CITY OF DOVER PLANNING COMMISSION
AGENDA
Tuesday, February 16, 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 January 19, 2016

COMMUNICATIONS & REPORTS

1) The Planning Commission Quarterly Workshop is scheduled for WEDNESDAY, February 17, 2016 at 12:00 noon in the City Hall Conference Room.

2) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, March 21, 2016 at 7:00pm in the City Council Chambers.

3) Update on City Council Actions

4) Update on Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: 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.

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.*

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.*

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.

5) C-16-02 Residential Treatment Facility on property of Healings Wings Christian Center, 1420 McKee Road– 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 of record is Healing Wings Christian Center. Address: 1420 McKee Road. Tax Parcel: ED05-067.00-01-20.00-000. 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.*

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*

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 96,900 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 also subject to the SWPOZ (Source Water Protection Overlay Zone). 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: ED05-068.09-01-35.00-000 & 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*

NEW BUSINESS

ADJOURN

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

Posted Agenda: posted February 5, 2016

CITY OF DOVER PLANNING COMMISSION
January 19, 2016

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, January 19, 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. Townshend, Mr. Jason Lyon, Mr. Bill Cook, Mr. Eddie Diaz and Mrs. Mullaney. Also present were Mr. Phil McGinnis and Mr. Randy Duplechain. Speaking from the public were Mr. Glen Stubbolo, Ms. Toni Gillis, Ms. Dawn Pasco and Mr. Charles Hutchins.

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 DECEMBER 16, 2015

Ms. Still moved to approve the Planning Commission Meeting minutes of December 16, 2015, seconded by Colonel Welsh and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Tuesday, February 16, 2016 at 7:00pm in the City Council Chambers.

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

Mrs. Townshend stated that the Planning Commission received a copy of the new RC Zoning regulations based on the Ordinance adopted by City Council on December 14, 2015

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on January 11, 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

2) C-15-01 Professional Office at 15 Kings Highway NE – Re-evaluation Annual Review including a Public Hearing for a Conditional Use Permit to allow professional offices at an existing 3,250 S.F. ± structure on a 25,920 S.F. ± parcel. The application was reviewed by the Planning Commission on January 20, 2015 with approval of the professional office use conditioned upon a one-year review among other conditions. The property is zoned RG-1 (General Residence Zone) and subject to the H (Historic District Zone). Planned interior

renovations will convert the use from residential to office. The property is located at the north side of Kings Highway on the segment designated S.R. 8 at the corner of Kent Avenue. The owner of record was Philip W. Coombe and equitable owner Marengo Ventures, LLC c/o Scott and Rebecca Kidner. Property Address: 15 Kings Highway NE. Tax Parcel: ED-05-077.05-02-50.00-000. Council District 3.

Representatives: Mr. Phil McGinnis, McGinnis Commercial Real Estate Company

Mr. Cook stated that this application was for a professional office at 15 Kings Highway NE. At the meeting of January 20, 2015 the Planning Commission approved the Conditional Use for the property as professional offices conditioned upon a one-year review among other conditions that were in the DAC Report at the time. The property is zoned RG-1 (General Residence Zone) and also subject to H (Historic District Zone). Planned interior renovations converted the use from residential to office. The property is located at the north side of Kings Highway on the segment designated State Route 8 at the corner of Kent Avenue.

The Commissioners were given a memo with a little background on this project as well as a Zoning Map Exhibit. It's still white on the outside. The majority of the improvements to the property were interior; however, as part of their Conditional Use process they did install an ADA accessible ramp on the left side of the building. Most of the conditions in the Staff Report from last year were to retain the existing parking condition as it was. Everything else on the exterior was just some landscaping clean-up and things like that.

Mr. McGinnis stated that they think that they've complied with all of the conditions set forth last year. They've made improvements to the property that they think conformed with the neighborhood and benefit the neighborhood.

Mr. Holt questioned if a new roof was installed? Responding to Mr. Holt, Mr. McGinnis stated yes, it required a new roof.

Mr. Cregar stated that his office is right across the street from this project. He can tell them that spring, summer and fall there were all kinds of work people there doing renovations and changes. He can tell from his experience and being there every day, they have complied. There are no major traffic issues and there's no excessive use of the building which people might have been concerned about before. He thinks they did a good job on this and they have been good neighbors.

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

Mr. Cregar stated that they don't need to bring this application back to the Commission. Anything that they need to put in place can be handled through Planning and Inspections. Responding to Mr. Cregar, Mrs. Townshend stated yes, there are actually provisions in the *Zoning Ordinance* for Staff to be able to bring a Conditional Use back if it doesn't comply. The one year review is something that the Planning Commission has done just to make sure that everything is copasetic.

Mr. Cregar questioned if a formal motion was needed to accept this review and to put it back in Staff's hands? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Cregar moved to approve C-15-01 Professional Office at 15 Kings Highway NE, not to bring it back to the Commission anymore and to put it back into the Planning office for their review if there are any problems in the future, seconded by Mr. Holt and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes, for the reasons stated and his personal thoughts in driving by the property is that they've done a good job. It's slow and steady progress and it's very appealing from the street. Mr. Cregar voting yes, for the reasons previously stated. Colonel Welsh voting yes. Mr. Holt voting yes, for all of the reasons previously stated and he thinks it will be an asset to the neighborhood. Mr. Baldwin voting yes, for the reasons previously stated. Dr. Jones voting yes, the applicant has met the conditions for approval. Ms. Still voting yes, in concurrence with all prior comments and she too feels that it's been a significant improvement. Mr. Tolbert voting yes, he is well satisfied with the work that has been done there and the cooperation of the applicant with the Planning Commission and Staff.

NEW DEVELOPMENT APPLICATIONS

1) Z-16-01 Lands of Halpern Family Property Investment LP at 1042 South Bradford Street: Rezoning from R-8 to C-1A and R-8 - Public Hearing and Review for Recommendation to City Council on a rezoning application for the 2,373 S.F. portion of the 10,373 S.F. ± parcel located adjacent to the west property line. The property is zoned R-8 (One Family Residence Zone). The proposed zoning is C-1A (Limited Commercial Zone) for a 2,373 S.F. portion of the parcel with the remainder of the property as R-8 (One Family Residence Zone). The property is located on the west side of South Bradford Street and south of Waples Avenue. The owner of record is Halpern Family Property Investment LP. Address: 1042 South Bradford St. Tax Parcel: ED-05-077.17-03-14.00-000. Council District 2. Ordinance #2015-24. *A Public Hearing and Final Reading are scheduled for action before the City Council on February 8, 2016.*

Representatives: Mr. Randy Duplechain; Davis, Bowen and Friedel

Mrs. Townshend stated that this is an application is to rezone 2,373 S.F. of a 10,373 S.F. residential lot to C-1A (Limited Commercial Zone). There is currently a residential lot zoned R-8 (One Family Residence Zone) that has a total area of 10,373 S.F. If the rezoning is approved as requested there would be 2,373 S.F. of that parcel that would be C-1A (Limited Commercial Zone) and the remaining 8,000 S.F. of the lot would remain R-8 (One Family Residence Zone). In the *Comprehensive Plan* it is shown as Residential Medium Density. In consultation with the State Planning Office, they concurred that this was a shift of a zoning line so it would be considered a Minor Variation to the *Comprehensive Plan*. The application is being brought forward in conjunction with the neighboring property to the west that is zoned C-1A (Limited Commercial Zone).

There is not a whole lot of parking behind the commercial building and parking has been a challenge for the tenants. The rezoning request would shift the zoning line about thirty (30) feet east and then following that the applicant would bring in a Lot Line Adjustment Plan and an Administrative Site Plan to pave and stripe for parking. The property to the north is a residential property with a house on it. The property to the south is zoned R-8 (One Family Residence Zone) but it is the parking lot for The Grange. If the rezoning goes through and the parking lot is extended in this area, the applicant would be required to screen between the two (2) uses.

The properties along South Bradford Street are principally R-8 (One Family Residence Zone). There are some RGO (General Residence and Office Zone) properties. As you get north on Bradford Street towards the hospital, it is more of a mix of R-8 (One Family Residence Zone) and RGO (General Residence and Office Zone). The properties north and south of the subject property are zoned R-8 (One Family Residence Zone) but the property at the south is developed as a parking lot.

Mr. Holden questioned the screening that would be required? They would have to screen the property to the north since it's residential. Is the property to the south an existing parking lot? Responding to Mr. Holden, Mrs. Townshend stated yes, the property to the south is a parking lot so they would have to screen to the north and the east of the property.

Mr. Duplechain stated that Mrs. Townshend has pretty much covered everything related to the application. The property owner has a tenant downstairs and they are in negotiations with another tenant for the second floor of the building and the second floor tenant is concerned about there not being enough parking for everyone. They are asking for a rezoning of a portion of the adjacent parcel to allow for an additional seven (7) spaces to be constructed there. They understand conditions of approval would be screening and they agree with all of the other conditions.

Mr. Tolbert opened a public hearing.

Mr. Glen Stubbolo – 1081 South Bradford Street Dover DE 19904

Mr. Stubbolo stated that there seems to be a "creep" or a "crawl" in their residential neighborhood. Businesses are continuing to grow and it's transforming the nature. To borrow some words from Mr. McGinnis "Is it an asset to our community? Does it improve our neighborhood?" He has concerns about businesses continuing to be located on their street. At the corner of Wyoming Avenue and Bradford Street is an empty building that has sat empty for several years. At the other direction, there was a rental property that has a drug and alcohol abuse facility in it and there are children who live on this street. They have some concerns about the transformation of their neighborhood, their property values and their quality of life. He doesn't have issues; he doesn't live next to this property. His concern is traffic on the street, he does have children and there are more children coming onto his street. How are they going to get to the parking lot? Are they coming off of Bradford Street or are they coming off of Governors Avenue? Responding to Mr. Stubbolo, Mrs. Townshend stated that it's specifically stated in the report that if the rezoning is successful and a parking lot is constructed, access would not be permitted off of Bradford Street. The *Zoning Ordinance* is very clear that you cannot park on or have to drive through a property to access a property for which the property you are crossing isn't zoned. It would have to be from the rear. There is not actually an alley; the properties abut each other so there is some parallel parking in that area and then it would be off of that area that they would have to access it.

Mr. Stubbolo stated that he wanted to thank the Commissioners and Staff for all of the hard work that they do for the citizens. He asks that the Commissioners just be mindful that this is their residence, that's where they live and have raised many of their children and still have some at home. That "creep" is just starting to concern them.

Ms. Toni Gillis – 1086 South Bradford Street Dover DE 19904

Ms. Gillis stated that she did not receive a notification but she does live on that section of the street. Mrs. Townshend had stated that The Grange parking lot is actually built on a residential lot. Responding to Ms. Gillis, Mrs. Townshend stated that the property is zoned R-8 (One Family Residence Zone).

Ms. Gillis questioned how that happened? Responding to Ms. Gillis, Mrs. Townshend stated that it's a non-conforming use.

Ms. Gillis stated that's a concern to her. The other concern to her is that this building at one time was approved with the amount of parking that it has. She has seen other approvals happen where there have been variances given by the Planning Commission or whoever makes that decision. If it had enough parking when it was built then it has enough parking now. She is very concerned on her street; they have numerous families and they also have numerous elderly people. The additional traffic is a big concern and Waples Avenue comes into their street. So if you can enter through Governors Avenue and you can enter through Waples Avenue then they are going to drive down Bradford Street to get there. It's a big concern so she hopes when they look at the non-conforming use that they consider the parking lot of The Grange is supposed to be residential also.

Ms. Dawn Pasco – 1054 South Bradford Street Dover DE 19904

Ms. Pasco stated that she also has concerns that this would bring more traffic even if it is coming in from Waples Avenue. They want to keep it a neighborhood. There are elderly, there are children and there are people with animals and right now it's a nice little neighborhood. They don't want to see this change; they don't want to see the zoning change. Living next to The Grange is enough; her house is directly there so she will be directly impacted.

Mr. Charles Hutchins – 1058 South Bradford Street Dover DE 19904

Mr. Hutchins stated that within the last two to four (2-4) years it was brought up that this area would not be rezoned for any commercial property and only a small piece of the residents were losing. That is something that the Commission was not planning on doing. He just hopes they, the Commission, doesn't rezone the property.

Mr. Tolbert closed the public hearing.

Mr. Tolbert questioned if the applicant could give them some comments regarding traffic? What type of traffic do they anticipate for this property? Responding to Mr. Tolbert, Mr. Duplechain stated that traffic increase would only be from the new tenants that would be moving in the upper floor and again they are only adding seven (7) spaces or proposing to add seven (7) spaces. They are hoping that the Commission considers rezoning a portion of this property. They understand that this area is kind of a mix of residential, commercial and office and that's why they only requested that a portion of the property be rezoned and that the remainder of it stay as a residential home. The tenant is in negotiations with someone who wants to lease the second floor and they feel they have enough parking but they were asking to see if they could get just a little bit more just to be on the safe side so they wouldn't be in a situation where they may be short on parking. They thought this was a reasonable request especially since they were keeping the majority of the property as R-8 (One Family Residence Zone).

Mr. Tolbert questioned how many tenants they planned on having in the building? Responding to Mr. Tolbert, Mr. Duplechain stated that there is one downstairs right now and there would be another tenant upstairs.

Mr. Tolbert questioned if he knew who the new tenants would be and what type of traffic they would create? Responding to Mr. Tolbert, Mr. Duplechain stated that he doesn't know who the downstairs tenant would be and the upstairs tenant is still in lease negotiations but it's a local company in Dover. He is not at liberty to say who it is but they are a prominent local company.

Dr. Jones questioned if the second floor has ever had a tenant? Responding to Dr. Jones, Mr. Duplechain stated that he is not 100% sure but he does know that a portion of it has been renovated and they just got a Building Permit to continue that renovation. It's been there for a long time so he is assuming that there was a second floor tenant but he is not sure.

Mr. Cregar stated that The Grange parking lot was non-conforming in that it was there long before zoning The Grange had that area so that was existing. The City is not requesting that any of this be rezoned to add additional parking; that building has the parking that has always been there and they would allow that property to be used upstairs and downstairs with that parking, correct? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Duplechain stated that he believes there is no parking requirement spacewise for this property. Responding to Mr. Duplechain stated that the C-1A (Limited Commercial Zone) does not have a minimum parking requirement. There are uses that may have a parking requirement and the intent is not that the parking requirement be zero, it's that it be flexible so that Staff and the Planning Commission can work with the applicants to provide the parking that is needed for the actual uses.

Mr. Holden questioned if The Grange parking lot had access off of South Bradford Street? Responding to Mr. Holden, Mrs. Townshend stated that she doesn't believe that it has access off of South Bradford Street.

Colonel Welsh moved to recommend approval to City Council for Z-16-01 Lands of Halpern Family Property Investment LP at 1042 South Bradford Street: Rezoning from R-8 to C-1A and R-8, seconded by Mr. Holt and the motion was carried 6-2 by roll call vote with Mr. Ambruso absent. Mr. Holden voting yes, he thinks that supporting business in Downtown Dover is important. Also that the remaining residential lot meets the bulk zoning dimensions and other requirements in the Code. He understands the concerns about the neighborhood and it's a challenge that he thinks they face as the City grows but he thinks it's a good move. Mr. Cregar voting no, he grew up on this street; he has watched over the years how the street has changed and in a lot of ways there has been a change for the better. The mixed use is not always necessarily a bad thing but he does worry about the "creep" and he does worry about the fact that this parking lot was used for this building for years and the fact that they are increasing it by chopping off some pieces shows that they continue to allow "creep". He doesn't see that it's necessary; the building can be used and they are not going to destroy its use. Colonel Welsh voting yes, he is sympathetic to the concerns of the residents but he thinks seven (7) parking spots that have no access through their residential street would have a significant impact on their neighborhood. It's a move inward not outward; it's coming in closer to the building. Mr. Holt voting yes, he feels like the commercial end of this lot is needed for this property. Mr. Baldwin voting yes, it meets Code requirement and it's not an

expansion. Dr. Jones voting no, there were some details missing regarding the previous second floor occupants and parking. Also, she believes she heard from the applicant that there really was adequate parking. Ms. Still voting yes, she believes it's an improvement interior to the block as opposed to exterior and she thinks that providing additional parking to the interior of the lot is preferable than having people park on the street if there is a need for more parking. Mr. Tolbert voting yes, it's a Minor Variation from the 2008 Comprehensive Plan and it also allows for improving parking for the adjacent commercial property.

Mrs. Townshend stated that the Planning Commission is making a recommendation to City Council. City Council will hold a public hearing on February 8, 2016 at 7:30PM in Council Chambers where the residents will also have an opportunity to share their thoughts with City Council.

Meeting adjourned at 7:38 PM.
Sincerely,

Kristen Mullaney
Secretary

PROPOSED AMENDMENTS TO THE *2008 COMPREHENSIVE PLAN*
Public Hearing before the
Dover Planning Commission
February 16, 2016

Proposed Amendments to the
2008 Comprehensive Plan:

A. Request for a 37.2 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 Address: 37.2 Acres New Burton Road and 1436 New Burton Road. This is associated with rezoning application Z-16-02.

B. 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. 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 Firefly and Big Barrel music festivals.

Ordinance Number: #2016-02

File Number: MI-16-01

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

APPLICATION: Comprehensive Plan Amendments 2016: Proposed Amendments to the *2008 Comprehensive Plan*

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

CONTACT PERSON: Ann Marie Townshend, AICP PHONE#: 736-7196

Project Background:
The *2008 Comprehensive Plan* was adopted by City Council on February 9, 2008, and subsequently amended on November 23, 2009, (in conjunction with the 2009 Comprehensive Rezoning Project), amended on March 14, 2011, amended on April 11, 2011, amended on March 12, 2012, amended on March 10, 2014, and amended on April 13, 2015. As adopted, the *2008 Comprehensive Plan* sets forth a process by which the *Comprehensive Plan* can be amended on an annual basis. Amendments to the *Comprehensive Plan* can be initiated by staff or requested by members of the public. For amendments to the *Comprehensive Plan* that involve rezoning of property, the requests are processed concurrently.

The process to amend the *Comprehensive Plan* is detailed in the *2008 Comprehensive Plan*, Chapter 15: Implementation, specifically on pages 183 and 184 of the Plan. This process involves review of the proposed amendments through PLUS (Preliminary Land Use Services). These Comprehensive Plan Amendments 2016 were submitted to PLUS review for the January 27, 2016 PLUS review meeting. PLUS comments will be forthcoming.

The proposed amendments are detailed below and represented in the attachments.

A. Amendment to Map 12-1: Land Development Plan Map – Request for Land Use Classification Change from Residential Low Density to Industrial and Public Utilities

This proposed amendment is an applicant-initiated amendment, where one property owner is requesting a change to the Land Use Classification for property located on the west side of New Burton Road and west of the railroad corridor. The request is that Land Use Classification be changed from Residential Low Density to Industrial and Public Utilities as depicted on Map 12-1: Land Development Plan. This request is associated with the rezoning application for the same property, identified as Z-16-02 Lands of Kesselring Company, LLC.

According to the applicant:

> The parcel that we are asking to be rezoned, was created by the New West Dover Connector Road. This parcel will have the Connector Road to the west and south and it will have over 2000 feet of railroad frontage to the east. We feel that these unique features will make it more suited for an Industrial Zone.

Regarding Employment Centers and Industrial Land Uses, in Chapter 12 – Land Development Plan, page 154 and 155, the *2008 Comprehensive Plan* states the following:

> **Employment Centers: Office Park, Manufacturing and Industrial Land Uses**
>
> To a large extent, office parks and industrial land uses are relegated to areas partially or completely occupied by existing industrial and/or manufacturing uses. A vast area of vacant developable land north of and adjoining Dover Air Force Base has been designated for industrial and manufacturing uses. Such uses are generally more compatible with military operations and seem to be less effected by noise associated with military over flights. While the Land Development Plan map shows this area as 'Industrial,' the City will not rezone residential lands within this area that are actively used as residences until such time that these residential uses cease. Other areas for employment centers are adjacent to transportation routes (vehicle and rail).
>
> ***Assumptions:*** *Employment Centers*
>
> 1. The Dover community is fortunate to harbor several regional, national and international industry leaders within the City limits. Dover intends to accommodate the reasonable aspirations and expectations of its industrial and manufacturing community to support the vitality of these precious resources.
> 2. A healthy and well-rounded local economy will depend upon diversity in business and employment opportunities.
>
> ***Goal:*** *Employment Centers*
>
> Create a more vibrant, growing economy with a broader range of job opportunities through an increase in office and industrial development in appropriate and designated areas.
>
> ***Policies:*** *Employment Centers*
>
> 1. Protect existing industrial, office park and manufacturing establishments from encroachment by incompatible land uses, which could result in nuisance complaints, hazardous situations, and human conflict.
> 2. Provide sufficient land area for industrial purposes to enable the expansion of existing industries and the establishments of new facilities.
> 3. Provide for a variety of office park and industrial development opportunities through the designation of areas for small, medium and large industrial establishments within planned industrial parks.

4. Promote alternative modes of accessibility including pedestrian and bicycle facilities, bus shelters and transit stops, and provide incentives for car and van pooling of employees.

Recommendations: *Employment Centers*

Office Parks

The Land Development Plan designates specific tracts of land of various sizes for office park development. Office park development involves an integrated development of office buildings with shared entrances, driveways and parking. The majority of uses permitted within an office park are generally weekday professional office uses involving very little or no activity at night or on weekends. For this reason, the office park designation may be viewed as a transitional use category when situated between more intense commercial and industrial land uses and residential land uses. This designation usually involves the C-PO (Commercial/Professional Office Zone) designation.

Another sizable area west of Bayhealth Medical Center (Kent General Hospital) which has been developing into a medical office environment has been designated for future office park development as well. This area includes frontage areas of South Queen and South New Streets and the westerly side of South Governors Avenue from Water Street to Waples Avenue. Much of this area is currently in service commercial use and includes an automobile dealership and related businesses as well as the Spence's Bazaar property.

Smaller scale areas for office parks are the Woodbrook complex on South Governors Avenue and areas along Route 8.

Large Scale Manufacturing

The Land Development Plan designates all existing major industrial facilities and associated vacant lands for industrial and manufacturing use. These properties include the manufacturing facilities of Kraft General Foods, Playtex Products, Sunroc, Scott Paper and General Metalcraft.

Industrial Parks

Several planned industrial parks have been initiated since 1986, which offer industrial development potential. The Land Development Plan designates these sites for continued industrial use. These sites include Kent County AeroPark, Enterprise Business Park, College Business Park and McKee Business Park.

B. Amendment to Map 12-1: Land Development Plan Map – Request for Land Use Classification Change from Residential Medium Density to Office and Office Parks

This proposed amendment is an applicant-initiated amendment, where one property owner is requesting a change to the Land Use Classification for property located on the west side of South State Street, south of Gooden Avenue and south of the intersection with Pine Street. The request is that Land Use Classification be changed from Residential Medium Density to Office and Office Parks as depicted on Map 12-1: Land Development Plan. This request is associated with the

rezoning application for the same property, identified as Z-16-03 Lands of Michael W. & Winifred M. Braun at 834 South State Street.

According to the applicant:

> 834 S. State Street was recently purchased with the intent to renovate this long vacant property. The physical characteristics of 834, the location of the property, its close proximity to Bayhealth, and the character of much of the surrounding properties indicate that the best use of 834 is as a professional office.
>
> Properties to the south and west are professional offices, and many of the properties to the north are commercial. Properties to the east are mixed residential and commercial. Properties to the east are mixed residential and commercial; however, South State St. provides a clear demarcation between the commercial west side and the mixed use east side of State St. As owner I certify that I have all necessary funds and will move forward promptly with renovations so that this property can be returned to use ASAP.

Chapter 12 – Land Development Plan does not clearly address the smaller scale offices such as those requested. The Land Development Plan addresses office uses in the area southwest of Kent General Hospital. The area along South State Street is a combination of office and residential uses. The principal zoning classifications are RGO (General Residence and Office) and R-8 (One Family Residence Zone). The conversion of residential properties south of Bayhealth/Kent General Hospital on South State Street and South Bradford Street to office uses prior to and during the 1990's precipitated the closure of the RGO zone and the designation of this area as residential in subsequent comprehensive plans. The South Bradford Street neighborhood has consistently expressed concerns about the encroachment of non-residential uses in this area. Therefore, requests for conversion must be carefully considered.

As it relates to this property, the adjacent property to the south is zoned RGO and is developed with an office building. The adjacent property across the alley to the west is zoned RGO and is also developed with an office building. The subject property has been vacant since 2012 and has been the subject of numerous code violations in recent years.

C. Amendment to Map 12-1: Land Development Plan Map – Request for Land Use Classification Change from Agriculture to Commercial

This proposed amendment is initiated by staff in accordance with our efforts to work with Dover International Speedway to annex property to the City and zone it consistently so that the code provisions for outdoor events and temporary camping areas can be consistently applied. The request is to revise the Land Use Classification from Active Agriculture to Commercial 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. This request is directly related to the rise of the Firefly Music Festival and the desire to clearly classify this festival and other temporary activities under the *Zoning Ordinance*.

Chapter 12 – Land Development Plan does not clearly address this area in either the discussions of Commercial or Agricultural uses; however, the State, County and City have had a longstanding policy of discouraging expanded development east of Delaware Route 1.

Recommendations of the Planning Staff: The Planning Staff provides the following recommendations in regards to the Comprehensive Plan Amendments 2016.

A. Amendment to Map 12-1: Land Development Plan Map – Request for Land Use Classification Change from Residential Low Density to Industrial and Public Utilities

Based on the changes to the land use picture created by the West Dover Connector, the Planning Staff supports the proposed change. At the time of the *2008 Comprehensive Plan* the final alignment of the West Dover Connector was undetermined. The final alignment which is currently under construction makes low density residential development in this area bound by the West Dover Connector and railroad track undesirable. The proximity to this roadway and the railroad makes this property more appropriate and desirable for industrial development.

B. Amendment to Map 12-1: Land Development Plan Map – Request for Land Use Classification Change from Residential Medium Density to Office and Office Parks

Due to the adjacent office zones and uses on South Bradford Street and immediately south on South State Street, the Planning Staff supports the proposed change. Additionally, the subject property has been vacant for at least three years and has been the subject of numerous code violations. The renovation and occupation of the property would be beneficial to the neighboring properties, as the vacant and deteriorating condition is problematic to surrounding properties.

D. Amendment to Map 12-1: Land Development Plan Map – Request for Land Use Classification Change from Agriculture to Commercial

The Planning Staff supports the proposed change of the subject properties to Commercial. This change is consistent with the efforts to work with Dover International Speedway to bring their properties all under the jurisdiction of the City of Dover and to have them consistently zoned for ease of managing music festivals and other potential temporary outdoor activities.

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: **COMPREHENSIVE PLAN AMENDMENTS 2016**

FILE #: **MI-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 following text amendments:
    a. 191 New Burton Road & 1436 New Burton Road; from Residential Low Density to Industrial and Public Utilities.
    b. 834 South State Street; from Residential Medium Density to Office and Office Parks.
    c. 75 Pit Stop Lane & 599 Persimmon Tree Lane; from Active Agriculture to Commercial.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

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

1. None.

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

MI-16-01

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER FIRE MARSHAL

APPLICATION: Comprehensive Plan Amendments 2016

FILE #: MI-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 amendment associated with MI-16-01.**

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: January 27, 2016

D E L D O T

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APPLICATION: Comprehensive Plan Amendments 2016

FILE#: MI-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 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.

MI-16-01 Comprehensive Plan Amendments 2016

Review of 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. 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.

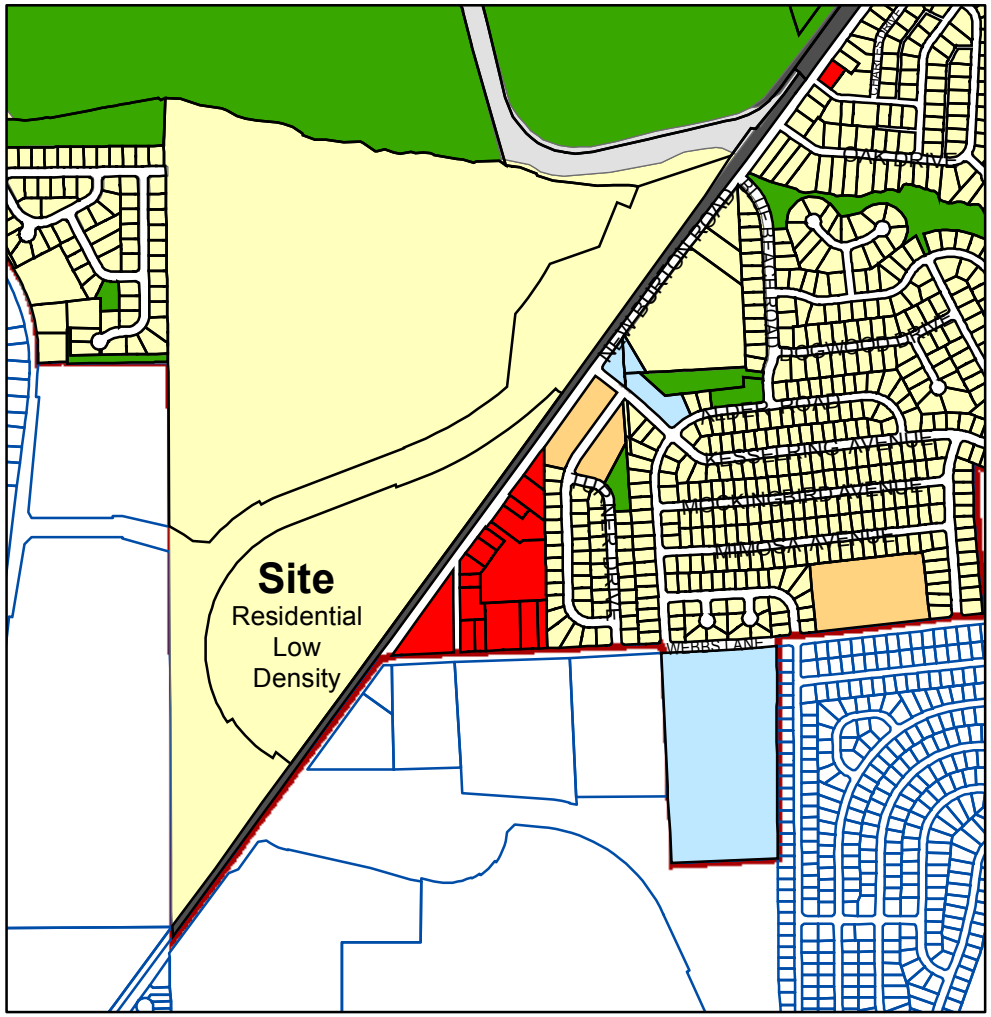
B. Consideration of Amendment to Map 12-1: Land Development Plan Map - Request for a parcel located on the west side of South State Street south of Gooden Avenue to revise the Land Use Classification from Residential Medium Density to Office and Office Parks on Map 12-1: Land Development Plan Map. Property 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.

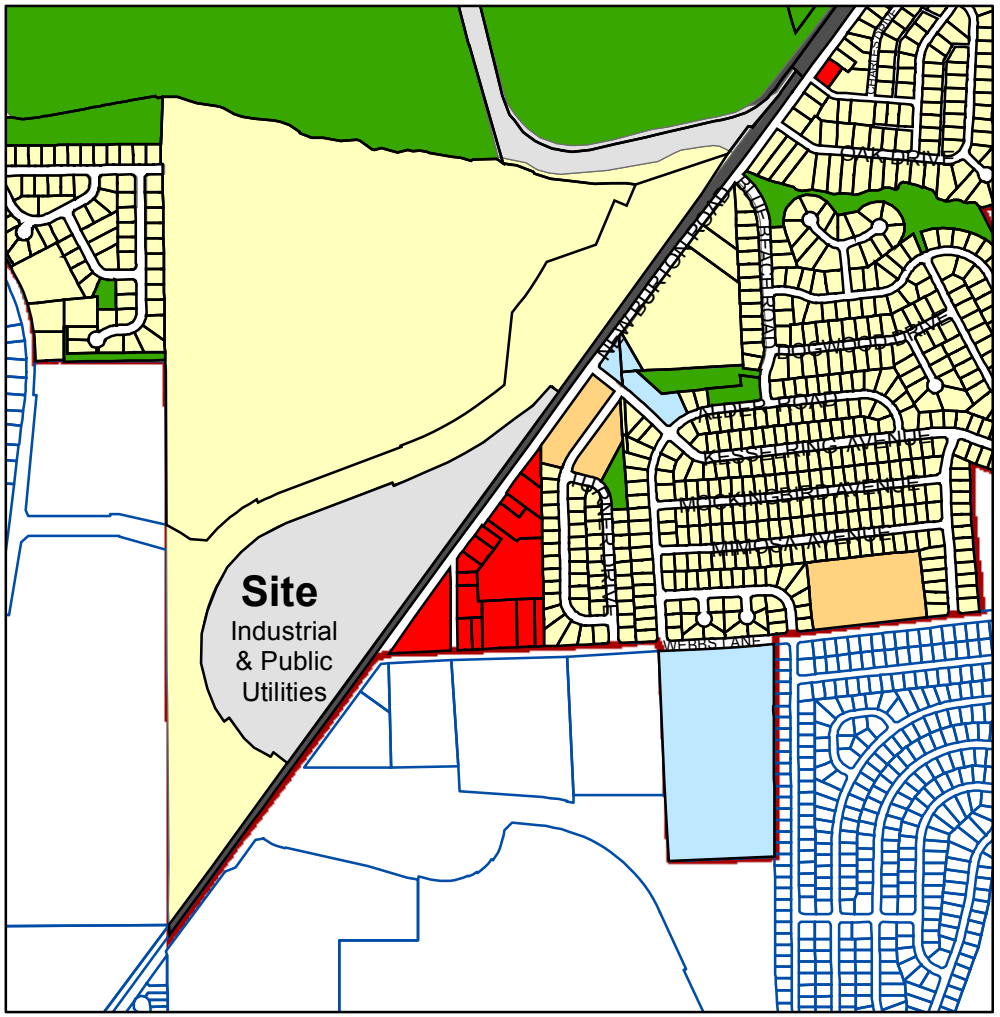
City of Dover
Department of Planning & Inspections

MI-16-01A
2016 Comprehensive Plan Amendment

Current Designation



Proposed Designation



Plan Title: Lands of Kesselring Company LLC
Location: 1436 New Burton Road
Plan Type: Comprehensive Plan Amendment
Tax Parcel: ED05-085.00-01-07.00-000 and ED05-085.00-01-07.00-001
Current Land Use: Residential Low Density
Proposed Land Use: Industrial & Public Utilities
Owners: Kesselring Company LLC c/o Doris K. Taylor
Date: 12/31/2015

N
W
E
S

0 487.5 975 1,950 Feet

Legend

- Dover Boundary
- Dover Parcels

Land Use Classifications

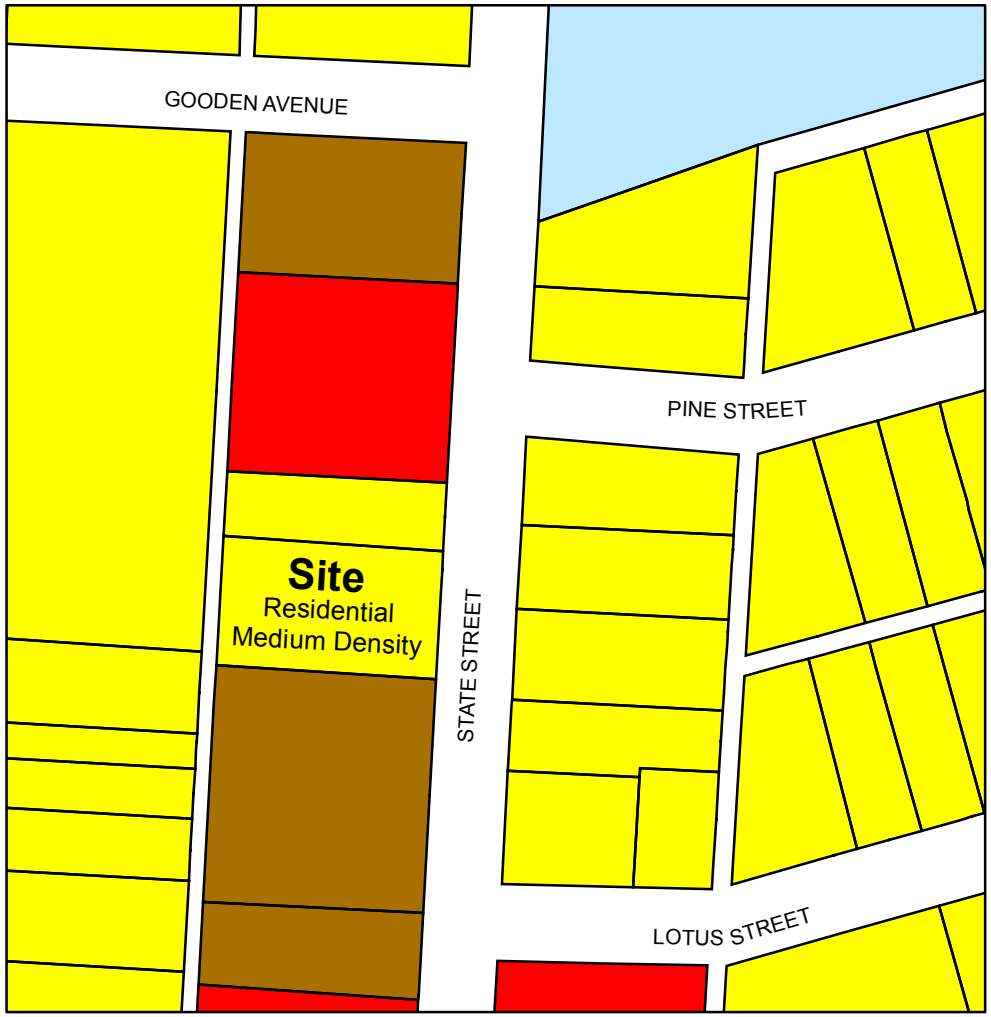
- Active Agriculture
- Commercial
- DoverAFB
- Industrial and Public Utilities
- Institutional
- Mixed Use
- Office
- Open Space, Conservation, Recreation
- Residential High Density
- Residential Low Density
- Residential Medium Density
- Train Track
- Water

City of Dover
Department of Planning & Inspections

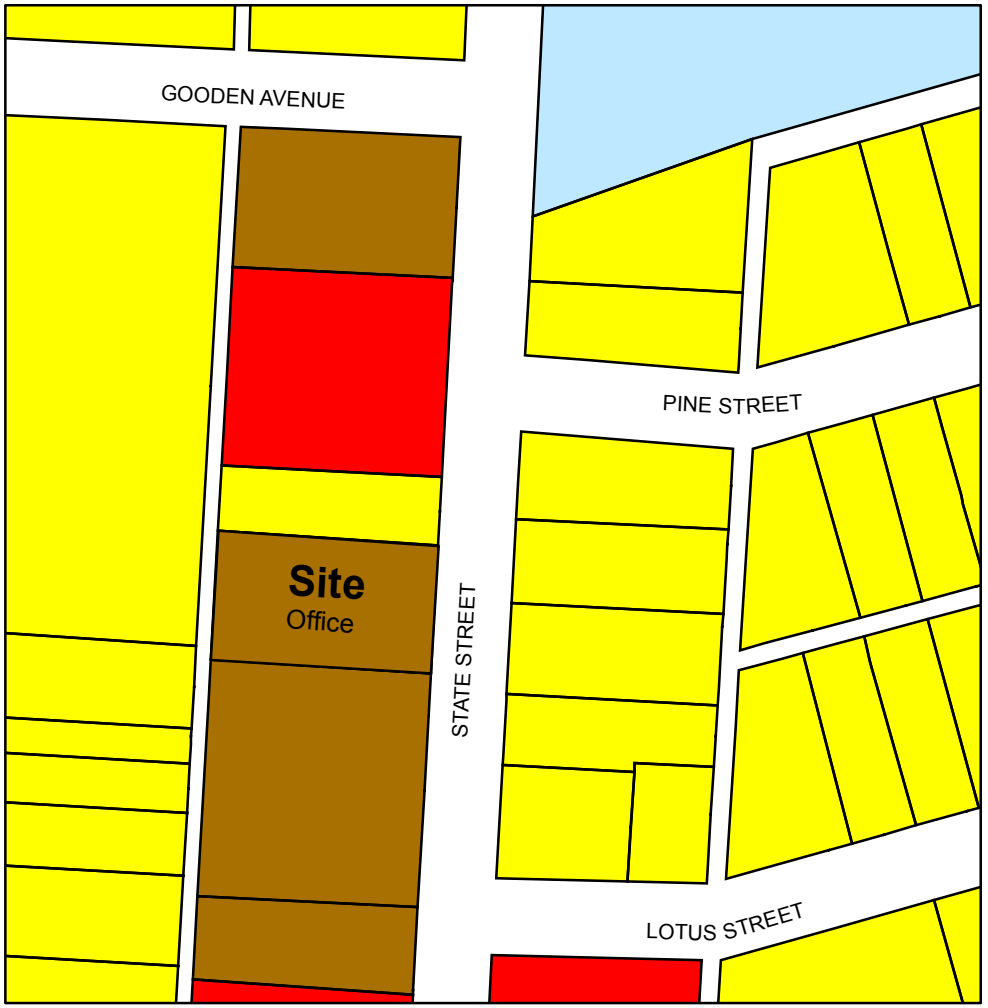
MI-16-01B

2016 Comprehensive Plan Amendment

Current Designation



Proposed Designation



Plan Title: Micromotor Equipment LLC
Location: 834 South State Street
Plan Type: Comprehensive Plan Amendment
Tax Parcel: ED05-077.17-03-45.00-000
Current Land Use: Residential Medium Density
Proposed Land Use: Office
Owners: Michael Braun
Date: 12/29/2015

0 62.5 125 250 Feet

Legend

- Dover Boundary
- Dover Parcels

Land Use Classifications

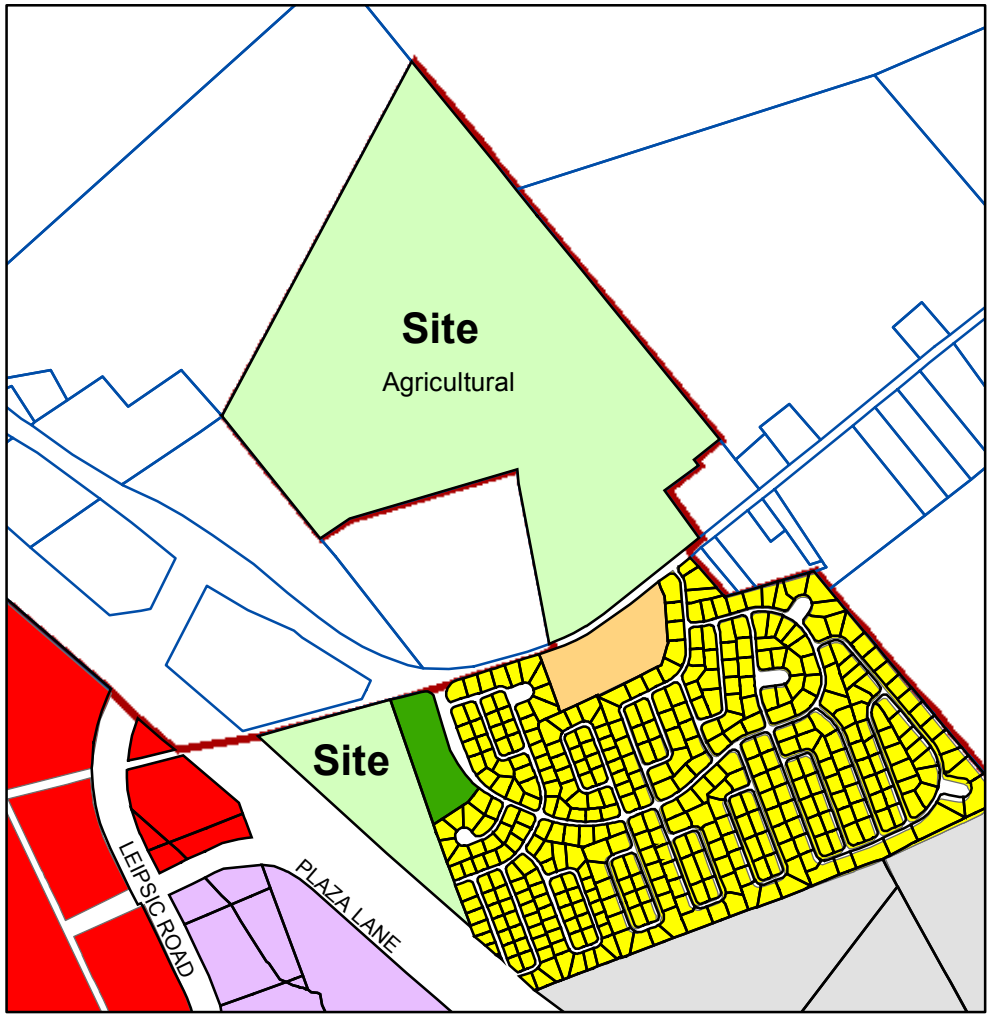
- Active Agriculture
- Commercial
- DoverAFB
- Industrial and Public Utilities
- Institutional
- Mixed Use
- Office
- Open Space, Conservation, Recreation
- Residential High Density
- Residential Low Density
- Residential Medium Density
- Train Track
- Water

City of Dover
Department of Planning & Inspections

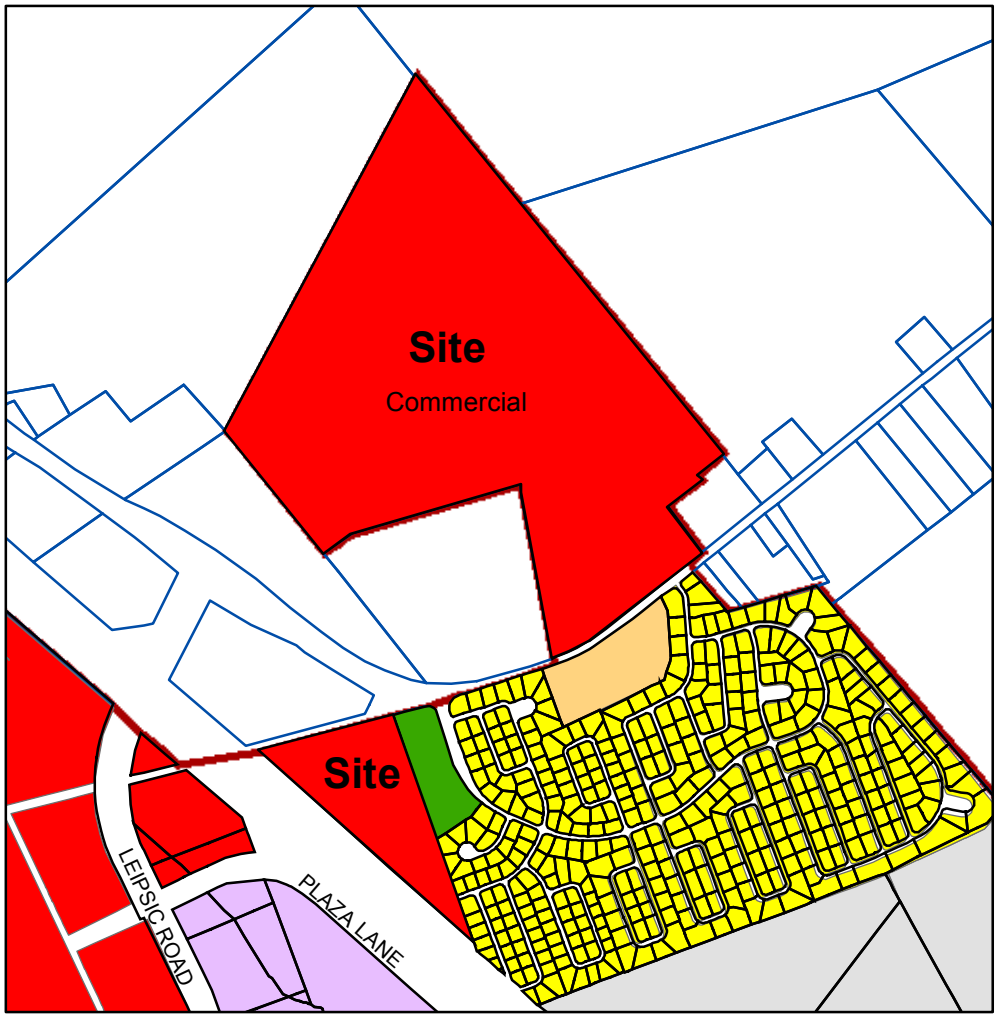
MI-16-01C

2016 Comprehensive Plan Amendment

Current Designation



Proposed Designation



Plan Title: The Woodlands of Dover International Speedway
Location: 75 Pit Stop Lane and 599 Persimmon Tree Lane
Plan Type: Comprehensive Plan Amendment
Tax Parcel: LC05-058.17-02-01.00-000 and LC05-058.00-02-15.00-000
Current Land Use: Agricultural
Proposed Land Use: Commercial
Owners: Dover Downs International Speedway Inc
Date: 12/31/2015

N W E S

0 415 830 1,660 Feet

Legend

- Dover Boundary
- Dover Parcels

Land Use Classifications

- Active Agriculture
- Commercial
- DoverAFB
- Industrial and Public Utilities
- Institutional
- Mixed Use
- Office
- Open Space, Conservation, Recreation
- Residential High Density
- Residential Low Density
- Residential Medium Density
- Train Track
- Water

PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the
City of Dover Planning Commission
February 16, 2016

Applicants/Owners:	Kesselring Company, LLC & Others and Larry Kesselring
Address:	37.2 Acres New Burton Road 1436 New Burton Road
Location:	South of the Puncheon Run, bound by the West Dover Connector on the north, south and west, and by the Railroad Tracks and New Burton Road on the east
Tax Parcel ID #:	ED-05-085.00-01-07.00-000 ED-05-085.00-01-07.00-001
Size:	37.2 +/- acres
Present Use:	Vacant
Proposed Use:	Industrial
Comprehensive Plan Designation:	Residential Low Density – Subject of Request to Amend Land Use Classification to Industrial and Public Utilities
Present Zoning:	R-20 (One Family Residence Zone)
Proposed Zoning:	IPM (Industrial Park Manufacturing Zone)
Reason for Request:	To allow for industrial development of the property
File Number:	Z-16-02

Existing Property
The property is currently zoned R-20 (One Family Residence Zone) and consists of 37.2 acres. The land was divided from a larger parcel by the right-of-way for the West Dover Connector, leaving the subject parcel bound by the new roadway and the railroad tracks.

Surrounding Land Uses:
The subject property is bound entirely by the West Dover Connector and Norfolk Southern Rail line. The property west of the West Dover Connector is zoned R-20 in the City and AC in Kent County.

Comprehensive Plan:
The *2008 Comprehensive Plan* depicts the subject area as Residential Low Density land use classification on Map 12-1: Land Development Plan Map. Under MI-16-01, there is a request to change this classification to Industrial and Public Utilities. If the Comprehensive Plan Amendment is approved, the requested zoning would be consistent with the Comprehensive Plan. If the Comprehensive Plan Amendment is not approved, the zoning requested would not be consistent with the Comprehensive Plan.

Request for IPM (Industrial Park Manufacturing) Zoning
The following description of the IPM zoning district is provided from Article 3 §20 of the *Zoning Ordinance.*

Section 20. - Industrial park manufacturing zone (IPM).

20.1 *Uses permitted.* No building or premises shall be used and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following, and in accordance with performance standards procedure as set forth in article 5, section 8, and subject to site development plan approval as set forth in article 10, section 2:

20.11 Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances and devices, provided that the fuel used shall be oil, gas or electricity; together with incidental clinics, cafeterias and recreational facilities for the exclusive use of employees of the concern engaged in such undertaking.

20.12 Research, design, testing and development laboratories.

20.13 Printing, publishing, binding, packaging, storage, warehousing, transshipment and distribution, and trucking terminals.

20.14 Business, professional or administrative offices; banks and financial institutions; hotels, motels and restaurants; public parks, playgrounds, and recreational facilities; and public utility uses, provided that these uses shall only be located upon a thoroughfare, arterial street or access highway with[in] the IPM zone. Retail sales and service establishments within planned industrial parks for local needs and local consumption of the employees and customers of the other permitted uses within the planned industrial park.

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

20.16 Agricultural or farm uses as defined and permitted in article 3, section 1.11.

The IPM zone also allows for mini-storage facilities and accessory retail uses as conditional uses.

Recommendation of the Planning Staff:
Staff supports the rezoning request from R-20 to IPM, provided that the companion Comprehensive Plan Amendment is also approved. The construction of the West Dover Connector cuts the subject property off from other residential areas. The location between this roadway and the railroad tracks makes the requested zoning classification more appropriate than the current zoning classification.

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

ADVISORY COMMENTS TO THE APPLICANT:

1) The applicant shall be aware that following any decision made by City Council in regards to approval of this rezoning, that a Site Plan, Subdivision Plan and or appropriate Building Permits must be submitted to the Planning Office prior to the establishment of a use or any construction activity on the site. The applicant should contact the Planning Staff to determine the appropriate review process for any proposed projects.

2) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit, other construction activity permit approval, or authorization to establish a use. A separate application submission showing proposed 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.

PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the
City of Dover Planning Commission
February 16, 2016

Applicants/Owners:	Michael W. & Winifred M. Braun
Address:	834 S. State Street
Location:	West side of South State Street, south of Gooden Avenue
Tax Parcel ID #:	ED-05-077.17-03-45.00-000
Size:	17,000 +/- Square Feet
Present Use:	Vacant Residence
Proposed Use:	Office
Comprehensive Plan Designation:	Residential Medium Density – Subject of Request to Amend Land Use Classification to Office and Office Parks
Present Zoning:	R-8 (One Family Residence Zone)
Proposed Zoning:	C-PO (Commercial and Professional Office Zone)
Reason for Request:	To allow for conversion to an office
File Number:	Z-16-03

Existing Property
The property is currently zoned R-8 (One Family Residence Zone). There is a house on the property, as well as an accessory structure.

Surrounding Land Uses:
The property immediately north of the subject property is zoned R-8 and is a one-family dwelling. The property immediately to the south is zoned RGO (General Residence and Office) and has an office building on the parcel. The property immediately west of the subject property (across the alley) is zoned RGO and also has an office building on the parcel. The properties to the east across State Street are zoned R-8 and have one-family residences on them.

Comprehensive Plan:
The *2008 Comprehensive Plan* depicts the subject area as Residential Medium Density land use classification on Map 12-1: Land Development Plan Map. Under MI-16-01, there is a request to change this classification to Office and Office Parks. If the Comprehensive Plan Amendment is approved, the requested zoning would be consistent with the Comprehensive Plan. If the Comprehensive Plan Amendment is not approved, the zoning requested would not be consistent with the Comprehensive Plan.

Request for C-PO (Commercial and Professional Office) Zoning
The following description of the C-PO zoning district is provided from Article 3 §26 of the *Zoning Ordinance.*

Sec. 26. - Commercial and professional office zone (C-PO).

26.1 *Uses permitted.* In a commercial and professional office zone (C-PO), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

(a) Business, professional or governmental offices.
(b) Banks.
(c) Medical laboratories.
(d) Drive-in facilities accessory to any permitted use.

26.2 *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) Conditional uses accessory to permitted uses on the same lot:
(1) Cafeteria.
(2) Restaurant.
(3) Barbershop/beauty shop.
(4) Copy center.
(5) Office supply.
(6) Retail store.
(7) Newsstand.

(8) Spa and health club.

(9) Associated laboratories (other than those affiliated with permitted medical uses).

(b) Residential uses as follows:

(1) Apartments and multifamily residences, provided at least two off-street parking spaces shall be provided in the area for each unit.

(2) One family residences subject to the requirements of the RG-1 (General Residence) zone.

Recommendation of the Planning Staff:
Staff supports the rezoning request from R-8 to C-PO, provided that the companion Comprehensive Plan Amendment is also approved. The subject property is in a transitional area of South State Street, where two of the adjacent properties are developed with office buildings.

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

ADVISORY COMMENTS TO THE APPLICANT:

1) The applicant shall be aware that following any decision made by City Council in regards to approval of this rezoning, that a Site Plan, Subdivision Plan and or appropriate Building Permits must be submitted to the Planning Office prior to the establishment of a use or any construction activity on the site. The applicant should contact the Planning Staff to determine the appropriate review process for any proposed projects.

2) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit, other construction activity permit approval, or authorization to establish a use. A separate application submission showing proposed 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: JANUARY 27, 2016

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **LANDS OF MICHAEL W. & WINIFRED M. BRAUN AT 834 SOUTH STATE STREET REZONING FROM R-8 TO CPO**

FILE #: **Z-16-03**

REVIEWING AGENCY: **City of Dover**

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

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

Our office has no objection to the rezoning of:

ED-05-077.17-03-45.00-000

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

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

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER / STORMWATER / STREETS / 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.

Z-16-03

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER FIRE MARSHAL

APPLICATION: **Lands of Michael W. & Winifred M. Braun at 834 S. State St: Rezoning from R-8 to CPO**

FILE #: **Z-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:

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. **This office has no objection to the 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: January 27, 2016

D E L D O T

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APPLICATION: Lands of Michael W. & Winifred M. Braun at 834 South State Street: Rezoning from R-8 to CPO

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

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

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
February 2015

APPLICATION: Lands of Michael and Winifred Braun

FILE #: Z-16-03

REVIEWING AGENCY: *Kent Conservation District*

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

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

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the re-zoning plan for the above referenced site.

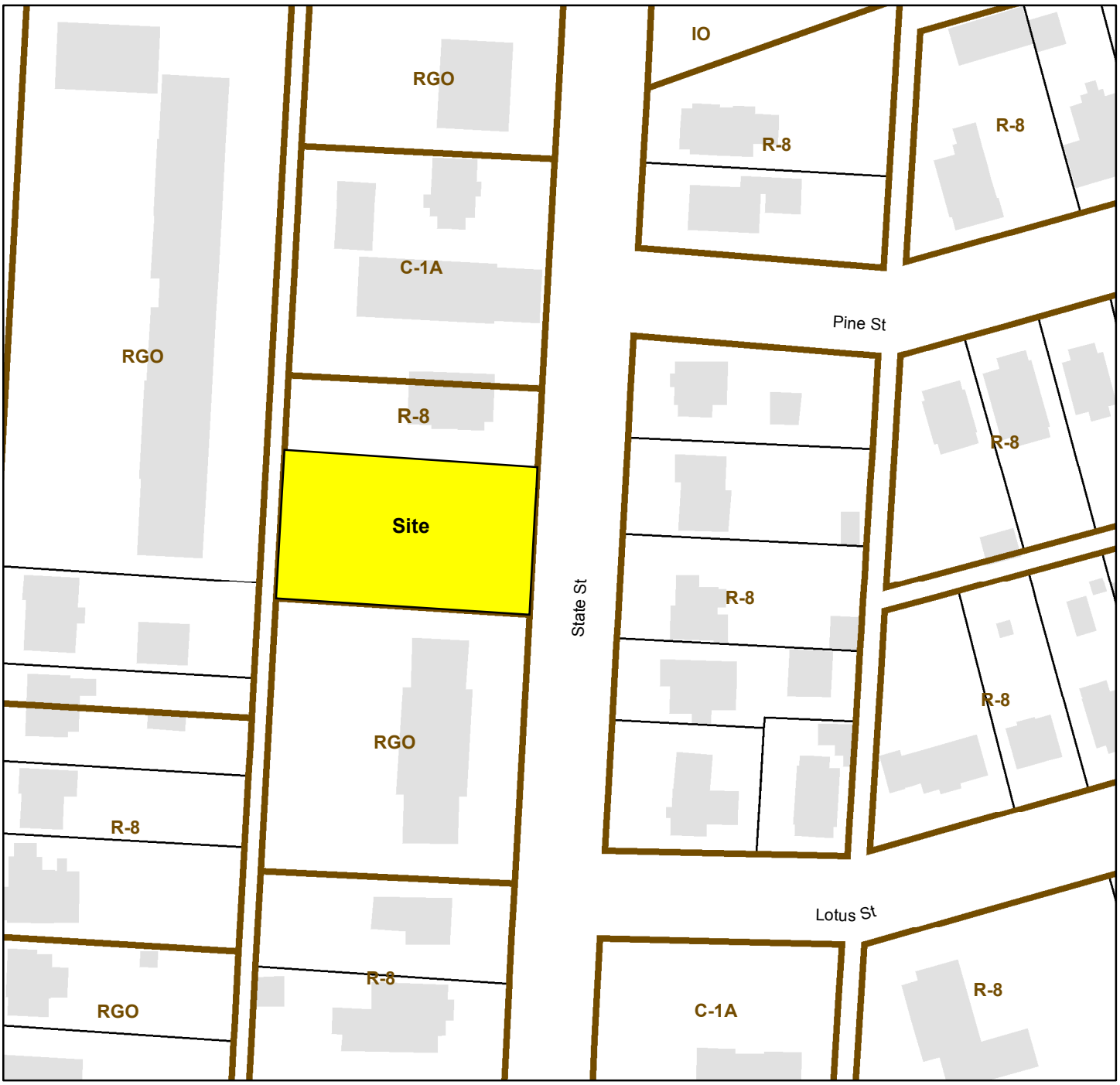
ADVISORY COMMENTS TO THE APPLICANT:

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.: Z-16-03



Title: Micromotor Equipment LLC
Address: 834 S State St
Parcel ID: ED-05-077.17-03-45.00-000
Existing Zoning: R-8 (One-Family Residence Zone)
Proposed Zoning: C-PO (Commercial and Professional Office Zone)
Owner: Michael Braun
Date: 12/29/2015

Legend

- Dover Parcels
- Zoning
- 2012 Buildings

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City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF February 3, 2016

PLANNING COMMISSION MEETING OF February 16, 2016

Plan Title:	The Gathering Place Large Family Day Care at Solid Rock Baptist Church at 113 North West Street
Plan Type:	Conditional Use Site Plan C-16-01
Property Location:	109 and 113 North West Street
Tax Parcel:	ED-05-076.08-03-02.00-000
Owner: Lessee:	Solid Rock Baptist Church Donna Bullock
Site Area:	24,298 SF±
Existing Uses:	Place of Worship and Community Center
Proposed Use:	Large Family Day Care
Building Area:	Existing one story brick building (Place of Worship) Existing 2 story building (Community Center)
Off Street Parking:	Required – 4 spaces for daycare Existing – 26 spaces
Sewer & Water:	City of Dover
Zoning Classification:	RG-1 (General Residence Zone)
Waivers Requested:	None

CITY OF DOVER PLANNING

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

APPLICATION: Large Family Day Care: The Gathering Place at 113 North West Street

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

CONTACT PERSON: Tracey Harvey PHONE #: (302) 736-7196

PLAN SUMMARY:

This Conditional Use Site Plan Review is to permit a Large Family Day Care in the community room of an existing building that is being utilized as a church at 113 North West Street to be known as The Gathering Place. The property for the proposed development 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 Solid Rock Baptist Church and the lessee is Donna Bullock. Property Address: 113 North West Street. Tax Parcel: ED-05-076.08-03-02.00-000.

The Day Care facilities type of land use requires Conditional Use approval by the Planning Commission based on the requirements (large family daycare home or day care center) noted in *Zoning Ordinance,* Article 5 §14 and Article 10 §1. The requirements for Day care facilities are given below:

Section 14. Day care facilities.

14.1 General. In order to promote the development of quality child care outside of the home (day care facilities), the following two basic assumptions have been made:

14.11 The establishment of day care services and facilities, wherever there is a need, is a necessary public objective; and

14.12 Day care programs shall be treated as community facilities and shall be permitted to locate in any zoning district, provided that need has been demonstrated, state licensing requirements have been met and no physical hazard to children can be reasonably anticipated.

14.2 Definitions.

Day care facility. For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by a parent or guardian, for periods of less than 24 hours per day shall be defined as follows:

14.21 *Day care center*.

(a) Any place, other than an occupied residence, which receives children for compensation for day care or large family day care home; and

(b) Any occupied residence which receives 13 or more children for compensation for day care.

Day care centers shall be required to obtain conditional use approval by the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10 and to any specified requirement set forth in subsection 14.3 below, except in zoning districts where listed as a permitted use.

14.22 *Family day care home.* An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives for compensation. Such care in a family day care home is limited to that care given to six or fewer children. Such child care facility shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit and site plan approval.

14.23 *Large family day care home.* A facility which provides child care for more than six, but less than 13 children. This care may be offered in a private home or in a property converted to the purpose of providing child day care. This form of day care facility requires the submission of a site plan application in accordance with the procedures and subject to article 10, section 2 of the zoning ordinance. If a large family day care home is not to be located in an occupied residence, then a conditional use site plan application shall be required in accordance with article 10 section 1 of the zoning ordinance.

14.3 Zoning criteria.

14.31 *Number of children.* Day care centers shall be limited to a maximum of 50 children in all residential zones.

14.32 *Outdoor play area.* Must meet the state requirement for day care centers.

14.33 *Off-street parking/loading.* One space per each adult attendant, plus one space for every ten children.

14.34 *Signs in all residential zones.* Signage shall be limited as follows:

(a) *Family day care homes and large family day care homes.* One wall-mounted sign limited to two square feet.

(b) *Day care center.* One sign, wall-mounted or freestanding, limited in area to 12 square feet. The planning commission shall consider the location of such sign as part of the conditional use review and may approve a lesser amount of sign area if deemed necessary by the commission to protect the general health, safety and welfare of the public in general and the residents of the immediate neighborhood in particular.

Signs in nonresidential zones. Day care centers within nonresidential zoning districts shall be governed by the sign regulations in effect for the particular nonresidential zoning district in which the day care center is located.

14.35 *Licensing requirements.* Day care facilities must meet state standards, and a license from the state shall be submitted to the department of planning and inspections prior to the issuance of a City of Dover Business License.

(Ord. of 5-14-1990; Ord. of 4-25-1994; Ord. of 4-23-2007(3))

This Conditional Use is subject to the requirements of Article 10 §1 further discussed below. With Conditional Use applications, the Planning Commission reviews the proposed project to determine whether or not the intended use is appropriate in type and scale for the immediate neighborhood. The Commission must also consider whether or not the proposed use will have an adverse impact on the future orderly development of the surrounding area. The Planning Commission may prescribe appropriate conditions and safeguards to the use if determined to be necessary. The following sections of the *Zoning Ordinanc*e which relate to the role of the Commission in reviewing Conditional Use applications are particularly relevant when reviewing

this application:

Article 10 §1:

1.1 *Accessibility for emergency response.* That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;

1.2 *Harmony of location, size and character.* That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

1.3 *Residential zones.* That, in addition to the above, in the case of any use located in, or adjacent to, a residential zone:

1.31 The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

1.32 The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of landscaping, and other improvements on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

1.4 *Conditional use permits.*

1.41 *Conditional use approval.* Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

(A) The provision in this article under which such permit was issued is still in effect;
(B) Such permit was issued in conformity with the provisions of this article; and
(C) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

1.42 *Periodic renewal of conditional use permit.* The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing in accordance with subsection 1.53. The commission may withhold approval of the renewal upon a determination by the city planner to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with.

PROJECT PROPOSAL

The existing place of worship is proposing to be occupied by a day care facility in the community room of the building. Conditional Use Site Plan application C-13-07 for the construction of a two story community center building, also on the property but addressed as 109 North West Street, was approved by the Planning Commission at its August 19, 2013 meeting. It is adjacent to the existing place of worship. The Conditional Use Site Plan C-13-07 included the construction of a parking lot and tree plantings for the site.

This application submission states that seven (7) children (infants and toddlers) will be attending the day care with three adult attendants. The project proposal for seven (7) children at the

Gathering Place Day Care would be classified as a "Large Family Day Care" by the *Zoning Ordinance* as it provides care for more than six children but less than thirteen (13) children. Since the Large Family Day Care is proposing to operate in a community room of a church, this review is a Conditional Use Site Plan application. If the number of children increases to thirteen (13) or greater, then it would be considered a "Day Care Center" and require additional review.

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 for an outdoor play area referencing 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 playground area located on the corner of West Division Street and North Kirkwood Street. The applicant will need to provide approval of this site from Child Care Licensing.

PARKING SUMMARY

The number of required spaces for day care facilities are outlined in *Zoning Ordinance,* Article 5 §14.33, which requires one space per ten (10) children plus one space per adult attendant. Information provided by the applicant indicates a total of four (4) parking spaces will be required. The Plan identifies there will be seven (7) children with three (3) adult attendants. There are twenty-six (26) existing parking spaces that were previously approved with the construction of the Community Center Building (Conditional Use Site Plan C-13-07). The day care facility looks to utilize the existing parking lot.

For the existing uses on the property, places of worship require one (1) parking space for every four (4) seats or one (1) parking space for every 200 SF of floor area whichever is greater. Based on the number of 115 seats within the existing sanctuary twenty-nine (29) parking spaces are required for the church. Based on the square footage of the new community center (fellowship building) twenty-one (21) parking spaces are required. The total number of parking spaces required for these uses was fifty (50) parking spaces.

However with the previous application C-13-07, the Planning Commission considered and approved two waivers related to parking: an overall reduction in the number of off-street parking spaces and utilization of the combined parking space provisions. *Zoning Ordinance,* Article 6 Section 3.9 allows the Planning Commission to reduce the overall number of off-street parking spaces. The applicant requested the reduction in the overall number of required parking spaces to twenty-six (26) parking spaces. Since site is located within the Downtown Redevelopment Target Area, it is eligible for a 20% reduction and is eligible for up to a 50% reduction in the overall number of parking spaces as the site is has access to mass transit and pedestrian amenities. *Zoning Ordinance,* Article 6 Section 3.8 grants the Planning Commission the ability to reduce the number of total parking spaces required when it can be demonstrated that the uses will generate different demands for parking when the other use is not be utilized. The applicant requested the use of the combined parking spaces provision as the sanctuary and community building will be utilized at different times and shall not be utilized at the same time. Both parking related waivers were approved at the August 19, 2013 Planning Commission Meeting.

BICYCLE PARKING

As part of the approved parking requirement waivers for Site Plan application C-13-07, the number of bicycle parking spaces increased from 2 to 6 spaces. There are 6 approved bicycle parking spaces located on the site.

The total size of the building does not require a loading space as per *Zoning Ordinance,* Article 6 §4.23.

BUILDING ARCHITECTURE

The submission does not include Architectural Elevation drawings since the existing building will be utilized. The site has an existing one story public assembly building with the primary entrance to the building facing North West Street. A secondary entrance is located at the entrance of the community room on the north side of the building.

SITE CONSIDERATIONS

DUMPSTER

The location and the screening of the dumpster are in accordance with Article 5 § 6.11 of the *Zoning Ordinance*. The City of Dover Planning Office granted approval for the dumpster and enclosure as part of the Final Plan (Conditional Use Site Plan C-13-07) on September 22, 2014.

SIDEWALK

There is an existing sidewalk along North West Street that connects to the building entrance.

TREE PLANTING

Based on the total site area of 24,298 SF, a total of nine (9) trees are requires. 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.

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 data columns will need to be updated prior to Final Approval with the following:
   a) Any changes recommended or approvals granted by the Planning Commission.
   b) Indicate the square footage for the entire church building.

2) Parking shall be provided in accordance with the *Zoning Ordinance*. The number of required parking spaces will need to be identified on the plan.

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3) The requirements for the maximum children allowed for a Large Family Day Care is twelve (12) children. Exceeding this number will require additional code compliance in accordance with the *Zoning Ordinance.* If the number increases to thirteen (13), thus becoming a Day Care Center, then the Planning Commission must consider a new/revised application.

4) The location of the play area will need to be defined or noted on the Plan with an approval letter from the Office of Child Care Licensing of the designated play area.

5) Provide an Owner's Certification note and signature line to plan sheet. See text below.

OWNER'S CERTIFICATION:

I, _____, hereby certify that I am the owner of the property described and shown on this plan, that the plan was made at my direction, and that I acknowledge the same to be my act and desire the plan to be developed as shown in accordance with all applicable laws and regulations.

DATE _____ SIGNATURE_____

Lessee's signature also needs to be added to the Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Parking Requirements: Planning Commission approved the parking waivers for Conditional Use Site Plan application C-13-07 setting the overall number of required parking spaces to twenty-six (26) spaces for the property. The large family day care in the community room will have different operational hours than services at the church and the two uses are anticipated not to have activities occurring during the same timeframe. Therefore, Staff recommends acceptance of the existing parking lot as meeting the parking requirements for the large family day care facility.

ADVISORY COMMENTS TO THE APPLICANT:

1) In the event, that major changes and revisions to the Conditional Use Site Plan occur in the finalization of the Plan contact the Department of Planning and Inspections. Examples include building additions, relocation of site components, and increases in change in the number of children. 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.

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

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

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

5) The applicant shall be aware that Conditional Use Site Plan approval does not represent a Building Permit, Business and Occupancy Licenses, and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover. At a minimum an Administrative Building Permit will be required to establish this daycare facility use in the building along with the required Business and Occupancy Licenses.

6) All appropriate Building and Fire Codes shall be complied with.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **THE GATHERING PLACE LARGE FAMILY DAY CARE AT SOLID ROCK BAPTIST CHURCH AT 113 NORTH WEST STREET**

FILE #: **C-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. 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/Public-Documents-4017/.

WATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. Due to the fact that this property is changing uses, 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 building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan, if an upgrade is required. 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.

WASTEWATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. 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. All proposed wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

STORMWATER/ SANITATION/ STREETS/GROUNDS

1. None

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. The proposed building location will require that the electric service be relocated at the owners expense.

WATER / WASTEWATER / STORMWATER / STREETS/GROUNDS/GENERAL

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.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

1. Water impact fees may be associated with this project.

WASTEWATER

1. Wastewater impact fees may be associated with this project.

STORMWATER/SANITATION/STREETS/GROUNDS/GENERAL

1. None

GENERAL

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

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

C-16-01

CITY OF DOVER FIRE MARSHAL

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

APPLICATION: **The Gathering Place Large Family Daycare at Solid Rock Baptist Church at 113 N. West St**

FILE #: **C-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) The building use proposed will be a change of use for the structure (Assembly to a Daycare). A meeting on site with The Building Department / Fire Marshal's Office will need to occur.

2) The main building use as an Assembly will not be permitted to function during the time of the daycare operations.

3) Proper permitting and licensing will be required.

4) 3 Year Electrical Inspection of the structure per Delaware State Fire Prevention Regulations will need to be obtained by an authorized/licensed electrical inspection agency.

5) A Fire Extinguisher is required. The fire extinguisher is required to either be brand new or inspected.

6) Interconnected hardwired or wireless smoke detectors are required. If they are to be interconnected a licensed electrician will be required to perform the work.

7) Please provide a dimensional drawing of the proposed room with measurements, so a proper occupant load can be established to determine the amount of juveniles are permitted.

8) Daycare licensing approval will be required.

9) Additional discussions will need to occur in regards to the existing kitchen on site.

- Additional requirements may be required dependent on the outcome of the meeting on site with the Building Department and Fire Marshal's Office.

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: February 3, 2016

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APPLICATION: The Gathering Place Large Family Day Care at Solid Rock Baptist Church at 113 North West Street

FILE#: C-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:

North West Street is not a State maintained roadway and is recognized as a City maintained street.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

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

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
February 2015

APPLICATION: Large Family Day Care

FILE #: C-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. The Kent Conservation District has no objection to the conditional use approval of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

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

Donna Renee' Bullock
352 Oaknoll Avenue
Felton, DE 19943
302-284-3373

January 29, 2016

To the Dover Planning Commission;

I am applying for conditional use of the property located at 113 N. West Street in Dover, 19904. The purpose for this request is to operate a large family daycare in what was the community room of the church. The daycare will provide quality childcare service for 7 children (infants and toddlers) during the hours of 7:30 am to 5:30 pm, Monday through Friday. Clients will be parents of low income status with a need for such a service.

I have also included a copy of the rule 265 from OCCL, Office of Childcare Licensing with regards to the outdoor play area. The playground is located on the corner of Division and N. Kirkwood Street.

Thank you for your consideration to this request.

Sincerely,

Donna Renee' Bullock

Donna Renee' Bullock

Indoor Space

264. The Licensee shall ensure that the Large Family Child Care Home has a minimum of thirty-five (35) square feet of indoor space for each child in child care that allows for free movement and active play. Measurements shall be from wall to wall on the inside. Furniture that restricts children's free movement and active play shall be considered a deductible factor when determining square footage.

A. Toilet rooms, kitchen areas, storage spaces, hallways, furnace rooms and other areas not used by children for sleep or play on a routine basis shall not be counted in computing required square footage.

Outdoor Play Area

265. The Licensee shall provide opportunities for vigorous play and large muscle activity with attention to the diverse needs of the children served and their abilities to participate either on the premises or within a safe walking distance of the Large Family Child Care Home as follows:

A. The outdoor play area shall provide at least fifty (50) square feet of play space for each child for the maximum number of children who will use the playground at any one (1) time; and
B. The outdoor play area shall accommodate at least one-half (1/2) of the licensed capacity of the Large Family Child Care Home at any one (1) time.

266. The Licensee shall ensure that any outdoor play area is inspected by a staff member before children begin to play to make sure there are no hazards such as, but not limited to, animal feces, toxic plants, outdoor equipment, lawn mower, cooking grill, or debris, and that any play equipment is safe for use.

A. Tool sheds, garages, and other outdoor facilities shall not accessible to children in child care and securely latched or locked to prevent children from entering.
B. Children shall be in constant view of a staff member while outdoors and not allowed to go in unobservable areas such as behind shrubbery.

267. The Licensee shall ensure that the outdoor play area of the Large Family Child Care is fenced.

A. Fencing shall be sturdy, safe and reinforced at intervals so as to give support, constructed to discourage climbing and to allow observation of children.
B. Fencing shall be a minimum of four (4) feet in height with openings no larger than three and one-half (3 ½) inches.
C. Gates shall be equipped with self-closing and positive self-latching closure mechanisms. The latch or securing device shall be high enough or such that small children cannot open it.
D. The fenced area shall have at least two (2) exits, with at least one (1) being remote from the building.

268. For a Large Family Child Care Home licensed before the effective date of these Rules, the existing fencing of the outdoor play area on the premises of the Large Family Child Care Home shall be acceptable as long as it is safe, free from hazards and in good repair. When the fencing is replaced, the new fencing shall fully comply with Rule #267.

City of Dover

DATA SHEET FOR CONDITIONAL USE REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF February 3, 2016

PLANNING COMMISSION MEETING OF February 16, 2016

Plan Title:	Residential Treatment Facility on property of Healings Wings Christian Center (C-16-02)
Plan Type:	Conditional Use Review
Property Location:	On the south side of McKee Road, at the southeastern tip of a woodland triangle south of the intersection of McKee Road and Scarborough Road.
Property Addresses:	1420 McKee Road
Owner:	Healing Wings Christian Center, Inc. c/o Pastor Gloria L. Cherry
Applicant:	Tolano D. Anderson
Tax Parcel:	ED-05-067.00-01-20.00-000
Present Zoning:	R-8 (One-Family Residence Zone) COZ-1 (Corridor Overlay Zone)
Site Area:	3.32 ac. +/-
Present Use:	Philanthropic Use as a Veterans Home
Proposed Use:	Residential Treatment Facility
Building Areas:	6,344 SF (related to this project)
Off Street Parking:	Existing – 54 spaces Required – 52 spaces
Sewer & Water:	City of Dover

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

APPLICATION: Residential Treatment Facility on property of Healings Wings Christian Center

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

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

PLAN SUMMARY

This Conditional Use Review is 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 project area consists of a portion of one parcel of land totaling 3.322 acres ± of land zoned R-8 (One-Family Residence Zone) and COZ-1 (Corridor Overlay Zone). The property site is located on the west side of McKee Road, north of the Emerald Pointe subdivision. The owner of record is Healing Wings Christian Center. The property address is 1420 McKee Road. Tax Parcel: ED-05-067.00-01-20.00-000.

The use is proposed in the westernmost ("rear") building on the property which is constructed in a dormitory format. Other buildings on the existing site include a building used for church, and another that has in the past been used as school and daycare operations but is not presently used for that purpose.

This application as submitted proposes no changes to the existing site or structures. The Conditional Use Review is to review the change of use from that which was specifically approved in the previous application.

Previous Applications

Application C-11-01 was granted conditional approval by the Planning Commission at its meeting of April 18, 2011 for the philanthropic use as a veteran's home be to known as "Because We Care Veterans Home." Final Plan Approval was granted by staff on October 28, 2011 with a Certificate of Occupancy subsequently issued. Subsequent to the approved veterans home use, the building is also known to have been used as an emergency shelter during "Code Purple" designated weather events.

CONDITIONAL USE:

Due to its location, this type of land use as a benevolent/philanthropic use requires Conditional Use approval by the Planning Commission as noted in Article 3 §1.14 of the *Zoning Ordinance*:

> 1.14 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 section 10.1 and to any specified requirements set forth below:
>
> (a) Places of worship, including parish houses; [and] schools, including nursery schools, kindergartens and day care centers in accordance with article 5, Supplementary Regulations, section 14. Day care facilities; philanthropic and eleemosynary institutions; hospitals and sanitariums for general medical care; and funeral homes subject to the following requirements:
>
> i. Any school permitted under this paragraph [subsection 1.14(a)] shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such there under.
>
> ii. Any school permitted under this paragraph [subsection 1.14(a)], other than a kindergarten, nursery school, or day care center, shall occupy a lot with an area of not less than two acres, plus one acre for each 100 pupils for which the building is designed.
>
> iii. Any kindergarten or nursery school permitted under this paragraph [subsection 1.14(a)] shall be limited to a maximum of 50 children in zones R-8 thru R-20 and a maximum of 100 children in all other zones. At least 100 square feet of outdoor play space per child shall be provided. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space. Fencing or other enclosures shall be a minimum height of four feet. The minimum lot area for each ten, or remainder over the multiple of ten, children shall be the same as the minimum lot area requirement for each dwelling unit in the districts in which such uses are to be located.
>
> iv. No such building or part thereof shall be erected with less than a 50-foot front yard or nearer than 25 feet from any other street or property line.
>
> v. The sum of all areas covered by all principal and accessory buildings shall not exceed 20 percent of the area of the lot.
>
> vi. Courts shall conform to the requirements of article 5, section 3 hereof.
>
> (b) Railroad and public utility rights-of-way and structures necessary to serve areas within the city, subject to such conditions as the planning commission may impose in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.
>
> (c) Country clubs or other annual membership clubs, catering exclusively to members and their guests, and accessory private playgrounds, golf courses, swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that the following operations shall be prohibited:

i. Outdoor entertainment, live or mechanical;

ii. The use of outdoor public address systems for any purpose; and

iii. Exterior lighting producing glare at the lot line other than that essential for the safety of the users of the premises.

No building erected under the provisions of this paragraph [subsection 1.14(c)] shall be so erected nearer than 50 feet to any street or property line.

This Conditional Use is subject to the requirements of Article 10 §1 further discussed below. With Conditional Use applications, the Planning Commission reviews the proposed project to determine whether or not the intended use is appropriate in type and scale for the immediate neighborhood. The Commission must also consider whether or not the proposed use will have an adverse impact on the future orderly development of the surrounding area. The sections of the *Zoning Ordinanc*e which relates to the role of the Commission in reviewing Conditional Use applications are particularly relevant when reviewing this application:

1.1 *[Accessibility for fire and police protection.]* That all proposed structures, equipment or material shall be readily accessible for fire and police protection;

1.2 *[Harmony of location, size and character.]* That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

1.3 *[Residential zones.]* That, in addition to the above, in the case of any use located in, or indirectly adjacent to, a residential zone:

a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

b. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

1.4 *[Permits.]* The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following due public notice and hearing, and may be withheld only upon a determination by the building inspector to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with. In such cases, a period of 60 days shall be granted the applicant for full compliance prior to the revocation of the said permit. Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

a. The provision in this ordinance under which such permit was issued is still in

effect;

b. Such permit was issued in conformity with the provisions of this ordinance; and

c. Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

For a property seeking Conditional Use approval in the R-8 Zoning District, Article 10 §1.7 outlines the submission requirements. These requirements include a map of the property showing existing conditions with the appropriate legal data.

PARKING SUMMARY

The parking requirements for the different uses on this site are set forth in Article 6, Section 3. The prior plan approval (C-11-01) calculated parking requirements according to the multiple uses on the site (Table 1).

Table 1
C-16-02 Parking Summary*

	Spaces	
	Required	Provided
Place of worship *1 sp. per 4 seats*	38	
Elementary & Jr. High Schools *1 sp. per 8 students*	9	
Dormitories *1 sp. per 3 beds*	5	
Total Parking Spaces	52	**54**
Bicycle Spaces	3	**3**

* No change from C-11-01

The dormitory use subject to this application is required to provide one parking space per three beds. The plan states that 14 rooms are provided in the dormitory and as such, five parking spaces are required. Bicycle parking is erroneously shown on the prior site plan to be located near the school building. It is actually adjacent to the dormitory building.

SITE CONSIDERATIONS

The following were required site improvements related to C-11-01 and are reflected on the Final Plan for C-11-01. No changes are required related to the plan under review (C-16-02).

Loading Berths

Based on building square footage the site is required to provide two loading berths. Five bus parking spaces provided exceed this requirement.

Dumpsters

Based on the size of the building, one (1) dumpster pad location is required. The plan provides a

dumpster pad of the required size and includes a masonry enclosure. Staff notes that dumpster pad orientation was not corrected per the notation on C-11-01, but that three (3) adjacent parking spaces was subsequently striped and marked as "no parking," however the site exceeds parking requirements at this time.

Sidewalks
Sidewalks are required along the property's entire street frontages of Old McKee Road. Sidewalk is constructed already and is shown on the plan. There is on-site sidewalk adjacent to the buildings on site as shown on the previously approved plan, but they are not connected by sidewalk.

Fence
There is fencing shown on the property along the northwest property line. There is fencing and a gate across the driveway upon approach to the dormitory building.

Aerial photos and site visit indicate there is additional fencing that is not shown on the plan.

Lighting
Lighting is provided on the plan through a series of light poles in the parking lot and lighting on the buildings.

BUILDING LAYOUT
The 2-story dormitory building under review has 14 beds in 14 rooms located on the second floor. The first floor of the building features common areas, offices, kitchen, and utilities.

TREE PLANTING AND LANDSCAPE PLAN
Based on the non-woodland site area of 3.0603 +/- acres, a total of forty-five (45) trees are required. The plan shows some existing trees on site as well as a small portion of the site that designated as woodlands on the previous plan.

Provisions of the COZ-1 require at least one (1) tree per 50 feet of linear frontage and one (1) tree per 75 feet of side and rear yard along the property boundaries. These plantings are permitted to count towards the tree planting requirement for the entire site.

The submitted plan does not include the required Tree Planting and Landscape Plan.

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

- No new buildings or parking facilities are proposed with this plan. Aspects of the COZ-1 that relate to building architecture, building placement, parking lot design, etc., are not required as the site is considered an existing condition.
- Where the COZ-1 is concerned, the applicable portions of the Code relate to planting requirements.

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

CITY AND STATE CODE REQUIREMENTS:

1) With exceptions noted, Staff accepts existing site conditions, noting differences between the approved C-11-01 Final Plan and actual conditions on the ground at present:
    a. The bike rack location on the plan is incorrect, but the requirement for bike parking is met.
    b. The gate near the dormitory building is not shown on the plan.
    c. The orientation of the trash enclosure was not corrected per previous plan comments, but the parking requirement is met.
    d. The parking spaces and bus parking shown on the plan differs from actual conditions as observed from aerial photos, but the parking requirement is met.
    e. Actual parking spaces on site appear to be 54 as counted from aerial photos, exceeding the required 52 spaces.
    f. Although required, a Tree Planting and Preservation Plan was not submitted.

2) The following corrections and additions to the plan must be made:
    a. Staff can provide a template to the applicant to make a revised Data Column, specific to this Conditional Use, to assist with the preparation of a Final Plan sheet to be signed and stamped for this project if approved by the Planning Commission.
    b. Annotate plan drawing to update the following:
        (1) Label the correct location of the bike rack.
        (2) Show the gate location and comply with any labeling requirements of other agencies if applicable (i.e. Fire Marshal's office)
        (3) Update plan to show as-built fencing.
        (4) Update parking space count.

3) 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) Per the request of other agencies, Staff recommends that a detailed narrative be submitted for the record with an explanation of the activities and services being provided on the site, as well as any references related to state licensing or exemptions for organizations providing such services in residentially zoned areas.

2) The Planning Commission may recommend an overnight resident occupancy maximum as a condition of approval, subject to other regulatory provisions. The previously approved use was for 14 rooms and 14 beds.

3) Pursuant to *Zoning Ordinance* Article 10 §1.42 Staff recommends review of the Conditional Use Permit after a period of one (1) year. The Planning Commission can then determine if the conditions prescribed have been met and if further periodic review is warranted.

ADVISORY COMMENTS TO THE APPLICANT:

1) It is noted that other properties held in similar ownership have open code enforcement violations and fees owed as of February 5, 2016. The provisions of the Clean Hands Ordinance may be invoked.

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

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

4) 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.

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

6) The applicant shall be aware that 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.

7) 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: JANUARY 27, 2016

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **RESIDENTIAL TREATMENT FACILITY ON PROPERTY OF HEALING WINGS CHRISTIAN CENTER, 1420 MCKEE ROAD**

FILE #: **C-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. 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/Public-Documents-4017/.

WATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. Due to the fact that this property is changing uses, 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 building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan, if an upgrade is required. 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.

WASTEWATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. 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. All proposed wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

STORMWATER/ SANITATION/ STREETS/GROUNDS

1. None

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. The proposed building location will require that the electric service be relocated at the owner's expense.

WATER / WASTEWATER / STORMWATER / STREETS/GROUNDS/GENERAL

1. None

SANITATION

1. The solid waste collection shall remain private to this property.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

1. Water impact fees may be associated with this project.

WASTEWATER

1. Wastewater impact fees may be associated with this project.

STORMWATER/SANITATION/STREETS/GROUNDS/GENERAL

1. None

GENERAL

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

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

C-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: **Residential Treatment Facility, 1420 McKee Rd**

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

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building use is unknown at this time. 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 two to three story apartment structures require an 18ft Secondary Fire Lane 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.

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

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

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

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

8. Perimeter Access minimum width shall be 15ft measured from the face of the building at grade with a maximum slope of 10%. Plantings and utility services shall be permitted within the perimeter access and shall interfere with emergency services fire ground operations.

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

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

11. Full building and fire plan review is required.

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

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

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

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

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

17. Fire Alarm System required per occupancy code requirements.

18. Knox Box required.

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

20. 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.

21. Project to be completed per approved Site Plan.

22. 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 explaining the exact use of the building. The plans provided refer to the building as a dormitory for homeless veterans to stay pursuit of self-reliance. The letter provided refers to a group home and residential treatment facility. Again please explain the exact use of the building so code requirements can be determined.

2. An Annual Fire and Life Safety Inspection required. Any deficiencies from this inspection will need to be corrected.

- When additional information is received this office will determine exact code requirements for the property.

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: January 27, 2016

DELDOT

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APPLICATION: Residential Treatment Facility on property of Healing Wings Christian Center, 1420 McKee Road

FILE#: C-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:

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

A pre-submittal meeting with the applicant will be required, if the proposed development generates 200 vehicles per day (VPD).

A Traffic Impact Study (TIS) will be required if the proposed business exceeds 50 VPH (vehicle per Peak Hour) or 500 VPD (vehicle per day). When the study is completed, DelDOT will review it and send recommendations of the improvements to Kent County. The improvements contained in the study will be implemented by the developer per DelDOT's discretion. Please, contact Mr. Troy Brestel at (302) 760-2167 or e-mail: Troy.Brestel@state.de.us to set up a scoping meeting for this project.

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
February 2015

APPLICATION: Residential Treatment Facility

FILE #: C-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. The Kent Conservation District has no objection to the conditional use approval of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

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

City of Dover

DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF February 3, 2016

PLANNING COMMISSION MEETING OF February 16, 2016

Plan Title:	Lighthouse Construction Inc. Enterprise Office Building S-16-01
Plan Type:	Site Development Plan with Minor Lot Line Adjustment Plan
Owners of Record:	Eric and Maria Tamesis; the Del-Homes Catalog Group LLC
Location:	North side of Beiser Boulevard and east of Enterprise Place
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
Site Area:	3.3 acres
Zoning:	IPM (Industrial Park Manufacturing Zone)
Existing Use: Proposed Use:	Off-street parking and stormwater management Medical office building, off-street parking, and stormwater management
Building Area:	Proposed Building: 43,700 S.F.
Impervious Areas:	Existing – 27% Proposed – 65%
Off Street Parking:	Existing – 116 parking spaces Required – 146 parking spaces Proposed – 146 parking spaces
Sanitary Facilities: Water Supply:	City of Dover City of Dover
Waiver Requested:	Impervious Surface Coverage – Increase from 69.17% to 69.95% on off-site lot affected by Minor Lot Line Adjustment Plan

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

APPLICATION: Lighthouse Construction Inc. Enterprise Office Building at 285 Beiser Boulevard, Dover, DE

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

CONTACTS: Eddie Diaz and Dawn Melson-Williams, AICP PHONE #: (302) 736-7196

PLAN SUMMARY

This is a Site Plan to permit the construction of a two story 43,700 S.F. medical office building and associated site improvements. The project includes a Minor Lot Line Adjustment Plan to increase the size of 285 Beiser Boulevard, known on the plan as Lot 2, from 1.578 acres to 3.294 acres. The adjoining lot 1-97 Commerce Way, known on the plan as Lot 1, would be decreased from 23.460 acres to 21.744 acres. 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 and 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. Property 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.

PREVIOUS APPLICATIONS

This application would mark the second time that 1-97 Commerce Way has been decreased in lot area. The Planning Commission reviewed and granted conditional approval to Minor Subdivision Plan SB-05-08 in November 2005, with final plan approval granted in August 2006. 1-97 Commerce Way was decreased in size from 27.13 acres to 23.46 acres. The adjoining newly created lot (now 219 and 229 Beiser Boulevard) was 3.67 acres. Because the new lot contained much of Lot 1's pervious surface area, the project required, and received, a waiver to allow Lot 1 to have an impervious surface of 69.17%. This is 4.17% over the maximum of 65% coverage for a planned industrial park.

PROJECT DESCRIPTION

The subject property Lot 2 currently consists of a vacant lot. It adjoins a portion of Lot 1 south and west of an existing drive aisle, containing an existing parking lot and stormwater management pond. This portion of Lot 1 is proposed to be merged with Lot 2 according to the Minor Lot Line Adjustment Plan. The stormwater management pond is proposed to be retained. Approximately 19% of the parking in the existing parking lot is proposed to be demolished to allow construction of a front drop-off loop for the proposed office building. The office building is proposed to be built in the western portion of the property, with a new drive aisle and

additional parking surrounding it and connecting to the drop-off loop and parking lot to the east. The building is proposed to be 43,700 S.F. in size.

Access to the property is proposed from Beiser Boulevard and the drive aisle on Lot 1. A cross access easement is required to establish access from the drive aisle on Lot 1.

BUILDING ARCHITECTURE

The *Zoning Ordinance,* Article 10 §2.54 (O) requires submission of architectural elevation drawings or other graphic representations of the building for review to identify building massing and materials. The submitted schematic elevations reveal façades consisting of brick veneer and metal paneling with varied aluminum storefront window openings. The building has a flat but articulated roofline accented with decorative metal panels. The building is rectangular except for the future Phase 2 metal canopy proposed to extend over the front drop-off loop and an additional smaller metal canopy that may face Enterprise Place.

IPM ZONING DISTRICT

This project requires Site Development Plan review by the Planning Commission due to the size of the proposed building, the amount of proposed impervious surface coverage, and the site's location in a planned industrial park. The site's location in a planned industrial park allows the Planning Commission to grant waivers to relax certain bulk standards. The bulk standards for the IPM zone are established in the *Zoning Ordinance,* Article 4 Section 4.16 as follows:

	IPM (Planned Industrial Park)
Minimum required:	
Lot area	2 ½ acres average; 60,000 S.F. minimum
Lot width (ft.)	150
Lot depth (ft.)	250
Front yard (ft.)	60
Side yard (ft.)	40
Rear yard (ft.)	40
Side or rear yards which adjoin a residential zone (ft.)	100
Off-street parking:	
Per 800 sq. ft. floor area or	1
Per employee, per largest working shift (if greater than the requirement under the floor area calculation)	1
Maximum permitted:	
Building height	
Stories	2
Feet	35
Floor area ratio	0.5

PERFORMANCE STANDARDS REVIEW

The applicant has submitted written verification that the proposed use of the site is a medical office building. This proposed use is a permitted use in the IPM zone subject to the Performance Standards Procedure set forth in the *Zoning Ordinance,* Article 5, Section 8.1 and referenced sections.

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

As part of this procedure, a separate *Performance Standard Review Application* is required to accompany the application for Site Plan approval. The applicant has submitted a Performance Standard Review Application letter indicating how the proposed development will restrict the emission of dangerous and objectionable elements detailed in Article 5, Section 8.5. This application states that the development's emissions will be minimal and consistent with those of a non-industrial office building. The Planning Commission may refer the Application to expert consultants for review if deemed necessary. The Planning Commission is charged with determining if the proposed use as an office facility conforms to the applicable performance standards.

SITE CONSIDERATIONS

SETBACKS, FLOOR AREA RATIO, AND IMPERVIOUS SURFACE COVERAGE

The applicant's submission indicates that the proposed building and associated site improvements will meet the setback, floor area ratio, and impervious surface coverage requirements on the expanded Lot 2. The submission also indicates that the two existing buildings on Lot 1 will remain behind the required setbacks on the reduced Lot 1.

The applicant previously calculated a new floor area ratio for Lot 1 of 0.3 based on the footprints of the buildings on Lot 1, rather than the total floor area of the buildings on Lot 1. Lot 1 contains a two story office building and a larger building that has an unknown number of stories. Staff estimates a minimum floor area ratio for Lot 1 of 0.32 if the larger building is only one story throughout, and a maximum ratio of 0.58 if it is two stories throughout. A floor area ratio of 0.5 is the maximum permitted in the IPM zone. The applicant has stated that the true floor area ratio is less than 0.5 but has yet to provide an exact figure.

Waiver Request: Increase of Impervious Surface Coverage (for Lot 1)

The applicant has submitted a written waiver request to allow Lot 1 to have greater impervious surface coverage. When Lot 1 was previously subdivided in 2005, the Planning Commission granted a waiver to allow the lot an impervious surface coverage of 69.17%. This is 4.17% over

the allowed maximum of 65%. The revision of Lot 1's boundary with this application subtracts from the lot both pervious and impervious area. Therefore the impervious surface coverage of Lot 1 had to be recalculated. Lot 1 is now proposed to have an impervious surface coverage of 69.95%, an increase of less than one percent.

PARKING SUMMARY

The parking requirement in the IPM zoning district is one (1) parking space per 800 S.F. of floor area or one space per employee per largest working shift. However, this requirement is superseded by the provisions of Article 6, Section 3.1 of the *Zoning Ordinance*, which specifies that medical offices must provide parking at a ratio of at least one (1) parking space per 300 S.F. Based on this ratio, the proposed building must be served by at least 146 parking spaces. The applicant proposes to provide exactly this number of parking spaces, including both those existing on site and new parking spaces to be constructed.

Loading Spaces

For buildings with professional, governmental, or business offices of at least 10,000 S.F., one loading berth is required for each 25,000 S.F. or fraction thereof. For this project with a total building area of 43,700 S.F., the requirement is two (2) loading berths. The applicant proposes to provide these two loading berths, unmarked, in the front drop-off loop.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces. Based on the proposed number of parking spaces at 146 spaces, the applicant is proposing to provide eight (8) bicycle spaces. The plan indicates that the eight spaces will be provided in one bicycle rack adjacent to the front drop off loop, under the Phase 2 canopy.

Dumpsters

For office and retail uses less than 50,000 square feet in size, one dumpster is required for the first 8,000 S.F. of building area and one for each additional 16,000 S.F. of building area or fraction thereof. For this project with a total building area of 43,700 S.F., the requirement is for four (4) dumpsters. If this number of dumpsters is greater than that actually needed by the building, the applicant may reserve some sites for future dumpster use in lieu of constructing dumpsters. No waiver is needed to construct fewer dumpsters than the code requires as long as sites are reserved. The City Planner may require that the owner of record construct dumpster pads and enclosures on the reserved locations upon determining that there is need for the additional enclosures.

The plan locates a dumpster area on the west side of the property, between the proposed building and Enterprise Place. Based on this location an enclosure is required to screen the dumpsters from the public right-of-way. The type of enclosure, gate system, and method of trash collection (side load or front load) are unclear. Provisions must be made for recycling.

Lighting

The applicant proposes to retain existing lighting in the existing parking lot, and to construct additional lighting in front of the building and surrounding the new parking areas. The proposed lighting must be adequate to safely light all parking and pedestrian areas, yet must be shielded and directed so as to not create a nuisance on the adjacent properties or traffic on adjacent roads.

Sidewalk

There is existing street frontage sidewalk all around the outside edges of the site. Additional sidewalk is proposed connecting from the street frontage sidewalk into the site from Beiser Boulevard and from the drive aisle on Lot 1.

TREE PLANTING AND LANDSCAPE PLAN

A Landscape Plan in accordance with *Zoning Ordinance,* Article 5 §16 was prepared. The tree planting requirement is based on the total lot area and one (1) tree is required for every 3,000 SF of land area. This project site consists of a total lot area of 3.29 acres (143,487 S.F.); therefore, forty-eight (48) trees are required. The applicant proposes to:

1) Remove thirteen (13) trees on the west side of the existing parking lot.
2) Retain twenty-five (25) Hightower Willow Oak, October Glory Red Maple, Green Vase Zelkova, and False Holly trees predominately on the northern, eastern, and southern street frontages of the site.
3) Plant an additional twenty-three (23) trees matching the existing species, predominately on the western street frontage of the site and surrounding the existing and proposed parking areas.

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

CITY AND STATE CODE REQUIREMENTS:

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

2) The impervious surface coverage of Lot 1 must comply with the bulks standards for the IPM zone unless a waiver is granted by the Planning Commission. A waiver request was submitted for consideration.

3) The site data column of the Minor Lot Line Adjustment Plan (Record Plan) sheet must be updated prior to Final Approval with the following:
   a) An updated floor area ratio for Lot 1 based on the total floor area of the buildings on the lot rather than the area of building footprint on the lot.
   b) Data showing percent impervious surface coverage on Lot 1 and Lot 2 subsequent to lot adjustment (but prior to improvements on Lot 2).
   c) The correct property map numbers.

4) The Minor Lot Line Adjustment Plan sheet must be updated prior to Final Approval with the following:
   a) Create a different linetype for or label the four new property lines to be added per the plat.
   b) Record a cross access easement to allow access to Lot 2 from the drive aisle on Lot 1.

5) The architectural submission or Site Plan must be updated to resolve discrepancies in the layout and presence of canopies between the building elevations and the Site Plan.

6) The final Site Plan submission must include a Details sheet in the plan set to include details on the dumpster enclosure, sidewalks, curbing, bike rack, light fixtures, sanitary sewer and water systems, and any other utility details required. Particular information needed includes the power usage of and direction light is to be cast from the lighting fixtures and the cross-section sizes of all pipelines.

7) Add a Benchmark on Sheet C-101.

8) Landscape Plan:
   a) The Landscape Plan must be certified by a landscape design professional.
   b) The Landscape Plan must include approximate locations and descriptions of tree protection measures to be taken where trees proposed to be preserved adjoin areas of clearing, grading, or other construction activity. Such protection measures must at a minimum follow the dripline of the trees to be preserved.
   c) The Landscape Plan must include measures to be taken to avoid sedimentation intrusions and erosion in tree protection areas, and the location of such devices.

9) The Site Plan must be updated with changes recommended or approvals including any waivers granted by the Planning Commission.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Waiver Request: The following is the Staff recommendation regarding the waiver request:
   a. Impervious Surface Coverage: Staff recommends approval of the request for an increase in impervious surface coverage on Lot 1 from 69.17% to 69.95% because the increase will be the result of a change in area of the lot rather than any construction of additional impervious surface to that property. In addition, Staff calculates that after construction is complete on Lot 2, the total impervious surface coverage for Lot 1 and Lot 2 put together will be 57.28%, which is below the amount granted to Lot 1 in the original 2005 waiver.

2) *Performance Standard Review Application*: Staff recommends the Commission affirm that the site's proposed use as a medical office building conforms to all the applicable performance standards of the *Zoning Ordinance,* Article 5, Section 8. The proposed use is not expected to generate excessive dangerous or objectionable elements or emissions because it is not an industrial use.

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.

ADVISORY COMMENTS TO THE APPLICANT:

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

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

3) The engineer and landscape architect sealing the plan are required to have a City of Dover Business License. For licensing information contact the Permitting & Licensing Division at (302)736-7010.

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

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

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

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

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

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 and the Planning Department as soon as possible.

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: **Enterprise Office Building at 285 Besier Boulevard**

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

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
    b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.

WASTEWATER

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

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

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

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. Street rights-of-way lines at intersections shall be connected with a curve, the radius of which shall be at least 25 feet. The required radius may be increased by the city engineer if the increased radius is necessary for public safety.

SANITATION / GROUNDS

1. None

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

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

WASTEWATER

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

STORMWATER / GROUNDS

1. None.

STREETS

1. Provide a sight distance triangle to confirm proper clearance for a vehicle entering Beiser Boulevard.

SANITATION

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

GENERAL

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

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

S-16-01

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER FIRE MARSHAL

APPLICATION: **Lighthouse Construction Inc. Enterprise Office Building at 285 Beiser Blvd**

FILE #: **S-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:

CITY AND STATE CODE REQUIREMENTS:

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

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

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

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

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

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

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

8. Perimeter access will be 25% and clearly shown on the plans. Perimeter Access minimum width shall be 15ft measured from the face of the building at grade with a maximum slope of 10%. Plantings and utility services shall be permitted within the perimeter access and shall interfere with emergency services fire ground operations.

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

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

11. Full building and fire plan review is required.

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

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

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

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

16. 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.

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

18. Fire Alarm System required per occupancy code requirements.

19. Knox Box required at all tenant spaces.

20. Standpipes required.

21. Smoke control required.

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

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

24. 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.

25. Project to be completed per approved Site Plan.

26. 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 25% of the proposed building. Please show on plans.**
2. **Provide fire lane measurement (24ft) showing fire lane meets code requirements.**
3. **Perimeter access will be 25% of the proposed building. Please show on plans.**
4. **Please provide on plans what will be utilized: fire lane verbiage or signage per Delaware State Fire Prevention Regulations.**
5. **Please indicate Fire Department Connection location on plans.**
6. **Please indicate location of City of Dover Fire Hydrants on plans.**
7. **Please indicate that the Fire Department Connection is within 300 ft of a City of Dover Fire Hydrant on plans.**
8. **Please indicate that the Fire Department Connection is within 50 ft of the main entrance.**
9. **Please indicate clearance of proposed canopy. Must be at clear opening of 13ft 6 in for fire apparatus.**
10. **Please indicate if there are any natural or LP gas bottles, meters, values, regulators, etc. Impact protection must be provided per City of Dover Code of Ordinances.**

- **Based on the above information provided additional comments may be issued. I encourage an additional meeting after DAC to discuss the above.**

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: January 27, 2016

D E L D O T

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APPLICATION: Lighthouse Construction Inc. Enterprise Office Building at 285 Beiser Boulevard

FILE#: S-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:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

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

A pre-submittal meeting with the applicant will be required, if the proposed development generates 200 vehicles per day (VPD).

A Traffic Impact Study (TIS) may be required if the proposed business exceeds 50 VPH (vehicle per Peak Hour) or 500 VPD (vehicle per day). When the study is completed, DelDOT will review it and send recommendations of the improvements to Kent County. The improvements contained in the study will be implemented by the developer per DelDOT's discretion. Please, contact Mr. Troy Brestel at (302) 760-2167 or e-mail: Troy.Brestel@state.de.us to see if a TIS will be required and to set up a scoping meeting for this project.

The entrances shall be designed in accordance with DelDOT's rules and regulations. A preliminary entrance plan shall be submitted to insure that the entrance can be constructed within the available right-of-way prior to DelDOT's no objection to recordation.

DelDOT's latest General Notes are required; please add these notes to your general notes exactly as stated. The general notes can be found at http://www.deldot.gov/information/business/subdivisions/

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
February 2016

APPLICATION: *Lighthouse Construction Inc. Enterprise Office Building at 285 Beiser Boulevard*

FILE #: S-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. 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 SAS (Stormwater Assessment Study) submittal is required for review and approval. A SAS meeting will be scheduled after the submittal has been approved.

ADVISORY COMMENTS TO THE APPLICANT:

1. The Kent Conservation District has no objection to the lot line adjustment.
2. It must be demonstrated that the existing Stormwater facility is sized to accommodate the proposed project.

BECKER MORGAN GROUP

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CLIENTS' SUCCESS

February 1, 2016

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

RE: **Performance Standard Review Application**
LIGHTHOUSE CONSTRUCTION, INC. / ENTERPRISE OFFICE BUILDING
Dover, Delaware
2014042.00

Dear Mrs. Melson-Williams:

On behalf of our client, Lighthouse Construction, Inc, we are hereby submitting an Performance Standard Review Application as a supplement to the Application for Site Development Plan Approval for the above-referenced project. This is submitted for consideration at the February 16, 2016 Planning Commission meeting. As this project is an office building, we do not believe that any of the Performance Standards are really applicable to this project however we have provided responses to the Performance Standards below.

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

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

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

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

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

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

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

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

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

Section 8.60 – Traffic Congestion: Not Applicable - The proposed site is part of a previously approved Industrial Park Subdivision. The traffic from all of the lots within the subdivision was accounted for when the subdivision was designed and approved. This lot accesses City owned

BECKER MORGAN GROUP, INC.

ARCHITECTURE & ENGINEERING

309 SOUTH GOVERNORS AVENUE
DOVER, DELAWARE 19904
302.734.7950
FAX 302.734.7965

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

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

ARCHITECTURE & PLANNING

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

www.beckermorgan.com

internal subdivision streets and has several exit points from the subdivision to the external road network.

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

Sincerely,

BECKER MORGAN GROUP, INC.

Michael J. Henry, LEED AP
Associate

MJH/rlh

Cc: Robert Macleish – Lighthouse Construction, Inc.

201404200ar-ltr.doc

BECKER MORGAN GROUP

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February 1, 2016

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

RE: **Medical Office Verification**
LIGHTHOUSE CONSTRUCTION, INC. / ENTERPRISE OFFICE BUILDING
Dover, Delaware
2014042.00

Dear Mrs. Melson-Williams:

On behalf of our client, Lighthouse Construction, Inc, we are hereby submitting verification that the proposed project will indeed be a medical office building. As such, the proposed parking shown on the site plan meets the requirements of the medical office parking rate of 1/300 s.f. The required parking for the project is 43,700 s.f. / 300 s.f. = 145.6 or 146. As such we meet the requirements of the code in that we are providing 146 total spaces (92 existing to be retained and 54 proposed).

Please attach this verification to our Application for Site Development Plan Approval scheduled for review by Planning Commission and contact me with any questions.

Sincerely,

BECKER MORGAN GROUP, INC.

Michael J. Henry, LEED AP
Associate

MJH/rlh

Cc: Robert Macleish – Lighthouse Construction, Inc.

201404200as-ltr.doc

BECKER MORGAN GROUP, INC.

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910.341.7600
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www.beckermorgan.com

WAIVER REQUEST

ENTERPRISE BUSINESS PARK – LOT 1
LOT COVERAGE REQUIREMENTS

REQUEST: Increase of the maximum impervious lot coverage requirement for Lot 1. We request that the impervious lot coverage be modified from sixty nine point one seven (69.17) percent to sixty nine point nine five (69.95) percent maximum for the lot.

EXTENT OF THE REQUEST: By code, not more than sixty-five (65) percent of the total area of a lot can be covered by impervious surfaces. A previously approved waiver for Lot 1 set the impervious coverage to sixty nine point one seven (69.17) percent. We are proposing to increase the lot coverage maximum to sixty nine point nine five (69.95) percent total impervious lot coverage.

BASIS FOR REQUEST:

1. Article 3, section 20.5 of the City of Dover zoning standards states that the Planning Commission may waive design standards where the commission finds such a waiver to be necessary, desirable and consistent with the purposes of this article and of the comprehensive plan. In order to make lot 2 viable to contain the building size proposed with the associated parking, it is necessary to make the proposed Minor Lot Line Adjustment to allow for the increased lot area. This lot line adjustment removes both lot area and impervious parking area from Lot 1 while adding it to Lot 2. However, the removal of the impervious area from Lot 1 is not sufficient to maintain the previously approved lot coverage of 69.17 percent, and increases the lot coverage of the lot to 69.95 percent. Therefore, we feel that an increase of zero point seven eight (0.78) percent of impervious coverage is reasonable since the increase in lot coverage is due to transfer of lot area and not increase of impervious area on the lot. The associate Lot Line Adjustment plan will be updated to reflect these numbers.

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF February 3, 2016

PLANNING COMMISSION MEETING OF February 16, 2016

Plan Title:	Capital Commons, S-16-02 Redevelopment of the former Kmart site at 515 North DuPont Highway
Plan Type:	Site Plan
Property Location:	East side of North DuPont Highway, north of Townsend Boulevard
Property Address:	505 and 515 North DuPont Highway
Tax Parcels:	ED-05-068.09-01-35.00-000 and ED-05-068.09-01-34.00-000
Property Area:	Parcel A: 8.490 acres Parcel B: 0.589 acres Total: 9.079 acres (8.985 acres after right-of-way dedication)
Owner:	Dover, DE Retail LLC
Building Areas:	Existing Building 84,887 SF Renovated Building – Tenant Space 55,020 SF Tenant Space 29,456 SF Existing Bank Building (to be demolished) Proposed Pad Building (south) 6,083 SF Proposed Pad Building (north) 6,400 SF TOTAL 96,959 SF
Existing Use:	Vacant Retail Building and Vacant Bank with Drive-thru
Proposed Use:	Retail building with multiple tenants and two pad site buildings
Off Street Parking:	Required – 324 spaces (Maximum 405 parking spaces per Code) Proposed – 382 spaces
Sewer & Water:	City of Dover
Zoning Classification:	C-4 (Highway Commercial Zone) SWPOZ (Source Water Protection Overlay Zone)
Waivers Requested:	Reduction in Arterial Street Buffer Partial Elimination of Curbing Opaque Barrier Alternative Format

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

APPLICATION: Capital Commons at 505 and 515 North DuPont Highway, Dover (Redevelopment of former Kmart site and PNC Bank building)

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

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

PLAN SUMMARY:

This Site Development Plan application is for 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 96,959 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 also subject to the SWPOZ (Source Water Protection Overlay Zone). The property is located on the north 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: ED05-068.09-01-35.00-000 & ED05-068.09-01-34.00-000. Council District 3.

PROJECT DESCRIPTION

The Plan proposes the redevelopment of the former Kmart property and adjacent PNC Bank property location. The existing main commercial building (old Kmart constructed circa 1973) is to remain and be renovated for multiple retail tenants. The plan proposes the demolition of the bank building and construction of a future restaurant building of 6,083 S.F. A second future retail/restaurant building of 6,400 S.F. is proposed at the northwest corner of the property. The three (3) buildings are located on two parcels of land and will function as a shopping center. The project includes reconfiguration of the site entrance from Townsend Boulevard and improvements to the existing parking lot areas. There are also potential improvements to the site areas adjacent to these pad buildings related to parking spaces and landscaping.

C-4 Zoning District

The property is zoned C-4 (Highway Commercial Zone) and subject to the regulations of *Zoning Ordinance,* Article 3 Section 16 and Article 4 Section 4.15. The placement of multiple buildings on the same property and the creation of multiple tenant spaces within one building are permitted within the C-4 (Highway Commercial Zone) Zoning District.

SWPOZ (Source Water Protection Overlay Zone)

A portion of the site is located within the SWPOZ (Tier 3: Excellent Recharge Area) and subject to Article 3 Section 29.7 of the *Zoning Ordinance*. The proposed uses as retail establishments and restaurant, in general, are not prohibited in the SWPOZ but each tenant must be evaluated for compliance with the use prohibitions of the SWPOZ.

For Tier 3: Excellent Recharge Areas, the maximum lot coverage for the portion of the site within the SWPOZ is 30% unless infiltration is utilized then the maximum lot coverage allowable is 60%. The submittal Plan Exhibit lists the amounts of existing impervious coverage and proposed impervious coverage within the SWPOZ area. In redevelopment proposals a 15% reduction of impervious surface coverage is required; however, there are provisions to alter this reduction requirement. See *Zoning Ordinance,* Article 3, §29.73. As currently shown, the SWPOZ area consists of 49.6% impervious coverage and with this project an impervious surface reduction of only 5.7% has been achieved within the SWPOZ area.

Preliminary Land Use Services Review (PLUS)

PLUS Review of this project was not required as the overall amount of building floor area will not increase with this proposed redevelopment project to the thresholds requiring such review.

OPTION FOR SITE DEVELOPMENT MASTER PLAN Process

The plan as presented appears to indicate a phased project for redevelopment of this site with limited information known about the two pad site building areas. This plan can be submitted for review under the Site Development Master Plan process (See *Zoning Ordinance,* Article 10 §2.44) which allows for a series of construction phases to be outlined in a Master Plan for Planning Commission review and approval. Then prior to each Phase of construction a Site Plan specific to that phase (each future building) is submitted for Administrative Site Plan review. The applicant has noted that they will not be utilizing the Master Plan process and will be seeking Site Plan review in the future for each of the pad site building areas as tenants are secured.

BUILDING ARCHITECTURE

Architecture

The site includes the one main commercial building that is to be renovated into multiple tenant spaces and two new pad building sites for construction. No information on building architecture was submitted with this Plan. The existing main building is of masonry construction with a flat roof. Prior to authorization to construct the new pad site buildings, submission of the building architecture will be required as part of the Site Development Plan process.

SITE CONSIDERATIONS

The site consists of an existing vacant commercial building and its associated parking lot (existing 393 parking spaces). A vacant bank with drive-thru building at located on its own parcel at the corner of Townsend Boulevard and North DuPont Highway. The property to the north of the subject property includes a hotel building. To the south across Townsend Boulevard, there are several commercial buildings including multi-tenant retail /office buildings and a motor vehicle gas and service station. To the west, across North DuPont Highway are multiple

commercial and office buildings.

The main access to the property is by turning off of North DuPont Highway onto Townshend Boulevard then into the site. Currently, this access intersects the street at a diagonal but with this project it is proposed for a reconfiguration to create right-angle alignment of the entrance with the Townsend Boulevard. Further east a second access from Townsend Boulevard leads to the rear access drive on the east side of the building. The access to the site is also provided by an entrance drive directly from North DuPont Highway which is shared with the adjoining hotel property.

PARKING SUMMARY

The minimum parking requirement for the C-4 (Highway Commercial Zone) is one (1) parking space for every three hundred square feet of building area.[1] Based on the overall total size of 84,476 SF for the main multi-tenant commercial building (as renovated), a minimum of 282 parking spaces is required. The parking for a restaurant use is based on seat count rather than floor area with a parking rate of one parking space per four (4) regular seats and one parking space per three (3) bar seats; however, the seat count was not provided only the floor areas. Based on the floor areas of 6,063 S.F. and 6,400 S.F. these pad site buildings would require a total of 42 parking spaces.

Accounting for all the proposed buildings on the site based on floor area, the minimum number of parking spaces required is 324 parking spaces. The maximum number of parking spaces allowable per Code is 405 parking spaces. The proposed Site Plan shows 382 parking spaces including 13 handicap parking spaces. The site exceeds the overall parking requirement but is within the maximum allowable.

If the pad site buildings are developed as restaurants then the parking requirements must be re-evaluated. The *Zoning Ordinance* includes provisions for joint facilities for parking allowing for parking to serve more than one establishment.

Loading Spaces

Article 6 §4.23 requires loading spaces to be installed for retail and service buildings at a rate of one space per 8,000 SF to 25,000 SF and one for each additional 25,000 SF of building area. Based on the square footage of the renovated main multi-tenant commercial building, four (4) loading spaces are required. However, the maximum number of loading spaces required for buildings up to 150,000 SF is three (3). The plan indicates a total of 5 loading spaces in the data column for the property. At least four (4) of the loading areas are located at rear (east side) of the main building in two loading dock areas. Based on their building sizes the pad site buildings do not require loading spaces.

Bicycle Parking

[1] Prior to July 2014, the bulk standards for parking in the C-4 (Highway Commercial Zone) required 1.5 parking spaces per 300 square feet of floor area. This provision was one of the bulk standards amended by the adoption of Ordinance #2014-08 on July 14, 2014. The current bulk standards for parking in the C-4 zone require one parking space per 300 square feet of floor area.

The minimum bicycle parking is one (1) bike space for every twenty (20) regular vehicle parking spaces. Based on the number of parking spaces provided at 382 parking spaces, twenty (20) bicycle parking spaces are required. The Site Plan indicates proposed bicycle rack at the front of the main building and at the north pad site building.

Sidewalks

Zoning Ordinance, Article 5 §18 requires sidewalks to be installed along the public street frontages of a property. The site proposes construction of a new ten (10) foot shard use path along North DuPont Highway and a sidewalk along Townsend Boulevard. The Plan Exhibit shows a sidewalk connection leading into the site from the shared use path on the North DuPont Highway frontage and the potential of a west-east pedestrian path to cross the parking lot to the main multi-tenant commercial. Currently, there is not a clear system of sidewalks between buildings on the site but that can be improved with the development of the pad site building areas.

Waiver Requested: Partial Elimination of Curbing

Article 6 § 3.6 (b) requires curbing for all parking areas. The plan indicates curbing in portions of the reconfigured parking lot; however, there are existing parking lot areas to the south and rear of the existing main commercial building where curbing does not exist. Also curbing is not proposed in the drive aisle area east of the northern pad site building. A written waiver request was submitted for consideration in order to eliminate portions of the curbing and to recognize existing areas lacking curbing.

Dumpsters

For the use as a shopping center, two (2) dumpsters are required for the first three tenant spaces and one (1) for each tenant space after that and with each anchor tenant required two (2) dumpsters. Based on the two (2) tenant spaces shown and identifying one as an anchor tenant (it could be further divided into more tenant spaces) in the main commercial building, a total of four (4) dumpster pads/enclosures are required. Two dumpsters are shown at the rear of the main commercial building.

For pad site buildings, the Dumpster requirements would be based on the number of tenants under the shopping center provisions or based on dumpster requirements for a retail user. If the buildings are developed as a restaurant, then two (2) Dumpsters are required for the first 3000 S.F. floor area and one additional Dumpster per 3000 S.F. of floor area. The plan does not shown Dumpsters for these buildings.

If all the Dumpster pads required by Code are not needed a Dumpster pad may be reserved and shown on the plan as reserved. The dumpster pad and enclosure would only be constructed if it was determined to be necessary by the Planning Director.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a Landscaping Plan Sheet. Since the pad site areas are not proposed for development with this project phase, these areas have been removed from the tree planting calculations. Based on the project site area of 7.57 acres for the site (329,833.6 S.F. after right-of-way dedication), a total of 110 trees are required. The proposed plan currently shows 16

trees as new tree plantings of Willow Oak trees. The trees plantings are proposed to be located along the street frontages. The tree planting deficit of 94 trees must be addressed. The *Zoning Ordinance* does provide options for tree mitigation.

Waiver Requested: Reduction of Arterial Street Buffer

North DuPont Highway (U.S Route 13) is considered as a principal arterial street and requires a thirty (30) foot landscape buffer along the road frontage known as an Arterial Street Buffer. The buffer is measured from the edge of the right-of-way. This plan does not provide the required thirty (30) foot width landscape buffer along DuPont Highway. The plan provides thirty (30) feet in some segments but reduces to a width of twenty (20) feet in the areas adjacent to the main parking lot. A written waiver request for the reduction to a width of twenty (20) feet for the Arterial Street Buffer was submitted for consideration by the Planning Commission. The proposed improvements in the new landscape area involve grass areas, tree plantings, and a portion of the shared use path.

Opaque Barrier

Waiver Request: Alternative Format of Opaque 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 east property line abuts residential uses. An opaque barrier consists of an opaque component at least six (6) feet in height (a wooden fence, masonry wall or earthen berm) and the 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 site has an existing chain-link fence with slats located along the east property line; however, the plan does not identify any tree or hedge plantings to satisfy the landscaping component requirement.

The applicant has submitted a written waiver request for an alternative format of the opaque barrier for consideration by the Planning Commission. They propose alternative materials for the fence recognizing the existing chainlink fence with slats and its current location to allow the location of the landscape plantings on the non-residential (project) side of the fence.

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) As presented currently, there is insufficient information on the redevelopment of the pad site building areas to grant Site Plan approval to those areas of the plan. These areas would need to submit separate Site Plan applications for development.
    a. Clarify the site improvements intended for the pad site building areas with this first phase of redevelopment i.e. demolition of existing improvements, removal of paving, etc.
    b. Recheck the parking calculations and tallies. If those pad site areas are not intended for redevelopment in this initial phase then updates to the parking tallies

may be necessary.

2) The Arterial Street Buffer of 30 feet shall be provided along the North DuPont Highway frontage in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request for a reduction to twenty (20) feet in width for the Arterial Street Buffer for consideration by the Planning Commission.

3) Parking areas require upright curbing. There are portions of the site, both as an existing condition and as proposed conditions, where curbing is not shown. A written waiver request for the partial elimination of curbing was submitted for consideration by the Planning Commission.

4) The project must comply with the SWPOZ (Source Water Protection Overlay Zone) provisions pertaining to impervious surface areas. As submitted, the project has not achieved the reduction in impervious surface coverage; however, there are several options for resolution including contesting the SWPOZ boundary, further reduction in impervious coverage, implementation of infiltration methods for stormwater management, or variance application to the Board of Adjustment.

5) The site must comply with the opaque barrier requirements where the property adjoins the residential uses. The Planning Commission can consider a waiver associated with the opaque barrier component in order to consider acceptance of the existing chain-link fencing and its alternative placement. A written waiver request for alternatives to the opaque barrier requirements was for consideration by the Planning Commission.
    a. The landscaping component is not eligible for a Planning Commission waiver. An application for a variance from the Board of Adjustment would be required if its total elimination is sought.
    b. Update Landscape Plan with the landscape plantings of the opaque barrier.

6) A submittal Plan Exhibit was submitted to provide some missing information during the review process. This information should be included within the final Site Plan set.

7) Cover Sheet, Sheet 1, General Notes:
    a. List both involved tax parcels.
    b. Add SWPOZ (Source Water Protection Overlay Zone) to zoning list.
    c. The correct FIRM Map date is May 5, 2003.

8) Site Plan, Sheet 7:
    a. Data Column:
        i) Add bicycle parking calculations.
        ii) Recheck parking calculations and number of parking spaces shown on plan. Provide details of calculations i.e. floor area, seat counts.
        iii) Add calculations for SWPOZ area including existing and proposed impervious surface coverage.
    b. Identify the location of the fifth loading space listed in the data column.

c. Clarify surface material for shared use path on plan drawing and in detail on Sheet 3.
d. The rear setback of the bank parcel is 10 feet or the building height, whichever is greater as this parcel is not adjacent to a residential zone.
e. Add sidewalk connections from street frontage shared use path/sidewalks leading into the site. Identify type/construction of path system.

9) Utility Plan, Sheet 9: Consideration should be given to the size of the water service to the north pad site building as certain types of uses may require sprinklering of the building per the fire protection regulations.

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

11) Ensure barrier free access ramps are installed at all intersections of sidewalks with the roadways and parking areas including access to the sidewalk areas at the front of the building. Improvements to existing ramps may be necessary to meet current standards.

12) Provide plan showing revisions to paving striping/markings for fire lanes, etc.

13) Provide details of bicycle parking rack system, City sidewalk section, Dumpster enclosures, etc.

14) Landscape Plan:
    a. Provide the design professional certification statement and signature on the Landscape Plan. See *Zoning Ordinance*, Article 5 §16.2 for qualified design professionals.
    b. Clarify that total lot area is the lot area of the two parcels following dedication of right-of-way areas.
    c. A total of 131 trees are required to meet the tree density requirements for the overall site including the pad site areas.
    d. The site as shown is significantly deficient in meeting the tree planting requirement of 110 trees for this main multi-tenant building phase of the project as only sixteen (16) trees are shown.
        i) The Ordinance does not include provisions to specifically exempt existing developed properties from this requirement.
        ii) If tree planting cannot be achieved on the property then a Tree Mitigation Plan is required per *Zoning Ordinance*, Article 5 §16.9 must be reviewed by the Planning Commission.
        iii) The Landscape Plan must be revised to show the required tree plantings.
    e. Ensure tree planting locations maintain the required spacing distance from utility lines and fire hydrants.

15) 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.

16) Staff notes that the site development design and architecture for the two pad site building areas will require a separate Site Plan application for Planning Commission review as it is not included with this application.

17) The Site Plan (Sheet 7) depicts information that requires submission of a Record Plat sheet. A Record Plat shall be prepared for recordation as related to the proposed dedication of right-of-way, the establishment of permanent easements, and any other easement revisions related to utilities. All easements shall be fully described on the Plat. The Record Plat shall be submitted for review and approval prior recordation in the Kent County Recorder of Deeds Office.

18) The property qualifies for consideration of a Unified Comprehensive Sign Plan to address signage on the site.
    a. Any existing signs on site may be non-conforming with regards to size, height, setback and exclusion zone and are required to come into compliance with the Sign Regulations.
    b. Any proposed signage not included and approval with the Comprehensive Sign Plan will be subject to the sign regulations of the *Zoning Ordinance*.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Recommendations on Waiver Requests: The Staff recommendations regarding each waiver is as follows:
    a. Reduction of Arterial Street Buffer: Staff recommends approval of the request to reduce the Arterial Street Buffer to twenty (20) feet. As properties are redeveloped in the Route 13 corridor, the addition and enhancement of the green space area of the Arterial Street Buffer has been encouraged and has been utilized to improve the streetscape appearance, add sidewalks and sidewalk connections, etc.
    b. Partial Elimination of Curbing: Staff recommends approval of the partial elimination of curbing in designated areas of the existing parking lot and drive aisles (where future redevelopment is proposed). The lack of curbing in existing pavement areas is likely associated with existing stormwater management. 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.
    c. Alternative Format of Opaque Barrier: Staff recommends approval of the request for an alternative format of the opaque barrier to recognize the existing chain-link fence with slats as the opaque component and to allow the landscaping on the non-residential (project) side of the fence due to existing conditions. The slats should be in good repair and the proposal for the landscaping component must be submitted for review.

2) Pedestrian Circulation: Staff recommends continued evaluation for the site design in

order to accommodate the addition of sidewalk connections leading into the site from the street frontage sidewalks in order to create an internal pedestrian network. This should include the addition of designated pedestrian paths/sidewalks to create a west-east system through the parking lot and opportunities for interconnection between buildings.

a. The Plan Exhibit indicates a west-east path along the south end of the parking lot; however, the type and construction format of the path is not shown. A sidewalk is recommended and parking bumpers to parking spaces that face it to avoid vehicle overhanging conditions.
b. A connection near the bus stop location is recommended to serve transit users that may park-and-ride.

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. 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 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 Site Plan contact the Planning Office. Examples include reorientation of building additions, and relocation of site components like dumpster pads, utilities, changes in building size, 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.

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.

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

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

6) Other agencies and departments which participate in the Development Advisory

Committee may provide additional comments related to their areas of expertise and code requirements.

7) This commercial site will need to provide recycling based statewide universal recycling provisions.

8) For building renovations and 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.

9) The City of Dover offers redevelopment incentives related to the renovation and utilization of commercial buildings along the City's principal commercial corridors. See *Dover Code of Ordinances*, Appendix E – Commercial and Industrial Building Redevelopment and contact the City's Economic Development Office at (302) 678-2940 for application procedures.

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

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

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

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

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

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: **Capital Commons at 505 & 515 North Dupont Highway**

FILE #: **S-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. 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. The shopping center shall be served by one single water service (which includes domestic and fire), specifically one (1) curb stop and one (1) water meter. The owner has the option to sub-meter the properties downstream of the initial meter. The two individual buildings may have separate water services, since they are a set aside principle structure. If a technical infeasibility exists, a waiver may be granted from this requirement.
8. No trees may be planted within ten feet (10') of water utility infrastructure.
9. For any water service equal to or less than two-inches (2"), the material shall be Type K Copper.
10. The combined water / fire services to each building shall be Class 52 cement lined ductile iron pipe.

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. Doghouse manholes are not allowed in the City of Dover.
10. Please install a manhole one foot (1') beyond the property line of Townsend Boulevard.
11. Calculations shall be provided for the proposed grinder pumps for each pad site. The calculations shall show that velocity and all other requirements are met.

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. Street rights-of-way lines at intersections shall be connected with a curve, the radius of which shall be at least 25 feet. The required radius may be increased by the city engineer if the increased radius is necessary for public safety.

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. Please replace the trench pavement width detail on sheet 5 with the City of Dover trench detail. Contact our office for more information.
3. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

WATER / WASTEWATER / STORMWATER / SANITATION / GROUNDS / GENERAL

1. None.

STREETS

1. Please utilize anticipated trip generation figures to justify the existing left turn into the site on Townsend Boulevard. Staff believes the left turn lane shall be increased to handle the anticipated traffic increase.
2. Please correct the entrance skew on Townsend Boulevard, this will increase a safer access in and out of the site and create more vehicle storage.
3. Provide a sight distance triangle to confirm proper clearance for a vehicle entering Townsend Boulevard.

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 beyond the water utility easement.

WASTEWATER

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

STORMWATER / GROUNDS / STREETS

1. None.

SANITATION

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

GENERAL

1. 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.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

DELDOT

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APPLICATION: Capital Commons at 505 and 515 North DuPont Highway

FILE#: S-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:

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

Per Section 3.2.5 of the DelDOT Development Coordination Manual March 2015, an 60-foot wide right-of-way (30-feet from the centerline) is required for a minor arterial. According to the Kent County Classification Maps, KCR 002 (North Dupont Hwy) 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 30-feet of right-of-way dedication from the innermost edge of the through lane for public use.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DelDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

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

Please follow the guidelines of this project as laid out in the pre-submittal meeting. Should you have any questions regarding what was discussed in the meeting, please contact the department.

If your project has already completed a Traffic Impact Study (TIS) or a Traffic Impact Analysis (TOA), Please follow the guidelines laid out for the project through the study. Please, contact Mr. Troy Brestel at (302) 760-2167 or e-mail: Troy.Brestel@state.de.us if you should have any questions regarding the project's TIS/TOA.

The entrances shall be designed in accordance with DelDOT's rules and regulations. A preliminary entrance plan shall be submitted to insure that the entrance can be constructed within the available right-of-way prior to DelDOT's no objection to recordation.

DelDOT's latest General Notes are required; please add these notes to your general notes exactly as stated. The general notes can be found at http://www.deldot.gov/information/business/subdivisions/

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-16-02

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER FIRE MARSHAL

APPLICATION: **Capital Commons, 505 & 515 N DuPont Hwy**

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

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

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

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

CITY AND STATE CODE REQUIREMENTS:

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

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

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

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

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

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

7. Perimeter access will be 50% and clearly shown on the plans. Perimeter Access minimum width shall be 15ft measured from the face of the building at grade with a maximum slope of 10%. Plantings and utility services shall be permitted within the perimeter access and shall interfere with emergency services fire ground operations.

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

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

10. Full building and fire plan review is required.

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

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

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

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

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

16. Fire Alarm System required per occupancy code requirements.

17. Knox Box required at all tenant spaces.

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

19. Project to be completed per approved Site Plan.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. **A meeting will be required to discuss the building fire protection.**

2. **A meeting is needed to discuss Fire Lane Coverage and Perimeter Access requirements for all 3 buildings.**

3. **The existing Fire Department Connection (FDC) on the main building will need to be changed to a 5" stortz located at the front of the building.**

4. **The Fire Department Connection (FDC) will need to be within 50' of the main entrance and within 300' of an approved City of Dover Fire hydrant measured as hose would come off the apparatus. It appears additionally hydrants will be required.**

5. **The two future buildings at the front of the property may require sprinkler systems per City of Dover Code as it relates to serving alcohol. Please keep in mind Fire Department Connections must comply with above regulations with placement and distance.**

6. **Knox Box required. Please contact this office for specific information concerning how to obtain the Knox Box and the placement on the structure.**

7. **Impact protection at any natural or LP gas bottles, meters, values, regulators, etc., per City of Dover Code of Ordinances. Please show gas connection locations with impact protection.**

- **This office recommends a meeting to discuss the above. Additional requirements may be required as a result of the meeting. Please contact 302-736-4457 to schedule the meeting.**

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.**

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
February 2016

APPLICATION: *Capital Commons*

FILE #: S-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. 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.

ADVISORY COMMENTS TO THE APPLICANT:

1. The plans are currently being reviewed by The Kent Conservation District.

BOHLER™
ENGINEERING

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February 4, 2016
Via Electronic Mail

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

Attn: Dawn Melson-Williams, AICP

RE: Site Development Plan-S-16-02
Capital Commons
505 & 515 N. Dupont Highway
Tax Map # ED-05-06809-01-3400-0001
& ED-05-06809-01-3500-0001
City of Dover
Kent County, DE
BEVA # DE150016

Dear Ms. Melson-Williams:

Pursuant to the Development Advisory Committee Meeting of February 3, 2016, Bohler Engineering, on behalf of Dover, DE Retail, LLC, hereby requests the below stated waivers, for consideration by the City of Dover Planning Commission, largely due to the fact of the limited scope of work to an existing, non-compliant shopping center.

The subject application is for retrofitting of an existing vacant commercial building (former Kmart) into two tenant spaces (approximately 55,020± SF and 29,456± SF) and for consideration of two future pad sites. The total property area, following DelDOT dedication, is 8.985±Ac., and is located on the northeast corner of Townsend Blvd and Rt. 13. The site is zoned C-4 (Highway Commercial) where all proposed uses are permitted by right. It is important to note the two (2) future pad sites will require separate site plan and planning commission review at a later date, following tenant selection.

The project scope includes: fit-out of the existing anchor (former Kmart); realignment of an existing entrance along Townsend Blvd, pursuant to a Traffic Operational Analysis required by DelDOT and supported by the City Department of Public Works; demolition of the existing bank located in the southwest corner of the subject parcel; pavement removal within the vicinity of the existing bank and within the existing northern parking lot in accordance with DNREC redevelopment requirements; re-striping of existing parking areas to allow for efficient two-way vehicle circulation; pedestrian sidewalk connections from both Rt. 13 and Townsend Blvd; an increased Rt. 13 landscaped buffer with addition of street trees and a shared use path, among other items.

In support of the proposed application, three (3) waivers are hereby requested for consideration.

Reduction in Arterial Street Buffer – Article 5-7.3

Per Article 5-7.3, principal arterial streets (i.e. Rt. 13 along the property frontage) require a thirty (30) foot landscape buffer, as measured from the right-of-way. The existing shopping center currently does not provide a buffer from Rt. 13 (as measured from the right-of-way). This existing area immediately adjacent to Rt. 13 contains zero (0) street trees / landscaping and no means for pedestrian circulation. Beyond this non-compliant frontage area is the existing parking lot which is to remain and be re-striped to help increase vehicle and parking efficiency. The existing parking lot is adjacent to the existing structure which cannot be relocated.

In the effort of respecting the existing shopping center improvements to the fullest extent possible, and yet increase the existing non-compliant buffer, a 20 feet (minimum) landscaped buffer is proposed. Note, the buffer exceeds 20 feet in width in some locations along the property's frontage. Further, within the buffer area, multiple street trees are proposed and a shared-use path is proposed, with inter-connection to the shopping center to allow pedestrian connection to the parking lot.

In light of the above, we hereby request a waiver from Article 5-7.3.

Partial Elimination of Curbing – Article 6-3.6(b)

The project consists of retrofitting an existing shopping center. There are some areas within the existing parking lot areas to the south and rear of the main commercial building where curbing does not currently exist. These areas are existing, intended to remain as-is, and not located within the proposed limit of improvements. These areas are considered existing non-conformities. Where new, permanent drive aisles are proposed, curbing is specified with the exception of planning for future pad site areas.

There are some drive aisles adjacent to the future pad sites, where curbing is not specified. As the proposed tenants within the pad site areas are not yet determined, and as these two pad site areas will require planning commission review at a future date, it is anticipated that curbing will be specified in the areas adjacent to the pad sites following tenant selection and following pad site design, as required. Curbing is not specified at this time due to the potential conflict with future pad site drive aisles, vehicular circulation, and parking areas.

In light of the above, we hereby request a waiver from Article 6-3.6(b).

Opaque Barrier Alternative Format – Article 5-7.2

The eastern property line is considered the rear of the shopping center, and currently consists of a chain link fence with slats to provide an opaque barrier. However, this existing fence, which is an existing feature proposed to remain as-is, does not meet one of the three code specific opaque components, specifically a wooden fence, masonry wall or an earthen berm. Landscaping consisting of a continuous

evergreen planted screen currently does not exist along the entire property line. There are existing underground utilities present within the existing grass buffer, which does prohibit plantings in some locations.

The existing fence and existing grass buffer area are outside the proposed scope of improvements.

Given the fence is existing, and opaque, and borders the existing shopping center with a structure and drive aisle that are to remain, we are requesting a waiver from bringing existing non-compliant elements outside the limits of improvements into full compliance. We are acceptable to and shall be proposing additional evergreen plantings on the subject site's side of the existing fence.

In light of the above, we hereby request a waiver from the opaque component associated with Article 5-7.2.

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

Sincerely,
Bohler Engineering VA, LLC



David M. Kuklish, P.E.

cc: Steve Hutchinson, Dover, DE Retail LLC (w/enc.)
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