on what the final building is going to look like? Responding to Mr. Tolbert, Mr. Kuklish stated that they have conceptual renderings at this time; they do not have anything that's final.

Mr. Cregar questioned if this came up at the public meeting? Did the public ask what the building was going to look like? Responding to Mr. Cregar, Mr. Kuklish stated yes; they had concerns about what the building was going to look like.

Mr. Cregar further questioned if they were able to share at least conceptually with them what the building will look like? Responding to Mr. Cregar, Mr. Kuklish stated yes; they do have conceptual elevations that he can share.

Mr. Cregar stated that he was sitting in the parking lot of Safeway and he is looking at the trees planted in the parking lot and looking at the trees that are no longer in the tree plantings in the parking lot. He knows how frequently they re-plant, they take down or they get bent. What are the options for these developers to try to come up with one hundred ten (110) trees? Responding to Mr.

Cregar, Mrs. Melson-Williams stated that they have some opportunities along the perimeters of the site. There is also a portion of the site that's in the SWPOZ (Source Water Protection Overlay Zone) which can't be impervious so there are certainly opportunities there. Often times with the parking lot re-developments they see the creation of islands, not the diamond shaped islands that tend to mean the tree gets hit like in the Safeway lot. These are larger type islands that would give the tree more protection and it potentially helps the circulation patterns of the parking lot in general as well.

Mr. Holt stated that looking at the chain-link fence that's up in the back of the site; those things get pretty ratty looking. He feels like a landscape of some kind, whether it is a hedge or trees, it would like a lot more attractive. They are proposing to add evergreens along the fence.

Mr. Holt stated that he thinks that would help improve a lot. Those chain-link fences after a few years get really ratty and nobody seems to be able to correct and it looks bad for a long period of time.

Colonel Welsh asked to look at the conceptual renderings.
The applicant handed out copies of the conceptual elevation for the main building to the Planning Commissioners.

Mrs. Melson-Williams stated that it appears that there is certainly an entrance element added for each of the tenant spaces.

Colonel Welsh stated that it's certainly an improvement. If they could do something with the ends of the buildings to maybe raise the roof line a little bit and maybe break that up a little bit. Responding to Colonel Welsh, Mr. Kuklish stated that those are conceptual; they are still working on things.

Mr. Holden questioned if the applicant planned to re-surface the parking lot? Responding to Mr. Holden, Mr. Kuklish stated that their plan right now is to re-seal and re-stripe.

Mr. Hutchison stated that its one way circulation now and they are going to re-stripe the parking to increase efficiency.

Mr. Holden further questioned if they have come to a proposed path to address source water protection and maybe how that rolls into stormwater? Responding to Mr. Holden, Mr. Kuklish stated that looking at a number of things, there's currently existing parking spaces in the northeast corner of the site furthest from the front door; not many customers will park their and use the store entrance. Those parking spaces are in the SWPOZ (Source Water Protection Overlay Zone). They are looking at making that a green area, not only for adding pervious but also for tree opportunities. There may also be some opportunity to skinny up the drive aisle of the truck circulation to again add pervious area.

Mr. Tolbert opened a public hearing.

Mr. William Heinz – GPM Investments, LLC 410 Monmouth Place Newark DE 19702

Mr. Heinz stated that he represents the landlord of the Valero gas station across the street. He wants to know more about the pad sites; it's listed as retail or restaurant. Responding to Mr. Heinz, Mr. Kuklish stated that they are only place holders at this point.

Mr. Heinz stated that's what he thought and then some point in the future when they do have something more definite then it will be re-opened so it can be looked at again? Responding to Mr. Heinz, Mr. Kuklish stated yes.

Mr. Tolbert closed the public hearing.

Mr. Tolbert questioned when they approve or disapprove the application, what are they voting on? Responding to Mr. Tolbert, Mrs. Townshend stated that the pad sites are not before the Commission, it's the larger site. The pad sites will come back to the Commission.

Mr. Holt moved to approve S-16-02 Capital Commons at 505 & 515 North DuPont Highway to include the waivers for reduction in arterial street buffer, partial elimination of curbing and opaque barrier alternative format, seconded by Ms. Still and the motion was unanimously carried 8-0 by roll call vote with Mr. Ambruso absent. Mr. Holden voting yes; it's great to see some redevelopment at this site and it looks like a good plan. He also appreciates the applicant bringing back the pad sites in the future without knowing what they are going to be now. Mr. Cregar voting yes; it meets the DAC requirements and they have done an excellent job of trying to re-develop this property because it's needed and it will benefit the community. Colonel Welsh voting yes; he thinks that it's a welcomed improvement to the City of Dover and he trusts that the developer is going to do to everything that he can to make it a beautiful store. Mr. Holt voting yes; the re-development is much needed and will be a big asset to the City of Dover. Mr. Baldwin voting yes; it's good to see some movement on the old Kmart building. Dr. Jones voting yes; it's a much welcomed addition to that area. Ms. Still voting yes; she thinks it will be a great improvement. She has lived in White Oak since 1965 and Kmart hasn't changed since it was built so she will be looking forward to a really exciting new look there. Mr. Tolbert voting yes; the old Kmart is an eye sore on the main roadway in Dover and what they are looking at is going to be an asset to the area and it's going to be a welcomed site.

Meeting adjourned at 9:56 PM.
Sincerely,

Kristen Mullaney
Secretary

MEMORANDUM

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

DATE: March 3, 2016

TO: Planning Commission

FROM: Planning Office

SUBJECT: S-16-04 Dover Behavioral Health Systems: Phase I, 4-Bedroom Addition at 725 Horsepond Road
Parking Waiver Request

Background

Application S-16-04 was submitted to the Planning & Inspections Department on February 1, 2016 for administrative review. The project proposes a 1,400 S.F. four bedroom addition to the Dover Behavioral Health building at 725 Horsepond Road. Under the *Zoning Ordinance,* Article 10 §2.14 this project qualified for Administrative Site Plan Review due to the small size of the building addition versus the existing building.

Based on *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. In this case, the calculation based on building square footage yields a greater number of required parking spaces. The existing building on site is 59,105 S.F, which calls for a total of 198 spaces at a rate of one space per 300 S.F of floor area. The applicant is currently in possession of a waiver from the Planning Commission dated December 7, 2011 to allow the building to be served by 161 spaces currently on site.

The size of the building addition would require the site to be served by an additional four (4) parking spaces. The applicant has requested a new waiver to allow the site to continue to be served by 161 parking spaces. This waiver cannot be processed administratively.

Recommendation

Staff recommends the Planning Commission waive the requirement for four additional parking spaces on site and allow the site to continue to be served by 161 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.

Per *Zoning Ordinance,* Article 6 §3.9, an area of open space on the site plan has been designated as a reserved parking area. The area reserved is adequate to accommodate the four additional parking spaces if in the future the Planning Commission determines there is a need for the spaces to be built.

MEMORANDUM

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

DATE: March 4, 2016

TO: Planning Commission

FROM: Planning Office

SUBJECT: Revised Plan Information
C-13-11 Dover Christian Church at 1738 Forrest Avenue, Dover
Tax Parcel: ED-05-075.00-01-04.00-000

This Conditional Use Site Plan application C-13-11 Dover Christian Church is presented to the Planning Commission as information regarding a series of proposed plan revisions including a reduction in building size, reductions in the number of parking spaces, reduction of impervious surface coverage, revision to type of stormwater management facility, and building architecture and materials changes.

The Dover Christian Church property is located on the south side of Forrest Avenue and west of Dover High Drive. Initially on October 21, 2013, the City of Dover Planning Commission granted conditional approval of the Conditional Use Site Plan for construction of a one-story 9,600 SF place of worship (church building) in accordance with the conditions of approval including the Staff Recommendations outlined in the Development Advisory Committee (D.A.C.) Report dated October 9, 2013. At its meeting of August 17, 2015, the City of Dover Planning Commission granted one-year extension for the Conditional Use Site Plan Application C-13-11. As a result of this extension, the plan approval for this project will expire on October 31, 2016.

For the Dover Christian Church project, the applicant has provided a summary letter listing the proposed revisions and copies of the Revised Site Plan and Landscape Plan along with the revised building renderings. The applicant continues to work with Planning Staff and the other review agencies in the Check Print Review process to achieve Final Plan approval in order to commence construction.

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CLIENTS' SUCCESS

March 1, 2016

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

RE: **Conditional Use Approval Update**
PROPOSED DOVER CHRISTIAN CHURCH
Dover, Delaware
2012072.02

Dear Mrs. Melson-Williams:

On behalf of our client, Dover Christian Church, we are hereby submitting revised plans for the previously approved Conditional Use Application. This is submitted for consideration at the March 21st Planning Commission Meeting, under old business. It is our understanding that the changes we discussed in a meeting on July 23, 2015 and as outlined below will not require the project to go back through the public hearing process, however we would like the Planning Commission to be informed of the changes that were made. We are providing the following:

1. Fifteen (15) copies of the Site Plan and Landscape Plan (Sheets C-001 and L-101)
2. Fifteen (15) copies of the building renderings.
3. A CD containing PDF's of the plan sheets and architectural renderings.

Due to stormwater limitations of the site and overall budget concerns, the following changes have been made to the plans:

a. Building square footage was reduced from 9,600 to 3,850 (approximate). In addition, the building was shifted to the west to accommodate a stormwater facility since it was found that an underground stormwater infiltration system was not feasible as previously shown.
b. Parking was reduced from 67 spaces to 40 spaces.
c. Impervious coverage was reduced from 62.9% to 48.2%.
d. The exterior materials of the building was generally revised from masonry and metal paneling to brick and siding.

Please feel free to contact me if you require any additional information.

Sincerely,

BECKER MORGAN GROUP, INC.

Jon Falkowski

Jon S. Falkowski
Associate

RJM/jsf

Cc: Waldberge Bryant – Dover Christian Church, Inc.

201207202as-ltr.doc

BECKER MORGAN GROUP, INC.

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

PETITION TO ANNEX AND REZONE PROPERTY
Public Hearing Before the
Dover Planning Commission
March 21, 2016

Applicants/Owners:	Capitol Cleaners & Launderers Inc.
Property Address:	1102 South State Street
Tax Parcel ID #:	ED-00-086.05-01-46.02-000
Size:	6,331 SF
Present Use:	Commercial
Proposed Use:	Commercial

Comprehensive Plan Designation: Category 1 – High Priority Annexation Areas

Comprehensive Plan Land Use Designation: Commercial

Present Zoning:	BG (General Business)
Proposed Zoning:	C-2A (Limited Central Commercial)
Utility Availability:	The property is currently served by City of Dover Electric and Water. There is sanitary sewer service available to the north of this property, specifically within the property of 1074 South State Street, to serve this property, private easement agreements will be required from 1074 and 1086 South State Street. 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, costs of all private easements and obtaining permits associated with such improvements.
File Number:	AX-16-01

This application is for the annexation and rezoning of property located at 1102 South State Street. The property is owned by Capitol Cleaners and Launderers Inc. The Tax Parcel Identification Number is ED-00-086.05-01-46.02-000.

Existing Property:
The property consists of one parcel located on South State Street, north of the intersection with South DuPont Highway. The parcel includes the front portion of an existing building. The property line goes through the building. The rear portion of the building (on a separate lot) has a different owner and is not proposed for annexation.

Surrounding Land Uses:
The surrounding uses are commercial properties. Surrounding properties located in unincorporated Kent County are zoned BG (General Business). The properties located immediately north of the subject property are zoned C-2A in the City of Dover. The properties across South State Street are zoned C-4 (Highway Commercial) and SC-2 (Community Shopping Center).

Comprehensive Plan:
In the *2008 Comprehensive Plan*, this property is identified as a Category 1 (High Priority) Annexation Area with a land use classification of Commercial.

Request for C-2A (Limited Central Commercial Zone)
The types of permitted uses in the C-2A (Limited Central Commercial Zone) are given Article 3 §14 of the *Zoning Ordinance*, and include the following: retail stores; business, professional or governmental offices; personal service establishments; restaurants; service establishments; hotels; places of public assembly; drive-throughs; one family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone; apartments and multi-family dwellings. The following are permitted as conditional uses, subject to approval by the Planning Commission: parking lots and structures; and fuel pumps accessory to a permitted use.

Recommendation of the Planning Staff:
Staff recommends that annexation of the property and the rezoning to C-2A (Limited Central Commercial) be approved as submitted. The subject property is in the City's Category 1 (High Priority) Annexation Area. The proposed zoning classification is consistent with the Comprehensive Plan and with the zoning of the immediate area.

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

ADVISORY COMMENTS TO THE APPLICANT:

1) 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 2, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **LANDS OF CAPITOL CLEANERS & LAUNDERERS,INC. AT 1102 SOUTH STATE STREET**

FILE #: **AX-16-01**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

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

1. Our office has no objections to the proposed annexation of tax parcel ED-00-086.05-01-46.02-000

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

1. None.

WATSTEWATER

1. As per the Petition to Annex and Rezone Property, as heard by the City of Dover Utility Committee, February 22, 2016, please find the following:
    a. The property is currently served by City of Dover Electric and Water. There is sanitary sewer service available to the north of this property, specifically within the property of 1074 South State Street, to serve this property, private easement agreements will be required from 1074 and 1086 South State Street. 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, costs of all private easements and obtaining permits associated with such improvements. Wastewater infrastructure must be installed in accordance with the requirements of the City of Dover Water / Wastewater Handbook.

SANITATION

1. The City of Dover will only provide sanitation service to residential properties. Therefore, this property shall be served by a private contractor.

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-16-01

CITY OF DOVER FIRE MARSHAL

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: March 9th, 2016

APPLICATION: Lands of Capitol Cleaners & Launderers, Inc. at 1102 South State Street

FILE #: AX-16-01 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Timothy P. Mullaney Jr., Fire Marshal PHONE #: (302) 736-4457

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

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. **This office has no objection to the annexation or rezoning.**

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 2, 2016

DELDOT

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APPLICATION: Lands of Capitol Cleaners & Launderers, Inc. at 1102 South State Street.

FILE#: AX-16-01 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
March 2016

APPLICATION: Lands of Capital Cleaners & Launders Inc.

FILE #: AX-16-01

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.

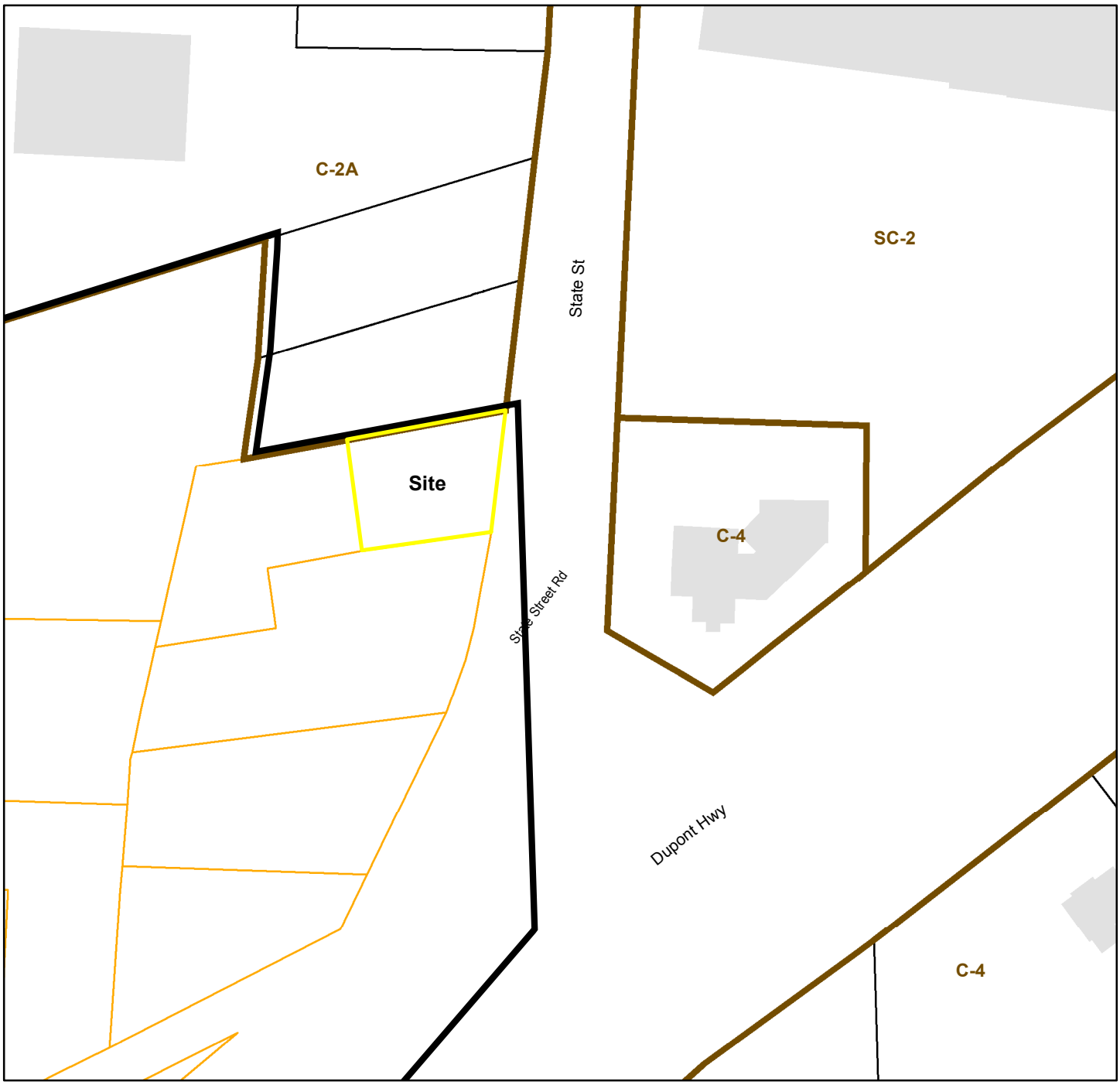
ADVISORY COMMENTS TO THE APPLICANT:

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-16-01



Title: Lands of Capitol Cleaners & Launderers
Address: 1102 South State Street
Parcel ID: ED-00-086.05-01-46.02-000
Proposed Zoning: C-2A (Limited Central Commercial Zone)
Owner: Capitol Cleaners & Launderers, Inc.
Date: 2/2/2016

Legend

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

N W E S

0 60 120 240 Feet



ED-05-077.17-07-19.00-000

S89°-02'-54"E 92.56'

20'

N0°-45'-16"E 47.90'

1102 S. State St.
2-00-086.05-01-46.02
6,331 sq.ft ±

2-00-086.05-01-46.01

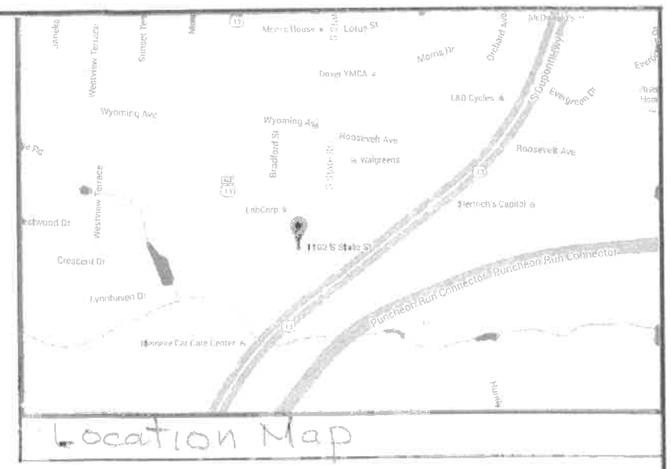
S23°-43'-07"W 80.00'

SOUTH STATE STREET
(VARIABLE WIDTH R.O.W.)

N89°-17'-32"W 70.51'

2-00-086.05-01-46.00

N





December 28, 2015

Existing Zoning: BG
Proposed Zoning: C-2A

Proposed Annexation
1102 South State Street
Dover, DE 19901

Owner: Capitol Cleaners & Launderers, Inc
195 Commerce Way
Dover, DE 19904

Prepared by: Rosanna Outten
6 Winged Foot Rd
Dover, DE 19904

Scale 1" = 40'

0 10 20 40

City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 9, 2016

PLANNING COMMISSION MEETING OF March 21, 2016

Plan Title:	Duplexes at West Reed and South Kirkwood Streets (C-16-03)
Plan Type:	Conditional Use Site Plan with Minor Subdivision Plan
Property Location:	On the east side of South Kirkwood Street just south of West Reed Street
Property Addresses:	420 W. Reed Street, 105 South Kirkwood Street, 107 South Kirkwood Street
Applicant:	MauTiste Investment Group c/o Michael Maupin
Tax Parcel:	ED-05-076.12-02-65.00-000, ED-05-076.12-02-64.00-000, ED-05-076.12-02-63.00-000
Zoning:	RG-1 (General Residence Zone)
Proposed Lots:	6 home lots 1,673 SF to 2,345 SF
Proposed DU:	6 duplex units (3 structures)
Site Area:	Project Total: 10,781 SF +/- (0.2474 ac. +/-)
Sewer & Water:	City of Dover
Related Application:	V-16-01 related to setbacks, lot area, and lot coverage in RG-1

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: March 9, 2016

APPLICATION: Duplexes at West Reed and South Kirkwood Streets

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

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

PLAN SUMMARY

This is 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 Reed Street. Each of the six lots is proposed to be between 1,673 SF and 2,345 SF in area. The total property is 10,781 SF (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 W. Reed St., 105 S. Kirkwood St., 107 S. Kirkwood St. Tax Parcels: ED-05-076.12-02-65.00-000, ED-05-076.12-02-64.00-000, ED-05-076.12-02-63.00-000.

The property at 420 West Reed Street has an existing building formerly known as the Square Club which is planned for demolition by the applicant in preparation for redevelopment.

Related Applications

Application V-16-01 was approved by the Board of Adjustment at its meeting of February 17, 2016 to approve a variance from the requirements of *Zoning Ordinance,* Article 4 §4.2 pertaining to the minimum lot dimensions, minimum setbacks, and maximum lot coverage for duplex/one-family semi-detached dwellings in the RG-1 zone.

The subject properties are located within the boundaries of the city's Downtown Development District, making a variety of incentives available for construction projects that promote investment within the district. They are also within the Restoring Central Dover study area. Both Restoring Central Dover and the Downtown Development District designations place a priority on improving housing stock and increasing home ownership. This project has received a large-project grant reserve through the Downtown Development District program.

CONDITIONAL USE:

The proposed use as duplex/one-family semi-detached dwellings is permitted as a Conditional Use subject to Planning Commission approval in the RG-1 zone as outlined in *Zoning Ordinance* Article 3 §2.4.b. (excerpted):

Article 3, Section 2
2.4 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Townhouses subject to the following restrictions:
   i. No more than one dwelling unit shall be permitted upon a lot.
   ii. No more than four dwelling units shall be permitted in a group of townhouses.
   iii. Each group of townhouses shall be physically separated from another by no less than two dwelling units of a different housing type from other groups of townhouses on the same side of the street.
   iv. Townhouse groups 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.

(b) Duplex dwellings subject to the following restrictions:
   i. No more than one dwelling unit shall be permitted upon a lot
   ii. 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.

Recent *Zoning Ordinance* amendments (Ordinance #2015-13, adopted October 12, 2015) made townhouses and duplexes permitted dwelling types in the RG-1 and RG-2 zones, subject to Conditional Use approval and specific restrictions.

Guidelines for infill development were also included in the amendments to direct the design of façade orientation, sidewalks and landscaping as noted in *Zoning Ordinance* Article 5 §1.12:

Article 5, Section 1
1.12 *Infill Standards*. In locations where a lot or group of lots lies within a developed area, the following standards shall apply to the development of the infill lots:

(a) Sidewalks. Standard City of Dover sidewalk, per chapter 98, shall be required to be installed along public street frontage of every infill property by the property owner or developer.
(b) Landscaping. Infill structures shall be designed to minimize the impact on existing, mature trees when practical. All residential lots shall include landscaping to include plants and shrubs along the portions of the house that front a public street. No form of vegetation shall be planted on a property in a way that blocks more than half of the front façade(s) from public view.
(c) Primary facade. All buildings shall include a primary entry along the property's street frontage, and shall also include a porch or other entry feature.

SITE CONSIDERATIONS

Parking

Zoning Ordinance Article 4 §4.2 "Zoning Bulk and Parking Regulations" for RG-1 requires a minimum of one (1) off-street parking space per dwelling unit. The proposed lots for this subdivision include driveways at the front of each lot with a parking space that meets the required size for one (1) parking space.

Surfacing is not specified on the plan. Per requirements of *Zoning Ordinance* Article 6 §3, surfaces must be "paved asphalt, concrete or other hard, paved, dust-free surface." Other departments may require detail sheet(s) related to paving.

Trash
Trash pickup will be from Reed Street. Code requires screening of trash receptacles from the public right of way. The submitted plan shows shared enclosures between dwelling units, located in the front of each building straddling the common wall lot line. The enclosures should consist of sturdy materials that complement the architecture of the primary structures and appear consistent with expectations for a residential neighborhood.

Sidewalks
Sidewalks are required along the property's street frontages on South Kirkwood Street and Reed Street. There is existing sidewalk along the Kirkwood Street frontage, but the condition and state of any curb cuts is unknown at present. Sidewalks must be shown on the final plan. Other departments may require detail sheet(s) related to paving & curbing. Refer to *Zoning Ordinance* Article 5 §18 for requirements and references to construction standards.

BUILDING LAYOUT AND SITING

Architecture
The proposed two-story buildings have two dwelling units per building. Each dwelling unit has 3 bedrooms, 1 bathroom and 2 half-bathrooms. A rendering of the building model is provided. The structures are conventional wood frame buildings with siding and asphalt shingle roofs.

Infill standards found in *Zoning Ordinance,* Article 5 §1.12 related to the development of infill lots require the primary façade to be placed to face the property's street frontage, and shall also include a porch or other entry feature. The renderings presented show entry porches over the front doors. Such structures are permitted encroachments into required setbacks if they meet size conditions found in *Zoning Ordinance*, Article 5 §1.5.

Site Design
Zoning Ordinance, Article 3 §2.4.b related to duplex dwellings as a Conditional Use states 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."

The initial plan submission for this project placed the structures close to the front lot line with parking located in the rear, accessed by a 12-foot driveway/alley entered from South Kirkwood Street which was planned to be dedicated to the City. Following discussions with the applicant, Planning Department and other City departments, the siting of the project was modified to eliminate the rear access drive, move the houses farther back from the front lot line, and provide parking in the front of the dwellings.

The segment of Reed Street in front of the project site is one-way heading west towards South Kirkwood Street. Parking will not be permitted on the street.

Zoning Ordinance Article 6 §5.3 related to supplementary parking regulations states as follows:

Article 6, Section 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.

The ordinance currently prohibits parking in the front yard setbacks of the proposed project. A text amendment is being introduced at the Legislative, Finance, and Administration Committee meeting on March 15, 2016 to eliminate duplexes from that provision. This would make the regulation consistent with other provisions throughout the *Zoning Ordinance* which do not include duplexes when referencing multi-family dwellings.

Lot Standards

Application V-16-01 was approved by the Board of Adjustment at its meeting of February 17, 2016 to approve a variance from the requirements of *Zoning Ordinance,* Article 4 §4.2 pertaining to the minimum lot dimensions, minimum setbacks, and maximum lot coverage for duplex/one-family semi-detached dwellings in the RG-1 zone.

The approved variances are outlined in Table 1. Due to the subsequent change in the subdivision plan that eliminated the rear alley/driveway, the lot dimensions have been modified. Staff will be taking case to the Board of Adjustment at its April 20, 2016 meeting as "old business" to modify the requested variances.

Table 1: Zoning Requirements and Approved Bulk Standards
C-16-03 Duplexes at W Reed St and S Kirkwood St
V-16-01 Lands of MauTiste Investment Group

For All Permitted Uses:	**RG-1 (General Residence Zone) Duplex/One-Family Semi-Detached Dwellings**						
Minimum Required:	**REQUIRED**	**APPROVED [1]**					
		P6	**P5**	**P4**	**P3**	**P2**	**P1**
Lot area (sq. ft.)	5,000	*1,446*	*1,399*	*1,396*	*1,394*	*1,391*	*1,949*
Lot width (ft.) per dwelling unit (DU)	25	*23*	*23*	*23*	*23*	*23*	32
Lot depth (ft.)	100	*59*	*59*	*59*	*59*	*59*	*58*
Front yard (ft.)	15	*6*	*6*	*6*	*6*	*6*	*6, 11.5*
Side yard (ft.)	10	*3.17*	*2.5*	*2.5*	*2.5*	*2.5*	[2]
Rear yard (ft.)	30	*25*	*25*	*25*	*25*	*25*	*25*
Off-street parking spaces/DU	1	1	1	1	1	1	1
Maximum Permitted:							
Building height							
Stories	2½	2	2	2	2	2	2
Feet	35	--	--	--	--	--	--
Lot Coverage	50%	*64%*	*66%*	*67%*	*67%*	*67%*	*48%*

Notes:

[1] Criteria requiring variance are *in italics*.

[2] Corner lots have two front yards

TREE PLANTING AND LANDSCAPE PLAN

All developments in non-woodland areas requiring approval of the Planning Commission are required to submit a tree preservation and planting plan as set forth in Article 5 §16.6. The submitted plan does not include the required Landscaping details.

Required tree density is one (1) tree per 3,000 SF of lot area or fraction thereof. Refer to the ordinance for definitions and standards for new trees. Based on the total 10,781 SF area of the proposed Minor Subdivision, four (4) trees are required.

Infill standards in Article 5 §1.12 require landscaping to include plants and shrubs along portions of the house that front a public street. Additionally, refer to landscape guidelines found in Article 5 §15. Any existing trees planned for removal should be identified on the required tree preservation, planting, and selective clearing plan as specified in Article 5 §16.8.

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) Continue to work with Staff in completing the plan for Final Plan Approval.

2) The following information should be included on the Cover Sheet, or on other sheets as appropriate (code reference *Zoning Ordinance* Art. 10 §1.7 and §2.5):
    a. Other existing development such as fences.
    b. Proposed grading, screening and other landscaping.
    c. Paved surface for driveways is not specified. Per code requirements, a hard dust-free surface is required. All paved surfaces including steps, pads, etc. should be shown on the plan.
    d. Public sidewalks must be constructed in accordance with City code.

3) Cover Sheet: Please add/correct the following:
    a. Show scale and scale bar.
    b. Add a note to the data column with the off-street parking required and the parking provided.
    c. Add a note to the data column with a brief narrative description of the proposed Conditional Use.
    d. Add a note to the data column referencing approved variances, with the date of decision.
    e. Show impervious surface calculation for each lot.

4) Record Plan- Lot Lines to Extinguish:
    a. Name and address of the owner of record.

5) Record Plan- New Lot Lines:

a. Name and address of the owner of record.
b. Label names and existing widths of adjacent street rights-of-way and curb lines. Full width of the rights-of-way should be shown.
c. Remove the proposed buildings. This plan should show only lot lines and easements.
d. Add a note to the data column referencing approved variances, with the date of decision

6) Utility/Stormwater Plan:
   a. Consult with Kent Conservation District and Department of Public Works.

7) Landscape Plan: A Tree Planting and Preservation Plan demonstrating compliance with requirements for tree planting is required:
   a. Submission of the plan is required prior to Final Plan approval.
   b. Compliance with the plan will be confirmed by site inspection prior to approval of a permanent Certificate of Occupancy.
   c. As an advisory comment to the applicant, no Building Permit can be issued prior to Final Plan approval.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Staff recommends that a 3-foot wide sidewalk connect the driveway with the front steps of each unit. The sidewalk should project forward of the steps towards the street then form a 90-degree angle to connect to the driveway.

2) Enclosures have been added to the front of the units to screen trash receptacles. Enclosures should be sized to accommodate trash and recycling containers.

3) Staff recommends that siding colors vary among the structures.

4) Staff recommends that the Landscape Plan to be submitted consider additional plantings in the yard of lot P1 facing South Kirkwood. Plant materials should vary in height, be hardy and low-maintenance, and include a mix of evergreen and deciduous plants, shrubs, and trees.

5) Staff recommends that driveways and sidewalks be surfaced in concrete.

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.

2) Following Planning Commission approval of the Conditional Use Site Plan and Minor Subdivision Plan, the Plan must be revised to meet all conditions of approval from the

Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.

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) All design professionals 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.

5) Two-hour fire separation is required between attached units to comply with building code requirements.

6) 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.

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MARCH 2, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Duplexes at W. Reed Street and South Kirkwood Street**

FILE #: **C-16-03**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
   b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water service lines shall be shown for each residential lot meeting the following requirements: The water services shall be one-inch (1") diameter Type K copper tubing, and installed five feet (5') to the right of the sewer lateral as viewed from the center line of the street. Curb stops shall be installed one foot (1') outside of the right-of-way for each lot. A water meter and meter pit must be installed on the domestic water service, in a non-traffic bearing location just downstream of the curb stop.

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 minimum size of all sanitary sewer laterals shall be six-inch (6").
4. 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.
5. Sanitary sewer laterals shall be shown for each residential lot meeting the following requirements: The sewer laterals shall be six-inch (6") diameter schedule 35 PVC and, where practicable, installed to the center of each lot. Sewer laterals shall be connected directly to the main, not manholes, unless impracticable. Sewer laterals are to be installed one foot (1') beyond the right-of-way line at a typical depth of three feet (3'), preferably not exceeding five feet (5'). Cleanouts shall be installed one foot (1') outside of the right-of-way for each lot. The City of Dover has a sanitary sewer main located in Reed Street, the laterals shall connect to this 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. If Kent Conservation District does not require an approved plan, an erosion and sediment control plan shall be submitted to our office for review and approval. This is required for the City of Dover to maintain compliance with our MS4 permit.
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. The current City of Dover standard street section provides for a 3' grass strip between the curb and sidewalk. This standard was administratively revised to meet ADA and FHA compliance with cross slope requirements and to prevent cars from scrapping at driveways. The revised standard utilizes a five feet (5') wide public sidewalk with a five feet (5') wide grass strip behind the curb.
2. The curb cuts for the driveway entrances shall strictly adhere to the Department of Public Works driveway detail.

SANITATION

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

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 / GROUNDS / GENERAL

1. None.

STREETS

1. Eliminate the proposed alley way in the rear of the proposed lots. Please provide access to the properties from Reed Street.

SANITATION

1. The sanitation containers for the residents shall be placed on the north side of Reed Street, since the road is one way.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

1. The City of Dover water system is available to this site. The developer is responsible for all costs associated with extending and providing service to the proposed development.
2. Hydrant flow testing is currently only performed during the spring and fall. The applicant must call the Department of Public Works directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.
3. Impact fees may be required for this project.

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. Impact fees may be required for this project.

STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

GENERAL

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

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

C-16-03

CITY OF FIRE OF DOVER MARSHAL

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: **March 9th, 2016**

APPLICATION: **Duplexes at W. Reed Street and South Kirkwood Street**

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

CONTACT PERSON: **Timothy P. Mullaney Jr., 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 Residential. 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 are not required on this project.**

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. **Rear Emergency Access is not required on this project.**

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 not 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. Please contact this office in regards to Knox Box location.

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:

- The use is classified as a "Residential" Use. Per NPFA Life Safety Code the use as a residential dwelling unit, is classified as a one and two-family dwelling unit as a Duplex; meaning one-family dwelling unit attached to an adjacent one-family unit.

- Per the Accessibility Tables within the Delaware State Fire Prevention Regulations, there is no requirement for accessibility for the proposed use.

- Please confirm or deny whether Fire Protection Systems are provided. Codes do not require Fire Suppression Systems in one and two family dwelling as defined by Delaware State Fire Prevention Regulations when the dwelling units are separated by two hour rated construction. Please confirm if Fire Protection is being provided. If fire protection is provided, this may cause for further review.

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 2, 2016

D E L D O T

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APPLICATION: Duplexes at West Reed Street and South Kirkwood Street

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

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no comments regarding city & state code 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
March 2016

APPLICATION: *Duplexes W. Reed St. & S. Kirkwood St.*

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

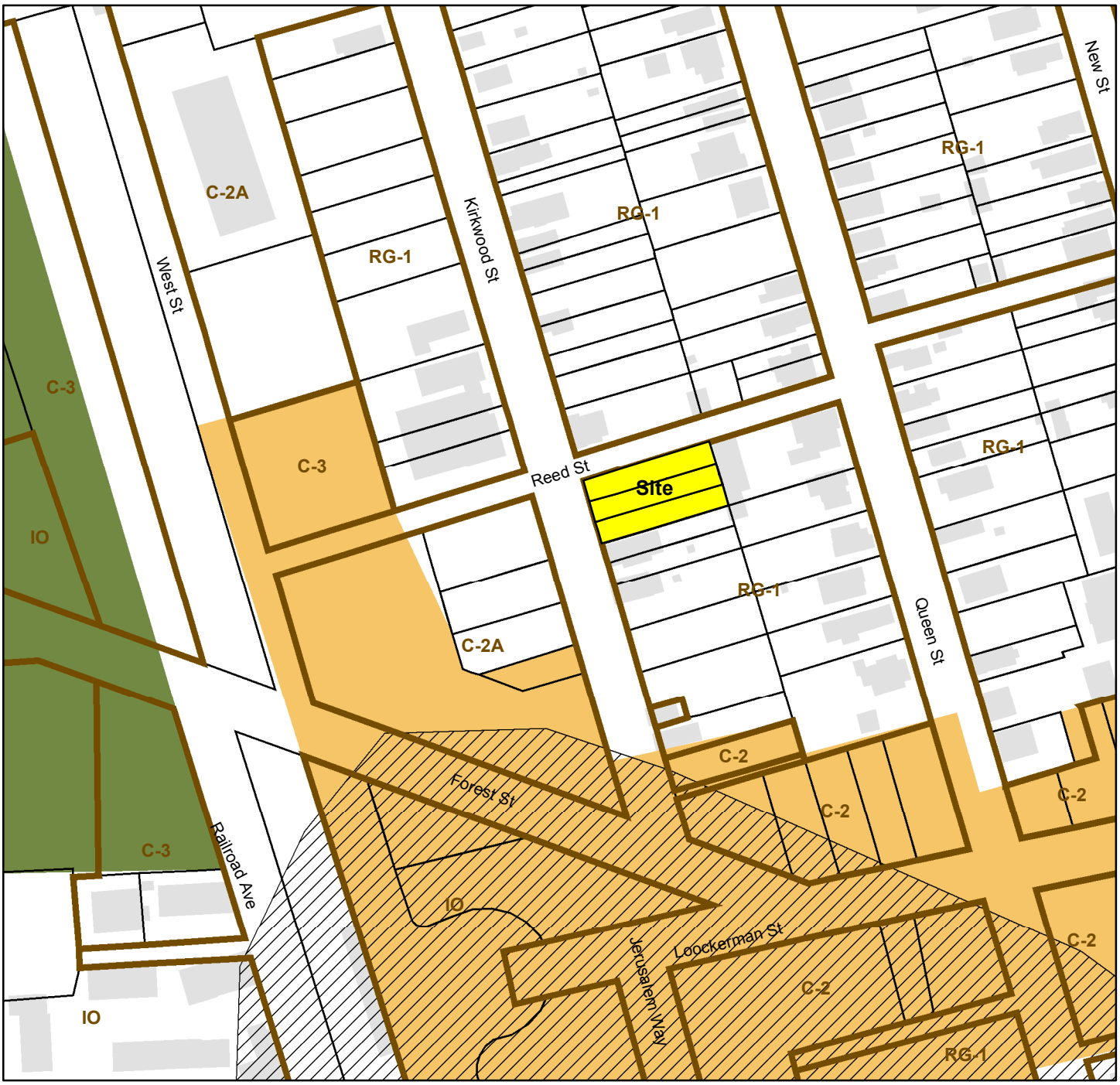
ADVISORY COMMENTS TO THE APPLICANT:

1. A Stormwater management design was not provided in the submittal for review.
2. The Developer should consider alternative methods of compliance such as fee in lieu.
3. Green Technologies (bio retention, bio swales, filter strips etc.) must be implemented to comply with the 2014 Delaware Sediment and Stormwater Regulations.
4. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
5. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
6. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

City of Dover

Department of Planning & Inspections

Application No.: C-16-03



Title: Lands of MauTiste Investment Group
Address: 420 W Reed St, 105 & 107 S Kirkwood St
Parcel ID: ED-05-076.12-02-65.00-000
ED-05-076.12-02-64.00-000, ED-05-076.12-02-63.00-000
Zoning: RG-1
Owner: MauTiste Investment Group
Date: 2/25/2016

Legend

- Dover Parcels
- Zoning
- Historic District
- SWPOZ Tier 3
- 2012 Buildings

N W E S

0 100 200 400 Feet

City of Dover

DATA SHEET FOR UNIFIED COMPREHENSIVE SIGNAGE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 9, 2016

PLANNING COMMISSION MEETING OF March 21, 2016

Plan Title:	Delaware Technical Community College US-16-01
Plan Type:	Unified Comprehensive Signage Plan
Property Location:	West side of North DuPont Highway between West Denneys Road and Scarborough Road
Property Addresses:	100 Campus Drive
Tax Parcels:	ED-05-057.00-01-01.00-000 ED-05-057.01-01-06.00-000 ED-05-057.01-01-07.00-000 ED-05-057.00-01-08.00-000
Owners:	State of Delaware Delaware Technical & Community College
Project Professional:	Unknown
Site Area:	112 acres ±
Existing Signs:	Five (5) monument signs including one sign with changeable copy (LED Monochromatic panel)
Proposed Signs:	Three (3) banners at approved locations as an amendment to existing Unified Comprehensive Sign Plan
Zoning	Classification: IO (Institutional Office Zone)
Roadway Classifications:	N. DuPont Highway – Urban Principal Arterial West Denneys Road – Urban Local Collector Scarborough Road – Urban Minor Arterial

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: March 9, 2016

CITY OF DOVER PLANNING

APPLICATION: Delaware Technical & Community College Comprehensive Signage Plan

FILE #: US-16-01 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

Review of a Unified Comprehensive Signage Plan application which would amend the applicant's existing approved Signage Plan (US-13-02) to permit additional banners totaling 418 S.F., to be placed on three (3) 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 Denneys Road and Scarborough Road. The owner of record is State of Delaware - Delaware Technical & Community College. Addresses: 100 Campus Drive. Tax Parcels: ED-05-057.00-01-01.00-000, ED-05-057.01-01-06.00-000, ED-05-057.01-01-07.00-000, ED-05-057.01-01-08.00-000.

This plan includes three (3) banners placed on three different buildings on the campus. The banners commemorate the anniversary of the institution. The applicant desires to place the banners for the duration of calendar year 2016. Banners are typically permitted under the *Zoning Ordinance* Article 5 §4.9.D provisions relating to temporary signs, however the following is noted:

- Temporary signs have a limit on placement for 90 days in a calendar year.
- Temporary signs have a limit on area (100SF total) and number (2 signs).
- A Temporary Sign Permit (#16-03) was issued for 90 days beginning January 1, 2016 and termination April 13, 2016.
- The City Planner may extend the time period for placement an additional 30 days for "grand openings" as well as the size, type, and number of signs.
- Therefore the maximum possible number of days that the three (3) banners could be placed is 120 days.

There are provisions in the *Zoning Ordinance* that allow amendments to approved Unified Comprehensive Signage Plans *without* returning to the Planning Commission for re-approval if the total sign area for the plan would not increase more than 15%. The banners that the applicant proposes exceed this limit.

Staff determined that the solution that would comply with the ordinance would be to amend existing Unified Comprehensive Sign Plan US-13-02 to include the banners. Additionally, the applicant would be able to utilize the approved locations for any other banners in the future, such as for special events, etc., without having to apply for temporary sign permits.

Previous Application
At its meeting of December 16, 2013, the City of Dover Planning Commission moved to grant conditional approval of the Unified Comprehensive Signage Plan for the Delaware Technical Community College Terry Campus (US-13-02). Final Plan approval was granted on January 14, 2015, and a Building Permit for installation of the signs was issued on May 21, 2015 (#15-576).

A summary of the signs approved with application US-13-02 is found on **Table 1** appearing later in this report.

SIGNAGE REGULATIONS

Temporary Signs
This application pertains to the use of vinyl mesh banners. Such banners are generally considered "temporary signs" by the *Zoning Ordinance* definition:

> *Temporary sign:* A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, is considered a temporary sign.

Temporary signs have a limit on placement for 90 days in a calendar year. Temporary signs have a limit on area (100SF total) and number (2 signs) for a property. The intent of the applicant is to display the banners to commemorate the anniversary of the college. By including the banners as part of an approved Unified Comprehensive Sign Plan, the locations and sizes are approved so that other banners of equal or lesser size may be placed at the approved locations in the future.

Street Classification
The subject site includes frontage on three (3) different types of roads. The standard Sign Regulations allow for different sign types and sizes for each type of road and as related to the use of adjacent properties. The Sign Table, with streets and classifications for this project noted, is included as **Appendix A** for reference.

Appendix A presents the traditional sign regulations for the property based on its road frontages. Under the provisions for Comprehensive Signage Plans for unified campuses and complexes found in *Zoning Ordinance,* Article 5 §4.8 of the Sign Regulations, an applicant may request the Planning Commission to grant additional signage and sign area than would be permitted under the traditional sign regulations.

Unified Comprehensive Signage Plans
The campus consists of seven buildings. The project area meets multiple criteria to qualify for a Unified Comprehensive Sign Plan because the site has three (3) or more principal structures under common management on continuous property, and has more than 400 linear feet on a Urban Principal Arterial roadway (North DuPont Highway) per Article 5 §4.8A of the *Zoning Ordinance*.

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

DESIGN GUIDELINES AND OBJECTIVES FOR COMPREHENSIVE SIGNAGE PLANS

In reviewing the overall sign package, each of the sign locations must be reviewed individually and as a whole. The Planning Commission must take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents, business and property owners of the immediate neighborhood in particular and shall ensure that the Site has adequate but not excessive signage.

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

> B. *Design guidelines for unified comprehensive signage plans.*
>
> > 1. Unified campuses and complexes applying for a unified comprehensive signage plan may not be held to the height, size, number and area regulations for signs found in other subsections of this section. However, the number, type and size of signs proposed may not be excessive, and must be in proportion to the scale of the buildings and the uses on the site.
> >
> > 2. All unified comprehensive signage plans must comply with all design guidelines found in subsection 4.4-Design requirements of this section, as well as all specific design guidelines found in this section.
> >
> > 3. Building signs shall be in harmony with the overall architectural concept for the site, and be compatible with each other and the building facades.
> >
> > 4. The freestanding signs identifying shopping centers and other unified campuses and complexes shall identify the name of the campus or complex and no more than three separate tenants within the campus or complex unless otherwise approved by the planning commission.
> >
> > 5. There shall be architectural harmony and unity of signs within a unified campus or complex. Sign type, color scheme, size, and illumination within the site shall be coordinated and shall be compatible with the architecture of the center and the surrounding area.
>
> C. *Planning commission duties.* In reviewing and approving comprehensive signage plans, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents, businesses, and property owners of the immediate neighborhood in particular, and shall ensure that unified campuses and complexes have adequate, but not excessive, signage. Specifically, the following objectives shall guide the commission when reviewing such plans:

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

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

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

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

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

SUMMARY OF EXISTING AND PROPOSED SIGNS

Table 1 outlines the existing free standing monument signs on the site as approved in US-13-02, and the proposed banners pertaining to this application.

Table 1: Existing and Proposed Signage
US-16-01; Delaware Technical and Community College
100 Campus Drive

PROPOSED SIGNS		
Location	**Description**	**Sign Area**
Corner of Building 200 facing southbound U.S. 13 traffic	12' x 14' Mesh banner	168
Above front entrance of Building 400 facing Campus Dr.	50' 5" x 48"' Mesh banner	202
Wall left of front entrance to Building 700 facing West Denneys Rd.	6' x 8' Mesh banner	48
	Subtotal	418

EXISTING SIGNS (US-13-02)		
Location	**Description**	**Sign Area**
NW Corner of North DuPont Highway and Scarborough Road	Monument Sign with large curved brick wall with piers	103.28
East side of the Scarborough Road entrance	Monument Sign of LED Monochromatic Panel (Double-sided) with brick base and pier	47.29
West side of Scarborough Road entrance	Monument Sign with curved brick wall with piers	64.47
West Denneys Road entrance	Monument Sign with brick base and pier	47.29
SW Corner of West Denneys Road and North DuPont Highway	Monument Sign with curved brick wall with piers	64.47
	Subtotal	326.8

SUMMARY		
Description	**Number of Signs**	**Sign Area**
Existing momument/entrance signs (US-13-02)	5	326.8
Proposed Banners	3	418.0
Total, All Signs	**8**	**744.8**
Percentage Increase in Sign Area		127.9%

The proposed banners as part of this application are all mesh vinyl banners to be attached to the buildings with cables. The design of the signs, locations on the site, and building faces to which they are proposed to be attached is included on a page submitted by the applicant. The page design replicates the approved "Sign Book" for approved US-13-02, and this page would simply be added as an additional page, if approved.[1]

The signs are summarized by building location. While considered "temporary signs" in the *Zoning Ordinance*, staff reviewed the signage using the size limits for "wall signage" in order to evaluate the proposed signage in terms of the design Guidelines for Comprehensive Signage Plans related to sign area, surrounding context, and determining whether the proposed signage is "excessive." Staff made estimates of wall area since wall dimensions were not requested or provided.

Building 200
This 168 SF banner is located on the corner of the building and faces southbound North DuPont Highway traffic. The street classification of the property frontage in this location is Urban Principal Arterial. Temporary signs are limited to two (2) per property, maximum 100 SF in area. Wall signs would be limited to two (2), maximum 15% of the wall area. The proposed sign would be approximately 75 feet from the property frontage. Staff notes that by definition in the code, this sign would exceed the 15% wall area limit if considered under the standard Sign Regulations for wall signs.

Building 400
This 202 SF banner is located on the entrance of the building facing Campus Drive, a private street. The wall on which it is placed is perpendicular to the Scarborough Road frontage, which is classified as Urban Minor Arterial. Temporary signs are limited to two (2) per property, maximum 100 SF in area. Wall signs would be limited to the lesser of 15% of the wall area or 64SF. The proposed sign would be nearly 400 feet from the property frontage. Staff notes by definition in the code, this sign would exceed the 64SF limit if considered under the standard Sign Regulations for wall signs.

Building 700
This 48 SF banner is located on the building corner that faces West Denney's Road. The street classification of the property frontage in this location is Local Collector, and by definition the property is considered "adjacent to residential." Temporary signs are limited to two (2) per property, maximum 100 SF in area. Wall signs would be limited to the lesser of 15% of the wall area or 32SF. The proposed sign would be nearly 400 feet from the property frontage. Staff notes by definition in the code, this sign would exceed the 32SF limit if considered under the standard Sign Regulations for wall signs.

[1] Approved Sign Book for US-13-02 is available for review at the Planning Office, or a copy in .PDF format can be emailed upon request. Contact Bill Cook at wcook@dover.de.us for a copy.

RECOMMENDATIONS

Staff recommends approval to amend US-13-02 to include three (3) banners in the proposed locations, and offers the following comments relating to the purpose and design guidelines for Unified Comprehensive Signage Plans:

- The signage presents a harmonious concept incorporating colors and other design elements that relate to the college logo and institutional identity.
- The number, type, and size of signs are appropriate and proportional to the building size, distances from the public roadways, and to the different street classifications as defined in the *Zoning Ordinance.*

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

CITY AND STATE CODE REQUIREMENTS:

1) No comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) No Comments.

ADVISORY COMMENTS TO THE APPLICANT:

1) Staff requires a final submittal of the Unified Comprehensive Signage Plan, including any revisions and conditions of Planning Commission approval, to be reviewed administratively before applications for Sign Permits will be accepted. For this case, reprinting the "Sign Book" for US-13-02 is not required. If no changes to the proposal are warranted, Staff will amend the proposed page to the existing .PDF file and return a copy to the applicant electronically.

2) Staff notes that existing building signs are not included in the Unified Comprehensive Signage Plan. Contact staff in the event of new construction or proposed changes to building signage to determine if future amendments are required.

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

4) The applicant shall be aware that Unified Comprehensive Signage Plan approval does not represent a Sign Permit. Any proposed site or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MARCH 2, 2016

CITY OF DOVER
Electric & Public Works Departments

APPLICATION: **DELAWARE TECHNICAL COMMUNITY COLLEGE COMPREHENSIVE SIGN PLAN**

FILE #: **US-16-01**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Signs should be placed in a manner that meets NESC requirements.

WATER / WASTEWATER / STORMWATER/ STREETS / SANITATION / GROUNDS

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

ADVISORY COMMENTS TO THE APPLICANT

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

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

US -16-01

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: **March 9th, 2016**

CITY OF DOVER FIRE MARSHAL

APPLICATION: **Delaware Technical Community College Comprehensive Sign Plan**

FILE #: **US-16-01** REVIEWING AGENCY: **City of Dover, Office of the Fire Marshal**

CONTACT PERSON: **Timothy P. Mullaney Jr., Fire Marshal** PHONE #: **(302) 736-4457**

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

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

- **No objection to Comprehensive Sign 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 2, 2016

D E L D O T

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APPLICATION: Delaware Technical Community College Comprehensive Sign Plan

FILE#: US-16-01 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.

Appendix A: Sign Table

***Zoning Ordinance* , Article 5 §4.7**

SIGN TABLE									
Use		Road Type	Permitted Signs						
	Specific		Sign Type	Number Permitted	Max. Size	Max. Height	% of Total Wall Area	Setback (R.O.W.)	Exclusion Zone
Residential Uses and Nonresidential Uses in Residential Districts	Single-Family Detached Semi-Detached	All Streets	Signs permitted in § 4.5 only						
	Professional Office Subdivisions	All Streets	Post or Monument	1/entrance	12 S.F.	7 feet	N/A	5 feet	20 feet
			Wall	1/frontage	16 S.F.	N/A	< = 15%	N/A	N/A
	Multi-Family Residential Uses		Wall &	1/frontage	32 S.F.	N/A	< = 15%	N/A	N/A
	Manufactured Home Parks		Monument or Post and Panel	2/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
Nonresidential Uses Adjacent to Residential Districts or Uses	Places of Worship	Urban Principal Arterial	Wall &	2/frontage	32 S.F.	N/A	< = 15%	N/A	N/A
	Daycare Centers		Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	10 feet	20 feet
	Approved Conditional Uses		Post** &	1/frontage	16 S.F.	7 feet	N/A	5 feet	5 feet
	Educational/ Institutional		Pylon*	1/frontage	32 S.F.	30 feet	N/A	30 feet	50 feet
		Urban Minor Arterial	Wall &	2/frontage	32 S.F.	N/A	< = 15%	N/A	N/A
	All Other Approved Nonresidential Uses		Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet
	West Dennys Rd →	Urban Local/ Collector	Wall &	2/frontage	32 S.F.	N/A	< = 15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet
Nonresidential Uses in Nonresidential Districts	N DuPont Hwy →	Urban Principal Arterial	Wall &	2/frontage	No max	N/A	< = 15%	N/A	N/A
			Monument or Post and Panel &	1/entrance	100 S.F.	10 feet	N/A	10 feet	20 feet
			Pylon OR *	1/frontage	100 S.F.	30 feet	N/A	15 feet	50 feet
			Pylon*	1/frontage	150 S.F.	30 feet	N/A	31 feet	50 feet
	Scarborough Rd →	Urban Minor Arterial	Wall &	2/frontage	64 S.F.	N/A	< =15%	N/A	N/A
	Nonresidential Uses		Monument or Post and Panel OR	1/entrance	64 S.F.	7 feet	N/A	5 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet
		Urban Local/ Collector	Wall &	2/frontage	32 S.F.	N/A	< = 15%	N/A	N/A
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet

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

** Post sign would be in lieu of a monument sign or post and panel sign.

City of Dover

DATA SHEET FOR UNIFIED COMPREHENSIVE SIGNAGE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 9, 2016

PLANNING COMMISSION MEETING OF March 21, 2016

Plan Title:	Winner Ford (US-16-02)
Plan Type:	Unified Comprehensive Signage Plan
Property Location:	Located on the east side of South DuPont Highway just to the north of Public Safety Boulevard.
Property Addresses:	591 South DuPont Highway
Tax Parcels:	ED-05-077.00-01-12.05-000
Owners:	591 DuPont Highway LLC
Project Professional:	First State Signs, c/o Dale McAlister
Site Area:	9.94 acres +/-
Existing Signs:	Three (3) pylon signs 277 SF total, 14 wall signs 634 SF total, seven (7) directional signs 53 SF total
Proposed Signs:	Four (4) pylon signs 391 SF total, 15 wall signs 686 SF total, five (5) directional signs 62 SF total
Zoning Classification:	C-4 (Highway Commercial Zone)
Roadway Classification: (per Sign Regulations)	North DuPont Highway – Urban Principal Arterial Public Safety Boulevard – Urban Local Collector

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: March 9, 2016

CITY OF DOVER PLANNING

APPLICATION: Winner Ford Comprehensive Signage Plan

FILE #: US-16-02 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY

Public Hearing and Review of a Unified Comprehensive Signage Plan application which would supersede the applicant's existing approved 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 new signage would consist of a pylon sign, wall signs, and post and panel directional signs. 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: 591 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.

The plan includes the construction and implementation of wall signage for the newly constructed Winner Ford showroom and the existing service building located behind it. Wall signage for the separate Hyundai showroom is unchanged. An additional pylon sign is planned, bringing the total pylon signs on the site to four (4).

Related Actions

Site Development Plan S-14-02 for a new Ford showroom and service facility was approved by the Planning Commission at its meeting of February 18, 2014 with Final Plan approval by staff on October 2, 2014. Building permits were issued and construction is nearing completion.

This plan will replace US-02-01 which was approved by the Planning Commission at its meeting of January 22, 2002. Sign Permits were subsequently issued after the approval of that plan in accordance with provisions that allow increases in sign area (within limits) for approved Unified Comprehensive Sign Plans without the requirement to return to the Planning Commission. Sign Permit #16-262 for two (2) wall signs for the Ford showroom were recently issued and approved

under the standard Sign Regulations. Those two signs are included in this plan and will be added to the total sign area for the plan.

SIGNAGE REGULATIONS

Street Classification

The subject site has frontage on South DuPont Highway, an Urban Principal Arterial street, as well as Public Safety Boulevard which is classified as an Urban/Local Collector street.

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

Table 1: "Sign Table"

Zoning Ordinance, Article 5 §4.7 (excerpt)

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

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

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

Unified Comprehensive Signage Plans

The property consists of four (4) buildings. The project area qualifies for the Unified Comprehensive Sign Plan process because the site will have three (3) or more principal structures under common management located on a contiguous property, and also has 400 linear feet or greater of frontage on an Urban Principal Arterial Street, as defined in Article 5 §4.8 and 4.3 of the *Zoning Ordinance*.

In considering a Unified Comprehensive Signage Plan, "the number type and size of sign proposed may not be excessive and must be in proportion to the scale of the building and the uses on the site." For Unified Comprehensive Signage Plans, there shall be architectural

harmony and unity of signs within a unified campus or complex. Sign type, color scheme, size, and illumination within the site shall be coordinated and shall be compatible with the architecture of the complex and the surrounding area. All Comprehensive Signage Plans must comply with the design guidelines found in *Zoning Ordinance,* Article 5 §4.4. The design requirements focus on freestanding signs, the material and craftsmanship of signs, wall sign placement, illumination, and changeable signs.

DESIGN GUIDELINES AND OBJECTIVES FOR COMPREHENSIVE SIGNAGE PLANS

In reviewing the overall sign package, each of the sign locations must be reviewed individually and as a whole. The Planning Commission must take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents, business and property owners of the immediate neighborhood in particular and shall ensure that the Site has adequate, but not excessive signage.

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

> B. *Design guidelines for unified comprehensive signage plans.*
>
> > 1. Unified campuses and complexes applying for a unified comprehensive signage plan may not be held to the height, size, number and area regulations for signs found in other subsections of this section. However, the number, type and size of signs proposed may not be excessive, and must be in proportion to the scale of the buildings and the uses on the site.
> >
> > 2. All unified comprehensive signage plans must comply with all design guidelines found in subsection 4.4-Design requirements of this section, as well as all specific design guidelines found in this section.
> >
> > 3. Building signs shall be in harmony with the overall architectural concept for the site, and be compatible with each other and the building facades.
> >
> > 4. The freestanding signs identifying shopping centers and other unified campuses and complexes shall identify the name of the campus or complex and no more than three separate tenants within the campus or complex unless otherwise approved by the planning commission.
> >
> > 5. There shall be architectural harmony and unity of signs within a unified campus or complex. Sign type, color scheme, size, and illumination within the site shall be coordinated and shall be compatible with the architecture of the center and the surrounding area.
>
> C. *Planning commission duties.* In reviewing and approving comprehensive signage plans, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents, businesses, and property owners of the immediate neighborhood in particular, and shall ensure that unified campuses and complexes have adequate, but not excessive, signage. Specifically, the following objectives shall guide the commission when reviewing such plans:

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

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

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

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

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

SUMMARY OF EXISTING AND PROPOSED SIGNS

The Plan Book submitted outlines the dimension, placement, and design details for each sign. Building façade elevations are provided to demonstrate the relationship of signage to each building and the proportion of sign area to wall area. Proposed and existing signage as of the present begins on **Page 11 of the Plan Book**.

Table 2 outlines existing and proposed signs for the Winner Ford/Winner Hyundai site.

Pylon Signs

Three (3) pylon signs exist on the site: "Ford", "Ford Pre-Owned", and "Hyundai." The locations of the pylon signs are found on Page 11 of the Plan Book and on the separate Site Plan sheet.

The applicant is requesting an additional 114 SF pylon sign ("Quick Lane") to be placed in the southwest corner of the site at setbacks of 25 feet setback from South Dupont Highway and 21 feet from Public Safety Boulevard. This sign would advertise and identify the entry location for automotive services not specific to any brand.

Details of the proposed "Quick Lane" sign are found on Plan Book pages 11-13. The sign is 20 feet tall and 6' 7" wide. Staff notes that the total area shown in the Plan Book and in Table 2 (114 SF) is the total face dimension of one side of the sign. While the sign is similar in scale and five (5) feet shorter than the existing Hyundai pylon sign, the total "sign area" for the Quick Lane sign is greater because there is more content that is calculated as "sign area."

The standard sign regulations of *Zoning Ordinance* Article 5 §4 regulate the permitted signage according to its property frontage. The property has frontages on both an Urban Principal Arterial and an Urban/Local Collector street. One (1) pylon is permitted per frontage for Urban Principal Arterial. Pylon signs are not a permitted type on Urban/Local Collector streets. When a sign is planned for the corner of a property with frontage on different classes of streets, the more stringent standard applies. The existing and proposed signs meet the "exclusion zone" provisions of the sign regulations that require a minimum distance between freestanding signs.

Table 2: Proposed Signage
US-16-02; Winner Ford
591 South DuPont Highway

No.	Planbook Page	New	Description	Sign Face Dimensions	Height	Setback	Sign Area
FREESTANDING SIGNS							
	Pylon Signs						
	11,12	N	Ford	8'3.5" x 19'11"	32'	52	165
	11,12	N	Ford Pre-Owned	5'9" x 10'5"	20'	53	60
	11,12	N	Hyundai	6' x 8' and	25'	18'	52
	11,12,13	Y	Quick Lane	17'10" x 6'7"	20'	25'	114
						Subtotal:	*391*
	*Directional Signs**						
D1	11,26	Y	Directional D1	30" x 60"	8'		12.5
D2	11,26	Y	Directional D2	46" x 38"	8'		12.4
D3	11,26	Y	Directional D3	46" x 38"	8'		12.4
D4	11,26	Y	Directional D4	46" x 38"	8'		12.4
D5	11,26	N	Directional D5	46" x 38"	8'		12.4
						Subtotal:	*62.1*
			Total, Freestanding Signs: **9**	Total Square Feet, Freestanding Signs:			**453.1**
BUILDING SIGNS							
No.	**Planbook Page**	**New**	**Description**	**Sign Face Dimensions**			**Sign Area**
	Hyundai Showroom						
H1	15, 25	N	Winner	2' x 8'4"			17
H2	15, 25	N	Hyundai Front	7'7" x 13'			100
H3	15, 25	N	Hyundai Side	7'7" x 13'			100
H4	15, 25	N	Hyundai Front Entry Logo	2' x 3'			6
						Subtotal:	*223*
	Ford Showroom						
F1	14, 15, 16, 18	Y	Ford Oval Logo	9'7" x 4'2"			40
F2	14, 15, 16, 19	Y	Ford Tower Logo	8' x 3'6"			28
F3	14, 15, 16, 20	Y	Winner Letters	3'3" x 24'			78
F4	14, 15, 17, 21	Y	Service Letters	3' x 12'			36
F5	14, 15, 17, 22	Y	Quick Lane	5' x 25'			125
F6	14, 15, 17, 23	Y	Quick Lane Wall Sign	5' x 3'			15
						Subtotal:	*322*
	Service & Body Shop						
F7	14, 15, 24	Y	Body Shop	2' x 14'			28
F8	14, 15, 24	Y	Service	2' x 10'			20
F9	14, 15, 24	Y	Parts & Service	3' x 8'			24
F10	14, 15, 24	Y	Fast Lube	3' x 8'			24
F11	14, 15, 24	Y	Hyundai Service	3' x 15'			45
						Subtotal:	*141*
			Total, Wall Signs: **15**	Total Square Feet, Building Signs:			**686**
				Total Square Feet, All Signs:			**1139.1**

* All signs internally illuminated except for directional signs

When analyzed under the provisions of the standard sign regulations, staff notes the following:

- The property is proposed to have a total of four (4) pylon signs, which is greater than permitted based on frontage which is one (1) pylon sign. However, the number of pylon signs on the property has been reduced compared to the number approved in the earlier 2002 plan which was six (6).
- Existing "Ford" sign is over the maximum sign area, but has a 21-foot greater setback than required.
- Proposed "Quick Lane" sign would be over the maximum sign area for signs at the proposed setback. Staff notes that a taller pylon was formerly located near this corner ("Mitsubishi") but was subsequently removed since the 2002 plan.

Wall Signs

The applicant is requesting a total of 15 wall signs for the Winner Ford property. The Hyundai showroom has four (4) existing wall signs totaling 223 SF and no changes are proposed.

Ford Showroom & Quick Lane

Six (6) wall signs totaling 322 SF are planned for the new Ford showroom, three (3) on the front and three (3) on the side. Details of the signs are found on Plan Book pages 14-20. All are internally illuminated.

The signs on the front façade consist of two Ford logos. Sign F1 is a 40 SF logo located on the north end of the wall near the roofline. Sign F2 is a 28 SF logo over the entry doors to the showroom. Sign F3 consists of a channel letter sign identifying the dealer name to be placed on the south end of the wall near the roofline.

The signs on the side façade relate to the entrance for the “Quick Lane” service area. Sign F4 is a 36 SF channel letter sign identifying the drive-in service bay. Sign F5 is a 125 SF sign over the entry door. Sign F6 is a 15 SF wall sign adjacent to the entry door.

Service and Body Shop

Five (5) wall signs totaling 141 SF are planned for the service and body shop, which is located behind the Ford showroom. Signs F7 and F8 are letter signs identifying the service bay. Signs F9, F10 and F11 are located on the wall to the right of the service bay and identify services offered and the Hyundai brand logo..

The standard sign regulations of *Zoning Ordinance* Article 5 §4 regulate the permitted signage according to its property frontage. The property has frontages on both an Urban Principal Arterial and an Urban/Local Collector street. When a property has frontages on different classes of streets, past practice and code interpretation has allowed the establishment to place signage on any building wall, subject to the sign area and number that the establishment is entitled to. For multi-tenant properties or properties with multiple buildings, the sign regulations state each tenant is “permitted to have at least one wall sign” per unit. Past practice has permitted two (2) wall signs per tenant or building.

When analyzed under the provisions of the standard sign regulations, staff notes the following:

- The Ford showroom has frontages on an Urban Principal Arterial and an Urban/Local Collector street and would be allowed four wall (4) signs. Two would be limited to 15% of the wall area, and two would be a maximum of 32 SF. The applicant proposal has six (6) wall signs.
- The total number and area of wall signs for the entire property has slightly increased since the 2002 plan, but there have been significant building and site changes since then.
- Wall area dimensions were not provided or requested, but staff estimates the total area of signage for wall signs to be under 15% of the wall area.
- Visibility of the wall signs for the service and body shop has not been "field checked", but the sign regulations do not require sign permits for signs that cannot be seen from "any public right-of-way or adjacent property."

Directional Signs

The applicant is requesting a total of five (5) directional signs totaling 62 SF. One is an existing sign that shall remain. Four (4) directional signs are new, and of those two are double-sided. All are eight (8) feet in height and just over 12 SF in sign area.

The locations of the directional signs are shown on Plan Book page 11, and dimensions are shown on page 26.

When analyzed under the provisions of the standard sign regulations, staff notes the following:

- Directional signs less than five (5) square feet in area do not require a permit. As defined in the ordinance, directional signs are limited in height to four (4) feet.
- The proposed number of directional signs has decreased but the total area has slightly increased when compared to the 2002 plan.

RECOMMENDATIONS

Staff recommends approval of US-16-02 to include 1,139 SF of total signage as described in the submitted plan, and offers the following comments relating to the purpose and design guidelines for Unified Comprehensive Signage Plans.

Pylon Signs

- Staff recommends approval of the additional "Quick Lane" pylon sign. While standard code would allow for one (1) pylon sign only, the property has significant frontage, and also has additional frontage on Public Safety Boulevard which does not permit pylon signs.
- The use of pylon signs and the proposed scale is appropriate for the use of the property as an automobile dealership representing more than one brand, and the number and size are consistent with other automobile dealers in the area.

Wall Signs

- Staff finds that the proposed sign plan presents a coordinated concept for the property and provides signage that provides identity to the structures and aids safe wayfinding to the

general public.
- Staff finds the increases in sign area and sign number compared to the standard sign regulations to be appropriate for the property and its use as well as the building scale and setbacks from the right-of-way.
- Coincidentally both brands represented on the site have logos and branding in similar shades of blue.

Directional Signs
- The decrease in the number of directional signs is noted, and the consistent design is a visual improvement that will also guide wayfinding on the property.

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

CITY AND STATE CODE REQUIREMENTS:

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

1) Plan Book, Page 11:
   a) Staff confirmed with the applicant that the "Quick Lane" pylon sign location is more accurately depicted on the included Becker-Morgan site plan sheet.

2) Plan Book, Page 26:
   i) Staff confirmed with the applicant the dimensions of D1, included in Table 2 in the report.
   ii) Adjust total sign to 62 SF.
   iii) Staff notes that city code related to "sign area" counts one side of double-sided signs as the sign area.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) The total signage area will be noted in the Final Plan Approval letter upon completion of corrections to the Final Plan. This total will form the baseline and "originally approved sign area" per *Zoning Ordinance,* Article 5 §4.8.E as related to future new or revised signs for the buildings and signs on the final approved plan.

ADVISORY COMMENTS TO THE APPLICANT:

1) Staff notes that the auto body shop located off Public Safety Boulevard is not included in

this plan and that the building is planned for demolition.

2) The applicant shall be aware that Unified Comprehensive Signage Plan approval does not represent a Sign Permit. Any proposed freestanding or wall sign shall require a Sign Permit from the City of Dover prior to placement of any such sign.

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

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

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

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

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

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

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MARCH 2, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: WINNER FORD COMPREHENSIVE SIGN PLAN

FILE #: US-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

1. Signs should be placed in a manner that meets NESC requirements.

WATER / WASTEWATER / STORMWATER/ STREETS / SANITATION / GROUNDS

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

ADVISORY COMMENTS TO THE APPLICANT

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

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

US-16-02

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: **March 9th, 2016**

CITY OF DOVER FIRE MARSHAL

APPLICATION: **Winner Ford Comprehensive Sign Plan**

FILE #: **US-16-02** REVIEWING AGENCY: **City of Dover, Office of the Fire Marshal**

CONTACT PERSON: **Timothy P. Mullaney Jr., Fire Marshal** PHONE #: **(302) 736-4457**

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

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

- **No objection to Comprehensive Sign 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 2, 2016

D E L D O T

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APPLICATION: Winner Ford Comprehensive Sign Plan

FILE#: US-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
March 2016

APPLICATION: Winner Ford

FILE #: US-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 signage plan for the above referenced site.

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

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

City of Dover

DATA SHEET FOR SITE MASTER PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 9, 2016

PLANNING COMMISSION MEETING OF March 21, 2016

Plan Title:	Grace Presbyterian Church Site Development Master Plan, S-16-06	
Plan Type:	Site Development Master Plan	
Location:	West side of McKee Road south of College Road 350 McKee Road	
Tax Map #:	ED-05-067.14-01-70.01-000 (to be confirmed)	
Owner/Applicants:	Grace Presbyterian Church, Inc.	
Site Area:	9.23 acres +/-	
Zoning:	IO (Institutional and Office Zone) and COZ-1 (Corridor Overlay Zone)	
Present Use:	Place of Worship	
Proposed Use:	Place of Worship	
Building Areas:	Existing Church Building	22,450 S.F.
	Existing House (to be demolished)	
	Proposed Church Addition (Phase 2)	4,212 S.F.
	Proposed Church Addition (Phase 3)	9,945 S.F.
	Proposed Interior Church Addition (Phase 5)	3,200 S.F.
	Proposed Church Addition (Phase 6)	3,500 S.F.
	TOTAL	43,307 S.F.
Off Street Parking:	Required – 217 spaces (Maximum 272 spaces by Code) Proposed – 245 spaces	
Sewer & Water:	City of Dover	
Waivers Requested:	Partial Elimination of Curbing Elimination of Opaque Barrier - Fence Component	

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: March 9, 2016

APPLICATION: Grace Presbyterian Church Site Development Master Plan at 350 McKee Road

FILE #: S-16-06 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY

This Site Development Master Plan Review is for the Grace Presbyterian Church 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. +/-, partially on two floors. 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 area of the site consists of 9.23 acres +/-. 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. Property Address: 350 McKee Road. Tax Parcel: ED-05-067.14-01-70.01-000. Council District #4.

Previous Applications

On November 15, 2010, Application Z-10-08 went before the Planning Commission requesting rezoning of a portion of the subject property. At the time the portion consisted of two separate parcels, located at 1016 and 1022 College Road. The Planning Commission recommended approval of the rezoning from CPO (Commercial and Professional Office Zone) to IO and the rezoning was subsequently approved by City Council. This rezoning unified the four parcels on the subject property under a single zoning classification.

On March 22, 2011, the Planning & Inspections Department approved administratively a Parcel Consolidation Plan merging 1016 College Road, 1022 College Road, and the two parcels at 350 McKee Road. This Consolidation Plan was intended to unite the four parcels on the subject property into one parcel. However, it does not appear that the Kent County Recorder of Deeds has recognized the consolidation. This report will interpret the subject property to be one parcel instead of four, but the applicant must submit documentation indicating the consolidation has taken place prior to final plan approval of the current Site Development Master Plan.

In early 2014 Grace Presbyterian Church submitted Site Plan application S-14-09 for administrative review, proposing to construct an accessory pavilion on the subject property. The Planning & Inspections Department determined that Administrative Site Plan review was not required for accessory structures and approved the pavilion with a Building Permit on June 5,

2014. No changes to the pavilion are proposed as part of the current Site Development Master Plan.

On December 16, 2015, case V-15-15 went before the Board of Adjustment requesting a variance to increase the maximum number of allowable parking spaces on the subject property, in connection with the current Site Development Master Plan. In granting the variance, the Board of Adjustment wrote that the variance would allow additional parking spaces in accordance with each phase of this Plan's proposed construction, with the final variance at the completion of Phase 6 to allow a total of 245 parking spaces, or a variance of 51 parking spaces in excess of the maximum permitted under the Zoning Code. When the Plan went before the Board of Adjustment, it proposed a final building area on site of 30,833 S.F. and the maximum number of parking spaces was 194 spaces. Because the current Plan proposes a final building area of 43,307 S.F., which permits a maximum of 272 spaces, the variance is no longer required at the end of Phase 6. However, the variance is still required until the completion of Phase 3, because the majority of the parking spaces proposed to be built on site will be built in Phase 1, earlier than the building additions requiring them.

SITE DEVELOPMENT MASTER PLAN

The plan for this project is submitted for review under the Site Development Master Plan process (See *Zoning Ordinance,* Article 10 §2.44 listed below). This process allows for a series of construction phases to be outlined in a Master Plan for Planning Commission review and approval. Prior to each Phase of construction a Site Plan specific to that phase is submitted for Administrative Site Plan review.

> Article 10 §2.44 Site development master plans. Conceptual site development master plans shall be reviewed by the planning commission in accordance with the provisions of subsection 2.43. Conceptual site development master plans shall depict a site development proposal that reflects general compliance with the provisions of the zoning ordinance and shall also reflect the following information on the plan:
>
> (A) Conceptual Master Plan. Conceptual Master Plan shall include the proposed general layout of building, streets, parking, open space, landscape concepts, and stormwater management areas.
>
> (1) Detailed site construction plans, details, and specifications are not required as part of a site development master plan submission.
>
> (2) The plan shall illustrate distinct phase boundaries for each proposed construction phase and shall depict proposed construction and site improvements planned for each phase. Bulk quantities and area totals for each construction phase, and for the total site, shall be tabulated in a data column on the plan.
>
> (3) Each construction phase shall be enumerated in sequential order on the site development master plan according to the order of construction contemplated by the plan. Phases shall be implemented in accordance with the approved site development master plan unless the city planner approves an alternate phasing.
>
> (4) Each construction phase represented on the master plan shall be planned and designed to function independent of construction and site improvements contemplated in future construction phases in all respects, including but not limited to bulk area provisions of the zoning district in which the site is located, off-street parking requirements, site entrances, emergency access requirements, site utilities, and stormwater management improvements except where the requirements and needs of a later phase are met and remain met by a previous phase of completed construction.

(5) Any special agreements or conditions of approval relative to the overall development that have been specified by regulatory agencies shall be documented on the site development master plan.

(B) Phased site plan approval. Individual phased components of the Conceptual Master Plan are to be reviewed and approved as an Administrative Site Plan. Final site construction plans, including detailed site grading, paving, utilities, stormwater management, and tree planting and preservation plans shall be submitted for final approval by the city planner and/or authorized designee, and to other agencies having jurisdiction, on a phase by phase basis in accordance with the approved site development master plan, and all regulations of the City of Dover governing the approval of site plans as set forth in subsection 2.4 and 2.5.

PROJECT DESCRIPTION

The Site Development Master Plan proposes six (6) project phases for the Grace Presbyterian Church expansion. The project involves construction of a 4,212 S.F. two story hospitality addition in Phase 2; a 9,945 S.F. sanctuary addition in Phase 3; and a 3,500 S.F. multi-purpose room addition in Phase 6. The project also involves construction of parking lot improvements to replace an existing unmarked gravel lot, new entrance and exit drives, and stormwater management facilities in Phase 1; demolition of a 1,485 S.F. (house) building near the western edge of the site in Phase 4; conversion of a two-story interior space to two floors in Phase 5 (adding a further 3,200 S.F of floor area); and additional parking lot improvements in Phase 6.

IO Zoning District

The project's existing and proposed use as a Place of Worship is a permitted use in the IO (Institutional and Office) Zone.

COZ-1 Overlay District

The purpose of the Corridor Overlay Zone (Article 3 §27) is to promote superior development and a high quality built environment along the City of Dover's urban corridors. Because of this it sets standards for landscaping and architectural design in excess of those required by underlying zoning districts, and sets bulk standards which supersede those outlined in the *Zoning Ordinance,* Article 4. The existing Grace Presbyterian Church building does not meet several of the standards of the COZ. However, the proposed additions and site improvements will abate this nonconformity. Further descriptions of how the project meets the standards of the COZ or must act to meet the standards of the COZ are included in the sections below.

BUILDING ARCHITECTURE

The applicant has submitted elevation drawings for the northern facade of the building (fronting on McKee Road) and for the eastern facade of the building, depicting concepts for the building appearance after the completion of Phase 2 and the completion of Phase 6. The building elevation fronting on McKee Road, one of the primary corridors in the COZ, is known as the "corridor elevation" under the *Zoning Ordinance,* Article 3 §27.69 and is subject to special requirements. Specifically, corridor elevations are typically required to include several features, including functioning windows; a primary entrance door; a primary entrance feature; and either landscaping integrated into the building design concept, architectural or urban design elements linking adjacent structures, or architectural relief.

The corridor elevation includes several large functioning windows to let light into the sanctuary space, multi-purpose room, and hospitality addition. It also includes banded horizontal and vertical features to create strong architectural relief on the façade. Proposed shrubbery in front appears to coincide in height with the lowest banding course, integrating this landscaping into the building design concept. Proposed materials on the façade include brick on the lower portions and stucco above. The majority of the roof is to be covered with architectural dimensional shingles, although a few portions are to be covered with standing seam metal.

At the completion of Phase 2 the building will have a primary entrance on the corridor elevation. This entrance is no longer present at the end of Phase 6. The applicant is encouraged to include in the Phase 6 corridor elevation a primary entrance door and a primary entrance feature, but if these cannot be successfully integrated into the building design concept the existing legal nonconforming primary entrance at the rear of the building will stand as a substitute.

A maximum of two stories and 35 feet of height is allowable by the COZ. The elevation drawings reveal that the existing multi-purpose room has a legal nonconforming height of 42 feet. Forty-two (42) feet is therefore the maximum allowable height for all portions of the church building; anything higher would increase the building's nonconformity to the provisions of the COZ. The corridor elevation includes a decorative roof element of unclear height marking the building as a church. The applicant must ensure that the top of this element does not exceed 42 feet in height.

Conceptual elevation drawings for the southern and western facades are not required at this time because these facades are either substantially unchanged from existing conditions or mostly invisible from the public right-of-way. Final elevation drawings for all facades will be evaluated by Planning Staff during the Administrative Site Plan review for each individual phase of the project.

SITE CONSIDERATIONS

Access to the existing church building is currently provided from McKee Road. The alignment of this entrance drive is proposed to be changed in Phase 1. There is also a separate driveway from W. State College Road used to access the church-owned house near the western edge of the property. A second access onto W. State College Road is proposed for the site, providing exit-only service from the church parking lot. Because the site is located in the COZ, there is a minimum spacing requirement between curb cuts. For W. State College Road, this minimum spacing is 150 feet. Due to the shape of the site it is impossible to locate the proposed exit so that it is adequately spaced from the existing driveway. The existing driveway from W. State College Road must therefore be removed when the new exit is built.

The COZ also requires a minimum 12 foot buffer between buildings and any new parking lot and drive areas. Currently, the buffer requirement is not met on the eastern edge of the site where a new drive aisle and parking is proposed next to the Phase 3 sanctuary addition. Staff notes that changes made to the drive and parking areas as a result of City requirements may increase the total amount of proposed impervious surface coverage on site. However, this increase is not expected to be enough to place the site over the maximum lot coverage allowed by the IO zone.

Non-residential buildings in the COZ along McKee Road are typically required to have a front yard setback of at least 40 feet and no more than 50 feet. A front yard setback of 186 feet is proposed. However, because the existing front yard setback is over 280 feet, the proposed setback is permitted under Article 7 §1.3 of the *Zoning Ordinance* because it will further abate the nonconformity of the building to the setback requirements of the ordinance.

PARKING SUMMARY

The minimum off-street parking requirement for a Place of Worship is at least one (1) space per 200 square feet of floor area, but not less than one (1) space for each four (4) seats, where provided (Article 6 §3.1). The number of seats currently on site and the number to be added in this project are unknown.

Accounting for the proposed ultimate build out of the site, the minimum number of parking spaces required based on floor area is 217 parking spaces, and the maximum number of parking spaces allowable is 272 parking spaces. The proposed Site Plan shows 245 parking spaces including handicap parking spaces. The following summary table describes the parking proposed to be constructed in each phase.

Phase	**Building/ Addition Size**	**Parking Required per S.F.**	**Cumulative Parking Requirement**	**Parking Provided by Phase**	**Cumulative Parking Provided**
EX	23,935 S.F.	120 spaces	120 spaces	116 spaces + unmarked gravel areas	116 spaces + unmarked gravel areas
1	0 S.F.	0 spaces	120 spaces	85 spaces	201 spaces
2	4,212 S.F.	22 spaces	142 spaces	0 spaces	201 spaces
3	9,945 S.F.	50 spaces	191 spaces	0 spaces	201 spaces
4	-1,485 S.F.	0 spaces	184 spaces	0 spaces	201 spaces
5	3,200 S.F.	16 spaces	200 spaces	0 spaces	201 spaces
6	3,500 S.F.	17 spaces	217 spaces	44 spaces	245 spaces
TOTAL	43,307 S.F.		217 spaces		245 spaces

It is the applicant's intention to construct most of the parking needed for the church expansion in the first phase, rather than construct it as needed in each phase based on the size of the individual building additions. As such the cumulative parking provided until the completion of Phase 3 is in excess of the maximum allowable under the *Zoning Ordinance.* The applicant has received a variance from the Board of Adjustment to permit excess parking spaces during the phases of the Plan.

The applicant proposes to light the expanded parking lot with light poles that are in the existing parking lot. No new light poles are shown on the plan. The applicant must ensure that the expanded parking lot is adequately lighted to make it safe for pedestrians at night.

Loading Spaces

Loading spaces are not required for Places of Worship.

Bicycle Parking

The minimum bicycle parking required is one (1) bike space for every twenty (20) regular vehicle parking spaces. Based on the number of parking spaces, thirteen (13) bicycle parking spaces are required. The Site Plan has an area set aside for bicycle parking on the south side of the building, but it is not clear how many spaces are provided in it.

Sidewalks

The site is served by an 8 foot wide multi-use trail along McKee Road and a 5 foot wide sidewalk along W. State College Road. An existing sidewalk leading from McKee Road to the church building is proposed to be partially retained and partially relocated so it continues to serve the building. No sidewalk is proposed to connect to W. State College Road; however, one is proposed to connect to the parking lot on the neighboring lands of Kays Enterprises, LLC to the northwest of the site. The church has a standing agreement with the businesses on these properties to use their parking lots for overflow parking.

Per Article 3 §27.63 (c) of the *Zoning Ordinance,* the twelve foot wide buffer between the building and new parking lot and drive areas which is required by the COZ must contain a sidewalk of at least six feet width but no more than eight feet width. Most of the new sidewalks proposed within the buffer zone appear to be five feet in width. A sidewalk should also extend the full 135 foot length of the parking lot addition proposed in Phase 6.

Waiver Request: Partial Elimination of Curbing

Article 6 § 3.6 (b) requires curbing for all parking areas. The Plan locates upright curbing around the parking islands, a portion of the drop-off area in front of the existing building, along a portion of the relocated entrance drive from McKee Road, around the rear perimeter of the expanded Phase 1 parking lot, and along the new exit drive onto W. State College Road.

The applicant is requesting a waiver from installing curbing around the remaining perimeter of the parking lot and drive areas. The waiver is requested to facilitate sheet flow of stormwater across the parking lot to the site's stormwater management facilities. These are proposed to include filter strips to the north and west of the Phase 6 parking lot expansion, a filter strip to the northeast of the relocated entrance drive, a biofiltration swale running along the western and northern edges of the site, and a bioretention facility in the eastern corner of the site.

Dumpsters

Based on the site's institutional use and square footage, the building requires two (2) Dumpsters. A Dumpster pad and enclosure is proposed to be located on the western edge of the Phase 1 parking lot near the entrance to the exit drive aisle; this enclosure as depicted only contains one Dumpster. A second Dumpster pad is not required to be constructed if one Dumpster is adequate to meet the institution's needs. However, the Site Plan must reserve a location on site for a second Dumpster pad if in the future the City determines there is a need for its construction.

The method of trash collection (front load or side load) has not been specified for the one proposed Dumpster; if this Dumpster requires front load collection it is not clear that there is adequate maneuvering space for the collection truck. The Dumpster enclosure may need to be reoriented or relocated.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a concept for the Landscaping Plan. The total lot area is 9.23 acres and there are 1.34 acres of existing woodlands on the site. The applicant is proposing to clear 0.08 acres of woodland in order to accommodate the southern corner of the Phase 1 parking lot. The proposed tree removal meets the selective clearing requirements of Article 5 §16.5 of the *Zoning Ordinance.*

The area of the lot not in the woodland area is 7.97 acres. Based on this non-woodland area, 116 trees are required to meet the tree density requirements of the site. The applicant proposes to meet this requirement with new tree plantings of London Plane Tree, Fraser Fir, Atlantic White Cedar, and Green Giant Arborvitae, as well as with existing trees. The trees are proposed to be distributed around all the non-woodland edges of the site as well as within the parking lot islands. There are some small discrepancies between the trees presented on the Landscape Plan and the data column summarizing them; the data column states that twenty four (24) existing trees together with ninety six (96) new trees will result in one hundred twenty (120) tree plantings on site. However, the Landscape Plan appears to depict twenty five (25) existing trees together with ninety two (92) new trees resulting in one hundred seventeen (117) tree plantings on site. The tree planting requirements are met, but the applicant must confirm which numbers represent the intentions of the project.

Staff notes that the proposed Common Nine Bark shrubs will not count toward the tree planting requirement. Staff also notes that trees must be limbed to twelve feet or above at maturity in order to allow for visual surveillance of the site.

Waiver Request: Elimination of Opaque Barrier – Fence Component

An opaque barrier is required when a non-residential use abuts a residential use (*Zoning Ordinance*, Article 5 §7.2). For this project, the southwestern property line abuts a residential use, the R-10 zoned lands of The Liberty Church. An opaque barrier consists of an opaque component at least six (6) feet in height (a wooden fence, masonry wall or earthen berm) and a landscape component consisting of either a continuous evergreen planted screen at least six (6) feet in height when planted, or a hedge that will grow to be at least six feet. The landscape portion of the buffer is required to be planted on the residential side of the opaque barrier.

The applicant is requesting a waiver from installing a fence on the southwestern property line. This property line is currently forested, on the subject property side in the southernmost portion and on The Liberty Church's side in the northern portion. Along the northern portion, the applicant proposes to plant additional evergreen screening on the subject property side. The existing forest can serve as the landscape component of the opaque barrier.

The Liberty Church has sent a letter to the Planning Commission expressing its support of the waiver request.

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 City of Dover requests that the applicant submit on separate plan sheets drawings indicating which site and building improvements are to be completed in each phase. Currently, the boundary between the Phase 2 and Phase 3 improvements is unclear.

2) **All comments provided by Planning Staff in this report are predicated on the site consisting of one parcel of land. The applicant must provide documentation indicating that the four parcels previously on site have been properly consolidated.** Staff notes that the site consisted of four parcels as recently as the Board of Adjustment meeting of December 15, 2015. Planning Staff has also been working to address this issue of consolidation.

3) Remove the existing residential driveway leading to the house proposed to be demolished in Phase 4 prior to the construction of the exit drive onto W. State College Road.

4) Ensure there is a minimum twelve foot wide buffer between all new parking and drive areas and the existing building and its additions. All new sidewalks constructed within this buffer must be a minimum of six feet wide and a maximum of eight feet wide.

5) Add a second Dumpster pad, or reserve a location for its placement. Specify the type of trash pickup to be used on site (side load or front load) and ensure the dumpster enclosure is properly designed, located, and oriented to facilitate trash pickup.

6) Ensure that the expanded parking lot is adequately lighted to make it safe for pedestrians at night.

7) Ensure that no element of the building elevations extends above 42 feet in height. Staff notes that architectural drawings will be further evaluated with the Administrative Site Plan submission for each phase. The architecture may be required to come before the Planning Commission for additional review if the submission for any phase includes significant design changes to the additions' exterior finishes in form and materials.

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

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

10) **Sheet M1.0: The data on this cover sheet currently present only the footprint of the existing buildings and additions to be built. Because portions of the building are two stories or to be built to two stories, the data must also present the floor area of the existing buildings and additions.**

a. Update the "maximum build out" data column so that in the places it currently says "existing building" or "proposed building," it instead says "existing building footprint" or "proposed building footprint." In addition, add to this data column an item 3 called "building breakdown," listing the square footage of the "existing floor area", (22,450 S.F.) the "proposed floor area" (20,857 S.F.) , and the total of the two (43,307 S.F.), all as separate lines in the manner of items 1 and 2.
b. Update the "parking rationale" data column so that all the figures are based on floor area rather than building footprint.

11) Sheet M1.1:
a. Change the zoning listed on lands belonging to the City of Dover to the southeast. The correct zoning is ROS (Recreational and Open Space Zone) not RG-3 (Group Housing Zone).

12) Sheet M1.2:
a. See 11(a) above.
b. Include in the "phasing breakdown" data column both the building footprint and the total floor area of Phase 2. Phase 5 should read "Interior renovations adding 3,200 S.F."
c. Indicate in the "phasing breakdown" data column the number of parking spaces and total impervious surface area to be constructed in Phase 1 and Phase 6.
d. Indicate how many bicycle parking spaces are proposed to be constructed in the bicycle parking area.

13) Landscape Plan:
a. The Plan must be prepared or certified by a landscape design professional.
b. Update the Plant List data column to ensure it accurately reflects the number proposed of each kind of tree on site. All trees should have a caliper dimension. It appears there is some discrepancy between the common names and botanical names provided. The data column should also have separate fields for height at planting and height at maturity.
c. Clarify the number and location of existing trees. The Plan should not include individual trees outside of the property lines or any trees inside parking spaces.
d. Include information indicating the spacing of new trees from one another and existing trees.

14) Any Erosion & Sediment Control Plans and the Stormwater Management Plans granted approval by the Kent Conservation District must reflect the Site Master 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.

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

1) <u>Waiver Requests:</u> The following are the Staff Recommendations regarding the waiver requests:
    a. <u>Partial Elimination of Curbing:</u> Staff recommends approval of the request to eliminate upright curbing requirements around those portions of the parking lot

and drive aisles not proposed to have upright curbing. There is a demonstrated need to convey stormwater to the site's proposed stormwater management facilities, and curbing is proposed to be eliminated in locations where its removal will enable sheet flow of water to these facilities. Staff recommends as a condition of approval that the applicant install parking bumpers on all parking spaces not adjacent to an upright curb.

b. Elimination of Opaque Barrier – Fence Component: Staff recommends approval of the request to eliminate requirement of a fence component for the opaque barrier on the southwestern property line of the site. The existing woodland edge along this property line is an adequate existing barrier. The applicant is proposing to plant additional evergreen screening along the norther portion of the property line, which will serve as a barrier if The Liberty Church or its successors ever clear the woodland on their side of the property line.

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

ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

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

5) Following Planning Commission approval of the Site Development Master Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. These revisions are to be depicted as part of the Administrative Site Plan submissions which are required to progress to construction. The

Site Plan of each construction phase/project area must be submitted for Administrative Site Plan Review by the Planning Office and other agencies. *Zoning Ordinance*, Article 10 §2.44 (D) sets forth the construction timing in relation to approvals.

> *Article 10 §2.44*
> (D) Expiration of planning commission approval. For projects which are reviewed and approved by the planning commission as conceptual master plans, approval of the conceptual master plan shall remain valid for a period not to exceed five years from the date of planning commission approval, provided that the authorized construction or use has commenced within two years of approval and is proceeding toward completion. In addition, the time between the completion of one phase and the initiation of the next phase shall not exceed a period of two years.

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

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MARCH 2, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Grace Presbyterian Church Site Development Master Plan at 350 McKee Road**

FILE #: **S-16-06**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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.

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. Each property shall be served by a single sanitary sewer lateral which shall be furnished and installed by the property owner. In the event a property contains multiple principle structures, such as shopping centers or apartment complexes, the property shall be served by a single sanitary sewer main where a sanitary sewer lateral may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate wastewater facilities. If a technical infeasibility exists, a waiver may be granted from this requirement.
9. Please provide more information on the connection to the City owned sanitary sewer main. Further comments may be required upon next submission.
10. Calculations shall be provided for the proposed sewer pump for this site. The calculations shall show that velocity and all other requirements are met.
11. 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. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DelDOT is submitted to our office.

SANITATION / 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 may 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 may 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. The City of Dover will continue to provide the current level of trash service to this address. If additional trash service is required, the owner shall secure a private company to take over the sanitation service. The location and orientation of the dumpster enclosure shall meet the Department of Public Works requirements.

GENERAL

1. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.

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

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

S-16-06

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: **March 9th, 2016**

CITY OF DOVER FIRE MARSHAL

APPLICATION: **Grace Presbyterian Church Site Development Master Plan at 350 McKee Rd**

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

CONTACT PERSON: **Timothy P. Mullaney Jr., 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 use is Assembly. Primary fire lanes are required to be 24 feet wide and cover the side of the building that has the primary entrance and exit. 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 not 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. Please contact this office in regards to Knox Box location.

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) **Please provide documentation of Building Height for all buildings. The Delaware State Fire Prevention Regulations Accessibility Table requires certain percentages as it relates to Fire Lane Coverage which is dictated by building use and building height. Please provide this information so this office can determine the Fire Lane Coverage needed for the project.**

2) **Please provide documentation of Building Height for all buildings. The Delaware State Fire Prevention Regulations Accessibility Table requires certain percentages as it relates to Perimeter Access Coverage which is dictated by building use and building height. Please provide this information so this office can determine the Perimeter Access Coverage needed for the project.**

3) **Fire Department Connection location will need to be relocated to the Canopy area of Phase 2 as a result of our conversation concerning access issues.**

4) **All Fire Lanes will need to be clearly marked in compliance with the current Delaware State Fire Prevention Regulations. Markings shall be shown on the plans.**

5) **Confirm the Proposed Canopy height. It shall have a clear unobstructed clearance of 13ft 6 inches per the current Delaware State Fire Prevention Regulations. Height shall be clearly shown on the plans.**

6) **The 18' drive isle on the south side of the proposed Phase 3 building will need to provide more access per our conversation concerning fire department access.**

7) **The 20' drive lane to the north of the Existing Building that Phase 6 will attach to needs to be a fire lane with the width of 24' to meet the coverage for fire department access to that side of the building. Turning radius for the most demanding fire apparatus will need to be shown on the drawings to ensure access is provided.**

8) **This office will need to discuss the need for fire department access (fire lanes) when connecting the existing building to Phase 3, as the fire lane access may require Phase 6 parking lot addition to occur in coordination with Phase 1 per our conversation.**

9) **Please show building exit locations to ensure that the exit discharge are to a non slip surface, and leading to and terminating at a public way.**

10) **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. Measurements must be shown on the plans.**

11) **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. Measurements must be show on plans.**

12) **Buildings over 25,000 Sq. Ft are to have radio performance testing done by Delaware State Communications prior to Final CO. Please provide total square footage to determine if a radio performance test is required.**

13) **Current Fire Hydrant location and any proposed natural or LP gas bottles, meters, values, regulators, etc., must have impact protection per City of Dover Code of Ordinances.**

- **At the completion of compliance with the above, a second review of the proposed plan will be conducted to ensure the corrections have not created any other code related issues. This office suggestions an additional meeting when the second review takes place.**

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 2, 2016

DELDOT

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APPLICATION: Grace Presbyterian Church Site Development Master Plan at 350 McKee Road

FILE#: S-16-06 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

This project has already been reviewed by DelDOT and has been issued comments on 2/2/2016 (Amended 2/9/2016). Once the comments have been addressed, the project can be resubmitted to DelDOT for further review. Should the applicant have any questions regarding the comments issued, please contact Jonathan Moore at 302-760-2145.

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
March 2016

APPLICATION: Grace Presbyterian Church

FILE #: S-16-06

REVIEWING AGENCY: *Kent Conservation District*

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

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

Source:
2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. As the disturbance for this site will exceed 5,000 square feet, a detailed sediment and stormwater management plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to our office. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction.
2. The following notes must appear on the record plan:
    - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
    - The Kent Conservation District reserves the right to add, modify, of delete any erosion or sediment control measure, as it deems necessary.
    - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.

ADVISORY COMMENTS TO THE APPLICANT:

1. The Stormwater management plans are currently under review.
2. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

Applicant: Grace Presbyterian Church, Inc.

Waiver Request #1: Waiver from City of Dover Code, Appendix B, Article 5, Section 7.

Waiver Requested: Waiver from the opaque barrier along the southeast and southwest property lines.

Project Background Information: The proposed project is located on McKee Road (SR15) in Kent County, Delaware, within the limits of the City of Dover. The site allows lies within a Corridor Overlay Zone. The existing site consists of 1.34 acres of existing woodlands along the southeast property line that fall within an existing tax ditch easement and a small portion of the southwest property line. The site also has existing tree plantings throughout.

The site plan is proposing various species of trees along the southwest property line, the frontage along W. State College Road, the northwest property line, the frontage along McKee Road and the southeast property line.

A waiver is being requested from installing an opaque barrier. The site abuts two residential zoned properties. Along the southeast property line the adjoining property is zoned RG3 (Group Housing) and along the southwest property line the adjoining property is zoned R10 (One Family Residence). The existing use of the R10 zoned property is vacant and consists of existing woodlands. The existing use of the RG3 zoned property is an existing subdivision (The Hamlet).

The landscaping plan proposes planting evergreen species along the R10 zoned property to act as screening in lieu of an opaque barrier. The existing woodlands along the RG3 zoned property line are proposed to act as screening in lieu of an opaque barrier.

Waiver Request #2: Waiver from City of Dover Code, Appendix A, Article 6, Section G1.c.

Waiver Requested: Waiver to allow for limited installation of curb.

Project Background Information: The proposed project is located on McKee Road (SR15) in Kent County, Delaware, within the limits of the City of Dover. The existing site contains approximately 18,250 SF of buildings, which includes a sanctuary, multipurpose room, hospitality area, kitchen, picnic pavilion, and storage sheds. The site also includes an existing striped parking area as well as a large gravel area that is unstriped but is used for parking. Currently the only curb on the site is at the existing entrance located off of McKee Road.

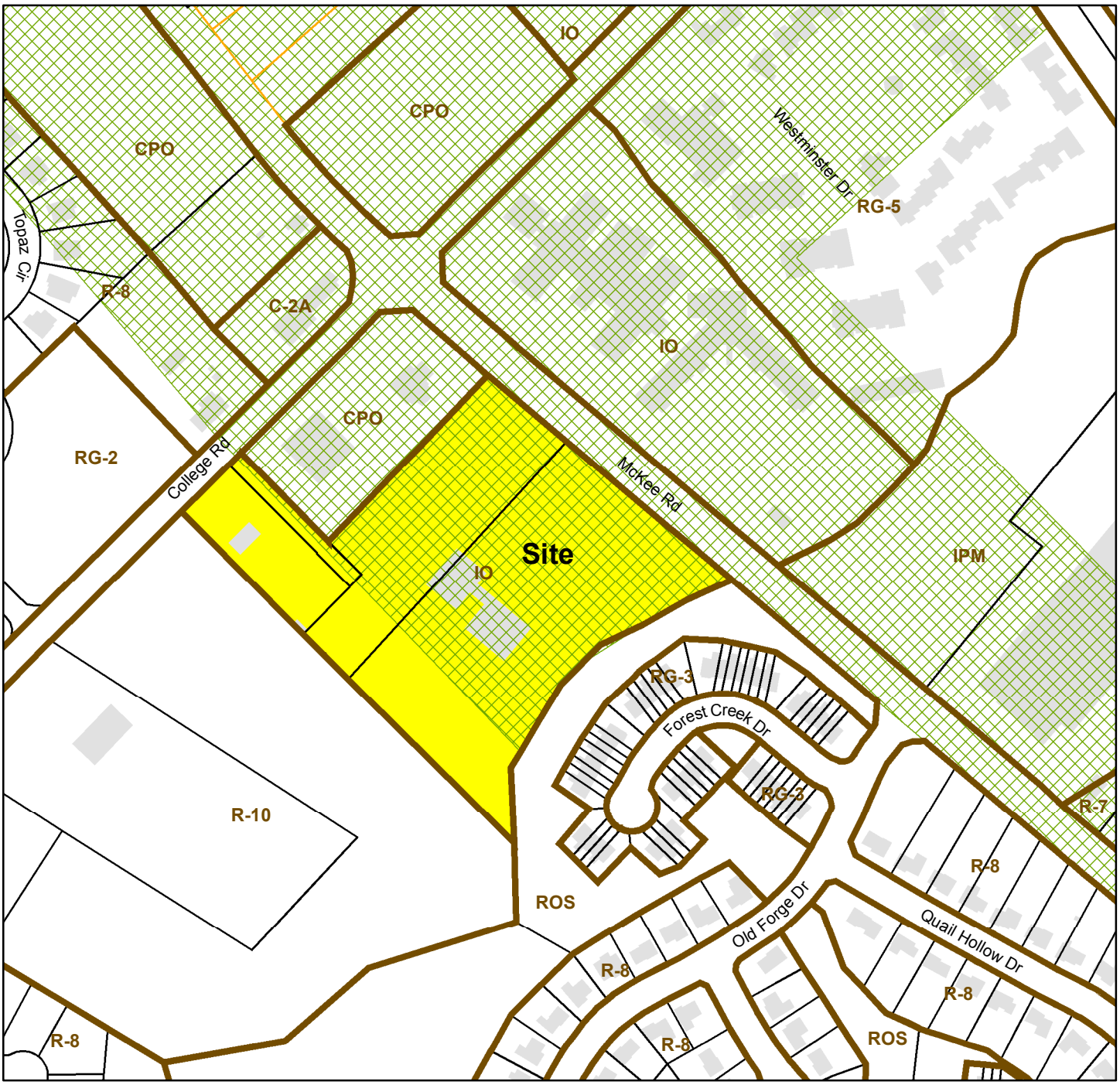
The site plan proposes curb around the parking islands, a portion of the drop off area in front of the existing multi-purpose building, along a portion of the new entrance road, a portion of the parking lot perimeter and at the new exit road onto W. State College Road.

A waiver is being requested from installing curb along the entire perimeter of the proposed parking lot. The drainage is designed to sheet flow across the proposed pavement into a filter strip then a stormwater facility located at the existing entrance. Also, along the proposed parking lot adjacent to the existing multi-purpose building runoff will sheet flow into a proposed ditch along the northwest property line that outlets into an existing ditch along the frontage of McKee Road.

City of Dover

Department of Planning & Inspections

Application No.: S-16-06



Title: Grace Presbyterian Church
Address: 350 McKee Road
Parcel ID: ED-05-067.14-01-69.00-000, ED-05-067.14-01-69.01-000, ED-05-067.14-01-70.01-000, ED-05-067.14-01-71.01-000
Zoning: IO (Institutional and Office Zone) and COZ-1 (Corridor Overlay Zone)
Owner: Grace Presbyterian Church, Inc.
Date: 2/25/2016

Legend

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

N W E S

0 175 350 700 Feet

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 9, 2016

PLANNING COMMISSION MEETING OF March 21, 2016

Plan Title:	The Arbors Senior Garden Apartments (S-16-07)
Previous Plans:	The Arbors Condominiums (C-10-02) The Arbors: Planned Neighborhood Design – Senior Housing Option (C-07-05) College Road Garden Apartments: Planned Neighborhood Design - Senior Housing Option (C-05-01)
Plan Type:	Site Plan
Owner/Equitable Owner:	Shree Ganesh LLC
Site Area:	3.77 acres +/- (Previously 4.32 acres with 0.55 acres dedicated for street right-of-way)
Present Use:	Vacant land
Proposed Use:	Garden Apartment Building
Number of Dwelling Units:	Total – 48 dwelling units
Density:	12.73 dwelling units per acre (48 DU/ 3.77 acres)
Impervious Areas:	Proposed – 54%
Off Street Parking:	Required: 108 parking spaces (2.25 per dwelling unit) Proposed: 108 parking spaces
Sewer & Water:	Proposed City of Dover
Zoning Classification:	RG-2 (General Residence Zone)
Waivers Requested:	Partial elimination of curbing Reduction of 10 (ten) parking spaces

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: March 9, 2016

APPLICATION: The Arbors Senior Garden Apartments

FILE #: S-16-07 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:
This is Review of a Site Plan application to permit construction of a 48-unit senior garden apartment complex to be known as The Arbors Senior Garden Apartments. 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.

Previous Applications:
This property has been the subject of multiple applications. The most recent application for development was a Conditional Use Site Development Plan C-10-02 which proposed The Arbors Condominiums as an apartment building with forty-eight (48) units. It was conditionally approved by the Planning Commission on August 16, 2010; however, C-10-02 expired on August 31, 2013 without the plan being finalized and no construction commenced. This parcel was able to pursue the Conditional Use application for apartments following rezoning of the property to RG-2. The Planning Commission reviewed a rezoning request (Z-09-05) for the property at 1051 College Road (Lands of JNK, LLC) from R-8 (One Family Residence Zone) to RG-2 (General Residence Zone) on March 15, 2010 and City Council approved the rezoning request on April 12, 2010.

Prior to rezoning, the project was previously reviewed under the provisions of the Planned Neighborhood Design – Senior Citizen Housing Option in order to construction an apartment style building. Applications included C-07-05 The Arbors: Planned Neighborhood Design - Senior Housing Option and C-05-01 College Road Garden Apartments: PND Senior Housing Option. In both cases, the conditional plan approval granted by the Planning Commission has expired. Associated with C-07-05, a Record Plan was completed and recorded in June 2009 that established the street right-of-way for Senior Way and divided the property into two areas.

CURRENT PROJECT DESCRIPTION

The current project proposes the development of an apartment building to be known as The Arbors Senior Garden Apartments. The plan is seeking approval as a garden apartment project in the RG-2 zone to consist of 48 dwelling units in a single apartment building along with the other site improvements including parking, landscaping, and active recreation.

RG-2 Zoning District

The property is zoned RG-2 (General Residence Zone) and subject to the regulations of *Zoning Ordinance*, Article 3 Section 2 and Article 4 Section 4.3. Garden apartments are a permitted use in the RG-2 and a type of multi-family structures in terms of the bulk standards. The RG-2 Zoning restricts multi-family structures to forty (40) feet in height and 3 stories.

BUILDING ARCHITECTURE

The architectural elevations for the apartment building were submitted showing all four elevations. The exterior finishes for this three story apartment building consists of stone veneer as a base on the first floor with horizontal siding above and an asphalt shingle roof. The main entry to the building is centered on the north elevation and is protected by a hipped roof supported by paired columns. The gable roof and hipped roof forms are also utilized for the projections the elevations. These projections include a balcony spaces and window features. The columns are also part of the support structure of the balcony and balustrade. The building includes trimwork details to highlight the transitions between floors, the window and door surrounds, and gable ends. The hipped roof also includes dormer windows in select locations.

The building is three stories. The height of the building is listed at 38 feet 6 inches to the mean height between the eave and ridge as per the definition of “height” for hipped roofs; this complies with the maximum height limitation.

SITE CONSIDERATIONS:

Site Circulation and Public Street Network

The Arbors site layout will include the construction of the street known as Senior Way (the continuation of the Topaz Circle “Stub Street”) as a public street to interconnect with College Road and to provide access from the street to The Arbors. During the land planning process for the residential subdivision of Emerald Pointe this ‘stub street’ was planned to provide for access to this then vacant tract of land and to provide the continuation of the traffic circulation network in the general area. As part of a previous development application review for this property, in 2009 a Record Plan was recorded. This established the right-of-way for Senior Way as a public street connecting from Topaz Circle to College Road. A public street will better address safety and traffic circulation for the residents of this site and adjoining areas. In addition, the street interconnection will provide a distinct second entrance to both The Arbors and to Emerald Pointe Subdivision as required with the revised *Land Subdivision Regulations* pertaining to streets.

Access and Parking:

The access to The Arbors will be from Senior Way. The on-site circulation loops around the building and includes parking areas on three sides of the building. For apartments, parking is required at a rate of two (2) spaces per dwelling unit and 0.25 per dwelling unit for visitor spaces.

If the project includes an office, one parking space per 200 S.F. of office space is required. 108 parking spaces are required by Code for the proposed forty-eight (48) units. The Plan proposes a total of 108 parking spaces for the apartment complex including six (6) handicapped parking spaces.

However, ten (10) of the proposed spaces are located either entirely or partially within the front yard setback of Senior Way. Parking is prohibited in the front yard per the parking limitations of *Zoning Ordinance*, Article 6 §5.3 Supplementary parking regulations for multiple dwellings. A waiver request for parking reduction was submitted in accordance with the *Zoning Ordinance*, Article 6 §3.9.

Waiver Requested: Partial Elimination of Curbing
Article 6 §3.6 (b) requires curbing for all parking areas. There is a portion of the parking lot west of the building where it appears curbing is proposed for elimination to facilitate stormwater management practices.

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 six (6) bicycle parking spaces is required. A bicycle rack is proposed near the front entrance sidewalk.

Sidewalks:
Zoning Ordinance, Article 5 §18 requires sidewalks to be installed along the public street frontages of a property. The site proposed construction of sidewalks along both sides of Senior Way and along College Road. There are connecting sidewalks leading into the site and also the walking path system proposed as part of the Active Recreation Plan. As part of the previous Minor Subdivision Plan to create this lot, the requirement for sidewalk along the College Road frontage of the adjoining parcel to the east was required. This sidewalk is necessary to provide access to the local shopping, retail establishments, and other services.

Dumpster
The Dumpster location is shown on the northeast corner of the parking area and drive aisle. Based on the rate established for apartments in Article 5 §6, a total of two Dumpsters are required. Two 12’ x 12’ pads are provided as required by the Zoning Ordinance. Masonry construction is proposed as the construction material for the enclosure. Stone or stucco finish material to match the finished apartment building is the finishing material for the enclosure.

Lighting
Lighting is provided on the plan through a series of light poles in the perimeter of the parking lots. There is also pathway lighting along the walking path system.

Emergency Rear Access Requirement for Apartment Buildings
The *Zoning Ordinance* requires an eighteen (18) foot secondary fire lane to provide emergency access to the rear of the three story apartment buildings (Article 5 §17.5(a)). This project provides a twenty-four (24) foot fire lane to encircle the building.

RECREATION/OPEN SPACE:

As part of the Plan review process, the applicant prepared a Recreation Plan to illustrate how The Arbors development will provide recreation amenities. The Active Recreation Plan illustrates the recreation amenities to comply with the design specifications described in Article 5 §10 of the *Zoning Ordinance*. See Active Recreation Area Plan Report.

Due to the property size and unit density, this project qualifies for active recreation area exemption for small developments under *Zoning Ordinance,* Article 5 §10.514. The Active Recreation Area for this project is required at a rate of 150 square feet per dwelling unit or 10,000 SF whichever is greater. Based on a total of 48 dwelling units, 10,000 SF of active recreation area is required. The Plan indicates that 0.55 acres (21,780 S.F.) of land would be reserved as Active Recreation Area.

The Active Recreation Areas are located in two distinct areas within the site. The five (5) foot wide walking path constructed of stone begins from the northeast corner of the parking lot and turns west to link to the sidewalk along Senior Way. After crossing Senior Way, the walking path continues west before turning south to link to the sidewalk at the intersection of Senior Way and College Road. Along the path are benches and pathway lighting. The proposed amenities include a gazebo with lawn area in the western recreation area. These open space areas include tree plantings.

At their meeting of March 15, 2016 the Parks, Recreation and Community Enhancement Committee will consider the Active Recreation Plan for The Arbors project (part of S-16-07). The Planning Commission must act upon the Active Recreation Plan as part of any motion regarding this project, or as a separate motion if necessary.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan sheets include a Landscape Plan. Based on a lot area of 3.77 acres, a total of fifty-five (55) trees are required to meeting the tree density requirements. A total sixty-three (63) tree plantings are shown on the plan. Adjacent to College Road are a series of Forest Pansy Eastern Redbud trees and Tuscarora Crape Myrtle trees within planting beds. Sweetgum trees line the parking areas. On the property line adjacent to Emerald Pointe and along the western property line are groupings of Red Cedar trees with shrub plantings. The street trees along Senior Way are proposed as London Plane trees.

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) All parking areas are required to be curbed. The southwest side of the parking lot shows a lack of curbing for the purpose of stormwater management. This must be revised unless a

waiver is granted by Planning Commission for the elimination of curbing for this purpose.

2) **Ten (10) of the proposed spaces are located either entirely or partially within the front yard setback of Senior Way. Parking is prohibited in the front yard per the parking limitations of *Zoning Ordinance,* Article 6 §5.3 Supplementary parking regulations for multiple dwellings.** A waiver request was submitted to allow for a reduction in the number of parking spaces in accordance with the *Zoning Ordinance,* Article 6 §3.9. If the parking reduction waiver is not approved by the Planning Commission, the parking must be relocated.

3) The Active Recreation Area Plan is required to be reviewed and a recommendation by the Parks, Recreation, and Community Enhancement Committee provided prior to review of this Site Plan by the Planning Commission. The Recreation Plan will be reviewed at their March 15, 2016 meeting and the recommendations will be forwarded to the Planning Commission at that time.

4) This project is being constructed as the dwelling type of apartments. Please clarify the intention of the ownership as a number of the plan labels and notes refer to condominiums. Revise as necessary.
    a) Sheet 2, General Note #18 references a limitation for the head of household age as 55 or over. This application was not reviewed as a Planned Neighborhood Design-Senior Citizen Housing project where such requirement is part of the criteria for approval. If the property owner seeks this limitation would need to be established by a deed restriction.

5) Sheet 2 of 9, Site Plan:
    a) When listing the acreage, list each area of the parcel and the overall total.
    b) Revise Active Recreation area calculations.
    c) Show all crosswalk locations.
    d) Clarify the traffic controls measures being proposed on Senior Way at the property entrance.

6) Sheet 5 of 9, Landscape Sheet:
    a) Ensure that proposed Landscape plantings (upon planting and at maturity) do not conflict with the utility lines, fire lanes, etc.
    b) The location of the required bicycle parking rack near the building entry sidewalk (shown on other sheets) conflicts with the proposed tree planting.
    c) Ensure Harbor Dwarf Heavenly Bamboo species complies with *Dover Code of Ordinance,* Chapter 114, Article III. Bamboo.

7) Recreation Area Plan: Complete updates to the plan set as identified in the Summary Report of the Active Recreation Area Plan component (Report for 3/15/2016 PRCE Meeting) and as per recommendations of the Planning Commission.

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

9) The Architectural elevations must continue to demonstrate that the building does not exceed the forty (40) foot height restriction of the RG-2 zone.

10) Add details for construction of sidewalks, barrier free access ramps, piano key styled cross-walk markings, other pavement markings, etc. to the Detail Sheet.
    a) Consider the addition of gates on the Dumpster enclosure better screening and containment of materials.

11) A Record Plan sheet may be required to record any additional easements or right-of-way dedications for this project.

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*.

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

1) Recommendations on Waiver Requests: The Staff recommendations regarding the waiver request is as follows:
    a. <u>Partial Elimination of Curbing</u>: Staff recommends approval of the partial elimination of curbing in designated areas of the proposed parking lot 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 curb to prohibit vehicle travel onto non-paved areas.
    b. <u>Reduction of Parking Spaces</u>: Staff recommends approval the reduction of ten (10) parking spaces. The plan must show area reserved to construct parking in the future if the need arises.

2) Staff recommends approval of the proposed Active Recreation Are Plan concept for a walking path system with resting areas of benches and the gazebo. Staff recommends the following conditions of approval regarding the Active Recreation Area plan:
    a. The walking path shall be constructed of concrete. This is a better walking surface than a stone chip path. The concrete surface has a greater durability and ease of long-term maintenance.
    b. The approaches to the gazebo should be made handicapped accessible through site grading measures, construction framing, etc.
    c. Evaluate the appropriate type of traffic control measures (pedestrian crossing signage, marked crosswalk, stop conditions, etc.) to assist in providing a location

for pedestrian crossing of Senior Way to access the western recreation area. Contact the Public Works Office as Senior Way is to become a City street.

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) 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.

3) 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.

4) 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.

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

6) 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.

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

8) 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.

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

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

If you have any questions or need to discuss any of the above comments, please call the 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 2, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **The Arbors Senior Garden Apartments at 1051 College Road**

FILE #: **S-16-07**

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.

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. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DelDOT is submitted to our office.
2. Per the Delaware Manual on Uniform Traffic Control Devices (MUTCD) the three way stop proposed on Senior Way is acceptable if the ability to see conflicting traffic on an approach is not sufficient to allow a road user to stop or yield in compliance with the normal right-of-way rule if such stopping or yielding is necessary. Please provide sight distance triangles that will prove the need for this intersection.

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

1. None

STREETS

1. The plan was previously approved with a roadway extension of Topaz Circle with connection to College Road. The right-of-way for this road was also recorded.

SANITATION

1. The City of Dover will continue to provide the current level of trash service to this address. If additional trash service is required, the owner shall secure a private company to take over the sanitation service. The location and orientation of the dumpster enclosure shall meet the Department of Public Works requirements.

GENERAL

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

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

S-16-07

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: **March 9th, 2016**

CITY OF DOVER FIRE MARSHAL

APPLICATION: **The Arbors Senior Garden Apartments at 1051 College Road**

FILE #: **S-16-07** REVIEWING AGENCY: **City of Dover, Office of the Fire Marshal**

CONTACT PERSON: **Timothy P. Mullaney Jr., 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 Apartment/Residential. 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 35% of the structure as required by code.

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 shall cover 75% of the building. Perimeter Access minimum width shall be 15ft measured from the face of the building at grade with a maximum slope of 10%. Plantings and utility services shall be permitted within the perimeter access and shall not interfere with emergency services fire ground operations.

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. Please contact this office in regards to Knox Box location.

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. Fire Lanes shall cover 35% of the building. Fire Lanes signage and markings shall comply with Delaware State Fire Prevention Regulations as state don plans. The current design is not showing compliance with State Regulations; missing demarcation lines.

2. Perimeter Access shall cover 75% of the building. Fire Lanes can be utilized to meet this requirement per State Fire Prevention Regulations.

3. Any natural or LP gas bottles, meters, values, regulators, etc., must have impact protection per City of Dover Code of Ordinances. Please provide locations of service connections.

4. No plantings shall interfere with fire lane; fire lanes require a minimum 24ft clearance to include a minimum 13ft 6 in clearance. Current landscape plan shows landscape encroaching into the fire lane.

5. Knox box will be required at FDC location.

6. Any changes to the entrance off of College Road or to the Apartment Complex will result in further review to ensure there is adequate fire department access (turning radius).

7. All plantings around the Fire Department Connection location need to allow for clear unobstructed access.

8. Fire Department Connection; the current proposed location is very close to being non complaint due to the distance requirement to the fire lane (100ft). Any adjustments to the location of the Fire Department Connection need to be reviewed by this office and the Dover Fire Department.

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 2, 2016

D E L D O T

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APPLICATION: The Arbors Senior Garden Apartments at 1051 College Road

FILE#: S-16-07 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:

Per Section 3.2.5 of the DelDOT Development Coordination Manual March 2015, an 80-foot wide right-of-way (40-feet from the centerline) is required for a minor arterial. According to the Kent County Classification Maps, KCR 099 (College Road) is classified as a minor arterial road. If the existing right-of-way does not have the proper width along the frontage of the site, the department will require 40-feet of right-of-way dedication from the innermost edge of the through lane for public use.

Per section 3.2.5.1.2 of the DelDOT Development Coordination Manual Adopted March 2015 the applicant must provide a 15' permanent easement along the properties frontage for a future infrastructure needs

The applicant must provide a multi-use path/ ADA compliant sidewalk and ADA compliant curb ramps across the frontage of the property.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

This project has been received by DelDOT and has been accepted into formal review on 2/22/2016. DelDOT will complete a thorough review of the project and will provide the applicant with a list of comments which should be addressed. Should the applicant have any questions regarding the review process or the comments issued, please contact Jonathan Moore at 302-760-2145.

ADVISORY COMMENTS TO THE APPLICANT:

For reference, all entrances must be designed in accordance to DelDOT's rules and regulations. Please reference the DelDOT Development Coordination Manual Adopted March 2015 or contact the reviewer 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 COMMENTARY
March 2016

APPLICATION: The Arbors Senior Garden Apartments

FILE #: S-16-07

REVIEWING AGENCY: *Kent Conservation District*

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

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

Source:
2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. As the disturbance for this site will exceed 5,000 square feet, a detailed sediment and stormwater management plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to our office. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction.
2. The following notes must appear on the record plan:
    - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
    - The Kent Conservation District reserves the right to add, modify, of delete any erosion or sediment control measure, as it deems necessary.
    - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.

ADVISORY COMMENTS TO THE APPLICANT:

1. The Stormwater management plans were re-approved on November 10, 2015 and are valid till April 28, 2018.

PETITION TO AMEND ZONING ORDINANCE TEXT

Report to the
Dover Planning Commission
March 21, 2016

Proposed Change:	Amendment to *Zoning Ordinance*, Article 3 –District Regulations, Section 1 – One-family residence zones, Subsection 1.1 – Uses permitted, Subsection 1.15 – Accessory uses to regulate the keeping of chickens within the one-family residence zones.
Summary of Amendment:	The proposed amendment would eliminate the language that allows the keeping of not more than 25 fowl within the one-family residence zones and add a subsection to allow for the keeping of chickens for domestic purposes, subject to certain requirements. At the first reading before City Council a question came up about whether the code prohibits the keeping of roosters. After reviewing the Animal Control section of the code, it was determined that roosters are not prohibited. Therefore, staff proposes that a new the following be added between lines 38 and 39: **vii. Keeping of roosters shall be prohibited.**
Ordinance Number:	Staff Substitute #1 for Proposed Ordinance #2016-01
File Number:	MI-16-02

FIRST READING

CITY OF DOVER
STAFF SUBSTITUTE #1 FOR
PROPOSED ORDINANCE #2016-01

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

That Appendix B - Zoning, Article 3 - District Regulations, Section 1 - One-family residence zones [(R-20, R-15, R-10, R-8 and R-7)], Subsection 1.1 - Uses permitted, Subsection 1.15 - Accessory uses, limited to the following of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

1.15 Accessory uses, limited to the following:

(a) Professional office or studio of an artist, dentist, musician, teacher, or physician, but not including veterinarians, provided that:

i. Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant; and

ii. Such office or studio shall occupy not more than 30 percent of the area of one floor of the main building.

iii. Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.

iv. Medical centers, barbershops, beauty parlors, real estate offices, funeral homes or similar uses shall not be considered permitted accessory uses.

(b) Garden house, tool house, playhouse, greenhouse or pool incidental to the residential use of the premises and not operated for gain.

(c) Private garage, provided that, in the case of a one-family dwelling, such garage shall have a capacity of not more than three passenger automobiles. One such space may be leased to a person not [a] resident on the premises.

(d) Keeping domestic animals ~~**(except pigs) for individual domestic purposes or**~~ as pets, provided not more than three **(3)** dogs over six months old~~**, and not more than 25 fowl**~~ shall be permitted~~**, and no animals (except dogs) or fowl shall be penned or housed within 20 feet of any lot line**~~.

(e) ~~**(Reserved.)**~~ **Keeping of chickens for individual domestic purposes subject to the following restrictions:**

i. Keeping of chickens shall not be permitted on lots smaller than 10,890 square feet in lot area.
ii. No more than five (5) chickens shall be permitted on a residential lot.

Draft

iii. Chickens shall be registered with the Delaware Department of Agriculture.

iv. Chickens shall be penned in a coop that shall be at least four (4) square feet per chicken.

v. All chicken coops shall be located in a rear yard and shall be a minimum of 20 feet from side and rear property lines.

vi. Any odor associated with the chickens shall not be discernable from property lines.

vii. Any lot with chickens shall either comply with these requirements by June 1, 2016 or remove the chickens.

(f) Dormitories accessory to schools, provided that such dormitories conform to the bulk regulations of the RG-1 zone. For purposes of computing bulk requirements, each four rooms shall be considered one dwelling unit. Parking shall be calculated as identified in Article 6-Off-Street Parking, Section 3-Required off-street parking spaces, Paragraph 3.1-Schedule of requirements.

(g) Customary home occupations, provided that:

i. No display of products, goods and/or signs shall be visible from the street.

ii. Such home occupation shall be incidental and secondary to the residential use of the premises and shall be conducted in the principal building by the resident or residents that reside therein.

iii. Nonresident assistants or co-workers shall be prohibited.

iv. Such home occupation shall not occupy more than 30 percent of the area of one floor in the principal building.

v. There shall be no exterior effect such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.

ADOPTED: *

SYNOPSIS

The proposed amendment would regulate the keeping of chickens in one-family residence zones.

(SPONSORS: HARE, HUTCHISON, AND COLE)

Actions History

02/22/2016 - Scheduled for Introduction/First Reading - City Council

Draft

M I-16-02

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: **February 3rd, 2016**

CITY OF DOVER FIRE MARSHAL

APPLICATION: **Text Amendment: To Disallow Keeping of Fowl**

FILE #: **MI-16-02** REVIEWING AGENCY: **City of Dover, Office of the Fire Marshal**

CONTACT PERSON: **Timothy P. Mullaney Jr., Fire Marshal** PHONE #: **(302) 736-4457**

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

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. **This office has no objection to the text amendment.**

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

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

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **TEXT AMENDMENT: TO DISALLOW KEEPING OF FOWL**

FILE #: **MI-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 text amendments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

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

1. None.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

D E L D O T

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APPLICATION: Text Amendment: To Disallow Keeping of Fowl

FILE#: MI-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 and 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.