CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, November 16, 2015 – 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 October 19, 2015

COMMUNICATIONS & REPORTS

1) The Planning Commission Quarterly Workshop scheduled for WEDNESDAY, November 18, 2015 is cancelled.

2) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, December 21, 2015 at 7:00pm in the City Council Chambers.

3) Update on City Council Actions

4) Update on Planning activities

5) Education & Training Opportunities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW DEVELOPMENT APPLICATIONS

1) S-15-14 Creekstone Center Development on South Governors Avenue – Public Hearing and Site Development Master Plan Review to permit construction of a commercial complex in Phases 1-4 consisting of two 2-story, 18,080 S.F. commercial/office buildings and one 5-story, 77,745 S.F. commercial/office building. One existing 2-story 18,080 SF office building and associated site improvements (shown as Phase 1) was previously constructed under Site Plan S-04-19. The area of the site consists of 7.6493 acres +/- which is also proposed to be subdivided into two lots: Lot 1 of 5.0111 acres +/- and Lot 2 of 2.6328 acres +/-. The property is zoned C-2A (Limited Central Commercial Zone). The subject property is situated on the west side of South Governors Avenue near the intersection with Southbee Drive. The owner of record is Creekstone Development, LLC. Property address: 1198 South Governors Avenue. Tax Parcel: ED-05-86.05-01-12.00-000. Council District #2. *Waivers Requested: Partial Elimination of Curbing, Elimination of Opaque Barrier Requirement - Fence Component. A previous Site Development Plan S-04-19 Creekstone Center Development was approved by the Planning Commission in June 2004 with Final Plan approval in May 2005. The Site Plan expired due to lack of continual construction activity following completion of the Phase 1 Building*.

2) MI-15-04 Text Amendment: RC Zone and Temporary Outdoor Activities – Public Hearing and Review for Recommendation to City Council on Text Amendments to *Zoning Ordinance,* Article 3 - District Regulations, Section 18 – Recreational and Commercial Zone (RC). The proposed Ordinance revisions would establish the permitted uses in the RC zone including Temporary Outdoor Activities and Temporary Camping Areas and set minimum requirements for such activities and areas. The proposed Ordinance also outlines the uses in the RC zone subject to Conditional Use approval by the Planning Commission. The proposed Ordinance also deletes *Dover Code of Ordinances*, Chapter 14 – Amusements and Entertainments which addresses Outdoor Music Festivals. Ordinance #2015-17.

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 November 6, 2015

CITY OF DOVER PLANNING COMMISSION
October 19, 2015

The Regular Meeting of the City of Dover Planning Commission was held on Monday, October 21, 2015 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Cregar, Colonel Welsh, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Still and Mr. Tolbert. Mr. Holden (arrived at 7:02pm) and Mr. Ambruso were absent.

Staff members present were Mrs. Townshend, Mr. Jason Lyon, Mrs. Dawn Melson-Williams and Mrs. Mullaney. Also present were Ms. Andrea Finerosky and Mr. Doug Liberman.

APPROVAL OF AGENDA

Colonel Welsh moved to approve the agenda as submitted, seconded by Dr. Jones and the motion was unanimously carried 7-0 with Mr. Holden and Mr. Ambruso absent.

APPROVAL OF THE PLANNING COMMISSION QUARTERLY WORKSHOP MEETING MINUTES OF AUGUST 19, 2015

Ms. Still moved to approve the Quarterly Workshop minutes of August 19, 2015, seconded by Colonel Welsh and the motion was unanimously carried 7-0 with Mr. Holden and Mr. Ambruso absent.

Mr. Holden arrived at the meeting.

APPROVAL OF THE PLANNING COMMISSION SPECIAL MEETING MINUTES OF SEPTEMBER 30, 2015

Mr. Holt moved to approve the Planning Commission Special Meeting minutes of September 30, 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 Monday, November 16, 2015 at 7:00pm in the City Council Chambers.

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop is scheduled for Wednesday, November 18, 2015 at 12:00 noon in the City Hall Conference Room.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on September 28, 2015 and October 12, 2015.

Mrs. Townshend stated that the flyer on the desks of the Commissioners states that the City of Dover is interested in hearing ideas for the improvement of Division Street and Forest Street. This is a cooperative effort between the City of Dover and the Dover Kent County MPO with also the support of NCALL to have a planning exercise to determine what they want Route 8 and Forest Street to look like as it goes through the Downtown area so that they can begin to zone the properties appropriately to achieve that vision. The idea is to bring together stakeholders, members of the community and a four day charrette process and the end result will be a plan that they can move forward with implementation. This is just a further planning study as a result of the Restoring

Central Dover and the Downtown Development District efforts; they are just looking more closely at the Route 8 and Forest Street corridors.

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) Revised Plan Information:
   A. US-13-01 Greentree Shopping Center at 25-140 Greentree Drive: Interpretation of Provisions of an approved Unified Comprehensive Signage Plan for the construction and implementation of signage for the Shopping Center consisting of two pylon signs, monument signs at entrances, and wall signs for the tenants. The property is zoned SC-2 (Community Shopping Center Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue (Route 8) between Independence Boulevard and Kenton Road. The owners of record are Greentree Village Center LP and Stevens/Anstine 1987-1 LP. Addresses: 25-83 and 87-140 Greentree Drive (excluding 50, 121 and 125 Greentree Drive). Tax Parcels: ED-05-076.06-06-67.00-000 and ED-05-076.06-06-66.00-000. Council District 1. *The Planning Commission granted conditional approval of the Unified Comprehensive Signage Plan on February 19, 2013 and Final Plan approved was granted April 16, 2015.*

Representatives: Mr. Barry Anstine, Owner of Greentree Shopping Center

Mrs. Townshend stated that on February 19, 2013 the Planning Commission granted approval to the Unified Comprehensive Signage Plan for Greentree Shopping Center. There were a number of things that were included in that approval. In looking at the Notice of Decision and then the Final Plan approval it was at that point in time the Blockbuster space was permitted two (2) wall signs totaling two hundred (200) square feet. At this point in time, as you know Blockbuster is no longer there and actually it wasn't in 2013 either but that space is being renovated into a AAA Center. So they will have travel, insurance, and car care; so it's a variety of their services. What AAA has requested for their signage is something that is well below the two hundred (200) square feet that was approved but that would be broken up into smaller signs. On the east elevation which is what faces the parking lot, they would have a total of four (4) signs and then on the south elevation which faces Route 8, they would again have a total of four (4) signs but they could probably characterize it as three (3) because of where the word 'insurance' is placed. The total proposed signage would be 152.2 square feet so it is certainly below the two hundred (200) square feet that had been set by the Commission but it is spread among eight (8) smaller signs. Staff is supportive of the signage; she thinks you can look at the exhibits and see that it's attractive signage. Again, it's low on the square footage; it's just spread over multiple signs. Because it was more than two (2) signs as specified in the Planning Commission's action in 2013, Staff wanted to bring it back to the Commission to make sure that they are not non-compliant with the Code and the approval of the Commission.

Mr. Anstine stated that on the east elevation; the side facing the parking lot, the one AAA logo is actually not on the Blockbuster portion it's on a store that was formerly leased to Wells Fargo

Financial and that sign is within the square footage that was approved for the Wells Fargo sign. If you strip that out of it and look at just what was approved for Blockbuster, they are well below the signage. He discussed this with AAA and this is part of a national signage program that they have. They call it a CCIT (Car Care, Insurance and Travel Facility). They are rolling these out nationally and they are doing twelve (12) of them in Delaware Valley. The one in Dover is one of the first; he thinks that they have three (3) done in the Philadelphia area. This is a signage program that they have used everywhere and they would like to maintain uniformity among all of their facilities.

Mr. Cregar moved to approve US-13-01 Greentree Shopping Center at 25-140 Greentree Drive to permit the proposed wall signs for the tenant area for AAA Mid-Atlantic. Signage proposed is of the type and style recommended in the approved plan and compatible with the overall concept. Increasing the sign number does not constitute an excessive number. Given the overall design concept, the proposal is nearly one-hundred (100) square feet in sign area less than what would be allowed. If this had come before the Commission in an original Unified Sign Concept, they would have approved it. They would have said that it look marvelous. Motion was seconded by Mr. Holt and the motion was carried 8-0 by roll call vote. Mr. Holden voting yes; for the reasons stated by Mr. Cregar. Mr. Cregar voting yes. Colonel Welsh voting yes. Mr. Holt voting yes; for all of the reasons stated by Mr. Cregar. Mr. Baldwin voting yes. Dr. Jones voting yes; for all of the reasons stated by
Mr. Cregar. Ms. Still voting yes; agreeing with all of the comments so far. Mr. Tolbert voting yes, for all the reasons stated and it's consistent with the requirements that were explained by Mrs. Townshend.

NEW DEVELOPMENT APPLICATIONS

1) S-15-12 Blue Hen Apartments: Phase 2 – Public Hearing and Review of Site Development Plan for multi-family residential development consisting of 12 apartment buildings with 192 total units, accessory garage structures and associated site improvements on multiple parcels totaling 6.19 ± acres. This plan is an expansion of the existing Blue Hen Apartment complex (Site Plan Application S-07-57) bringing the total number units to 354 dwelling units for the complex. A Minor Subdivision Plan is included with this application to create an overall parcel for the entire apartment complex. The zoning is RG-2 (General Residence Zone) with portions subject to SWPOZ (Source Water Protection Overlay Zone – Tiers 1 and 3). The property is located on the east side of Bay Road and south of Blue Hen Boulevard between Bay Road and Haslet Street. The owners of record are Blue Hen Apt, LLC and Blue Hen Mall, LLC. Property Addresses: 605 and 655 Bay Road, 400 Haslet Street. Tax Parcels: ED-05-077.0-.01-19.03-000, ED-05-077.00-01-19.05-000, ED-05-077.00-01-19-07.000, ED-05-077.00-01-19.09-000 and ED-05-077.00-.01-01.00-000. Council District 2. *Waiver Requested: Elimination of Rear Emergency Access Requirement. The Planning Commission on May 18, 2015 recommended approval of Application Z-15-02 to rezone portions of the subject parcels and other parcels from SC-3 and RM-2 to SC-2 and RG-2. Ordinance #2015-08 related to the rezoning was approved by City Council on June 8, 2015. This plan was originally scheduled to be heard at the September 17, 2015 meeting of the Planning Commission but was rescheduled to this meeting.*

Representatives: Ms. Andrea Finerosky, Blue Hen Apt, LLC; Mr. Doug Liberman, Larson Engineering

Mrs. Melson-Williams stated that this is a Site Development Plan that was actually reviewed by Mr. Cook. The property may look somewhat familiar; the first phase of the Blue Hen Apartment complex was originally constructed with a Site Plan that moved through the review process in 2007. Most recently associated with this property and the adjacent Blue Hen Corporate Center property there was a Rezoning application that set up the zoning that we see today which consists of RG-2 (General Residence Zone) for the existing area of the apartment complex and the area that's being proposed with Lot 2. The balance of the Blue Hen Corporate Center being zoned SC-2 and there are two areas that are subject to the SWPOZ (Source Water Protection Overlay Zone). There's a Tier 1 Well Head Protection Area in the upper northeast corner of the property; however, they are not placing a building in that area. There is a Tier 3 Excellent Recharge Area that impacts a portion of the Corporate Center property. They had to mention it because the parcel itself is involved in the application.

With this project, they are also working through what will be a Minor Subdivision/Minor Lot Line Adjustment Plan to basically establish lot lines to create what will be an overall parcel for the apartment complex itself. Right now, part of the proposal exists on some of the parcels that make up the Blue Hen Corporate Center pieces of land. There are about three (3) parcels that way and also the parcel where the existing day care center is. All of that will become one parcel of land as they get through the process. Their proposal is for the construction of what is Phase 2; it is a multi-family residential project. These are considered a building type of multiple dwellings built in the garden apartment style construction. It's a project that consists of twelve (12) individual buildings that will result in a total of one hundred ninety-two (192) additional apartment units at this site.

The parking requirements are a little tricky for the overall site. The parking requirements originally for Phase 1 were based as a rate of two (2) parking spaces per dwelling unit; however; in intervening years the parking requirements for apartments have been revised. The ratio per unit count now is 2.25 parking spaces and that basically is to make additional visitor parking very clearly for those types of projects. Overall in the Report, they put forth a parking summary tally for the Commission. Based on the one hundred ninety-two (192) dwelling units in this Phase 2 area, it requires four hundred thirty-two (432) parking spaces to meet that parking ratio requirement. With the new project they are constructing three hundred eighty (380) parking spaces and the balance that will be satisfied by what is surplus parking that was constructed in Phase 1 of the project. When it's all said and done, the project does meet the parking requirement. The project is showing bicycle parking; however, they are centrally located around what is the Community Center. Staff does have a recommendation in regards to bicycle parking.

The project does have a system of sidewalks along the building frontages. The frontages along Blue Hen Boulevard, which is the involved City street, are shown with the required sidewalks; some of which are existing, some of which will need to be constructed with this project. The overall project also includes a walking path network that is part of the active recreation requirement but then also provides linkages throughout the overall site for movement between both the Phase 1 area and the Phase 2 areas of the project itself. The project includes the appropriate number of dumpsters and they are showing curbing.

The one waiver request that needs to be considered tonight is related to the elimination of the rear emergency access requirement. For apartment buildings that are two to three stories in height, the *Zoning Ordinance* requires either an alley or a secondary fire lane in addition to what would be the

primary fire lane across the front of the building. They are seeking to eliminate that rear alley or fire lane requirement. These buildings are proposed to be sprinklered so they are making that request this evening. The Commission will make their recommendation tonight and that will be forwarded to the Safety Advisory and Transportation Committee of City Council for them to consider and then ultimately City Council will have the final decision on that.

Architecturally, the buildings will follow the same format that has already been established for the Blue Hen Apartments. It is a three (3) story building predominantly brick as the exterior finish with some vinyl areas. It has an asphalt pitched roof and of course a series of trim work pieces. The project itself also included the Landscape Plan. Specifically for the Phase 2 area, there are a total of one hundred nineteen (119) trees that are required. They are proposing one hundred twenty-five (125) trees. There are some trees that were planted in Phase 1 that will need to be replanted because they need to be moved due to improvements associated with this project. As mentioned before, this project has an Active Recreation Plan that's already been reviewed by the Parks, Recreation and Community Enhancement Committee. They are proposing a series of new amenities for this Phase 2 area which includes a volleyball court, corn hole courts, the walking path network that runs through the site and some areas for barbeque grills and seating. The existing Phase 1 area of the complex has an existing clubhouse facility, pool and playground area. Those amenities will also be accessible by those residents who live in the Phase 2 section and vice versus; the new amenities will be utilized by all as well.

This project did require PLUS review because of the number of units. Staff included in the packet the letter issued by the Office of State Planning Coordination with the various agency comments as part of that PLUS review and then also a copy of the applicant's response to those PLUS comments. The project as always is reviewed by a number of the various agencies that participate in the Development Advisory Committee including the City Electric Department and the Department of Public Works related to the utility services, the Fire Marshal's Office and DelDOT. In this case, the project is large enough that it would warrant a Traffic Impact Study but there are some options available to the applicant in lieu of completing a TIS which could include contribution to an area wide study or participation in the Transportation Improvement District concept that the City has been working with DelDOT on as well. Other comments include from the Kent Conservation District with the need for a detailed Sediment and Stormwater Management Plan for this new phase of construction and then the Dover Kent County MPO also provided comments noting the proximity of this location to what is an existing bus stop across from the day care center on Blue Hen Boulevard but also to have the applicant reach out to DART and see if there is an increase in ridership perhaps that there would need to be any other stops related to that. The Planning Office has a number of plan items that that have been identified throughout the plan set that the applicant would need to address. They do have a series of recommendations: they are recommending approval of the emergency rear access requirement finding that by sprinklering the buildings and the other fire protection standards that are required by other regulations they basically would meet the requirement and the rear access would not be necessary. A couple of things that Staff identified with the pedestrian network for the site; there was one side of one of the new buildings that appears to be lacking a sidewalk system like other buildings have in the complex. For the walking path that is provided through a complex that kind of runs north to south, they are recommending that it be a paved hard surface. Also there is an existing kind of centralized walkway network that exists in Phase 1 but then to continue that linkage through some crosswalk markings to these new areas, especially up in the northeast corner of the project. One item about bicycle spaces, while they meet

the requirement they appear to be clustered around the clubhouse. Staff is suggesting that the bicycle spaces be more evenly distributed amongst the buildings so that you can actually park the bicycle near your building and not just up near the pool and clubhouse area.

Ms. Finerosky stated that at this point in time they have met extensively with the Department and made quite of few revisions to the plan already. They've met with Tim Mullaney, the Fire Marshal and they've met with the Kent Conservation District. Their field guys have met with the Electric Department regarding utility locations that exist out in the field and they are about to set up a meeting with DelDOT to review the possibility of doing a Traffic Operational Analysis versus anything else. At this point they have reviewed all of the comments and she doesn't think there is anything that they aren't going to be able to work out or that they are in complete disagreement with. She feels fairly confident that they will be able to address everything in a satisfactory matter.

Colonel Welsh questioned if the waiver request for the elimination of the emergency rear access requirement, does the Commission make a recommendation to City Council and then they approve it? Responding to Colonel Welsh, Mrs. Townshend stated yes.

Mr. Tolbert stated that it's going to be a pretty large development. What does the applicant think it's going to do to traffic in the area and have they talked to DelDOT to any extent about it? Responding to Mr. Tolbert, Ms. Finerosky stated that they have talked to Mr. Bill Brockenbrough from DelDOT at the PLUS Meeting. It does meet the criteria for a Traffic Impact Study but because it's in a Transportation Improvement District, they have the option to do a fee in lieu of which they will most likely do and donate money to the regional area fund. Mr. Brockenbrough has asked them to look at doing a Traffic Operational Analysis and when they set-up the meeting with him, they will go over the parameters of what they need to do and see if there's any small improvements that need to be made along South Little Creek Road.

Mr. Tolbert questioned if their conversation with for DelDOT also included questions or solutions to a possible Transit stop there? Responding to Mr. Tolbert, Ms. Finerosky stated that they will be talking to DART about that. Mrs. Melson-Williams had stated that there is a bus stop out there so they will be talking to DART.

Mr. Tolbert further questioned that there is a bus stop that's located there now? Responding to Mr. Tolbert, Ms. Finerosky stated yes, in front of the day care center.

Mrs. Melson-Williams stated that it sits along Blue Hen Boulevard. It's across the street from the day care facility, kind of on the back side of East Dover Elementary School once you pass the Kent County building headed east.

Mr. Tolbert questioned if it will be able to serve the development pretty well? Responding to Mr. Tolbert, Ms. Finerosky stated that most likely DART would have the final say on that and whether anything needs to be done or changed regarding its location.

Mr. Holden stated that Phase 1 or what is existing currently is somewhat a community in terms or how it's laid out. This appears to be more of a strip mall of apartments in a big parking lot. It seems to lack that cohesiveness. Is there a Phase 3 that is planned that will kind of tie that back together? Responding to Mr. Holden, Ms. Finerosky stated that not at this point in time; what is seen on the

plan is what they've got proposed right now. She thinks that once it gets landscaped they will be adding green space back into the project. Some of the parking lot does get removed and with the construction of the multi-model pathways that run through it, she thinks that green space will kind of be more central to this strip than to the original center. Since everybody will share the community facilities, she thinks it will help it be more cohesive.

Mr. Holden questioned if there are plans for the mall property overall that might play into how it's viewed or how the area will grow? Responding to Mr. Holden, Ms. Finerosky stated that she knows right now they've got a lot of tenants that they are doing fit-outs for. She knows that they have been making some improvements to the mall and its façade so she thinks that everything is just evolving as they go along with the process.

Mr. Holden further questioned if they know how the tenants that are there now and the hours of operation or how the traffic or activities within the mall might impact the proposed development? Responding to Mr. Holden, Ms. Finerosky stated that she believed that most of the tenants are State of Delaware and municipal type tenants so as far as she knows, they are working traditional 8:00am-5:00pm type schedule. She doesn't believe that they have any 24 hour tenants in there right now.

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

Colonel Welsh moved to approve S-15-12 Blue Hen Apartments: Phase 2, with a recommendation to City Council for approval of the waiver request for the elimination of the emergency rear access requirement, seconded by Ms. Still and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes; due to previous comments and Staff comments. Mr. Cregar voting yes, in accordance with the DAC comments, Staff comments and the review of the PLUS comments. Colonel Welsh voting yes, for the previous reasons stated and he thinks it will be a welcome addition. Mr. Holt voting yes, for all of the previous reasons stated. Mr. Baldwin voting yes, for the reasons stated. Dr. Jones voting yes, for the reasons previously stated and it appears that the applicant is comfortable with the recommendations and the observations by Staff. Ms. Still voting yes, incurrence with all of the previous comments and she thinks it will be a great project. Mr. Tolbert voting yes, he feels this project will be an asset to the City of Dover in an area where we do need development.

Meeting adjourned at 7:37 PM.
Sincerely,

Kristen Mullaney
Secretary

Division Street Design Week

The City of Dover wants to hear your ideas for improving Division Street and Forest Street!

Street Improvements?

New Land Uses?

Beautification?

Please attend DESIGN WEEK at the Inner City Sankofa Cultural Arts Center 39 South West Street, Dover

Monday,
November 16th

Kick Off Meeting

5:00 - 7:00PM

Tuesday,
November 17th

Design Options

5:00 - 7:00PM

Thursday,
November 19th

Final Presentation

5:00 - 7:00PM

Food and Refreshments will be available.
Children are welcome to attend.

Please call the City Planning Department at 736-7196 if you need more information.

UNIVERSITY OF DELAWARE

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Freedom of Information Act (FOIA) and Ethics for Local Officials
"Local Government Leadership 101" provides information for all officials dedicated to ensuring open and honest government and following Delaware FOIA regulations. Participants will respond to contemporary ethical issues confronting municipal officials and staff.

November 13, 2015 | ***University of Delaware Paradee Center*** | **Dover, Del.**
9 a.m. to noon | Cost: $50

Register now | **download workshop flyer** | Registration deadline: November 11

Walk this Way! Creating ADA-Accessible Communities with Walk Appeal
"Planning 202" highlights the benefits and barriers to walkable communities and presents IPA's Walkability Assessment Tool for evaluating your community's pedestrian friendliness. DelDOT's ADA Coordinator John McNeal will explain why ADA matters. Matt Carter will provide an overview of the ADA Title II requirements and the legal implications of failing to design, construct, or maintain pedestrian facilities for accessibility.

December 4, 2015 | Dover Public Library | Dover, Del.
9:30 a.m. to 12:30 p.m. | Cost: $25

download workshop flyer | Registration deadline: December 1

Planning Your Community's Future
"Planning 101" focuses on community planning and land-development matters.

January 15, 2016 | ***University of Delaware Paradee Center*** | **Dover, Del.**
9 a.m. to noon | Cost: $50

Register now | **download workshop flyer** | Registration deadline: January 13

Land-Use Law and Regulation
"Planning 102" topics include basic principles governing land-use law, delegation of authority, due process, just compensation, and vested rights.

February 5, 2016 | ***University of Delaware Paradee Center*** | **Dover, Del.**
9 a.m. to noon | Cost: $50

Register now | **download workshop flyer** | Registration deadline: February 3

Land-Use and Development Administration
"Planning 103" is primarily a hands-on course designed to build the skills for administering and interpreting land-use regulations. Participants will be introduced to zoning, subdivision, and land-use codes.

March 11, 2016 | ***University of Delaware Paradee Center*** | **Dover, Del.**
9 a.m. to noon | Cost: $50

Register now | **download workshop flyer** | Registration deadline: March 9

Basic Mediation Training
A four-day training session offered by IPA's Conflict Resolution Program
April 5–6 & 12–13, 2016 | ***Buena Vista Conference Center*** | ***New Castle, Del.***
9 a.m. to 4 p.m.

Cost: $725 from December 1, 2015 to February 12, 2016
$825 from February 13, 2016 to the registration deadline of March 11, 2016
(includes continental breakfast, lunch, beverages and materials)

Delaware Conflict Resolution Network members receive a $100 discount for this event. Call 302-831-8158 to register if you are a DCRN member.

download workshop flyer | **registration will open on December 1, 2015**

Board of Adjustment Issues
The Board of Adjustment is an important quasi-judicial municipal body. "Planning 206" will provide an overview of proper board composition, proper board procedures for conducting hearings and rendering decisions; variance standards; and an overview of appellate review standards for board actions.

April 15, 2016 | ***University of Delaware Paradee Center*** | **Dover, Del.**
9 a.m. to noon | Cost: $50

Register now | **download workshop flyer** | Registration deadline: April 13

Creating a Flood Ready Community
"Planning 201" reviews the multiple sources of flood risks to Delaware communities that can be addressed and mitigated through planning, codes, and ordinances. It covers floodplain requirements for municipalities and tools for adapting to flood risk. Sources of funding and technical assistance will also be presented.

May 20, 2016 | ***University of Delaware Paradee Center*** | **Dover, Del.**
9 a.m. to noon | Cost: $50

Register now | Registration deadline: May 18

Institute for Public Administration • 180 Graham Hall • Newark, DE 19716 • USA
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City of Dover

DATA SHEET FOR SITE MASTER PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF November 4, 2015

PLANNING COMMISSION MEETING OF November 16, 2015

Plan Title:	Creekstone Center Development, S-15-14
Plan Type:	Site Development Master Plan
Location:	West side of South Governors Avenue near the intersection with Southbee Drive 1198 South Governors Avenue
Tax Map #:	ED-05-086.05-01-12.00-000
Owner/Applicants:	Creekstone Development, LLC
Site Area:	9.282 acres +/-
Proposed Lots:	Lot 1: 5.0111 acres +/- and Lot 2: 2.6328 acres +/-
Zoning:	C-2A - Limited Central Commercial Zone
Present Use: Proposed Use:	Commercial and Office Buildings and Warehouses Commercial and Office Buildings
Building Areas:	Existing Building (Phase 1) 18,080 S.F. Other Existing Buildings (to be demolished) Proposed Building (Phase 2) 18,080 S.F. Proposed Building (Phase 3) 18,080 S.F. Proposed Building (Phase 4) 77,745 S.F. TOTAL 131,985 S.F.
Off Street Parking:	Required – 440 spaces (Maximum 550 parking spaces per Code) Proposed – 454 spaces
Sewer & Water:	City of Dover
Waivers Requested:	Partial Elimination of Curbing Elimination of Opaque Barrier – Fence Component

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 4, 2015

APPLICATION: Creekstone Center Development at 1198 South Governors Avenue

FILE #: S-15-14 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

This Site Development Master Plan Review is for the Creekstone Center Development to permit construction of a commercial complex in Phases 1-4 consisting of two 2-story, 18,080 S.F. commercial/office buildings and one 5-story, 77,745 S.F. commercial/office building. One existing 2-story 18,080 SF office building and associated site improvements (shown as Phase 1) was previously constructed under Site Plan S-04-19. The area of the site consists of 7.6493 acres +/- which is also proposed to be subdivided into two lots: Lot 1 of 5.0111 acres +/- and Lot 2 of 2.6328 acres +/-. The property is zoned C-2A (Limited Central Commercial Zone). The subject property is situated on the west side of South Governors Avenue near the intersection with Southbee Drive. The owner of record is Creekstone Development, LLC. Property address: 1198 South Governors Avenue. Tax Parcel: ED-05-86.05-01-12.00-000. Council District #2.

Previous Applications

The previous Site Development Plan S-04-19 Creekstone Center Development was conditionally approved by the Planning Commission in June 2004. The proposed project was a commercial and residential complex consisting of three 2-story office buildings; one 5-story retail/office building; and four (4) residential units located in two story buildings. The project received with Final Plan approval in May 2005 and construction commenced on one 2-story building (Phase 1 Building) and the residential units. The residential portion of the complex was later expanded and subdivided from the commercial complex with Site Plan S-06-05. The Site Plan S-04-19 expired due to lack of continual construction activity following completion of the Phase 1 Building.

Preliminary Land Use Service (PLUS) Review

As required in the Memorandum of Understanding, a non-residential site plan involving new construction of building with a total floor area exceeding 75,000 square feet must be reviewed through PLUS prior to application with the City of Dover. This project was reviewed through the PLUS process during April 2004 (PLUS 2004-04-08). As this current proposal is the same project with the same Site Plan that was previously reviewed, an additional PLUS review is not required.

The *Zoning Ordinance* outlines a series of objectives for consideration by the Planning Commission when reviewing the plan. See *Zoning Ordinance*, Article 10 Section 2.2.

PROJECT DESCRIPTION – Master Plan

The Site Development Master Plan proposes four (4) phases of the project for the Creekstone Center Development. Overall, the project involves construction of three 2-story, 18,080 S.F. commercial/office buildings and one 5-story, 77,745 S.F. commercial/office building. One 2-story 18,080 SF office building and associated site improvements (depicted as Phase 1) were previously constructed.

C-2A Zoning District

The types of permitted uses for C-2A are outlined in Article 3 §14 and Article 4 Section 4.14 and include a variety of commercial retail, service, and office uses and some possibilities for residential uses. Any tenants occupying the buildings must comply with the permitted uses of the C-2A zoning district.

MINOR SUBDIVISION PLAN

The applicant has submitted for review a Minor Subdivision Plan with this Plan. It proposes to subdivide the 7.6439 acre parcel into two lots. Lot #1 is proposed as 5.011 acres +/- and will include the buildings associated with Phases 1-3. Lot #2 is proposed as 2.6328 acres +/- includes the Phase 4 Building. The proposed parcels must be reviewed for compliance with the bulk standards for items such as setbacks, lot size, etc. of the C-2A zoning district. Both lots have frontage on South Governors Avenue and are subject to a series of easements related to cross access, stormwater management, and utilities.

SITE DEVELOPMENT MASTER PLAN

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

> Article 10 §2.44 Site development master plans. Conceptual site development master plans shall be reviewed by the planning commission in accordance with the provisions of subsection 2.43. Conceptual site development master plans shall depict a site development proposal that reflects general compliance with the provisions of the zoning ordinance and shall also reflect the following information on the plan:
>
> (A) Conceptual Master Plan. Conceptual Master Plan shall include the proposed general layout of building, streets, parking, open space, landscape concepts, and stormwater management areas.
>
> (1) Detailed site construction plans, details, and specifications are not required as part of a site development master plan submission.
>
> (2) The plan shall illustrate distinct phase boundaries for each proposed construction phase and shall depict proposed construction and site improvements planned for each phase. Bulk quantities and area totals for each construction phase, and for the total site, shall be tabulated in a data column on the plan.
>
> (3) Each construction phase shall be enumerated in sequential order on the site development master plan according to the order of construction contemplated by

the plan. Phases shall be implemented in accordance with the approved site development master plan unless the city planner approves an alternate phasing.

(4) Each construction phase represented on the master plan shall be planned and designed to function independent of construction and site improvements contemplated in future construction phases in all respects, including but not limited to bulk area provisions of the zoning district in which the site is located, off-street parking requirements, site entrances, emergency access requirements, site utilities, and stormwater management improvements except where the requirements and needs of a later phase are met and remain met by a previous phase of completed construction.

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

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

BUILDING ARCHITECTURE

A series of photographs and color renderings presenting the elevations for the commercial office buildings. The commercial/office project consists of three two-story buildings (one building each Phase 1-3) and a five story building in Phase 4. The commercial office building constructed in Phase 1 (see photograph) included the basic exterior finishes of a stone veneer to watertable height then a Dryvit material and other trimwork including cornice moldings. The hipped roofs are accented by pediment features on each elevation and first floor windows are partially shielded by awnings on the Phase 1 building. The proposed architecture for Buildings 2 and 3 is the replicate the appearance of Building 1. The architectural concept for Building 4 follows the same use of materials with the stone veneer areas at the base of walls with DryVit materials and trimwork detailing above capped by a hipped shingle roof and awnings integrated on the first floor.

SITE CONSIDERATIONS

The access to the site is provided by one entrance directly from South Governors Avenue previously constructed to align with Southbee Drive. Only a portion of drive aisle leading to this entrance was constructed in Phase 1. The Plan identifies several easements pertaining to cross access and utilities (sanitary sewer). Currently, there are cross access rights for several adjacent parcels as they cross this subject property. Some of the adjacent parcels are not located within the City of Dover limits.

PARKING SUMMARY

The minimum off-street parking requirement for the C-2A (Limited Central Commercial) Zone is based upon the square footage or number of employees. For the C-2A zoning classification, parking shall be provided at a rate of at least one (1) space per 300 square feet of floor area or one (1) space per employee, whichever is greater (Article 4 §4.14).

Accounting for the proposed buildings on the site, the minimum number of parking spaces required based on square footage is 440 parking spaces. The maximum number of parking spaces allowable per Code is 550 parking spaces. The proposed Site Plan shows 454 parking spaces including handicap parking spaces. As a Master Plan, each Phase must comply with the off-street parking requirements. See Summary Table for Parking.

Phase	**Building Size**	**Parking Required per S.F.**	**Cumulative Parking Requirement**	**Parking Provided by Phase**	**Cumulative Parking Provided**
1	18,080 S.F.	61 spaces	61 spaces	101 spaces	101 spaces
2	18,080 S.F.	61 spaces	121 spaces	95 spaces	196 spaces
3	18,080 S.F.	61 spaces	181 spaces	84 spaces	280 spaces
4	77,745 S.F.	260 spaces	440 spaces	174 spaces	454 spaces
	131,985 S.F.	440 spaces		454 spaces	

Adequate lighting appears to be shown on the plan through a series of light poles in the parking lots.

Loading Spaces

Article 6 §4.22 requires loading spaces to be installed for office buildings at a rate of one space per 10,000 SF to 25,000 SF and one for each additional 25,000 SF of building area.
Based on the building square footage one (1) loading space is required for each 2-story building while the 5-story commercial building requires four (4) loading spaces resulting in a total of seven (7) loading spaces. However, looking at the cumulative square footage of the non-residential buildings in this complex, Article 6 §4.16 would set the maximum number of required loading spaces at three (3). Three loading spaces are shown on the plan south of the Phase 4 commercial/office building.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) regular vehicle parking spaces. Based on the number of parking spaces, twenty-three (23) bicycle parking spaces are required. The Site Plan does not indicate the location of bicycle parking spaces.

Sidewalks

Zoning Ordinance, Article 5 §18 requires sidewalks to be installed along the public street frontages of a property. The site has existing concrete sidewalk along South Governors Avenue. There are two (2) sidewalk connections leading into the site from this proposed sidewalk. Each building has sidewalks adjacent to the parking lot areas.

Curbing: Waiver Requested for Partial Elimination of Curbing

Article 6 § 3.6 (b) requires curbing for all parking areas. The plan provides upright curbing around the building drive aisles and the parking areas with the exception of a portion of the drive aisle (Deats Drive) between Buildings 2 and 3 which leads to the residential development on the adjacent parcel. A written waiver request was submitted for consideration of eliminating curbing along this drive aisle area. The Planning Commission may consider the elimination of such curbing when necessary to address stormwater management practices

Dumpsters

Based on the use as office buildings and their size, the 2-story buildings require one Dumpster per building and the 5-story building requires two Dumpsters. A Dumpster pad and enclosure is depicted for each building with the Dumpster pad/enclosure showing two spaces for the Phase 4 Building. However, dimensions and construction details and materials must be identified.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a concept for the Landscaping Plan. Based on a lot area of 7.6439 acres, 111 trees are required to meet the tree density requirements and the proposed planting locations are shown on the concept plan (but not the tree varieties). The trees line the South Governors Avenue frontage, are located in parking lot islands, and are planted adjacent to the buildings. As a screen between the commercial and the residential uses are a series of trees. On the south property line there are additional trees shielding the loading zone area.

All proposed tree planting locations should avoid conflicts with existing and proposed utility lines and paved areas.

Opaque Barrier: Waiver to be Requested for Elimination of Fence Component

An opaque barrier is required when a non-residential use abuts a residential use (*Zoning Ordinance*, Article 5 §7.2). For this project, the west and south property lines abut 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. A waiver request for the opaque barrier requirement was submitted for consideration of eliminating the fence component.

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) Upright curbing shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request for the elimination of a portion of the curbing for consideration by the Planning Commission.

2) The fence component of the opaque barrier requirement shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request for the elimination of the fence component for consideration by the Planning Commission.

3) Staff notes that architecture for the commercial-office buildings will be evaluated during the Administrative Site Plan submission for each phase and at time of Building Permit application. The building architecture may be required to come before the Planning

Commission for additional review if upon selection of tenants or decisions on spec buildings there are significant design changes to the buildings' exterior finishes in form and materials.

4) Sheet C-001:
   a. Update property address to 1198 South Governors Avenue in title block.
   b. General Notes #2: Update map number. The correct FEMA FIRM Map Panel is 10001C0169J dated July 7, 2014.
   c. On drawing label the building S.F. footprint and the total square footage per building.
   d. Update the required building setback as per the current bulk standards for C-2A. Update all plan sheets with this information.
   e. The drawing does not accurately depict the construction of Phase 1 as portions of the entrance drive and adjacent parking were not completed with the initial development of the site. Some of the unbuilt site improvements will need to become part of Phases 2 or 3.
   f. In Site Data Column:
      i) List lot areas and Floor Area Ratio.
      ii) Update number of parking provided to 454 parking spaces.
      iii) Outdoor lighting should be listed as 1.5 footcandles.
   g. List proposed buildings and parking requirements by phase. Also identify the building and parking construction completed in Phase 1.

5) Sheet C-101:
   a. This plan sheet as submitted does not accurately reflect the current existing conditions on the property. It does not show the improvements already completed with Phase 1 construction activities.
   b. Update zoning listings: subject parcel is C-2A; Lands of Pilgrim Holiness Church and Lands of Sipple's Used Cars are C-2A.

6) Sheet C-201:
   a. Clarify that the residences are not part of this Site Plan.
   b. Update the Phase 1 building area to as-built conditions.

7) Identify the location of the bicycle parking spaces. Each building should be served by opportunities for bicycle parking.

8) Provide construction details sheet for items including the following items but not limited to: barrier free sidewalk, dumpster enclosures, dumpster pad, curbing, paving section, bicycle racks, lighting fixtures, etc.

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

10) Ensure plan set reflects paving striping/markings for traffic control measures such as stop signs, stop bars, crosswalks, fire lane markings, etc.

11) Any Erosion & Sediment Control Plans and the Stormwater Management Plans granted

approval by the Kent Conservation District must reflect the Site Plan layout and design conditionally approved by the Planning Commission and be in compliance with the *Zoning Ordinance* and technical review requirements of other agencies.

12) Landscape Plan:
   a. The plan must present the information, calculations, and certifications as required in *Zoning Ordinance*, Article 5 §16.81 specific to this site.
   b. Existing trees to be retained/preserved must be identified. This includes the trees planted as part of the Phase 1 construction.
   c. The proposed tree planting species must be identified.

13) Minor Subdivision Plan sheet:
   a. The correct FEMA FIRM Map Panel is 10001C0169J dated July 7, 2014. Update drawing label and General Notes Item #5.
   b. Update property address in Site Data Column and title block. Our records list 1198 South Governors Avenue as the address.

14) Any proposed signage is subject to the Sign Regulations of the *Zoning Ordinance*. The property may qualify for consideration of a Unified Comprehensive Sign Plan to address signage on the site. Any existing signs on site may be deemed non-conforming with regards to size, height, setback and exclusion zone and are required to come into compliance with the Sign Regulations.

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

1) <u>Recommendations on Waivers Requested:</u>
   a) <u>Waiver Request for Curbing</u>: Staff recommends approval of the partial elimination of curbing in designated areas of the drive aisles where it can be demonstrated to be associated with stormwater management practices. The areas where curbing elimination is proposed between Buildings 2 and 3 are in the vicinity of a stormwater management facility constructed during Phase 1.
   b) <u>Waiver Request for Opaque Barrier – Fence Requirement:</u> Staff recommends approval of the elimination of the fence component of the opaque barrier. The landscape screening element of the opaque barrier in the areas of the site adjacent to residentially zoned properties will be implemented in the form of tree plantings. The residential units to the west are further separated from the commercial complex by a driveway circulation aisle.

2) <u>Pedestrian Circulation</u>: Sidewalk connections lead into the site from the street frontage sidewalk and provide direct linkages to Buildings 1 and 4. However, there are not designated sidewalks to fully connect to Buildings 2 and 3 causing pedestrians to travel on drive aisles or through the parking lot. Design changes to several parking lot islands can provide a complete sidewalk circulation system internal to the complex.

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

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

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

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

5) A Minor Subdivision Record Plat shall be prepared for recordation to subdivide the parcel into the two lots identified. All easements shall be identified on the Plat. The Minor Subdivision Plat shall be approved and signed by the City Planner prior recordation in the Kent County Recorder of Deeds Office.

6) Following Planning Commission approval of the Site Development Master Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. These revisions are to be depicted as part of the Administrative Site Plan submissions which are required to progress to construction. The Site Plan of each construction phase/project area must be submitted for Administrative Site Plan Review by the Planning Office and other agencies. *Zoning Ordinance*, Article 10 §2.44 (D) sets forth the construction timing in relation to approvals.

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

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

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

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

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

11) The applicant shall be aware that 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: OCTOBER 28, 2015

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Creekstone Center Development on S. Governors Ave.**

FILE #: **S-15-14**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER

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

WASTEWATER

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

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

3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures.
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.

SANITATION / GROUNDS

1. None.

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. The Department of Public Works reserves the right to provide additional comments as it pertains to any administrative plans submitted for review that are associated with this master plan.
3. No structures, including permanent signage, may be located within ten feet (10') of water and wastewater utility infrastructure.
4. 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 may be required for this proposed site plan.
5. The City of Dover will not maintain the water service beyond the existing 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 utility easement

STORMWATER / GROUNDS / STREETS

1. None.

SANITATION

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

GENERAL

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

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

S-15-14

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 4th, 2015

CITY OF DOVER FIRE MARSHAL

APPLICATION: S-15-14 Creekstone Center Development of South Governors Avenue

FILE #: S-15-14 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 use is an Existing Office for Phase 1.
   Proposed building use is Commercial/Office for Phase 2 and 3 (Each Building at 18,080 sq. ft).
   Proposed building use is Commercial/Retail for Phase 4 (Building at 78,825 sq. ft).

2. 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 in Phases 2 and 3. Fire Lanes shall cover 50% of the proposed building in Phase 4.**

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. 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 need to be 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. **Perimeter access shall cover 50% of the proposed buildings in Phase 2 and 3. Perimeter access shall cover 75% of the proposed building in Phase 4 (Fire lanes can be used as perimeter access coverage).**

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 systems required in all buildings. System is to be monitored by an approved Fire Alarm System.

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

15. Fire Department Connection is to be located within 50 feet of main entrance. Access to the Fire Department Connection must be clear unobstructed access as defined by the AHJ. Please show locations and distances on plans.

16. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment. Please show locations and distances on plans.

17. Fire Alarm System required per occupancy code requirements.

18. Knox Box required at each building.

19. Standpipes required for five story Commercial Office Building (Phase#4).

20. Smoke control required.

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

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

23. Project to be completed per approved Site Plan.

24. 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 show fire lane coverage on plans to include dimensions of lanes.
2. Please show distance from fire lane to building measurement on plans.
3. Please show perimeter access coverage on plans.
4. Please show all exit discharges terminating at a public way.
5. Please show fire department connection locations.
6. Please show distance from fire department connection to closest fire hydrant.
7. Please show turning radius for fire apparatus at intersections; contact this office for specific information as it relates to turning radius for fire apparatus.
8. Preliminary review indicates an additional fire hydrant needed in area of Phase #2 building due to entrance location and travel of responding fire apparatus.
9. Please show any natural gas connections locations with bollard protection detail.

- Recommend meeting prior to DAC Meeting on 11/04/15.

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: October 28, 2015

REVISED-11/5/2015

D E L D O T

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APPLICATION: Creekstone Center Development on South Governors Ave

FILE#: S-15-14 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Waylon Sprowl PHONE#: 760-2262

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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:

1. The Department will require that the plan set be reviewed by our Aeronautics section, due to a proposed building height of 5 Stories. Please notify DelDOT at deldot_aeronautics@state.de.us

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

- The Department has no recommendations

ADVISORY COMMENTS TO THE APPLICANT:

- Please Note- Future comments will be added when the above referenced project goes through official DelDOT plan review.
- In order to be issued a DelDOT Approval, the department will require the applicant to provide the proper forms, to proceed with DelDOT plan review.

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
November 2015

APPLICATION: *Creekstone Center Development*

FILE #: S-15-**14**

REVIEWING AGENCY: *Kent Conservation District*

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

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

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the minor lot line adjustment for the above mentioned site.

ADVISORY COMMENTS TO THE APPLICANT:

1. The phases are less that one acre of land disturbance and stormwater management is currently located on site. All phases must obtain its own induvial non-residential standard plan. The standard plan application can be found on WWW.KENTCD.ORG. The applications must be submitted reviewed and approved by The Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place.
2. Any remaining maintenance issues must be completed prior to obtaining a letter of no objection to a certificate of occupancy.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: October 28, 2015

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Creekstone Center Development on South Governors Ave

FILE #: S-15-14 REVIEWING AGENCY: Dover/Kent County MPO

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

The MPO requested the opportunity to comment on issues of our concern to the City as well. The MPO will limit comments to projects to development proposals and applications that may lead to new development. Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission 11/16/2015
Project Review
S-15-14 Creekstone Center Development on South Governors Ave

The development site is located directly on the DART Route 104 route and the nearest bus stop is a few hundred yards south of the entrance to the site. It is fully served by public sidewalks and there are two sidewalks leading into the site, one constructed and one proposed. There are no sidewalks that follow the driveway into the site, but they are present within a reasonable distance on both sides of the entrance. The only issue with the site design is with the residential portion that has already been built and not part of the application. There are no sidewalks between the residential properties that are located on a private road/driveway that only serves the properties. There is no reason to mandate sidewalks be installed but the likely residents of the condominiums may require a safe, level walkway between properties as opposed to the road surface.

The following comment does not alter the determination of a quality, compliant design. I am, however, concerned with the amount of parking available for the building tenants once fully built out. My anecdotal experience was that the day I visited the site, all of the constructed parking behind the existing building with the Veterans Administration Clinic and other tenants, was full. The City is well served by not allowing overbuilt, excess parking but should ensure the combination of building uses does not overwhelm the available parking on a sunny day in October.

Please contact me if there are any questions at james.galvin@doverkentmpo.org or 302.387.6028.

WAIVER REQUEST

CREEKSTONE CENTER DEVELOPMENT
CURBING REQUIREMENTS

REQUEST: A waiver is requested to eliminate the portion of upright curbing along the drive aisle (Deats Drive) between buildings 2 and 3, which leads to the residential development on the adjacent property.

EXTENT OF THE REQUEST: By code, all permanent parking areas shall be enclosed with upright concrete curbing at least six (6) inches in height. We are requesting a waiver to eliminate portions of upright curbing to allow for the sheet flow of runoff into an existing stormwater management area west of Deats Drive.

BASIS FOR REQUEST:

1. Article 6, section 3.6 (b) of the City of Dover zoning standards states that the Planning Commission may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area.
2. The drive aisle and stormwater management area are constructed in accordance with the previously approved site plans. Drainage from this portion of Deats Drive and the surrounding areas was designed to sheet flow to the stormwater area. Constructing the upright curbing would block the drainage.

WAIVER REQUEST

CREEKSTONE CENTER DEVELOPMENT
OPAQUE BARRIER REQUIREMENTS

REQUEST: A waiver is requested to eliminate the fence component of the opaque barrier, and that only the continuous evergreen screen be required.

EXTENT OF THE REQUEST: By code, visual and sound screening shall be provided on a non-residential use when abutting a residential use. The buffer shall include an opaque barrier and landscaping. We are requesting a waiver to eliminate the fence component of the opaque barrier requirement.

BASIS FOR REQUEST:

1. Article 5, section 7.24 of the City of Dover Zoning Code states that the Planning Commission may waive the requirement for the opaque barrier and require only a durable and continuous evergreen screen in cases where noise is not a concern and the vegetation is considered a desirable aesthetic alternative. We believe that noise is not a concern thus the request to eliminate the opaque barrier.
2. Creekstone Center Development is an existing mixed-use development consisting of residential and non-residential. Although there is a property line separating the residential from non-residential, an opaque barrier would have an adverse impact on the intent of the mixed-use development.
3. Creekstone was originally approved without the opaque barrier. We are seeking re-approval of the site development plan as previously approved.

PETITION TO AMEND ZONING ORDINANCE TEXT
Report to the
Dover Planning Commission
November 16, 2015

Proposed Change: Amendment to *Zoning Ordinance*, Article 3 –District Regulations, Section 18 – Recreational and Commercial Zone (RC), to add provisions to allow for and apply standards to large special events and temporary camping.

Summary of Amendment: The proposed amendment would add provisions to the Recreational and Commercial Zone regarding temporary outdoor events and temporary camping associated with events. It would include measures to make sure that these events are done in a well-planned manner. It would also remove Chapter 14 of the Dover Code of Ordinances (which is not under the purview of the Planning Commission).

In addition the amendment would clean up some of the existing language in the section and include auto, horse and motorcycle racetracks as a permitted use instead of a conditional use.

During the DAC review process, we have received several recommendations for amendments to the proposed ordinance. A summary of these proposed amendments is below:

Line #s	**Amendment**	**Proposed by**
72	Add "(h) Casinos." And reletter the subsequent items accordingly	Dover International Speedway
86-91	On line 90, following the word "buildings." Add the following language, "Plans also must include water supply, wastewater disposal, sanitation plan, erosion and sediment controls, and maintenance of traffic as it relates to any City streets."	Department of Public Works
109	Add the words "but not	Planning Office

	limited to" after "including."	
112-113	Remove the words "within all zones"	Planning Office
149	Replace the word "exclude" with "include.	Fire Marshal's Office
165	Add the words "but not limited to" after "including."	Planning Office

Ordinance Number: 2015-17

File Number: MI-15-04

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: October 28, 2015

D E L D O T

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APPLICATION: Text Amendment RC Zone and Temporary Outdoor Activities

FILE#: MI-15-04 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Waylon Sprowl PHONE#: 760-2262

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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:

1. The Department has no further requirements for the above mentioned project.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

- The Department has no recommendations for the proposed rezoning.

ADVISORY COMMENTS TO THE APPLICANT:

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-15-04

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 4th, 2015

CITY OF DOVER FIRE MARSHAL

APPLICATION: Text Amendment: RC Zone and Temporary Outdoor Activities

FILE #: MI-15-04 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:

Section 18-Recreational and commercial zone (RC)
l (7) Parking recreational vehicles. Recreational vehicles shall not be parked closer than ten feet to other recreational vehicles, buildings, or other structures, as measured from the long side of the vehicle; nor closer than two feet from other recreational vehicles, buildings, or other structures, as measured from the front or rear of the vehicle. The required ten feet shall exclude any bump-outs or other protrusions from the side of the vehicle. Any exceptions to this shall be subject to review by the fire marshal upon determination that the safety objectives of this subsection are achieved.

- Proposed verbiage: The required ten feet shall include any bump-outs or other protrusions from the side of the vehicle.

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):
2012 NFPA Life Safety Code (NFPA; National Fire Protection Association)
2009 IBC (International Building Code)
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
2012 Delaware State Fire Prevention Regulations
City of Dover Code of Ordinances

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: OCTOBER 28, 2015

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **TEXT AMENDMENT: RC ZONE AND TEMPORARY OUTDOOR ACTIVITIES**

FILE #: **MI-15-04**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

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

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. None

WATER / WASTEWATER / STORMWATER / SANITATION / STREETS

1. In section 18.1.k.2, please add the water supply, wastewater disposal, sanitation plan, erosion and sediment controls and maintenance of traffic (as it relates to City roads) to the requirements of the plan submission.

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.

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2015-17

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

That Chapter 14 - Amusements and Entertainments of the Dover Code be deleted in its entirety, as follows:

~~**CHAPTER 14 - AMUSEMENTS AND ENTERTAINMENTS**~~

~~**ARTICLE I. - IN GENERAL**~~

~~**Secs. 14-1-14-30. - Reserved.**~~

~~**ARTICLE II. - OUTDOOR MUSIC FESTIVALS**~~

~~**Sec. 14-31. - Definitions.**~~

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

~~**Outdoor music festival means any group or person participating in musical entertainment in open spaces and not enclosed within a fully enclosed and constructed building.**~~

~~**Promotor means the organizer, operator, producer or the person staging an outdoor music festival and the owner, tenant and lessee of the land upon which an outdoor music festival is performed.**~~

~~**Spectators means a gathering of 1,000 or more persons who pay a consideration for the purpose of seeing or hearing an outdoor music festival.**~~

~~**(Code 1968, § 6-10; Ord. of 3-24-1980; Code 1981, § 11.5-16)**~~

~~**Sec. 14-32. - Permits.**~~

~~**(a) Required. No promotor shall hold or conduct any outdoor music festival where spectators will be present without first obtaining permits from the licensing division of the department of planning and inspections of the city or its successor, and the city police department.**~~

~~**(b) Bond; sanitation, health. The licensing division of the department of planning and inspections shall not issue a permit until the following provisions are met:**~~

~~**(1) The promoters post a cash bond in an amount to be determined by the city council, not to exceed $50,000.00; and**~~

~~**(2) The promoters establish adequate sanitation and health facilities that are in accordance with the rules and regulations governing outdoor music festivals adopted by the city health department.**~~

Draft

~~(c) Issuance. The police department or the chief of police shall not issue a permit until the promotor furnishes evidence that he has provided:~~

~~(1) Adequate security for the safety of the spectators and their property; and~~

~~(2) Adequate arrangements for the orderly flow of traffic to, at and from the outdoor music festival.~~

~~(d) Use of bond money. The licensing division of the department of planning and inspections shall retain the bond required in subsection (b)(1) of this section for a period of 30 days after the outdoor music festival has terminated. Within 72 hours after the termination of an outdoor music festival, in the event the promoters fail to remove all trash, debris or residue and repair any damage to personal property, real property, crops or livestock belonging to another person, then, in that event, the licensing division of the department of planning and inspections may use as much of the bond money as is needed to remove the trash, debris or residue and repair the damage to personal property, real property, crops, or livestock. Any monies unexpended from the bond shall be returned by the licensing division of the department of planning and inspections to the promotor 30 days after termination of the outdoor music festival or at such time as the department has been able to pay for the damages and repairs incurred.~~

~~(Code 1968, § 6-12; Ord. of 3-24-1980; Code 1981, § 11.5-17)~~

~~Sec. 14-33. - License.~~

~~No promotor shall obtain a license pursuant to chapter 26 until he has first obtained a permit as required by this article, but said promotor shall be required to obtain a license pursuant to article II of chapter 26 once said permit as required by this article has been secured.~~

~~(Code 1968, § 6-13; Ord. of 3-24-1980; Code 1981, § 11.5-18)~~

~~Sec. 14-34. - Violations; penalties.~~

~~Any person who organizes, operates, produces or stages, or permits to be organized, operated, produced or staged, an outdoor music festival on land which he owns or leases without having first obtained the required permits and license shall be punished as provided in section 1-17.~~

~~(Code 1968, § 6-14; Ord. of 3-24-1980; Code 1981, § 11.5-19)~~

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 3 - District Regulations, Section 18 - Recreational and Commercial Zone (RC) of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the text indicated in bold, blue text, as follows:

Section 18. - Recreational and commercial zone (RC).

18.1 *Uses permitted*. No building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:

Draft

~~18.11~~ **(a)** Public and private parks and playgrounds.

~~18.12~~ **(b)** Athletic fields.

~~18.13~~ **(c)** ~~Baseball, football or boxing~~ **Sports** stadiums and arenas.

~~18.14~~ **(d)** Public and private swimming pools and clubs.

~~18.15~~ **(e)** Miniature golf courses and pitch and putt golf courses.

~~18.16~~ **(f)** Golf or baseball driving ranges.

~~18.17~~ **(g)** Golf courses and country clubs.

~~18.18 Commercial and recreational establishments, including dancehalls, skating rinks, bowling alleys and other similar indoor recreational uses, but excluding penny arcades and shooting galleries.~~

~~18.19 Circuses, carnivals and fairs, provided that no part of the activity area of such use shall be within 500 feet of a residential zone.~~

~~18.110 [18.20]~~ **(h)** Hotels, motels and restaurants.

(i) Auto, horse and motorcycle racetracks.

(j) Indoor and/or outdoor recreation and amusement establishments.

(k) A temporary outdoor activity, such as a fair, circus, carnival, bazaar, music festival, or other outdoor event, subject to the following requirements:

(1) *Permit required*. A temporary outdoor activity permit shall be required. Such permit may be issued for a calendar year, provided that any changes to the permit are reviewed and approved by the department of planning and inspections.

(2) *Plan required*. The owner shall submit a plan to the department of planning and inspections showing the layout for the temporary activity a minimum of 30 days prior to the event, including the location of all existing structures and any proposed temporary structures, including but not limited to stages, tents, trailers, and temporary buildings. The permit shall include any other pertinent information deemed appropriate by the department director for this permit.

(3) *Fees*. A fee for the temporary activity permit shall be in accordance with Appendix F - Fees and Fines.

(4) *Parking*. The application for the temporary activity permit shall include a plan delineating the proposed parking area(s), number of parking spaces, ingress and egress to the parking area, and any other pertinent information deemed appropriate for the permit.

(5) *Noise*. The use of loud speakers and other amplification systems outdoors shall be prohibited between 12:00 a.m. and 7:00 a.m. on Monday through Friday and between 2:00 a.m. and 9:00 a.m. on Saturday and Sunday.

(6) *Documentation of approval*. The director of planning and inspections may require documentation of approval for outside agencies having jurisdiction over such activity including but not limited to the Delaware division of public health, department of transportation, and the Dover police department.

(7) *Discharge of substances*. No activity associated with a temporary outdoor activity shall be permitted to discharge any substance, including wash water, to any storm drain, storm water management area, drainage ditch, or other water conveyance system.

Draft

(l) ***Temporary Camping Areas.*** **Temporary camping areas shall be permitted within all zones subject to the following requirements:**

(1) ***Permit required.*** **Property owners wishing to provide more than five camping sites shall apply for a permit from the planning and inspections department. Such permit shall be valid for the calendar year in which it is issued. Any changes to the permit shall be approved by the department of planning and inspections.**

(2) ***Fees.*** **Fees for the permit and/or amendments to the permit will be charged in accordance with Appendix F - Fees and Fines.**

(3) ***Diagram required.*** **Prior to issuance of a permit, the property owner or his/her agent must submit a legible diagram of the camping area to the department of planning and inspections. The diagram shall include:**

i. **Identification of camping areas and indicate whether each area will be utilized for tent camping or recreational vehicle camping.**

ii. **Emergency access, drive aisles, entrance(s) and exit(s).**

iii. **Number of proposed recreational vehicles or tents to be permitted in each camping area.**

iv. **Location of power lines.**

v. **Location of restroom facilities.**

vi. **The period of time for which the permit is requested.**

(4) ***Distance from power lines.*** **No camping sites shall be permitted within 25 feet of power lines as measured from the center of the utility pole. Vertical extensions from camping sites shall not be closer than 25 feet to power lines as measured from any point on the vertical extension.**

(5) ***Tent placement in relation to vehicles.*** **Tent camping sites shall be laid out to avoid the location of tail pipes, generators, and other carbon monoxide sources near tent placement. The Fire Marshal or other city code official shall have the authority to require that vehicles and/or tents be relocated to avoid the danger of carbon monoxide entering tents.**

(6) ***Restrooms and shower facilities required.*** **Tent camping areas shall be required to include temporary or permanent restrooms and shower facilities.**

(7) ***Parking recreational vehicles.*** **Recreational vehicles shall not be parked closer than ten feet to other recreational vehicles, buildings, or other structures, as measured from the long side of the vehicle; nor closer than two feet from other recreational vehicles, buildings, or other structures, as measured from the front or rear of the vehicle. The required ten feet shall exclude any bump-outs or other protrusions from the side of the vehicle. Any exceptions to this shall be subject to review by the fire marshal upon the determination that the safety objectives of this subsection are achieved.**

(8) ***Drive aisles.*** **Camping areas shall have drive aisles constructed of drivable surfaces engineered to hold the weight of recreational vehicles, fire equipment, and other emergency response equipment in all types of weather. Crushed stone or gravel surfaces shall be permitted for such drive aisles.**

(9) ***Residential buffering.*** **Any camping area abutting a residential use shall be buffered by a landscape buffer of evergreen trees of a minimum height of six feet tall and an opaque fence of six feet tall.**

Draft

(10) ***Change approval.*** **Any changes to the approved layout of temporary camping areas shall be approved by the department of planning and inspections.**

(11) ***Discharge of substances.*** **No activity associated with any camping area shall be permitted to discharge any substance, including wash water, to any storm drain, storm water management area, drainage ditch, or other water conveyance system.**

~~**18.111 [18.21] In addition, the following may be permitted as conditional uses under article 10, section 1 of this ordinance:**~~

18.2 ***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) Outdoor and drive-in theaters, provided that adequate screening is installed to shield all adjacent properties and public streets and alleys from the glare of lights from the parking areas.

~~**(b) Auto, horse and motorcycle racetracks.**~~

(~~**c**~~ **b**) Airports and facilities incident to aviation.

(~~**d**~~ **c**) Livery stables and riding academies, provided that the corrals shall be at least 200 feet from any dwelling, school, church, eating place and intermittent or running, natural or artificial watercourses.

~~**18.112 [18.22] Accessory uses [as follows]:**~~

18.3 ***Accessory uses*****. The following uses shall be permitted accessory to other permitted uses on a lot.**

(a) Accessory uses customarily incident to the principal ~~**permitted**~~ use and any other necessary to the operation of the principal permitted use located on the same premises therewith shall also be a permitted use.

~~**(b) Accessory uses customarily incident to the principal conditional use located on the same premises therewith shall be a conditional use.**~~

~~**18.2 [Signs.] Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.**~~

~~**18.3**~~ **18.4** *Performance standards*. All uses are subject to performance standards as set forth in article 5, section 8.1.

~~**18.4**~~ **18.5** *Site development plan approval*. Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all **permanent** structures and prior to the issuance of certificates of occupancy for any change of use.

(Ord. of 7-10-2000; Ord. of 2-12-2001)

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BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines of the Dover Code be amended by inserting the text indicated in bold, blue text, as follows:

Appendix B - Zoning, Article 3 - District Regulations			
Sec. 18	**Recreational and commercial zone (RC)**		
	Subsec. 18.1	**Uses permitted**	
	(k)(3)	**Temporary Activity Fee**	
		Less than 5 acres	**$50.00**
		5-25 acres	**$100.00**
		26-100 acres	**$250.00**
		100+ acres	**$500.00**
	(l)(2)	**Temporary Camping Permit Fee**	
		Less than 5 acres	**$50.00**
		5-25 acres	**$100.00**
		26-100 acres	**$250.00**
		100+ acres	**$500.00**

ADOPTED: *

S:\ORDINANCES\2015\DRAFT\ORDINANCE #2015-17 - CH 14-AMUSEMENTS, APNDX B-ART III, SEC 18, AND APNDX F\Proposed Ordinance #2015-17 Amending CH 14-AMUSEMENTS, APNDX B-ART III, SEC 18, AND APNDX F-FIRST RDG.wpd

SYNOPSIS

The proposed ordinance would remove Chapter 14 of the Dover Code - Amusements and Entertainment, which addresses Outdoor Music Festivals. The proposed ordinance would also amend the RC (Recreation and Commercial) Zone to allow temporary special events and temporary camping areas within the zone and set minimum requirements for these events and camping areas.

(SPONSORS: HARE, HUTCHISON, AND TOWNSHEND)

Actions History

10/26/2015 - Scheduled for First Reading at City Council meeting

10/12/2015 - Introduced at the Legislative, Finance, and Administration Committee meeting

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