CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, October 19, 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 QUARTERLY WORKSHOP of August 19, 2015

ADOPTION OF MINUTES OF REGULAR MEETING of September 21, 2015

ADOPTION OF MINUTES OF SPECIAL MEETING of September 30, 2015

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, November 16, 2015 at 7:00pm in the City Council Chambers.

2) Reminder: The next Planning Commission Quarterly Workshop is scheduled for WEDNESDAY, November 18, 2015 at 12:00 noon in the City Hall Conference Room.

3) Update on City Council Actions

4) Update on Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: 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.*

NEW DEVELOPMENT APPLICATIONS

1) S-15-12 Blue Hen Apartments: Phase 2 – Public Hearing and Review of Site Development Plan for a 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 acre 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-05-077.00-01-19.03-000, 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.*

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 October 9, 2015

CITY OF DOVER PLANNING COMMISSION
QUARTERLY WORKSHOP AND WORKSHOP
WITH BOARD OF ADJUSTMENT
August 19, 2015

The Regular Quarterly Workshop Meeting of the City of Dover Planning Commission was held on Wednesday, August 19, 2015 at 12:00 noon with Chairman Mr. Tolbert presiding. Members present were Mr. Cregar, Mr. Tolbert, Mr. Holt, Mr. Baldwin and Ms. Still. Mr. Holden, Dr. Jones and Colonel Welsh and Mr. Ambruso were absent.

Members present for the Joint Workshop from the Board of Adjustment were Mr. Sheth, Mr. Hufnal, Mr. Keller and Colonel Ericson.

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

WORKSHOP DISCUSSION WITH BOARD OF ADJUSTMENT

Each member introduced themselves.

Mrs. Townshend stated they invited the Board of Adjustment to attend this Planning Commission Workshop because there have been a number of cases over the years that when they come to the Board of Adjustment for a Variance, it makes perfect sense to do what the applicant is requesting. The question is "Why don't we just allow the Planning Commission that discretion?" or "Why don't we just change the Code so it's allowed?" They thought it was a good opportunity for the two (2) bodies to talk about their perspective on what they see in terms of what they are reviewing and how they might be able to, as they move forward with their Ordinance revisions and fix some of the problems that they are finding that are getting people to the Board of Adjustment. They did talk this morning at the Board of Adjustment meeting about a number of issues: signs in industrial parks, LED signs, signage issues in general, and the *Comprehensive Sign Plan*. With the purvue of that piece, the Planning Commission has discretion over a number of things but not the sign setbacks and not the exclusion zone that's taken some applicants to Board of Adjustment.

The other big thing that tends to come up is parking. She thinks at the last Planning Commission Quarterly Workshop, they talked a little bit about parking and the need to re-visit some things in the parking requirements. In particular, the restaurant parking requirement and the issue of over parking has taken people to the Board of Adjustment. One reason is because of the City's restaurant calculation that has created some challenges. The other thing is if you have a small parking requirement. For example, a plan that requires six (6) parking spaces then 25% over-parked which means a space or two (2) and it creates a problem. An example was the Dover Family Dentistry building that came before both bodies down on South State Street. The parking requirement under the *Zoning Ordinance* would have the maximum parking not even accommodating all of the staff. They need to look at some changes in that regard.

Mrs. Melson-Williams did some (summarizing of) things; she looked at what they had seen at the Board of Adjustment between 2013 and 2015. Some of these things have already been addressed by Text Amendments that they have done. There is the General Residence Zone Text Amendment that is pending that will deal with some of the things. For instance, one application didn't go to the Planning Commission at all because it was a lot line adjustment. Central Habitat

for Humanity needed to adjust lot lines on South Kirkwood Street but because they weren't going to meet the minimum lot widths they needed to get a variance. There is a Text Amendment pending right now that would allow administrative discretion for lot line adjustments in that zone because they know that this is an issue throughout the zone. They did something similar back in 2006 for existing lots, they put in place an administrative waiver process to allow Staff to grant waivers from the setbacks and other bulk standards. For instance, the RG-1 (General Residence Zone) has a minimum lot size of 7,500 square feet but they have a lot of 5,000 square foot lots. To put a house on these lots, the minimum lot width is sixty (60) feet but many of the lots are fifty (50) feet and they can't meet the setbacks. In 2006, they put it in the Code where that can be done administratively as long as the lot was in existence at that point in time. What they are finding is that they need to have a little more discretion to be able to adjust lot lines if they are not creating new lots.

They have seen nine (9) variances in terms of parking. With the size of the parking space, if you recall at Compass Pointe, they wanted to do some compact car parking. Again, that is something they probably need to look at addressing. They have had the issue of the number of parking spaces in the IPM (Industrial Park Manufacturing Zone) a couple of times. She thinks that was with Proctor & Gamble and Playtex. It's this issue of a manufacturing facility with one (1) parking space per eight hundred (800) square feet; that only works for some types of facility. So maybe they create some flexibility that if they use the employee count then they could have the Planning Commission or Staff do something without it going to the Board of Adjustment. The idea is if things just make sense and it's not something peculiar to the property, they would like to avoid the Board of Adjustment. She thinks the members of the Board of Adjustment would like to be avoided because it puts them in tough spot because with the Board of Adjustment, it's a legal standard and the legal standard isn't just "Well gee this makes sense." The legal standard is, there's something specific to the property and there's an exceptional practical difficulty. Sometimes the exceptional practical difficulty is that the City's Ordinance just doesn't make sense and they want to avoid that.

In terms of signage, they have the issue of the setback from the right-of-way and exclusion zones. They have had Comprehensive Sign Plans that come to the Planning Commission and then have to go to the Board of Adjustment on those issues. Is that something that they should just put in the purvue of what the Planning Commission can consider?

There have been a few variance requests in the flood plain. Her preference would be to leave that alone because they do want to try to avoid construction in the flood plain and there may be very specific circumstances where it's appropriate because of X, Y and Z. Staff has been working with FEMA; we are trying to get into their good graces. She thinks that they would be very concerned if the City tried to move away from the level of protection that they have now. We also have the issue of signage adjacent to residential. The Planning Commission may not even realize that this is an issue. The Modern Maturity Center went to the Board of Adjustment last month for a Sign Variance where they are limited by virtue of having property lines that are two hundred (200) feet from residential properties. They are limited to thirty-two (32) square feet. On Route 8, thirty-two feet is just not sufficient signage. You have kind of a hodgepodge of residential uses scattered throughout and it really creates almost an unfair situation just by virtue of where the residential uses are. That was a Variance that was granted.

Mr. Cregar questioned if Mrs. Townshend felt that that was a legitimate use of the variance

process for the Modern Maturity Center? Responding to Mr. Cregar, Mrs. Townshend stated that she thinks that there could be but there are things that quite honestly don't make sense in the Code. One is if they made some changes to the Comprehensive Sign Plan process it could have been something that the Planning Commission had discretion on. So you don't have that same legal standard; it makes it less uncomfortable to try to shoehorn it in. The other thing for adjacent to residential is related to property lines adjacent to residential. You've got the Modern Maturity Center which has over six hundred (600) linear feet of frontage. Anywhere on that property, you are going to have this issue. Even if that sign itself is four hundred (400) feet from the residential because it's defined by property lines. She thinks there are some tweaks they can do in the Code to create less of a conflict and less of a chance of it going to the Board of Adjustment. Again, she thinks the flood plain cases, as much as the Board of Adjustment loves them, she thinks sometimes that is the best route. You've got a property that's entirely encumbered by the flood plain, Staff has said that you can't build in the flood plain and now you've made this property unbuildable. That is the purpose of the Board of Adjustment, rather than someone having a piece of their property in the flood plain but that's where they want to put their shed. She thinks no matter what they do with signs, there will always be Sign Variances.

Mr. Cregar stated that with the Modern Maturity Center, you have a unique property there with X number of feet with these property lines. Isn't the Board actually for those types of unique situations? Responding to Mr. Cregar, Mrs. Townshend stated if that property were on Route 13 it could do a Unified Sign Plan. Part of the discussion that they have had internally is should that be under the Sign Code. Route 13 is an urban principal arterial and Route 8 is an urban minor arterial. Should they look at what the roads are classified and if you have four hundred (400) feet of frontage on an urban minor arterial, should you be able to get a Comprehensive Sign Plan? Sitting in the Board of Adjustment member's chairs, they spend an hour and a half on that case today. It's very difficult for the Board because sometimes they feel like they are stretching to meet that standard and we try to avoid that.

There are places where the Board of Adjustment is "you ask and you get it". They have had Max Walden come in to do training and they have gone to the Institute for Public Administration training. Our Board of Adjustment right now is very well educated and understands the narrow legal wiggle room that they have. So when they start to get to the edges of it, she thinks it becomes less comfortable. That is her observation as she watches the meetings.

Mr. Sheth stated that he thought she had covered most of the points that included Scarbourgh Road and Route 8. If you can treat all as you would Route 13 maybe it will solve many other issues.

Mr. Hufnal questioned who determines whether the road is major or minor because Route 8 is a major road that runs east to west in Delaware. Responding to Mr. Hufnal, Mrs. Townshend stated that it was defined in the Sign Regulations. It doesn't match DelDOT's classification which is a whole different issue but it is defined in the Code.

Mr. Hufnal stated that maybe they should look at the road classifications because the fact that Route 8 is a major road east and west and there's a lot of construction on that.

Mr. Keller questioned what DelDOT's classification is for Route 8? Responding to Mr. Keller, Mrs. Townshend stated that it is probably a minor arterial but parts of Route 13 are considered an

urban minor arterial.

Mr. Sheth questioned if the area variance could go before City Council and Planning Commission. Responding to Mr. Sheth, Mrs. Townshend stated that it all goes through the Planning Commission and the Planning Commission works with Staff to kind of direct them in terms of ordinance revisions, as does City Council.

Mr. Sheth stated that the demographic situation is changing with houses and people getting old and children not staying in Dover as well as handicap concerns. Other issues are area variances that also come as a variance all the time. They normally come as a sign, parking and area variances. Responding to Mr. Sheth, Mrs. Townshend stated that she thinks the ones that seem the most difficult sometimes are signs. Sometimes they want that signage; but do they need that signage? There are making a case that it could have been submitted at a disadvantage.

Colonel Ericson stated that they had that problem too at the business park with building a monument sign which really didn't meet the requirements. Responding to Colonel Ericson, Mrs. Townshend stated or a very small wall sign that you wouldn't see from anywhere.

Mr. Cook stated let's say they change the Sign Ordinance, something goes to the Planning Commission and they say no, does the applicant then have an appeal process to the Board of Adjustment? Responding to Mr. Cook, Mrs. Townshend stated no, the appeal is through the courts from a Planning Commission decision.

Colonel Ericson stated that they also talked about LED lights that are very obnoxious like on Route 13 at the car wash company. What exactly do we want to allow? They can be very disturbing flashing and moving; it's a distraction to traffic.

Mr. Sheth stated that some items are "grandfathered" rather than an area variance and we no longer have a tall sign on Route 13 such as Farmer's Market or the old Nichols. Many of the gas station signs have changed. It looks much better when you enter the City of Dover. That is the last LED sign at the Race Track Car Wash. If he would have gone to the Board of Adjustment, it probably would have never happened. Responding to Mr. Sheth, Mrs. Townshend stated that it was nonconforming, abandoned and she will take the blame on it.

Colonel Ericson stated that they have had a great working relationship with the Planning Staff. The Staff reports are outstanding and they give them a good start. Responding to Colonel Ericson, Mrs. Townshend stated that Mr. Cook is improving them daily.

Colonel Ericson stated that he agreed. It's made their job a lot easier. Like any kind of court, you listen to testimony, more information comes out than before and you may go in a different direction than Staff recommended. It isn't Staff's fault. It's the individual who didn't tell them the entire story.

Mr. Sheth stated that he agreed with Colonel Ericson.

Mrs. Townshend stated that one thing that she kind of likes and she has said it to applicants; sometimes applicants will get their Staff Report and they will be upset because Staff recommends denial a lot. If they don't do a good job on the application, Staff doesn't

recommend approval and they tell the applicant that they need to make their case at the meeting. But the other thing she tells people is, if you don't make your case in the application and you talked her into a favorable recommendation your meeting is not going to go well because the between Staff and the Board of Adjustment, there is a good check and balance system. If Staff said approve, approve, approve she thinks the Board would press back because the applicant does need to make their case. She thinks the way it's working now, if they don't make the case in their written application they show up ready to make it at the meeting.

Colonel Ericson stated that some of them are just the average citizen who's got a legitimate complaint but they don't know how to vocalize; they sit there and stumble. But the questions that the Board asks finally draw information out of the applicant that they need in order to make a decision.

Mr. Sheth stated that there used to be a burden of proof on the Board that would now be shifted to the applicant; now they don't have to prove to the applicant why or why not. Before that burden of proof you felt guilty about it, but now as Mrs. Townshend said, it depends on how well the applicant presents their case. Responding to Mr. Sheth, Mrs. Townshend stated from a fairness standpoint, the reality is that if somebody doesn't make their case in the application and they as staff make the case for them and don't do it for another applicant either because it doesn't hit them square in the eyes the same way, it creates a real challenge for the City. If they are being accused of not being consistent, how do they handle that?

Mr. Cregar stated that he knows Mrs. Townshend was jotting so notes down of things to consider. What notes have been jotted down so far? Responding to Mr. Cregar, Mrs. Townshend stated that they have talked before about the issue of parking. She has written down looking into how they deal with LED signs, from a sign standpoint looking at Route 8 as a principal arterial, looking at the distance in terms of adjacent to residential for signs and the issue of how they deal with industrial park signage. The other thing that was mentioned during the Board of Adjustment meeting held this morning and she doesn't think this was an issue when the economy was kicking. We have had quite a few applicants have to come back to the Board of Adjustment because their variance expired. With the Planning Commission, a Site Plan is alive for two (2) years and then a one (1) year extension can be granted. The way the Board of Adjustment works, you get your variance and after it expires, sorry about your luck. It creates challenges. One thought would be to extend it so that it's not one (1) year but that it's two (2) years. The other thought would be to allow for a one (1) year extension.

Mr. Hufnal stated he would consider maybe not giving them a year because they have already had a year, maybe give them a free month extension to at least get started instead of giving them another year. Another year seems like a long time. Responding to Mr. Hufnal, Mrs. Townshend stated that the other thing they could do is make the expiration eighteen (18) months. She agrees that two (2) years is a long time.

Mr. Hufnal stated that a lot of things could happen in two (2) years.

Mr. Keller stated that it could at least initiate some action for accruing whatever the problem was. It doesn't have to be started and complete within that period of time but they could start getting permits and getting some work done. He would be inclined to agree, this morning that property has been vacant for three (3) years already. Another year has come and gone with the

application approval and expiration. How far do you go with that kind of scenario?

Mr. Sheth stated in that case, applicant would feel that they have fifteen (15) months. Responding to Mr. Sheth, Mrs. Townshend stated that if they make it eighteen (18) months then it keeps it out of the Board having to worry about how long to extend it.

Mr. Sheth questioned if they could remind the applicant that they have three (3) more months to go before the application expires? Responding to Mrs. Townshend stated that they could.

Mr. Keller stated they could use some triggering mechanism administratively.

Mr. Sheth stated even extensions should have an associated cost. Maybe charge $200 for the application extension too so that will speed the applicant up. But if there is no cost associated then they will use the fifteen (15) or eighteen (18) months granted by the Board.

Mr. Cook stated that they extend the application and the clock runs out, the original variance expires but if they have an exceptional practical difficulty that prevented them from completing it, do they then apply for a another variance for the same issue? Responding to Mr. Cook, Mrs. Townshend stated yes. It could be one (1) year expiration with the ability for Staff to administratively extend it with a written request or if they aren't comfortable administratively extending it then they would give it to the Board. She wouldn't want to have to hold a Board of Adjustment meeting just for the sake of doing an extension.

Mrs. Townshend stated just to give everyone a sense of other Code amendments they are in the process of doing. Planning Commission will review next month amendments to the General Residence Zone and that is really to help facilitate re-development of residential lots in the Downtown area in a way that improve the community. Recently they re-did the commercial zones; they need to finish up the industrial zones. They need to re-do the residential zones, they need to do a full review. Right now, they have the authorization to hire an additional Planner. She would say that they are pretty way behind on ordinances. They have always been good about keeping Ordinances forthcoming to keep things fresh and they just simply have not had the time to do it because they just don't have the staff time to do it. They have advertised, did interviews and they are re-advertising. Unfortunately, it looks like Sussex County, DelDOT and DNREC are all hiring Planners so it's a competitive market. They are back out looking and they will hopefully get somebody in the next few months.

Mr. Hufnal stated that he thinks the main points that they were concerned about were covered.

Colonel Ericson stated that it was interesting this morning when it was pointed out that Golden Corral issue. They had an abundance of land and were requesting more parking spaces but as Mrs. Townshend pointed out, there are other considerations given. Responding to Mr. Keller, Mrs. Townshend stated that Colonel Welsh is not at the meeting unfortunately because he was one of the big advocates of this. If you recall, back in 2009 that they put in the maximum parking. With that specific site, up behind Pizza Hut, you may remember the applicant came in with this big shopping center design and they had Dick's Sporting Goods as a tenant. They were going to have more than twice as much parking as they needed; five hundred (500) excess parking spaces. Planning Commission didn't like it, Staff didn't like it but then you are backed into a corner with the corporation going here requiring it. If it's an Ordinance, it's a lot easier to

go back to the corporations and say sorry you are going to have to share the parking. If it's just discretion they are going to press has hard as they can. That's where that came from because the City has so much parking that is never used. It was a concern of members of the Planning Commission that they're being pushed to approve it which is where they go to the maximum number of parking spaces. The flip side of that is that as soon as you adopt an Ordinance you find out what doesn't work. Some of it is the 25% where you have a low parking count; it doesn't give you any wiggle room. This does need to be addressed. The other issue was it was always minimum so that fact that they under parked restaurants wasn't a problem until you put the maximum on it. For example, if you have been on the Planning Commission for a while you remember when McGlynn's went in. There was concern about them meeting the parking requirement because when the building came in, it didn't have the restaurant and it just met the parking requirement. Everybody she talks to say that building doesn't have enough parking. So again, the Code under parked restaurants which kind of helped the restaurant who didn't have enough parking. But once they capped it, it artificially lowered what they can have so that's why they need to re-visit that requirement.

DEPARTMENT OF PLANNING AND INSPECTIONS UPDATE

Summary of 2015 Applications

Mrs. Townshend stated that in 2007 they had thirty-seven (37) variance applications. That was definitely a spike but they have had eleven (11) already this year. They are tracking a little ahead of where they were.

Mr. Sheth stated that during that time the applications had changed. Mrs. Townshend concurred.

Mrs. Townshend stated that the Board was really saying "no" a lot in 2006 and 2007 from her recollection; there were a lot of denied variances.

Mr. Sheth stated that they had five (5) or six (6) cases many times. Responding to Mr. Sheth, Mrs. Townshend stated they now we have sometimes two (2) or three (3) months where they don't meet.

Mrs. Townshend stated that they actually do have an Annexation this quarter that you will see next month. Their application volume is a little bit lower than they have been. She knows from Staff's perspective and the City Manager's perspective, there's a concern because if we don't see it at the Planning Commission they aren't going to see it on tax base or Building Permit revenue.

The other piece of that is there are a lot more things that can be done administratively but these count the administrative reviews as well. They are a little low this year but the projects that they have this year have been good projects. They actually have issued permits for the fit-out at State Street Commons which has been sitting vacant as a shell for a number of years. The Walmart re-development stuff is kind of a big project. So some of the stuff that they are seeing is really good but we just aren't seeing the volume that we used to.

Mr. Hufnal stated that he could see them having more signs because of all the Walmart re-development and the one next to Delaware State University that is being remodeled; that's probably going to be a sign issue. Responding to Mr. Hufnal, Mrs. Townshend stated that the Walmart sign will not come to the Board of Adjustment; it's going as a Comprehensive Sign

Plan.

Comprehensive Plan Amendments 2015 – Adopted April 13, 2015, Application MI-15-01, Ordinance #2015-01

Mrs. Townshend stated that the Comprehensive Plan Amendment was the Muriel Schwartz property, that application was approved. She did notice yesterday when she rode by that she needs to talk to Code Enforcement because the overgrowth is growing into the right-of-way.

Research Activities

- **Update on Research for Ordinance Amendments**

Mrs. Townshend stated that a lot of efforts have been focused on the Downtown which is why you are going to see the General Residence Zone stuff. She thinks that's the main thing. They know that they need to do parking. Now they know that they need to do signs. Once they have the Staff available, they know they need to do a re-write of the Subdivision Regulations and an update on the Residential Zones. Those are going to be big projects; they are just not there yet.

They have also been working on the RC (Recreation and Commercial Zone). In a perfect world, this would have come to the Commission months ago. Dover International Speedway is interested in annexing the balance of The Woodlands which would be good from the perspective of right now when you have major events they have split jurisdictions. Even talking to the Speedway for instance, there are things that we require through the *Zoning Ordinance* in terms of camper layout, camper permits, and the Fire Marshal's patrol that isn't required on the County pieces. The Speedway people try to keep people in compliance and they say "what about those people over there?" There are a number of reasons why it's good thing. There are amendments to the RC (Recreation and Commercial Zone) that have to happen before they can make application and it keeps getting pushed two (2) weeks. That is her bad because it's her project so that's the other one that hopefully the Commission will see this fall. It has to be done this year because they can't have another season of these festivals without this being addressed. It also allows them to be more consistent in the noise enforcement. The draft that is being written had noise hours. They are not going to be able to control what happens off the site if it's outside of the City. Some of the after-party stuff has gone until 4:00AM. They want to be able to address that and the Speedway does as well.

Mr. Tolbert stated that he is looking for the festivals to begin lasting a whole week at some point. Responding to Mr. Tolbert, Mrs. Townshend stated that's why they don't want to wait too long to get on this stuff because now you have Firefly and then Big Barrel and they will be adding Punkin Chunkin. They have had this discussion about DelDOT and the Police Department who are very involved in the pre-planning and very event focused. She thinks what they need to deal with on the planning side is okay that's fine but now it's not isolated to one (1) big event a year or two (2) big events a year. The reality is as you have successful event; there's going to be more demand for successful events there. She and Mr. Koenig have had the discussion with DelDOT for instance of okay it's fine to have the road closed for these events but how do we deal with this on a long term basis because if it becomes ten (10) to twelve (12) events a year, is that a fair burden on the community who lives there. They do need to deal with the big picture and how they deal with these events.

Mr. Tolbert stated that the thing that really got his attention is all the tents that it had. It just didn't look like it was a safe situation. Responding to Mr. Tolbert, Mrs. Townshend stated that it

was less concerning this year. Last year it was traffic, traffic, traffic and there were areas where you couldn't get vehicle access. Dover Downs agreed that was not acceptable so that was greatly improved this year.

Current Studies and Projects

- **Transportation Improvement Districts**

Mrs. Townshend questioned if DelDOT Staff are doing the data modeling. Responding to Mrs. Townshend, Mr. Cook stated yes.

Mrs. Townshend stated that at the end of the day, they will end up with a big list of transportation improvements that need to happen along Bay Road and Route 13. They are going to push to get those things in the Capital Transportation Plan. They will collect the fee for improvements associated with projects who will not have to do a Transportation Improvement Study. The way we have categorized it is any project that goes through the Planning Commission. There will be projects that they don't catch like renovations of an existing building. It's a long process.

- **Citywide Recreational Needs Assessment**

Mrs. Townshend stated that Mrs. Melson-Williams has copies of the Recreational Needs Assessment. This is scheduled for approval by City Council on Monday, August 24, 2015 and this will be the driver of how they do their capital planning for the City parks. One of the Ordinances that will likely come out of this is how they deal with open space in residential developments. Apartments are one thing but HOA management of open spaces is not necessarily in the best interest of the City or the residents. They are going to be looking at other ways and maybe there will be a fee instead.

- **Bicycle Plan and Pedestrian Plan for Dover**

Mrs. Townshend stated that they are still continuing to work with the MPO to improve their bicycle and pedestrian facilities and implement that plan.

Program Updates

- **Designation as Certified Local Government**

Mrs. Townshend stated that Mrs. Melson-Williams is passing information around about the designation as a Certified Local Government. Dover is now a Certified Local Government in terms of Historic Preservation by virtue of having a Historic District Commission and Historic District Guidelines and Codes that protect out Historic District. That also makes the City eligible for grant money through the National Park Service via the State. She found out from Mr. Tim Slavin that the City will not get money this year; they will get money next year and he told her exactly how much it is. Their plan is to get a grant and hire a consultant to help them with the Historic District Guidelines. That is something that they tried starting in house and they just don't have the time; its very labor intensive and they need to sub it out.

- **Downtown Development District Program**

Mrs. Townshend stated that the Downtown Development District Program is moving along. The legislature funded the program at 8.5 million dollars for the current fiscal year which was wonderful because they were worried that there wasn't going to be any funding. As it turns out, it appears Dover will have the first two (2) small projects completed. One is an owner occupied residence where the owner has done some renovations and another one is a new home where the

builder is working with NCALL to try to get the house to be owner occupied. We expect that there will be some type of a ceremony that they look to have the Governor at in September. It will recognize the completion of those first projects but also kick off the new round of large project funding and try to drum that up. She sent an email with an attachment to the State Planning Office requesting a small change in the City's Downtown Development District boundary to take in the properties between Loockerman Street and The Green that front State Street and the area of Water Street between State Street and Governors Avenue. That would bring us to 224.9 acres in a maximum allowable district of 225 acres. It would also guarantee that we have a good large project because the interior fit-out for State Street Commons is like a 2 million dollar project. They have been working with a lot of people who are working on small projects. For example, the old Smither's is one of the projects. She thinks she will be meeting with Bel Boutique in the near future. They have not had a lot of large projects so the next deadline is December 1st and they are really hoping that some of these large projects come together to apply for the funding reservation.

Mr. Cregar questioned if there was any interest in the old Acme site? Responding to Mr. Cregar, Mrs. Townshend stated tepid interest. She is not sure that it's a strong enough interests that it will have a project. There are significant challenges on the New Street side of that piece with some of the City's problem properties being adjacent to the Acme site. That is creating challenges for them.

They have the Restoring Central Dover Plan that Mr. Joe Myer came and talked to the Commission about. NCALL has received $750,000 Implementation Grant over five (5) years from the Wells Fargo Regional Foundation that includes staffing. NCALL has now hired a Revitalization Coordinator who will start next week and they have hired a Community Organizer who will work for the Revitalization Coordinator who will start on September 8, 2015. NCALL is very involved. The City is very involved; they are working with Central Delaware Habitat for Humanity and they are working with Milford Housing Authority. They had a really good meeting with Wesley College and they are really trying to strategically determine how to get these things done. In some cases the City has acquired property where they have liens and they are working to transfer them to Habitat. Habitat has purchased properties at Sheriff Sales and they have bought them through regular contracts. Habitat's efforts are vastly changing Kirkwood Street for the better and bringing in homeowners. She and Mr. Koenig met with Mr. Brian Lessard, Mr. Troy Wyndham and Mrs. Jocelyn Tice a few weeks ago. Mr. Lessard is the President of the Board and he and Mr. Wyndham run the Building Committee. If you look at South Kirkwood Street, Mr. Lessard's direction was no beige. Those colors pop and she thinks the style house is consistent with the character of the area. We have all of those good efforts going and we are being very strong on the enforcement side as well. Not everybody's happy about that but if we are trying to encourage people to make an investment and if we are say this is a place worth buying for your house or worth starting a business, we also need to make sure that there's not trash everywhere or overgrown lots or boarded up houses that are in the process of falling down.

We are doing a walk through that was organized by Councilman Sudler and Councilman Slavin of the Lincoln Park Area this weekend. We want to be responsive to the concerns of the residents over there. The City is going to lead a Downtown Development District Cleanup Day on September 19, 2015. We have only just started planning it but it is something that she and Mr. Koenig have discussed and they are both very committed to having a strong showing of City

Staff out there.

Mr. Cregar stated that he lives Downtown and he wants to know who checks the street lights. He just turned in eight (8) street lights from State Street to Water Street in The Green area and they were very good at taking care of that but he had to turn them in. The other thing is the Capitol Complex has numerous street lights out around that area and he knows the City isn't responsible for that. Responding to Mr. Cregar, Mrs. Townshend stated that the Electric Department does street lights but she will find out whether it's something where they send Staff out.

Mr. Cregar stated that anybody that's working at night time has to be going by there and seeing lights that are out. If we are trying to improve the walkability, particularly at night for some of these events, street lighting is very important.

Mr. Tolbert stated that they were told by the Electric Department when they have street lights out in their development to make them aware of it and to let them know the location of the light. Responding to Mr. Tolbert, Mrs. Townshend stated that the question is, is there a proactive effort to improve the process.

Mr. Holt stated that he called in a couple lights that were out and they came out promptly to change the bulbs.

Mr. Cregar stated that all he had to do was give them the number on the street pole and they know where it is. He had no problem with them responding; the problem was that those lights were out for a very long time and he thinks someone should notice them. Responding to Mr. Cregar, Mrs. Townshend stated that the City needs to proactively look for these things because the drug dealers aren't going to call them in. The people who are doing the things that benefit from the lights being out are not going to call the Police Department about the lights being out.

Mr. Cregar stated that there was a number of lights out on Kings Highway near that nice Governor's Café place. We just need to make sure that the lights are functioning.

Mr. Holt stated that he thinks the problem is that a lot of residents don't know who to call about the lights being out. He has had a couple of calls from people asking who to call and these are people who have been in the area for a while. He is wondering if maybe an informational sheet could be sent to everyone with that type of information on it. Responding to Mr. Holt, Mrs. Townshend stated that she and Mr. Koenig have talked about doing an outreach about helping make Dover attractive. They have talked about things like people who will cut their grass but they won't weed whack along the curb line so the grass is growing over the curb line or there's a utility pole in the right-of way and everything's nice accept the twelve (12) inch tall weeds along the pole. They are working on doing some type of a public outreach to say "help us with these things". The reality is that you become almost blind to them after a while. You go by it every day; you don't see it and then somebody points it out and you notice that it does look bad. That might be one of the things they could add in the help keep Dover safe and beautiful.

Mr. Tolbert stated that they also cut the grass and the shavings go all over the street. Responding to Mr. Tolbert, Mrs. Townshend stated that was a Code violation.

Mrs. Townshend stated that she thinks some of the things that they are doing for the Downtown

Development District we will end up taking on Citywide. Trimming the weeds on the curb is a real problem Downtown but it's also a problem elsewhere; it's just not too big of a problem. Some people seem to think if the litter blows into their yard, it's not their trash so it's not their problem. At the end of the day if it's in her yard she is going to pick it up. She has had to pick up cigarette wrappers and beer cans of stuff that she can tell you she didn't drink but if it's in her yard, she is going to pick it up. The thought is if they sell some type of public outreach, maybe people will open their eyes. Maybe they can take the blinders off that everyone tends to walk around with because they are caught up in their walks. She is looking forward to a very strong relationship with the Staff that NCALL has hired. She was on the Selection Committee and she was very pleased with the applicants as a whole and the applicants that were selected.

- **Restoring Central Dover Community Plan**

Mrs. Townshend stated this was already discussed under Downtown Development District Program.

Mrs. Townshend stated that the Stormwater Survey is from the Public Works Department. If you haven't filled it out, they beg you to fill it out because they are trying to get input. There are extras here, feel free to share it with friends and neighbors.

Mr. Ruggerio Wilson sent a thank note to the Planning Commission but also acknowledging Staff's efforts in helping keep them on the right track.

EDUCATION AND TRAINING OPPORTUNITES

Mrs. Melson-Williams stated that the University of Delaware trainings don't start until after the new year.

Mrs. Townshend stated that the UD trainings will start in January; the same series. They have talked about expanding what they do but they haven't gotten there yet.

OPEN DISCUSSION

Mr. Tolbert stated that he was glad that the Board of Adjustment was here because his questions and concerns were answered.

Mr. Baldwin stated that here recently he is getting a lot of calls from seniors about the blue LED after-market headlights on automobiles. Who do you contact about those lights? Someone has had to of gotten a permit to sell these things. It's bad for seniors because their eyes are bad.

Mr. Tolbert stated that they seem to be legal.

Mr. Holt stated that if they were illegal, they wouldn't be allowed to have them.

Mrs. Townshend stated that Mrs. Melson-Williams is going to research it; it's not a zoning issue but she might be able to find something out.

Mr. Cregar questioned if Staff needed anything from them? Responding to Mr. Cregar, Mrs. Townshend stated no. She thought it was good to have the Board of Adjustment here. She thinks maybe they should do it periodically with the Board of Adjustment and maybe the Historic District Commission also.

Meeting adjourned at 1:12 PM

Sincerely,

Kristen Mullaney
Secretary

CITY OF DOVER PLANNING COMMISSION
September 21, 2015

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

Staff members present were Mrs. Townshend, Mr. Cook, Mr. Jason Lyon, Mrs. Dawn Melson-Williams and Mrs. Mullaney. Also present were Mr. Connie Malmberg and Mr. Doug Liberman. Speaking from the public was Mr. Stephen Fuller.

APPROVAL OF AGENDA

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF AUGUST 17, 2015

Ms. Still moved to approve the Planning Commission minutes of August 17, 2015, seconded by Dr. Jones and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

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

Mrs. Townshend stated that minutes from the Planning Commission Quarterly Workshop Meeting held on August 19, 2015 were not ready at this time.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, October 19, 2015 at 7:00pm in the City Council Chambers.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on August 24, 2015 and September 14, 2015.

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. S-13-18 Redevelopment of Walker Woods: The Village of McKee Branch – Information on Revisions to building architecture associated with the Site Plan to redevelop the property with twelve (12) two story and three story apartment buildings (a total of 77 units in Buildings A-L) and a 3,400 SF Community Building. The properties are zoned RG-2 (General Residence Zone). The properties known as Walker Woods Phases 1 and 2 are situated on the north side of Walker Road adjoining Harmony Lane; the new development will be named the Village at

McKee Branch. The owners of record are Walker Woods Properties, LLC and Milford Housing Development Corporation. Addresses: 1357-1383 Walker Road and multiple addresses on Harmony Lane. Tax Parcels: multiple parcels on map ED-05-067.18-01 Council District 4. *The Planning Commission granted conditional approval of the Site Plan on October 21, 2013 with Final Plan approval pending.*

Representatives: None

Mrs. Townshend stated that the Commissioners have a memo in their packets along with some architectural renderings. In October 2013, Planning Commission issued the approval for S-13-18 which was the re-development of Walker Woods. It's now been subsequently renamed the Village at McKee Branch. The architecture that is on the screen is the architecture that was seen at that time. They have proceeded through the Check Print process and at the time that the packet went out Staff was in the process of completing the Final Plan process. So the Final Plan approval has been issued but in the review of the Building Permits Staff noticed that the architecture changed. What was proposed before was a varying roof line with sections of two story and sections of three story that was certainly very attractive. What they have now, if the Commission had seen it at the time, it would not have been concerning, but it's not what the applicant showed to the Commission. Staff has been working through the Building Permits. At this point there have been two (2) Building Permits issued. The rest are pretty much down to the paperwork; 90% of the review is done but because the architecture is different from what was seen before she thought that she needed to bring it back so that the Commission would be aware of it and so that any questions could be answered. At the time that they submitted the Building Permits, at that point they had done all of the architectural work. Staff knew that they had made some changes but they didn't realize that the changes to the architecture; they knew that they reduced the unit count and things like that. Had they known earlier about the changes in elevation, they would have brought them forward but they did at least think it was important for the Commission to at least be aware.

Colonel Welsh questioned the reason for the change? It looks like they are going from a staggered height, staggered roof line, upscale design to kind of a plain Jane prefabricated dormitory. Responding to Colonel Welsh, Mrs. Townshend stated that she would say it's "value engineering". She thinks it was not financially feasible to build what they had designed originally. They reduced the unit count as well from seventy-seven (77) to sixty-six (66). There were a number of changes that they made. Reduction in the unit count was not a big deal but it was the cost of the project.

Colonel Welsh further questioned in bringing it back to the Commission, do they have any legal status or standing? Responding to Colonel Welsh, Mrs. Townshend stated she doesn't believe so; it's more here for the Commission's information. Her thought was that if there are some things that the Commission would like to have incorporated, for instance this shows entire vinyl if the Commission would want to see a brick veneer water-table or something just to break it up, they could certainly take that back to the applicant.

Colonel Welsh stated that he definitely thinks that something needs to be done to break it up. They have gone away from a very attractive design which the Commission approved. It kind of troubles him that they go from something like that to something like this without any involvement. Would the Commission have approved it like this when they first presented it? He isn't sure; he would have liked to have seen something to break up the design on it. It troubles him that there is no way to

hold their hand to the fire. He would suggest that they use different material or break up the roof line if they can do that. Responding to Colonel Welsh, Mrs. Townshend stated that she doesn't believe that they would be in a position to break up the roof line but she does think that they can press the applicant to alternate colors. Kind of like some of the things that have been done with Eden Hill where they add some accents to it dress it up significantly.

Colonel Welsh questioned if the applicant was here? Responding to Colonel Welsh, Mrs. Townshend stated no, the Commission doesn't need to actually vote on it; it's here for information.

Colonel Welsh stated that he understands it's mostly for comments but it would have been nice to have the applicant here to answer any questions that the Commission may have had.

Mr. Holden stated that whether it's value engineering or bait and switch, he would press Staff to hold them to what was submitted or as close to what was designed as Staff is able to. If there are wholesale changes in the look and character of something, it's more appropriate that it comes back in front of the Commission with some ability to have some impact. It's unfortunate that they do not. Responding to Mr. Holden, Mrs. Townshend stated that she apologizes for that. She did not realize the degree of changes until the plans were pulled out and compared with the Site Plan. She called the applicant; she did tell them it was coming back but at this point Staff did begin the issuance of permits.

Mr. Holden questioned in retrospect, how would they avoid this or what changes to process or other actions would need to happen for this to be prevented in the future? He understands value engineering efforts. This is a very different sense, feel, and look; there's not just a little bit of massaging that's going on. Responding to Mr. Holden, Mrs. Townshend stated that this is an engineering firm and a developer that the City's not worked with before. One, the City needs to make it very clear to them that if they are going to be doing things here again that they need better communication. Staff would have preferred to have brought this forward to the Commission before they even started applying for Building Permits. Staff didn't have that level of detail until they got to that point.

Colonel Welsh stated at that point in time when they were applying for the Building Permits that were being issued, they were being issued based on the assumption that this had not changed. Responding to Colonel Welsh, Mrs. Townshend stated no; the two (2) Building Permits that were issued. It was in review of the permits when this was noticed. When the Building Permits come back to the Planning Office, Staff pulls out the information that came to the Planning Commission and they look at the elevations that are provided in the building plans. She doesn't ever recall this happening.

Mrs. Melson-Williams stated not to this extreme; they've had some more minor changes where they showed stone and they switched to brick, color switches and things like that. Nothing that is "form" related changes. Typically, Staff is alerted to those ahead of time because they may have changed the building footprint as well so they are seeing it on the Site Plan Check Print process earlier.

Colonel Welsh stated that he thinks back to years ago when they started the requirement for the developer to come forward with an elevation and then material identification. He thinks Mr. Holden's characterization of" bait and switch" is probably pretty good. What do we do to keep this

from happening in the future? Somebody can come forward with something that they know they need to do to get by the Planning Commission and then when it comes to the end they come up with something like this. Responding to Colonel Welsh, Mrs. Townshend stated that she has been trying to think back through the process to determine if there was a point where Staff could have caught it sooner and she can't think of anything. She is concerned and she doesn't think it's fair to the City to just simply not worry about it but on the other hand at this point they are so far in the process and they are a tax credit development. The problem was that so much came down to the very final moments that literally their financing is in jeopardy. Instead of an area re-developed as quality affordable housing, if we don't issue the permits we could end up with a neighborhood that has had issues that need re-development, just sitting neglected.

Colonel Welsh stated that the original plan represented an upgrade to that area and that was one of the selling points. It's not the old Walker Woods; it's something that's nice, it's something that's attractive and it's something that's going to upgrade the area. This represents the same thing. He thinks they got hoodwinked to tell the truth. What's done is done; he doesn't know what legal standing the Commission has to do anything about it. Responding to Colonel Welsh, Mrs. Townshend stated at this point only two (2) permits have been issued. There are a total of eleven (11) buildings. The Community Building is the same as what the Commission originally saw but for the buildings that Staff hasn't issued permits for, the Commission can have them add some of the accents that would dress it up over what they have now.

Mr. Cregar stated that he has a recommendation and he doesn't know if the Commission can do this or not. He recommends that Staff issue no further permits; that we invite the applicant back here with a revised plan to show the Commission a little bit better design then what they just got. He doesn't know if the Commission can do that but he thinks it's that important.

Colonel Welsh stated that he agrees.

Mr. Cregar questioned Mrs. Townshend if that put them in a precarious situation? Responding to Mr. Cregar, Mrs. Townshend stated that her concern is that it could potentially risk their financing but again that's not the direct concern of the Commission.

Mr. Cregar stated that he feels the applicant should have been here. Responding to Mr. Cregar, Mrs. Townshend stated that Staff told them about the meeting but she wasn't sure that Staff sent the applicant anything telling them that they had to be here.

Mr. Cregar stated that it doesn't matter; they should have been here. It should have been that important to them.

Mr. Holden stated that it would be is recommendation to push Staff to do whatever is in their power to not allow the current to move forward. Whether it comes back to the Commission or not and he would also push for a path to mitigate the potential for this to happen. Value engineering needs to be allowed in any project; wholesale changes of character shouldn't be allowed. Whether there was a miss or a procedural thing that needs to be changed, that needs to be re-visited and corrected so that they can have some assurance of the general character, look and feel and density that gets approved.

Mr. Tolbert stated that he agrees with the comments being made completely because it puts them in a position of having approved something that they aren't getting.

Dr. Jones would concur with the recommendation from Mr. Holden but this is a matter of integrity of our process. Perhaps jeopardizing the integrity of the process and that does concern her.

Mr. Cregar stated beyond that, he knows they have a responsibility to the developers but they have a responsibility to community which was a part of this review. He doesn't feel bad at all in saying to the applicant that he feels they hoodwinked the Commission. He doesn't feel comfortable with it. Responding to Mr. Cregar, Mrs. Townshend stated that she thinks that's fair.

Colonel Welsh questioned if there was a motion required? Responding to Colonel Welsh, Mrs. Townshend stated since we are suggesting not issuing additional permits she thinks a motion would be helpful so that it's very clear. Just to be clear, the Community Building has not changed so she would think it would be okay to issue that permit but not to issue any additional building permits. She will make sure the applicant is aware of that and then bring them back to the next meeting.

Dr. Jones stated that the elevation has changed considerably and the units reduced in number. What about square footage of individual units? Responding to Dr. Jones, Mrs. Townshend stated that the initial plan didn't really get to the square footage of the individual units; it's more about the unit count. She can look back and see if it was in there but usually they don't get to the area of the individual units until they get to the building plans.

Mr. Tolbert stated that he thinks if they bring the applicant back, they can ask all of the questions and get a better understanding of what they're doing.

Mrs. Townshend stated that Bill just reminded her of something. The way that this was always portrayed was they were going to take the existing buildings down to the foundations and rebuild up. The reduction in units was not a reduction in size of units; it was a reduction in a building.

Dr. Jones questioned per the original plan? Responding to Dr. Jones, Mrs. Townshend stated yes, they had to remove a building to be able to accommodate their stormwater management.

Colonel Welsh stated in terms of the applicant coming up on a deadline for financing, he stands ready to re-convene if that's an issue. He thinks the whole body would be willing to have a special meeting to hear what they have to say and to talk with them about what the Commission expects to see. This is such a radical change; it's not even close.

Mr. Cregar moved to recommend that there be no further Building Permits issued on the project, that the Commission wants the developers to meet with the Planning Commission to discuss their buildings and design, seconded by Mr. Holt.

Mr. Holden stated that in the point of discussion and he doesn't know that it's appropriate to add into this motion because he supports the motion as stated. The second piece of his comment was if there is a procedural miss in our process currently that allows us to go from what was presented to us to what they have now without due oversight and a catch to bring it back to the Planning Commission. He thinks that the procedure needs to be amended. They need to figure out where the

miss is and try to avoid such a drastic change in the future. That's separate so he doesn't know that it needs to be included in the motion on this specific action. So maybe he seeks Staff's thought on that and is that a separate motion or is that a workshop driven discussion? Responding to Mr. Holden, Mrs. Townshend stated that she would say that they should have that on a workshop. Like Dawn said, 99% of the time if there's a change to something it's very unusual and that you would have such a vast change that you don't pick up by looking at the Site Plan and the building footprint. Her suggestion would be at the Staff level they talk internally. She doesn't do a whole lot of plan review and as luck would have it, this application is hers. That's why she has been trying to rack her brain to see if there's something that she missed along the way and she honestly can't think of anything.

Mr. Holden stated that things get missed and he doesn't mean to throw stones and that happens. In a Site Plan and a footprint, you can have the exact same footprint but a wholesale different aesthetic, and building construction level of floors for a couple buildings. He doesn't know that it quite belongs in the same motion so he is comfortable addressing that at a Planning Workshop. Responding to Mr. Holden, Mrs. Townshend stated that they can do that at a workshop and that would give Staff some time to chat among the Staff to see what could be changed.

Mr. Holden stated with the intent that you'd catch wholesale design changes.

Colonel Welsh questioned if it would be an obligation of the developer as they are looking at cost reduction and what they want to do to bring up to Staff? They can see that this represents a significant change. Responding to Colonel Welsh, Mrs. Townshend stated that there were a number of meetings that primarily involved the Chief Building Inspector and the Fire Marshal. Part of her thinks that some of this relates to having a developer and design professionals who have not done things in Dover and don't realize how important the architectural elevation component is in the plan approval. It's not just something that they turn in so they can get a sense of what it is. It is something that if the Planning Commission doesn't like what they see, will very actively tell you. It could be an issue of as Staff works with design professionals, making sure that they communicate the importance of the architectural elevations not being just a procedural thing. It's not just a pretty picture for the Commission to look at; it's part of the approval. There are so many factors that could be a part of it. The firms that they work with regularly would have known so she doesn't know if it's a 'breaking in the new guy' kind of thing.

Colonel Welsh stated that it may be and they need to give the applicants the benefit of the doubt. Responding to Colonel Welsh, Mrs. Townshend stated that they are not bad people.

Colonel Welsh stated that he appreciates what they are doing but this is not what the Commission approved and he thinks everybody feels that same way. He thinks we need to go back to the drawing board.

Mr. Tolbert stated that they have a motion on the floor.

Mr. Cregar moved to recommend that there be no further Building Permits issued on the project, that the Commission wants the developers to meet with the Planning Commission to discuss their buildings and design, seconded by Mr. Holt and the motion was unanimously carried 8-0 by roll call vote with Mr. Ambruso absent. Mr. Holden voting yes; the elevations that have been brought

forth are wholesale different from what was presented originally and the plan should be submitted for pre-approval. Mr. Cregar voting yes; he believes that the Commission has a responsibility to the community for what they approve the first time around and that they need to try and maintain the integrity of what they approved. Colonel Welsh voting yes, for the reasons previously stated. He thinks design integrity is very important for this community. They have tried to work that way for years and years and this represents a radical change. They have had other builders who have given the Commission everything that they needed and he is very appreciative of that. Mr. Holt voting yes, because of the radical change and he thinks they do need the applicant here to explain a little bit more about what's going on in this project. Mr. Baldwin voting yes, based on the reasons previously stated. Dr. Jones voting yes, she would like to hear from the developers about the radical change. Ms. Still voting yes, for all of the reasons previously stated and she believes there is significant opportunity for them to bring it more in line with what they have seen before on the previous plan. Mr. Tolbert voting yes, it allows the Commission to do the job that they are organized to do. It also enhances the integrity and responsibility that they have to carry out as Commissioners.

Mrs. Townshend stated that one of the Commissioners had mentioned potentially convening a special meeting. In looking at the calendar, would Wednesday, September 30, 2015 work and if so would an earlier time work? We could do 7:00 PM or 6:00 PM. Her preference would be to not have it wait a month because she does know how difficult the timing is.

Dr. Jones stated that an earlier meeting time would work better for her. Responding to Dr. Jones, Mrs. Townshend stated that they would confirm the time tomorrow but at this point the meeting will be held on Wednesday, September 30, 2015 at 6:00 PM. She obviously has to make sure that a room is ready and she has to let the applicant know.

NEW DEVELOPMENT APPLICATIONS

1) AX-15-01 Lands of Paul C. Phillips and Theresa HoShue at 121 Acorn Lane and a property on Nixon Lane – Public Hearing and Review for Recommendations to City Council on an Annexation Request and Rezoning Request for two parcels of land in the vicinity of Acorn Lane and Nixon Lane.
   A. Property located at 121 Acorn Lane consisting of 0.46 acres ±. The property is currently zoned RS-1 (Single Family Residential) in Kent County. The proposed zoning for the property is R-8 (One Family Residential Zone). The property is located on the west side of Acorn Lane and northwest of Shadybrook Drive. The annexation category according to Dover's *2008 Comprehensive Plan* is Category 1: High Priority Annexation Area and the land use designation is Residential Medium Density. The owner of record is Paul C. Phillips and Theresa HoShue. Address: 121 Acorn Lane. Tax Parcel: ED-00-068.19-01-25.01-000.
   B. Property located on Nixon Lane consisting of 0/51 acres ±. The property is currently zoned RS-1 (Single Family Residential) in Kent County. The proposed zoning for the property is R-8 (One Family Residential Zone). The property is located on the east side of Nixon Lane and north of North Little Creek Road. The annexation category according to Dover's *2008 Comprehensive Plan* is Category 1: High Priority Annexation Area and the land use designation is Residential Medium Density. The owner of record is Paul C. Phillips and Theresa HoShue. Address: 55 Nixon Lane. Tax Parcel: ED-00-068.17-01-25.00-000.

Representatives: Ms. Theresa HoShue

Mrs. Townshend stated that this is an annexation and rezoning request for two (2) properties. One located at 55 Nixon Lane and the other located at 121 Acorn Lane. The property on Nixon Lane is just over a half acre and the property that fronts Acorn Lane is just under a half acre. The current zoning in Kent County is RS-1 (Single Family Residential). The proposed is R-8 (One Family Residential Zone) in the City of Dover. This is designated in the *Comprehensive Plan* as a Category 1: High Priority Annexation Area with the land use designation as Residential ~~Low~~ Medium Density.

The two (2) properties adjoin each other. The properties (shown on the display map) in darker outline are in the City and those in the lighter outline are in Kent County. This area is an enclave area within the City. The City installed sewer on Nixon Lane and Acorn Lane a number of years ago and at that time they did not require annexation in order to connect to the City's water and sewer utilities. The property at 121 Acorn Lane is developed as a single family residence and has City water and sewer. The property on Nixon Lane, the County just recently issued a Building Permit for the construction of a new home. But again, because the City no longer connects people to water and sewer that are in our High Priority Annexation Area. The City talked to the property owners about annexation. Because the property at 55 Nixon Lane is not directly contiguous; it does not share a boundary with any properties in the City, the annexation of 121 Acorn Lane which is owned by the same owner, is required to get the contiguity so that is the reason for the annexation of both parcels. When Staff looked at other similar annexations in the past several years on Acorn Lane, the zoning that had been applied was R-8 (One Family Residence Zone). If you look in the area, most of the City zoning is R-8 (One Family Residence Zone), there may be some properties zoned as R-20 (One Family Residence Zone) as well. R-8 (One Family Residence Zone) is the suitable zoning given the lot size and the zoning in the surrounding area.

Mr. Cregar questioned when an annexation comes in, do we go back to see if there's anyone else at the same time wishing to be annexed at this time? Responding to Mr. Cregar, Mrs. Townshend stated that they used to do that and they were frequently met with overwhelming "No thank you." They stopped doing that because what it does is delays the process and adds more to it. When they annexed the property where the Dover High School is located now, they contacted all of those properties along Route 8 and most of them had initially agreed to annex and then somewhere in the process decided they didn't want to so it created more of a mess. It used to be the standard practice but it wasn't getting them anywhere.

Mr. Tolbert opened a public hearing.

Mr. Stephen Fuller – 7 Nixon Lane Dover DE 19901

Mr. Fuller stated that he did not receive a letter. He doesn't know why because his property abuts where they are doing the construction. He called City Hall and was kind of confused by the answer that he was given regarding the R-8 (One Family Residence Zone). He was told that it was usually a one family zone but it could be a small commercial. Responding to Mr. Fuller, Mrs. Townshend stated no, that was not correct. There are customary home occupations but that would be somebody who might work out of a home office and they can't have any external signs.

Mr. Fuller stated that he was worried about having "Joe's Hotdog Stand." Responding to Mr. Fuller, Mrs. Townshend stated it is a one family residence zone.

Mr. Fuller stated that they didn't receive the letter so they read someone else's letter and when he called the office, there was a little confusion.

Mrs. Melson-Williams questioned if he said he owned 7 Nixon Lane? Responding to Mrs. Melson-Williams, Mr. Fuller stated that he owns 7 Nixon Lane and the next two lots over that abut 55 Nixon Lane. (*A mailing was sent to 7 Nixon Lane but in different owner's name.*)

Mrs. Townshend stated that part of the challenge that the City has on their public notice is, they have very easy access to all of the City records and then they go the Kent County PRIDE system for what they don't have in the City records. What they will do is ask the City's GIS Staff to ask the County how often their system is being updated.

Mr. Tolbert closed the public hearing.

Mr. Holt moved to recommend approval to City Council for AX-15-01 Lands of Paul C. Phillips and Theresa HoShue at 121 Acorn Lane and a property on Nixon Lane with a zoning classification of R-8 (One Family Residence Zone), seconded by Colonel Welsh and the motion was unanimously carried 8-0 by roll call vote with Mr. Ambruso absent. Mr. Holden voting yes; it's keeping with the nature of the community and it's in the High Priority Annexation Area. Mr. Cregar voting yes, for the exact same reasons. Colonel Welsh voting yes, for the same reasons. Mr. Holt voting yes, because it's in the Comprehensive Plan and it works well with the City. Mr. Baldwin voting yes, for the reasons stated. Dr. Jones voting yes, for the same reasons mentioned. Ms. Still voting yes, for the reasons already stated and it's a proper use of the annexation. Mr. Tolbert voting yes, concurring with the comments made by the Commissioners regarding this application and he sees no reason why it shouldn't be approved.

2) S-15-13 Dover Town Center: Revised Phase 2 – Public Hearing and Review of Revised Site Development Plan for areas of the Dover Town Center project. This plan proposes revision of the multi-tenant retail building from 7,665 SF to 11,600 SF and the revision of the restaurant building from 5,740 SF to 5,793 SF. As a result the total building area on the site will be 115, 491 SF. The property consists of 12.42 acres (following right-of-way dedication) and is zoned C-4 (Highway Commercial Zone). The property is located on the west side of North DuPont Highway between KW Boulevard and Cedar Chase Drive. The owner of record is Onix Dover, LLC. Property Address: 1574 North DuPont Highway. Tax Parcel: ED-05-057.00-01-05.01-000. Council District 4. *The Dover Town Center project previously reviewed as Site Development Plan S-15-04 was approved by the Planning Commission on May 18, 2015 and granted Final Site Plan approval on July 6, 2015.*

Representatives: Mr. Connie Malmberg, Malmberg & Young P.A.; Mr. Doug Liberman, Larson Engineering; Mr. Ric Rouf, GG&A

Mrs. Melson-Williams stated that this is a Site Plan. It should look fairly familiar in that they saw a plan called the Dover Town Center as S-15-04 a couple of months ago. This submission tonight is a submission for what they are calling Revised Phase 2. It deals in particular with the two (2) pad site

buildings; one that is purposed as a restaurant and the other one as multi-tenant space. The overall Site Plan for S-15-04 has Final Plan approval and if you've been on the north side of town you will see that they are in very active construction with what was the old Walmart building. The City has issued multiple permits associated with that plan activity. Tonight, the Commission is focusing on the changes to the two (2) buildings out in the parking lot area.

First, with the revision to the restaurant building; it's a change in size from 5,740 SF to 5,793 SF. A slight tweak to their square footage and also a revision to remove what is an outdoor dining patio area for that building. The other building is the multiple tenant retail building that's located at the corner of KW Boulevard and Crawford Carroll Avenue that is proposed is to be enlarged with this proposal, going from 7,665 SF to 11,600 SF. The earlier version of the plan included a slightly smaller building that had an opportunity for a drive through. They have chosen to eliminate that and in doing so have increased the overall square footage for the multi-tenant building. With this proposal, there are some changes to what would be the architecture for the project. The packet included the restaurant elevations. Basically, the only change that is happening there is some of what was a larger canopy area to cover that outdoor seating has been eliminated. The overall basic building space remains the same with a mixture of stucco finishes, multiple wall projections, the use of awnings and still kind of a corner entrance to that building. For the architecture for the multi-tenant retail building, this is the first time the Commission is seeing that. Previously, there was no architecture submitted and in approving the original plan Staff had noted that before they could even get permits for this building they would have to bring that architecture back to the Planning Commission. They have done that with this submission. It basically follows the same type of architecture that's setup for the main retail building. It has a detail of a water-table that wraps around all four (4) sides of the building because all four (4) sides of this building are going to be very visible given its corner location and placement on the site. What is truly the front of the building which faces east into the parking lot area is where you see the main entrances and the larger storefront type display windows. There are windows that wrap onto the corners for the end units of the building and then on the rear the only openings are the various service doors. In order to keep the detailing on all sides of the building, they do use the engaged plasters that make it look like it's divided by columns. It's a change in materials and overall the building has a very heavy cornice line. It is a flat roof which is basically what is seen for commercial entities.

Related to the site, there aren't really any significant changes to the overall layout. With the restaurant building, there's been some tweaks to add some additional handicap parking spaces. The retail building changes on the north end to then locate what are the dumpsters for that facility. With parking overall for this site, the minimum number of parking spaces required based on the overall square footage and then the use of the one building as a restaurant requires four hundred twenty-six (426) parking spaces. The maximum that Code would allow is five hundred thirty-two (532) parking spaces. The plan itself shows a total of five hundred fifty-two (552) so that means they're over parked by twenty (20) parking spaces. However, we consider that a legal non-conforming situation that can actually continue to be there because before they started all of this activity the site had seven hundred four (704) parking spaces which well exceed the Code requirements of today. They are getting much closer to what the Code would allow for today.

With the size of the retail multi-tenant space building it does require a loading space. They are showing that on the south end that wraps around to allow for those rear service access situations. For bicycle parking, they continue to have racks provided at each of the buildings. A much larger

one with the main building but each of these pad site buildings have their own bicycle parking rack. The sidewalk network continues that was established previously where they will be constructing new sidewalk along KW Boulevard and providing a number of crossing points into the overall shopping center to link to these buildings and then continuing to link to the major building on the site. Previously, this plan was approved for reduction in the Arterial Street Buffer along Route 13. There are no changes with this plan revision to that previous request and also with the opaque barrier previously established along the northern property line. Tree planting remains the same; there needs to be one hundred eighty-five (185) trees on the property. With the re-design of the building footprints in both of these cases there will be some tweaks to the Landscape Plan in the immediate vicinity these buildings but they still need to meet the overall planting requirement. As always, the plan did move through the review process with the other DAC member agencies, including the Departments of Public Works and Electric for the City, the City's Fire Marshal's Office, Kent Conservation District and DelDOT. For the most part, a lot of the infrastructure planning was already setup with the previous Site Plan and there will just be some minor tweaks to deal with the slight changes for these two (2) areas.

Mr. Malmberg stated Mrs. Melson-Williams did a fantastic job reviewing the site. They have read all of the comments and they can comply with all of the comments. This is basically a continuation of an upscale re-design of what was the old Walmart center.

Colonel Welsh stated that he thinks the plan is great and he thinks that everything that they have done is great and he is glad to see construction progressing as rapidly as it is. This is going to be a welcomed addition.

Mr. Cregar questioned if the applicant was okay with the comments about the pedestrian circulation? Responding to Mr. Cregar, Mr. Liberman stated yes, the main comment there was the barrier free access and he thinks there was one curb along the northeast corner of the 11,000 SF building that did not have that. So that had been added throughout and they have those throughout the site. They have three (3) linkages to KW Boulevard and two (2) linkages to Route 13.

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

Colonel Welsh moved to approve S-15-13 Dover Town Center: Revised Phase 2 inclusive of the DAC report, seconded by Ms. Still and the motion was unanimously carried 8-0 by roll call vote with Mr. Ambruso absent. Mr. Holden voting yes; it is modest changes to what was previously approved and its appropriate plan for the area. Mr. Cregar voting yes; he agrees with Mr. Holden's comments and would also add that under the current zoning all of this is allowed and it will bring a welcome change to this area. Colonel Welsh voting yes, in concurrence with the previously stated comments. Mr. Holt voting yes, in concurrence with the previously stated comments. Mr. Baldwin voting yes, in concurrence with the previously stated comments. Dr. Jones voting yes; she is comfortable with the minor revisions for this plan and it's a welcome site as she rides by 2-3 times a week to see the progression of the property. Ms. Still voting yes, in conjunction with all of the previous comments and she too feels that it's a welcome improvement for the site. Mr. Tolbert voting yes, he would have liked to see something other than a flat roof but the site is well planned for with the project.

3) US-15-02 Dover Town Center – Public Hearing and Review of a Unified Comprehensive Sign Plan application for the Dover Town Center complex to permit the construction and implementation of signage for the 12.42 acre parcel to include tow (2) illuminated freestanding pylon signs totaling 576 SF and 28 wall signs of various types totaling 1,872 SF. The property is zoned C-4 (Highway Commercial Zone). The property is located on the west side of North DuPont Highway between KW Boulevard and Cedar Chase Drive. The owner of record is Onix Dover, LLC. Property Address: 1574 N DuPont Highway. Tax Parcel: ED-05-057.00-01-05.01-000. Council District 4.

Representatives: Mr. Connie Malmberg, Malmberg & Young, P.A.; Mr. Doug Liberman, Larson Engineering, Mr. Ric Rouf, GG&A; Mr. Ben King, Arium Architects

Mr. Cook stated that this a Unified Comprehensive Signage Plan for the same property as the previous case. The plan includes the construction implementation of signage for the Dover Town Center which will include two (2) illuminated free standing pylon signs totaling five hundred seventy-six (576) SF and twenty-eight (28) wall signs of various types totaling one thousand eight hundred seventy-two (1,872) SF. The plan that the Commission received was what they call the Plan Book that has the entire signage package. It's quite comprehensive and complete and he will try to summarize some of the high points and talk a little bit about the Code and the Comprehensive Sign Plan process and then talk a little bit about some of the selected signage on the site.

One thing to bring out in advance is that this particular Signage Plan only applies to the main large structure on the site at this time. So the two (2) buildings that were just approved in the previous case are not part of this plan. This plan is going to apply to the main large building where the former Walmart was. The two (2) additional smaller buildings would qualify for signage under the standard Code. If they would like to apply for more then they would come back for an amendment to any approved Comprehensive Signage Plan which is otherwise made for the property. Also as part of this plan, there are two (2) pylon signs; one is referred to as the north pylon sign. It is visible from both sides of the highway, nearest southbound Route 13. The other one is called the south pylon which is located close to the corner of KW Boulevard. There is an existing pylon sign at KW Boulevard and that one is coming down so the proposed pylon will replace it. The south pylon sign is being shared with the Sam's Club located farther west on KW Boulevard. He did put the information in the Staff Report in terms of what's permitted for the highway type which is Urban Principal Arterial throughout Route 13. KW Boulevard is called an Urban Local Collector. From having approved Comprehensive Signage Plans before, the Planning Commission does have the ability to waive the height, size, number and area regulations over and above the standard Code if they wish. The Staff Report also includes some information about the guidelines and objectives for Unified Comprehensive Signage Plans. Overall, some of those guidelines and objectives were to ensure that the size of the property warrants a Unified Comprehensive Signage Plan. This does qualify because this has more than three (3) principal structures. It also qualifies due to its significant highway frontage on Route 13. Also, the Commission would review the plan for the placement of signage with respect to the number of entrances on the property and whether that was appropriate and whether that offered visibility to ensure safe navigation of the driving public. Other criteria would be to consider that the number of signs is adequate in number based on the traffic situation as well as the uses and whether or not the proposed signs would have an adverse impact on the visibility of adjacent properties or signs. Also for the Commission's consideration would be whether the proposed signs compliment the architecture of the building and the site in general. On

Page 5 of the Staff Report, he gave a detailed table of every sign that's in the package and they are split out by free standing signs and building signs.

The main façade of the whole center is presented at the bottom image. The five (5) tenants on the left, at this point they do not know those tenants but there was provision within the Sign Plan made for sign space for those tenants. Within the Sign Plan itself, for each tenant there was a few pages for each tenant with details of their signage. There was also a plan of their façade as well as where that tenant space was located on the Site Plan map. One thing to note about the property is that there is signage on the building side facing DuPont Highway. That will be a Five Below sign. The Ross tenant wanted an additional sign so this will be setback kind of off the loading area so that wall is actually setback from this other side façade by about one hundred (100) feet or so.

The north pylon sign is going to be two hundred fifty-two (252) SF. It has space for ten (10) different tenants and the height of twenty-four (24) feet. He did a rundown on Page 7 comparing the pylon signs as presented and then also as compared to Code. Also on the south pylon sign, because it is a shared sign with an off premise adjacent property, they are entitled to an area bonus due to the sharing situation. That sign currently proposed to have the five (5) primary tenants with individual panels on that pylon sign as well. One thing noted in the plan, for the north pylon sign they did request a slight reduction of the base if possible and that's due to a crosswalk that's adjacent coming from the sidewalk from North DuPont Highway. We didn't put that as a condition of approval in the report for the Planning Commission to approve but it was just a topic of discussion at the DAC meeting. They said that they would be able to reduce that by a slight amount to bring that down to a little bit below chest level. They had some concerns about people possibly running out or children.

One recommendation that they did make as a recommendation of approval pertains to the south pylon sign and that was for a reduction of height by one (1) foot. The sign as proposed is thirty-one (31) feet. The standard Code is the maximum of thirty (30) feet so they requested that one foot reduction just to bring it into the standard height requirements for Code.

Another slide in the display shows the façade in three sections with the standard entry signage that is seen in most shopping centers. One thing to note on this is for each one of these tenant spaces at some point, there is a sign that is perpendicular to the building façade so that if you are walking along the front of this building you will be able to see where each tenant space is. It's either handing from the awning or in the case of the tenant Ulta, they are projecting out from the side of the building.

On the wall signs on Page 8, they gave a rundown of what the sign area to wall ratio is for each of those tenant spaces. For this type of property located where it is, typically they would be allowed to have 15% of the wall frontage in signage. For these, they all came in well under the 15% based on the current Code. Staff did recommend approval of the Unified Comprehensive Sign Plan as proposed with a one (1) foot reduction of the south pylon sign.

There were no comments from the other DAC agencies. There was a Unified Comprehensive Sign Plan for this property in a previous iteration and that plan subsequently expired much like the previous Site Plans did just because development did not occur.

Mr. Malmberg stated that Arium Architects put together the sign package for the most part. The way it works in reality is you get clip art more or less or packages from the nationals and you plug it in and make it all one Comprehensive Plan. He would suggest that they are proportional and nice looking. It's not their standards that are set forth in the Staff Report and he thinks they meet all of those standards as far as not being a nuisance to neighboring signs. The concept behind a Unified Sign Plan package is when you have multiple tenants on the site like this, signs are informational and it's important from a practical matter of getting to point A to point B. When you want to get to point B and you are at point A, it's important to have the latitude that you have in that kind of plan. If you are Walmart, you don't need a bunch of signs all over the place but you do if you are trying to get to a particular store on a site. He thought that the pedestrian signs were brilliant. They make it a lot easier when you are walking along at a pedestrian level. For the two (2) recommendations with regard to lowering the base on the north pylon and the height by a one foot on the south pylon, they have already made those revisions. They can comply with all of the recommendations that Staff has made.

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

Colonel Welsh moved to approve US-15-02 Dover Town Center for the Unified Comprehensive Sign Plan as submitted, seconded by Mr. Holt.

Dr. Jones questioned if that motion was consideration of Staff recommendations? Responding to Dr. Jones, Colonel Welsh stated yes, the applicant said they had already implemented those recommendations.

Colonel Welsh moved to approve US-15-02 Dover Town Center for the Unified Comprehensive Sign Plan as submitted, seconded by Mr. Holt and the motion was unanimously carried 8-0 by roll call vote with Mr. Ambruso absent. Mr. Holden voting yes; it's a well put together plan in compliance with the Zoning Regulations. Mr. Cregar voting yes; it presents a coordinated concept, it provides signage that provides identity to the center and its tenants and it provides way of finding for the general public. Colonel Welsh voting yes; it is attractive and it complies with the guidelines of Code. Mr. Holt voting yes; it meets all of the specifications and requirement for the City and it makes it easy to find any of the stores at that location. Mr. Baldwin voting yes; it complies with established guidelines for signage. Dr. Jones voting yes, for the reasons previously stated. Ms. Still voting yes, for all previously stated reasons and she thinks it's very well done. Mr. Tolbert voting yes; the signage is very appropriate and he likes the overview given by Mr. Cook because as usual he gave a very thorough understanding of signage.

4) MI-15-11 Text Amendment: RG-1 and RG-2 Uses and Bulk Standards and Establish Infill Standards for Residence Zones – Public Hearing and Review for Recommendation to City Council regarding Text Amendment to *Zoning Ordinance* Article 3 – District Regulations, Section 2 – General Residence Zone (RG-1 and RG-2); Article 4 – Zoning Bulk and Parking Regulations, Section 1 – Supplementary Regulations Applying to Residence Zones. The proposed Ordinance revisions would permit townhouse and duplex housing types in the RG-1 and RG-2 zones subject to Conditional Use Site Development Plan approval by the Planning Commission, limit multiple dwellings to the RG-2 zone, establish administrative waivers, and revise RG-1 bulk standards. The proposed Ordinance also established infill standards for the development of vacant lots within

developed areas of residence zones. Ordinance #2015-13. *The Legislative, Finance and Administration Committee reviewed the proposed Text Amendment on August 10, 2015 and First Reading before City Council was completed on August 24, 2015. Public Hearing before the Planning Commission is scheduled for September 21, 2015. Public Hearing and Final Reading before City Council is set for October 12, 2015.*

Representatives: None

Mrs. Townshend stated that this is a proposed amendment to the zoning text of Article 3 and Article 5. In Article 3 Section 2, the primary changes are that the amendment would allow as a conditional use townhouses and duplexes subject to certain restrictions. It would limit the allowance of multiple dwellings or apartments to the RG-2 District and not allow them in the RG-1 District. It would expand the administrative waivers to allow for waivers in the bulk standards for Minor Lot Line Adjustment Plans where no additional lots are being created. An example would be if you have a minimum lot width of fifty (50) feet and you have three (3) lots that total one hundred twenty-five (125) feet that you could distribute the lot lines to have uniform sized parcels rather than have to go to the Board of Adjustment to do that. It would allow that to be done administratively. It would also allow them to authorize alternative parking surfaces which would be things like stone driveways or gravel driveways where such parking is located in the rear yard. Again the City does have a lot of stone driveways Downtown and if they're off the alley they frequently have people saying "why are you making me put in concrete or asphalt when they have stone and they have stone?" So when it's off the alley, she thinks it's more manageable from a visual standpoint so they wanted the flexibility to do that. They have proposed amendments to the bulk standards to reduce some of the setbacks and lot dimensions.

The final thing is that they would add to Article 5 Supplementary Regulations is some infill standards. To specify for infill development: the sidewalk that meets City standard is required along the frontage, that residential lots shall include landscaping to include plants and shrubs along the portion of the house that fronts a public street and that a primary façade face the frontage of the property. They had looked at infill standards of other places and they could get very complicated and specific in infill standards but what they didn't want to do was create a monster that would discourage development in the Downtown. What they are looking to do is make sure that they have a standard that makes sense and then can also encourage re-development in the Downtown. There is the Downtown Development District designation; there is a lot of interest turning to re-developing in Downtown. The Restoring Central Dover Plan specifically states flexibility in housing styles as something that we should amend the *Zoning Ordinance* to incorporate so this is the step to doing that. The City did a pretty comprehensive review of the commercial zones and they do believe that they need to do a similar review of the residential zones. But they didn't want to hold up this change until that's done because no matter how quickly they would like to work on things, sometimes it takes much longer than they would like. They didn't want to halt some of the development interest that they have been seeing.

There is one thing in reviewing it after it went out in the packet. Right now in the General Residence zone off-street parking is permitted and it says as an accessory use to C-2 (Central Commercial Zone) that's a permitted use. They had stricken the language that pairs it to C-2 (Central Commercial Zone); there are areas for instance along Division Street that are zoned C-1 (Neighborhood Commercial Zone) or C-1A (Limited Commercial Zone) or C-2A (Limited Central

Commercial Zone) where it might be appropriate to allow parking on a residential lot behind it. But the more that she has thought about it, the more she thinks that if a residential lot is going to be used for specifically for off-street parking then it should be a conditional use and not just a permitted use. That is one change that she would recommend that is not reflected in what is before the Commission tonight. It would be an amendment to strike 2.13 on line 17 and move that language to create a new letter H after line 144 so that if there is a parking lot as a principle use on a property. The Planning Commission has the proper tools to be able to impose conditions on it.

Mr. Holden stated that he is curious for a little more background from Staff on the other conditional uses in terms of townhouses or multi-family within the zones. He understands the graph and other administrative things. In terms of the basis for them and he didn't know if "petition for" meant this was a petition from an outside entity or if this was something Staff generated. Responding to Mr. Holden, Mrs. Townshend stated that it's been brought forward by Staff and it's largely a recommendation out of the Restoring Central Dover Plan. It was actually also in the *Comprehensive Plan* as a recommendation to allow for varying housing styles in the residential zones Downtown. So it's in line with all of the plans that they have done. At this point, they do have some property owners, both for profit and non-profit that are looking at building new homes in the Downtown and are waiting for this. The way that under Restoring Central Dover, the Downtown Development District, the *Comprehensive Plan* all of these things kind of tie together, homeownership is a high priority in the Downtown. In their Downtown Development District they have a rental rate of 84% as of the last census. In the Restoring Central Dover area which is a little bit larger of an area but it's pretty much all RG-1 (General Residence Zone) properties. Those that are not commercial anyway. They have a rental rate of 75%. They have a real driving interest on the part of all of their plan documents and the stake holder input they have gotten to increase homeownership opportunities. So allowing a variety of housing styles provides for a variety of homeownership opportunities, a variety of affordability levels and just furthers that plan.

Mr. Holden questioned if she could easily define the footprint or the general footprints that you find in RG-1 (General Residence Zone) and RG-2 (General Residence Zone)? Responding to Mr. Holden, Mrs. Townshend stated that they really didn't tinker is RG-2 (General Residence Zone). They did in that the townhouses and duplexes would be conditional use. RG-2 (General Residence Zone) is very much a zoning associated with apartment complexes, for example Blue Hen Apartments. Most of the larger apartment complexes are zoned RG-2 (General Residence Zone). A couple of them are RG-1 (General Residence Zone) that they believe they need to probably be re-zoned to RG-2 (General Residence Zone) over the long term. Walker Woods was rezoned to RG-2 (General Residence Zone) so they could build apartments. She believes that Cedar Chase Apartments is also zoned RG-2 *(*General Residence Zone*).* A lot of the condominiums such as Brandywine Court Condos are zoned RG-2 *(*General Residence Zone*).* RG-2 (General Residence Zone) tends to be more of an apartment zone so it's kind of scattered. The RG-1 (General Residence Zone) is principally the central Dover residential zone so much of the area along State Street, Governors Avenue, Mary Street, West Street, Kirkwood Street and Lincoln Park are zoned RG-1 (General Residence Zone). There are a number of things going on. That's where they have a lot of vacant lots, a lot of interest in re-developing and they also have a lot of under-sized lots since lots were platted long before zoning was even a glimmer in their eyes. That's the purpose of administrative waivers, for the lots that you could barely fit a house on. If you meet the setbacks you can't put a house on it. It really is kind of more of a Downtown residential area.

Mr. Holden stated that looking at zoning and amending zoning to benefit the development of empty lots or re-development of old homes in the Downtown Dover Development District footprint is a task that they have to find out a path. He is concerned over the impacts to pieces outside of that footprint, whether it's in an area or a footprint that has much larger lots and larger homes and has a different character but someone see's value in splitting the lot up and building three (3) houses amongst much bigger lots. He doesn't know that he is convinced that this is the appropriate way to do the one good without avoiding the other potential harm. Responding to Mr. Holden, Mrs. Townshend stated that the areas that are RG-1 (General Residence Zone) that are outside of the Downtown Development District are if you get over to the area as you get closer to Central Middle School. That area is kind of a combination of zones but a lot of it is RG-1 (General Residence Zone); some of it is R-8 (One Family Residence Zone). If you look in that neighborhood there are a lot of duplexes there so a duplex wouldn't be out of character. The areas that are more suburban in nature are not zoned RG-1 (General Residence Zone). It really is kind of contained to that Downtown area. She thinks if there are properties that are zoned RG-1 (General Residence Zone) that are outside of that, they shouldn't be zoned RG-1 (General Residence Zone). They should be looked at to be R-8 (One Family Residence Zone) or something more appropriate for the more suburban style neighborhoods.

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

Mrs. Townshend stated to just recall that there was one amendment that she had suggested they put in as a Planning Commission amendment to move off-street parking from the permitted uses to conditional uses.

Ms. Still moved to recommend approval to City Council for MI-15-11 Text Amendment: RG-1 and RG-2 Uses and Bulk Standards and Establish Infill Standards for Residence Zones, inclusive of moving the off-street parking from permitted uses to conditional uses, seconded by Mr. Holt and the motion was unanimously carried 8-0 by roll call vote with Mr. Ambruso absent. Mr. Holden voting yes, due to Staff comments. Mr. Cregar voting yes; he believes that this amendment helps to move forward the desire to get additional homeownership in the Downtown area and that it supports the district that has been created for the Downtown. Colonel Welsh voting yes; the amendment will promote growth in the Downtown Development District. Mr. Holt voting yes; it will improve the Downtown Dover District and it's according to Staff comments. Mr. Baldwin voting yes based on Staff comments. Dr. Jones voting yes, in concurrence with all of the comments and reasons given. Ms. Still voting yes, for all of the previous comments. Mr. Tolbert voting yes, because in addition to other things that it does it also will revise the bulk standards for the RG-1 to be more consistent with Downtown development patterns.

Meeting adjourned at 8:38 PM.
Sincerely,

Kristen Mullaney
Secretary

CITY OF DOVER SPECIAL PLANNING COMMISSION
September 30, 2015

A special Meeting of the City of Dover Planning Commission was held on Wednesday, September 30, 2015 at 5:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Cregar, Colonel Welsh, Mr. Holt, Ms. Still, Mr. Ambruso and Mr. Tolbert. Mr. Holden, Mr. Baldwin and Dr. Jones were absent. (Mr. Holden arrived at 5:02 pm)

Staff members present were Mrs. Townshend, Mr. Cook, Mrs. Dawn Melson-Williams and Mrs. Mullaney. Also present were Mr. Russ Huxtable and Mr. Thomas Ayd.

APPROVAL OF AGENDA

Colonel Welsh moved to approve the agenda as submitted, seconded by Ms. Still and the motion was unanimously carried 6-0 with Mr. Holden, Mr. Baldwin and Dr. Jones absent.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

Mr. Holden arrived.

OLD BUSINESS

1) Revise Plan Information:
   A. S-13-18 Redevelopment of Walker Woods: The Village of McKee Branch – Information on Revisions to building architecture associated with the Site Plan to redevelop the property with twelve (12) two story and three story apartment buildings (a total of 77 units in Buildings A-L) and a 3,400 SF Community Building. The properties are zoned RG-2 (General Residence Zone). The properties known as Walker Woods Phases 1 and 2 are situated on the north side of Walker Road adjoining Harmony Lane; the new development will be named the Village at McKee Branch. The owners of record are Walker Woods Properties, LLC and Milford Housing Development Corporation. Addresses: 1357-1383 Walker Road and multiple addresses on Harmony Lane. Tax Parcels: multiple parcels on map ED-05-067.18-01 Council District 4. *The Planning Commission granted conditional approval of the Site Plan on October 21, 2013 with Final Plan approval granted September 14, 2015. At the September 21, 2015 Planning Commission meeting, the Planning Commission requested the project develop appear before them to discuss the revised building architecture.*

Representatives: Mr. Russell Huxtable, Milford Housing Development Corporation; Mr. Thomas Ayd, Green Street Housing

Mrs. Townshend stated that the purpose of this meeting is to review an issue of Old Business: the architecture associated with S-13-18 which was granted conditional approval by the Planning Commission on October 21, 2013. The Final Site Plan approval which is the administrative approval once all of the conditions of approval are met was granted by the Planning Office on September 14, 2015. When they reviewed the Building Permits and the building plans associated with the project, they determined that the architecture was remarkably different from what was

shown to the Commission at the review in October of 2013. They brought it back to the Planning Commission as a discussion item of Old Business at the meeting on September 21, 2015 at which time the Planning Commission passed a motion instructing Staff not to issue additional permits until they have had an opportunity to bring the applicant in to talk to the Planning Commission about the architectural changes. In that case she would note that there is a section of the *Zoning Ordinance* that specifies that the architecture is to be approved by the Planning Commission. So it was part of the package that they looked at in October 2013 but that architecture did change. They have had some intervening discussions with the applicant who is here and they have submitted updated renderings that would kind of break up the architecture a little bit to address some of the concerns that she conveyed to them. She knows they typically conduct things in a Robert's Rules format; her recommendation would be that the Commission engage in a dialogue and ask questions and then when it gets to the point of making decisions go to the more formal just so that more can be accomplished that way.

Mrs. Townshend gave an overview of the PowerPoint presentation regarding the architectural elevations. There were slides showing the original elevations from October 2013, the elevations from last week (September 21, 2015) and then updated renderings from the applicant that shows using different sidings and other features to break up the architecture. There is a combination of vertical siding on some portions of the building, breaking it up with colors, adding shutters and changing the roof line a little bit. What is seen on the updated renderings is not what was seen in October 2013 but it definitely is a change in the architectural flavor from what was seen last week. The applicant has these elevations as handouts for the Commissioners.

Mrs. Townshend stated that the architecture that was in the Building Permit application for the Community Building was consistent with what was shown to the Planning Commission. There is a rendering in the PowerPoint just so the Commission can see how they are using colors and materials to break things up.

Mrs. Townshend questioned if there was anything that Mr. Huxtable wanted to add to what she said or did he just want to take questions from the Commissioners? Responding to Mrs. Townshend, Mr. Huxtable stated that he would start with questions and then if he needed to work back they could work that way.

Mr. Cregar stated that he would like to know how they got from what the Commission originally approved to what is being presented today. Responding to Mr. Cregar, Mr. Huxtable stated that in 2013 they acquired Walked Woods II; it was a low income housing tax credit project. It was the first nineteen (19) units as you came into Harmony Lane; most of those units kind of front on Walker Road as well. The fifty-two (52) units that are in the back, Walker Woods I was a previous low income housing tax credit project that had been sold to a new owner after the fifteen (15) year compliance period had expired. Both projects were in need of capital to bring it up to standards and really invigorate the project. It was a modular constructed project before. Milford Housing along with Green Street Housing applied in 2013 for low income housing tax credits to bring in the capital and equity to re-develop the property. When they came to the Planning Commission initially in 2013 with those plans, they had the intention of increasing the density; most developers want to increase density. They had that initial vision as well. They also needed to add additional handicap accessible units which necessitated a design change. The current project in the back especially was fifty-two (52) individual parcels. They were individual townhouse units and the zoning that was

currently in place only restricted the development to that style townhouse unit. Adding the necessity for them to add handicap accessible units, they needed to go to more of a stacked duplex type of project so they could have first floor handicap accessible units.

In addition, the low income tax credit rules are peculiar. There are rules with the IRS that have to dictate some design changes in how they were planning their project. At that time they thought they needed to keep majority of the exterior walls in place so they were designing around that element as well. In order to increase density and get the stacked units, they did increase to a third floor in some of the buildings. In the design, the plan was to have two (2) of the primary buildings on Harmon Lane to be a third story that would help them increase their density. That's when they approached City of Dover to change the zoning to allow some of those changes to happen. They were early in the development process and they had visions that they would be able to add that third floor and do some other design elements. They were awarded tax credits and preceded down the plan to create more of the robust elements beneath those exterior facades. In the current Walker Woods there is a lot of different back and forth with how the units set. Their roof lines had to match so they had a lot of different pitches and things of that nature. Unfortunately, the general contractor had different visions of the cost than they did and the price for the construction exceeded what their budget and what their allocation of credits could be with the Delaware State Housing Authority and the low incoming housing tax credit program. They tried bridging that gap in financing through a variety of resources and they were unable to bridge that resources gap to get them over the edge and to make that project more of a reality. Because they knew Walker Woods needed the reinvestment, they had to go back to the drawing board and now at this point in time they could work more closely with the general contractor to come up with a design that they thought was consistent with the zoning that had been approved that would allow for the stacked duplex designs and incorporate some elements that would make the project be better than it currently is. In addition, there were elements that kind of don't show up in the architecture that they do have to include. The Community Center is one element that doesn't existing currently in the project and they have found especially for a project the size of the re-development of Walker Woods as McKee Branch. An on-site Community Center is vital for the residents. It provides some resources; they will have a computer lab and things of that nature that the residents can utilize. There are services that will be happening out of that Community Building. They will have on-site property management; something that hasn't really been there before. The previous owner was using one of the apartments as an office and for the first phase of nineteen (19) units, that office for a while from the previous owner was out of General's Green on Route 10. There wasn't really on-site management and when you have on-site management he thinks you have a better property and better control of the property from an asset management standpoint and from a residents standpoint. In addition, they are going to have security cameras on-site. They think they will be in a better position to partner with the City of Dover and law enforcement endeavors. If there is something that happens, they will have security now; something that didn't exist before. Previously, there have been issues and this had been a targeted place to revitalize. While they were working with other jurisdictions like the Fire Marshal and Kent Conservation District they found out that those buildings that they wanted to put three (3) stories on, the Fire Marshal was now going to require them to have a lane behind those buildings. In addition on the west side of Harmony Lane there is actually an isolated pocket of wetlands that they would have to seek approval to either get into or come close to. They were also adding impervious surfaces to those roads which not only added costs but also created issues with water management. They went from three (3) stories to two (2) stories not only because of costs but because they were working with a lot of other folks that have input on some of the final design elements. That's how

they went from three (3) stories to two (2) stories. They still have some stacked flats. The outside units actually are handicap accessible so when you look at the right side of that building that first buttery colored unit and the next unit over is actually a stacked flat so it will look like a townhouse development.

He is sure there are other things that impacted the design but that's kind of how they got from three (3) stories to two (2). They actually had to turn back those 2013 credits from the low income housing tax credit round but in 2013 they actually had a provision that they could forward reserve their project if they came up with issues. With the tax credit program you have two (2) years to get your project complete and occupied. They closed in the beginning of September and they have until December 2016 to get this project complete and occupied or else there are a lot of penalties involved in the partnership that they have and with tax credits because they have pledged certain delivery schedules. When they were able to bring back the project, they brought it back as sixty-six (66) units to bring down some of those cost and to bridge those gap funds that they did not have and were just not available. He thinks overall the construction costs on this project is $8 million to re-development this site and the elements that are seen. The project will be Energy Star so there are some really good things and a lot of value. He thinks they have tried to address some of the concerns as far as the previous renderings.

Colonel Welsh questioned if this was their first dealing with construction in the City of Dover? Responding to Colonel Welsh, Mr. Huxtable stated on a commercial building such as this yes. They are partners with the City of Dover; they make home repair projects and they have done some home rehabilitation type projects within the City but to this scale yes, this is their first experience.

Colonel Welsh stated that for their future experiences, the Commission takes their architectural standards pretty seriously. When he looks at plan when it's brought before them for site approval, he looks very closely at the architectural renderings, the elevations and to have seen what was brought before the Commission in 2013 and they approved and then to see what was brought before them ready to start construction were two (2) totally different things. Somewhere along the line he thinks it would have been advantageous if they would have made somebody in the Planning Office aware that they were making some design changes architectural basically because they had to. He certainly understands why they aren't going to have the third story if it was going to require a fire lane that apparently they don't have room for. Just for future reference, please understand the Commission wants to see Dover with nice areas and one of the reasons he approved it was because it really represented a drastic change in architectural from the existing Walker Woods. When they came before the Commission, he thought "Uh Oh here we are back to Walker Woods again." He likes the changes that have been made with the different facades and the different color changes to break it up. He is still not real happy with the roof line but he understands where they are coming from when talking about tax credits and the housing area that they are building in. Thank you for coming and explaining to the Commission why. He wished they had been here the night they held the meeting. Responding to Colonel Welsh, Mr. Huxtable stated that he agreed. This has been a process for a while and they've had back and forth dialogue as far as their challenges and things of that nature. They weren't intentionally trying to mislead. They have had dialogue and explained some of their difficulties and things of that nature. He understands Colonel Welsh's point but he is not sure where that point in the process is where they could have had more of an official update. You almost have to have a meeting like this for the applicant to show their progress, difficulties and where they are trending to go. He doesn't think they did anything wrong in the process so they

weren't trying to be deliberate in that regard.

Colonel Welsh stated that his first thought when he saw it was also the thought that he thinks several other people had; it was best described as "bait and switch." What was approved and what they got were two different things. He thinks something was lost somewhere in translation. They could have avoided this meeting and they could have all been made aware a little bit earlier that it wasn't going to be as represented. He understands that during the time of approval and the time you get your permit that changes happened but this time Mrs. Townshend thought it represented a pretty far departure from what was originally presented to the Commission and she needed to bring it back so they could see it. Responding to Colonel Welsh, Mr. Huxtable stated that from his perspective when you come in with this concept of what you want to do and then you have a lot of other jurisdictions that have an impact in what your final product would be. To have some sort of official check in meeting might be good to put into the process because it was never a "bait and switch." It was the evolution of the project.

Colonel Welsh stated that he recognizes now that it's not but that was his initial feeling. Again, he understands now that that was not the case. The only reason he said anything to them was just for future reference and he thinks the Planning Office has talked about perhaps doing things a little bit differently to ensure that something like this doesn't happen in the future. Responding to Colonel Welsh, Mr. Huxtable stated that they look forward to working with the City of Dover to finish this project and there are other things that they want to assist with moving certain things forward so you may be seeing more of them.

Mr. Cregar questioned on this expanse of the two (2) units, would there be an opportunity to put a flat dormer as opposed to a gabled dormer over each one? Responding to Mr. Cregar, Mr. Huxtable stated that they can check with the architect but they are in a bit of an awkward position because they have actually closed on all the financing that kind of makes the deal happen. So adding a lot of costs at this particular time not knowing what that architecture will cost, it's kind of hard to commit to a lot of things. The revisions being shown tonight are easy bends and this is what they can commit to at this point in time. He can say that he can look at doing that for maybe a couple of the buildings, not all of them.

Mr. Ambruso questioned how comfortable Staff is with these changes? Responding to Mr. Ambruso, Mrs. Townshend stated that she believes these changes represent a significant improvement over what they saw at the last meeting. She thinks the concern that Staff had and what they were hearing from the Commission was that the architecture that was shown last week didn't represent a significant upgrade from what Walker Woods' current architecture is. With this change of some siding and colors and adding some additional architecture elements improves the character significantly.

Mr. Tolbert stated there was going to be a club house. Responding to Mr. Tolbert, Mr. Huxtable stated yes, a Community Center.

Mr. Tolbert questioned if the changes being made to the design affect the club house? Responding to Mr. Tolbert, Mr. Ayd stated that they didn't do any material changes to the Community Building with the exception that it's been off set more from the road. There's more of a front yard to it because they weren't disturbing and putting a road behind it as in the initial plan.

Mr. Tolbert questioned if it was going to be basically the same size? Responding to Mr. Tolbert, Mr. Ayd stated that it was the exact same size.

Mr. Holt questioned now that they have the new architecture, financially are they "out of the woods"? Are they going to be able to proceed along and do you think the project will sell itself moneywise? Responding to Mr. Holt, Mr. Huxtable stated that they have closed on all the financing that they need for the project. They are actually putting in some of their own equity into the project to make it work. Yes, you basically get an allocation of tax credits and then some investor comes in and kind of buys them. That's where it infuses a lot of capital. They also try to go and get advantageous financing to make it affordable. They are making this affordable to families making 30%-50% of area median income. They are okay with the project. Their investors are highly concerned that this would cause a delay because as he mentioned, that have an end date of 2016 to worry about. The investors aren't local so they don't know what the process is. Milford Housing is a part of the community that's why it's a local developer doing this.

Mr. Holden stated that he appreciates the changes that have been made in the last week to get them a different look and it helps. He thinks when you come with a concept and the concept changes so drastically, it really is on the developer to bring that to light. It was much more of a wholesale change, both from the setback of buildings to different roof lines to differing architecture and façades. It was a lot that was very different and then they got the graphic that was singular building that's just been chopped up into a couple of pieces. He thinks that this different façade helps a little bit. He would really like to see a little more than just some different colors. It's just changing the dressing on the same box where before they had a multitude of boxes of different shapes and different positioning. His question is, is there a next step that you think is an achievable step other than switching from shutters to no shutters or vertical to horizontal (siding). To have every unit have a different roof line is a bigger jump but what are those jumps that are in between that are going to differentiate the structures a little bit and give it a little more sense of character versus a mass produced unit block of homes? Responding to Mr. Holden, Mr. Huxtable stated that at this time, beyond what they have brought here it would be difficult to make any sort of wholesale changes to the plans to provide a jut or backwards here; that would jeopardize the project moving forward.

Mr. Holden stated that originally they were somewhat constrained by the off-set of the structures. He missed the detail of how they are no longer constrained by that off-set of the existing structures to a much more rectangular overall foundation. Responding to Mr. Holden, Mrs. Townshend stated that she thinks it looks more rectangular than if you look at it from a plan view. That is one of the things that Staff did look very closely at when they looked at the building plans. There are still those jogs in the building so it's hard to capture in a rendering but it's not a flat front. You are not going to be looking at a flat front with just changes of colors. There are actual jogs in the foundation that then continue through the construction.

Mr. Holden stated that Mrs. Townshend spoke of the original buildings where really one building was very off set from another; almost stair stepped in terms of how they adjoin each other. The black and white rendering that they had really had that feel; it was even a two view drawing. Maybe it's the common top peak of the roof line that takes away from that. It appears that other than maybe two or three feet that really all building faces are flush with each other within a couple feet of each

other. The applicant mentioned that one of the challenges with the design elements that they saw originally was because of the fact that these building faces don't adjoin flush, that they are stepped back and forth from each other. He didn't know if something had changed into how they ended up with a much more aligned building. Responding to Mr. Holden, Mr. Huxtable stated having different peaks along every single roof and having to probably frame that individually it was a high cost item from the original plan. He thinks in one of the pictures on the original plan, you'll see how complicated it was. They probably should have realized at that time that it was going to be difficult but that was part of the reason why they felt like they needed to keep 75% of the exterior walls. They still kept some elevation changes in this regard as well as they added gabled roofs where no gabled roof currently exist. They did go with a consistent roof color because they thought that looked a little bit better than what is currently there with gray and maroon and back and forth. He knows that the Commission has the concern about the architecture but he thinks what is represented here in some of these plans and with the windows, the quality of this construction is going to be remarkably better than what is there.

Mr. Tolbert questioned if Mr. Huxtable made mention of why there were no shutters on most of the windows? Responding to Mr. Tolbert, Mr. Huxtable stated that he did not. They added shutters on some and they added other decorative trim around other windows. If you look on the left hand side of the building in the display, you will notice that they have a wider trim and some other decorative pieces. The architect actually went around town and took some pictures of some elements of City of Dover with entryways, coverings, windows and roofs. They took elements that they felt they could incorporate that would represent of the community. They didn't go straight shutters with all of it because they thought they might have an issue going with all shutters.

Mr. Tolbert stated that he did notice the wider trim; that stood out to him right away. But it's not as pretty as shutters. Responding to Mr. Tolbert, Mr. Huxtable stated that if you look at the middle unit, they have actually given a different style of trim on those windows as well. They are trying to bring different elements that they see every day within the City of Dover.

Colonel Welsh moved to approve the architectural changes made to S-13-18 Redevelopment of Walker Woods: The Village of McKee Branch, seconded by Mr. Holt and the motion was unanimously carried 7-0 by roll call vote with Mr. Baldwin and Dr. Jones absent. Mr. Holden voting yes, as it's an improvement to the condition of the existing structures and it's an improvement upon the renderings that the Commission saw a week ago. Mr. Cregar voting yes; he agrees with Mr. Holden but he still wants the applicant to check on those dormers. He believes that having the Planning Commission review this architectural change was in the best interest of the community. Colonel Welsh voting yes, for all of the reasons previously stated. Mr. Holt voting yes, for all of the reasons previously stated and what was just discussed during this meeting. Ms. Still voting yes, in concurrence with all the previous comments and she thinks it's a significant improvement over what the presentation was at the last meeting. Mr. Ambruso voting yes, for all of the reasons previously stated. Mr. Tolbert voting yes, for all the reasons stated and for the thorough explanation that they got from the representative and from Mrs. Townshend.

Mr. Cregar questioned if motion needed to be made to release the hold on the issuance of Building Permits? Responding to Mr. Cregar, Mrs. Townshend stated yes, it would be helpful.

Mr. Cregar moved to approve releasing the hold on the issuance of Building Permits for this project, seconded by Ms. Still and the motion was unanimously carried 7-0 with Mr. Baldwin and Dr. Jones absent.

Colonel Welsh stated that he would like to thank Mrs. Townshend and the Planning Staff for bringing this to the Commission's attention and giving them the opportunity to review and make some changes. He thinks the changes are certainly for the better. They could have gone without bringing it to their attention but he is very glad that they did.

Mrs. Townshend stated that she wanted to thank Mr. Russ Huxtable, Mr. Tom Ayd and Ms. Christina Stanley for kicking into high gear and working on how they could improve it. She has worked with Mr. Huxtable for a long time in various capacities. Milford Housing is developing a greater presence in Dover and she thinks they certainly welcome them. She does want them to know that the City appreciates the work that they do and they will make sure that they don't have this little glitch next time.

Mr. Huxtable stated that while this can be a very nervous meeting to have when you get a call saying "no Building Permits" on a big project like this. He appreciates this kind of forum and this kind of dialogue that they have had. He really appreciates the feedback and learning from this in the future.

Meeting adjourned 5:44 PM.

Sincerely,

Kristen Mullaney
Secretary

MEMORANDUM

Department of Public Services – Planning Office
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7196 Fax: 302.736.4217

Date: October 9, 2015

To: Planning Commission

From: Planning Office

RE: Amendment to Unified Comprehensive Sign Plan
Greentree Shopping Center (US-13-01)

Attachments:

1. Exhibit 1: US-13-01 Notice of Decision dated February 21, 2013 (2 Pages)
2. Exhibit 2: Proposed wall sign elevations, AAA tenant space at Greentree Shopping Center (5 Pages)

Background

At its meeting of February 19, 2013, the City of Dover Planning Commission moved to grant conditional approval of the Unified Comprehensive Sign Plan (US-13-01) for the Greentree Village Shopping Center project at 1-140 Greentree Drive[1]. The Plan is to permit freestanding and wall signage for the property as summarized in the Notice of Decision (Exhibit 1).

AAA Mid-Atlantic is currently finalizing interior and exterior renovations to the tenant space addressed to 120 Greentree Drive, formerly occupied by Blockbuster Video.

The conditions of the approved sign plan (US-13-01) were to permit two (2) wall signs totaling 200 SF for the subject space; one (1) sign facing Forrest Avenue, and one (1) sign facing the parking lot. The AAA renovation project incorporates an adjacent former tenant space which had one (1) 55 SF wall sign. Staff determined that AAA would be entitled to this signage, bringing the total approved signage for the space to three (3) wall signs totaling 255 SF.

Proposed Signage

AAA Mid-Atlantic proposes channel letter signage to be placed on each façade as summarized in Table 1. The number of signs and sign area proposed for each façade is identical; the sign design differs only in placement. The signage consists of the AAA logo and individual letter signs with services offered as shown in the drawings in Exhibit 2. The total proposed signage consists of eight (8) wall signs totaling 155.2 SF.

[1] Copies of the US-13-01 approved plan on paper or electronically are available from the Planning Office if desired.

Table 1, Proposed Wall Signage
AAA Mid-Atlantic, Greentree Shopping Center
Amendment to Unified Comprehensive Signage Plan (US-13-01)

No.	Description	Sign Face Dimensions	Sign Area (SF)
PROPOSED SIGNAGE			
	EAST Elevation (Facing Parking Lot)		
A.1	"Car Care"	14"h x 82.6"w	8.0
A.2	"Insurance"	14"h x 95.2"w	9.3
A.3	"Travel"	14"h x 58.8"w	5.7
A.4	AAA Logo	70"h x 112.3"w	54.6
		Total Sign Area	**77.6**
		% of Wall Area	4.8%
	SOUTH Elevation (Facing Forrest Ave)		
B-1	"Car Care"	14"h x 82.6"w	8.0
B-2	"Insurance"	14"h x 95.2"w	9.3
B-3	"Travel"	14"h x 58.8"w	5.7
B-4	AAA Logo	70"h x 112.3"w	54.6
		Total Sign Area	**77.6**
		% of Wall Area	3.5%
SUMMARY / COMPARISON			
	Proposed Signage	*Total Sign Area*	**155.2**
		# of Signs	8
		% of Wall Area	4.1%
	Approved Signage, US-13-01 (max.)	*Total Sign Area*	255
		# of Signs	3
		% of Wall Area	n/a

Code Citation
Zoning Ordinance, Article 5 §4.8.E related to amendments to Unified Comprehensive Sign Plans states:

> "Any new or revised signs to be placed on a property with an approved comprehensive signage plan need not go back to the planning commission for re-approval if the sign area is not increased more than 15 percent, and the proposed signs conform to the overall design concept and colors as approved. The 15 percent increase shall be calculated cumulatively over the life of the project, based upon the originally approved sign area."

Note that the total area of the proposed AAA Mid-Atlantic signage is less than what was previously approved by US-13-01, but the number of signs has increased. The provisions of the *Zoning Ordinance* allow for increases in sign size without Planning Commission action, but not sign number. Staff determined that the Planning Commission could consider this issue of sign number as an interpretation of the provisions of the approved Unified Comprehensive Sign Plan (US-13-01) as an amendment. It would an agenda item under "old business" without requiring a resubmission of a new Unified Comprehensive Sign Plan.

Summary and Recommendation
Staff recommends approval of the amendment to US-13-01 to permit the proposed wall signage for the tenant area to be occupied by AAA Mid-Atlantic. The signage proposed is of the type and style recommended in the approved plan and is compatible with the overall design concept. The increase in sign number does not constitute an excessive number given the design, and the proposal is nearly 100 SF in sign area less than what the approved plan would allow.

City of Dover

February 21, 2013

Jon Anstine
JBA Greentree Properties, LLC
1460 Russell Rd. #203
Paoli, PA 19301

Re: Notice of Decision
Unified Comprehensive Signage Plan Application: Greentree Shopping Center at 1-140 Greentree Drive, Dover, Delaware, US-13-01

Dear Mr. Anstine:

At its meeting of February 19, 2013, the City of Dover Planning Commission moved to grant conditional approval of the Unified Comprehensive Signage Plan for the Greentree Shopping Center located at 1-140 Greentree Drive, Dover. The Plan proposes the construction and implementation of signage for the shopping center consisting of freestanding signs (pylon signs and monument signs) and wall signs for the tenant spaces. This conditional approval is granted in accordance with the conditions of approval noted below and with reference to the Development Advisory Committee (D.A.C.) Report dated February 6, 2013. A copy of the D.A.C. Report is enclosed for your reference.

The Planning Commission by their motion accepted the Staff recommendations for the Plan. The approved elements of the Unified Comprehensive Signage Plan consist of the following:

- **FREESTANDING SIGNAGE - MONUMENT SIGNAGE:** Approval of the two (2) existing monument signs in their current locations and size. The first monument sign that is located at the entrance off of Independence Boulevard. The second monument sign is the sign located off of Greentree Drive off of Kenton Road. Both signs are 19 SF in sign area.

- **FREESTANDING SIGNAGE - PYLON SIGNAGE:** Approval of the two (2) pylon signs in their existing location with changes as proposed and with the following conditions.
    - The pylon sign located near the intersection of Forrest Avenue and Independence Boulevard will have a sign area of 195 SF and a height of 24 feet.
    - The pylon sign located along Forrest Avenue closer to Building 1 (near the former Blockbuster tenant space) will have a sign area of 204 SF and a height of 19 feet.
    - The two pylon signs are setback 26 feet and 36 feet from the right-of-way.
    - The overall height of each pylon sign shall not exceed 25 feet.
    - The tenants shall not have signage on both pylon signs.
    - The pylon signs are allowed to identify more than three (3) tenants on each of the pylon signs.
    - The landscaping around the base of the freestanding (pylon) signs shall be retained. Plantings such as small ornamental trees, low-growing shrubs, ground covers, and flowering plants should be maintained and enhanced in the area surrounding the pylon signs. This will help incorporate the sign into the site landscape and improve the aesthetics of the signage and a welcoming feature to

the facility. Plantings will also help to minimize the impact of the sign height in this very open area without conflicting with the visibility of the sign.

- **RITE AID SIGNAGE:** Approval of the existing wall sign at 129 SF in sign area.

- **FORMER BLOCKBUSTER TENAT SPACE SIGNAGE:** Approval of the two (2) wall signs for the former Blockbuster tenant space with a total sign area of 200 SF.

- **REDNER'S SIGNAGE:** Approval of four (4) wall signs for Redner's with a total sign area of 400 SF in the channel letter format. There is one (1) wall sign facing Independence Boulevard and three (3) wall signs along the front of the building (facing Forrest Avenue).

- **ALL OTHER WALL SIGNAGE:** Approval of one wall sign per tenant space with each sign limited to a maximum of 64 SF in sign area and not to exceed 15% of the wall area for the tenant space. The shopping center has two types of wall signs. The signs are signage as an interior illuminated box signs with a unique shape or a sign consisting of channel letters. The signs should all have the same background shape or sign type to maintain the uniformity of the existing signs for the inline tenant spaces. The wall signs shall be either channel letter or an interior illuminated box sign.

When all necessary revisions have been made to the Unified Comprehensive Signage Plan document, please submit a Check Print document set to the Planning Office for review. Upon determination that the Plan set is complete, we will request that you submit a minimum of two (2) signed copies of the Final Plan to our office for final approval.

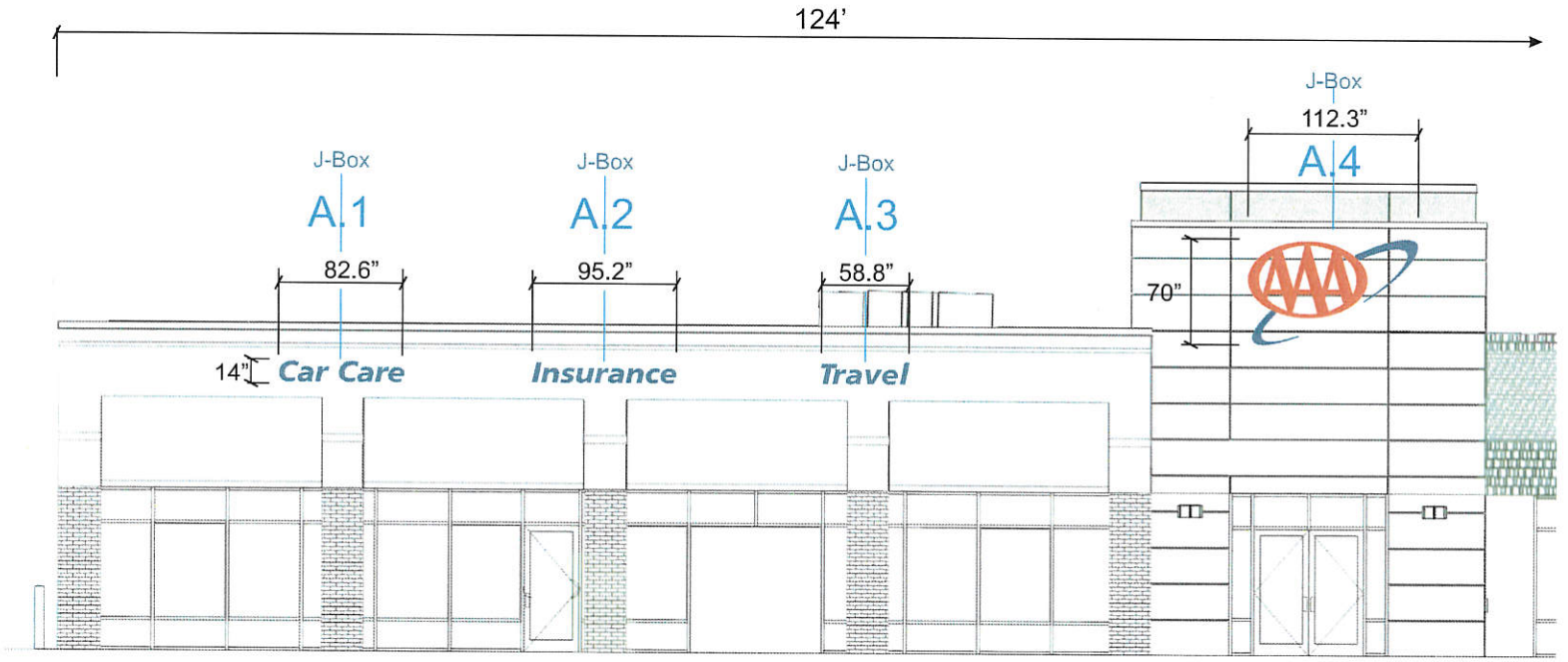
Planning Commission approval is valid for two (2) years from the date of approval, during which time the Plan shall be finalized. To apply for an extension of time from the Planning Commission, this office shall be in receipt of a letter from the owner/applicant requesting such extension at least 30 days prior to the expiration of the original approval. The letter requesting the extension shall state the reasons why an extension is necessary.

This letter does not constitute a Sign Permit and does not provide for the installation of any signage. All approved signs are subject to a City of Dover Sign Permit application process and each Sign Permit application will be reviewed for compliance with the approved Unified Comprehensive Sign Plan. Should you have any questions, or require further assistance, please contact the plan reviewer Janelle Cornwell at (302) 736-7196.

Sincerely,
Department of Planning & Community Development

Dawn Melson-Williams, AICP
Principal Planner

Enclosures: DAC Report
Cc without Reports unless specified:
Ann Marie Townshend, AICP, Planning Director
Kim Diehl, Kent Signs with DAC Report
File US-13-01



EAST (FRONT) ELEVATION - Sign Type (A.1-A.2-A.3-A.4)(QTY: 1 each)
Channel Letters - Remote Mount
Scale: 1/8" = 1' (77.3 Total SQFT)

Junction Box (Typical) Locations

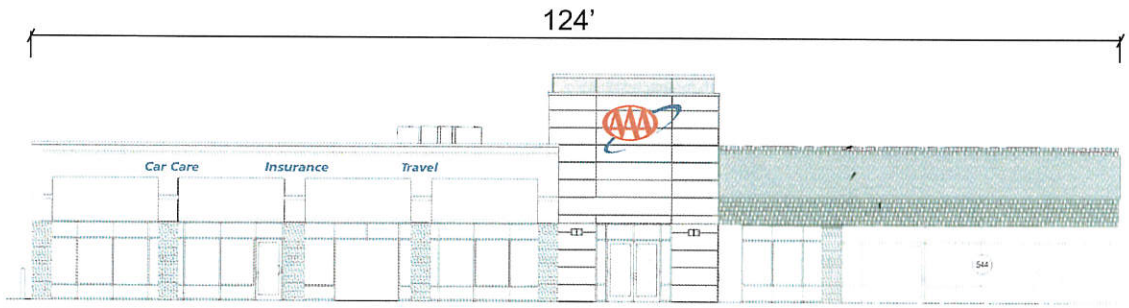


Exhibit 2: Page 1

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AAA
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DOVER, DE.

DATE:	09-03-15
DRAWN BY:	MCM
SALES:	JM
P.M.	RL

REVISIONS

RED LINE NOTES

Customer Approval

SIGNATURE

DATE

Landlord Approval

SIGNATURE

DATE

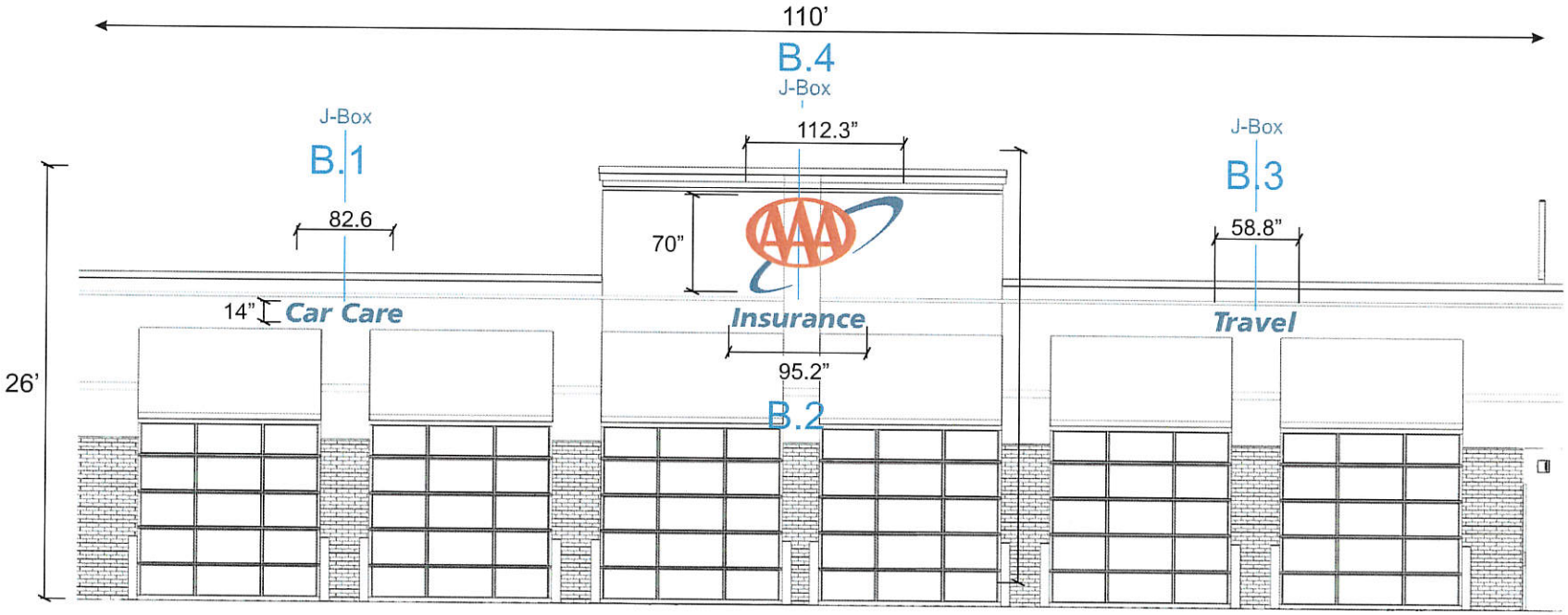
Customers Signature Authorizes Urban Neon To Produce Design As Specified.
All Spelling, Punctuation And Colors Have Been Reviewed And Approved.

All Designs Property Of Urban Neon.
Unauthorized Use Not Permitted.

LDTT
003.5

DRAWING #
0460REV2mcm

PAGE# 1



SOUTH (SIDE) ELEVATION - Sign Type (B.1-B.2-B.3-B.4)(QTY:1each)
Channel Letters - Remote Mount
Scale: 1/8" = 1' (77.3 Total SQFT)

Junction Box (Typical) Locations

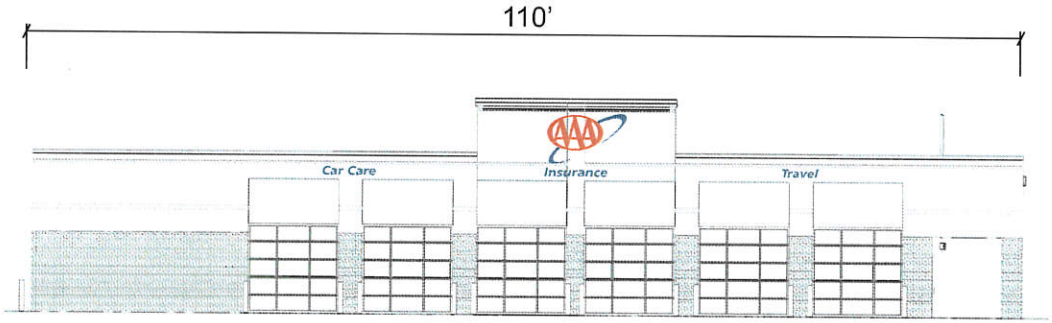


Exhibit 2: Page 2

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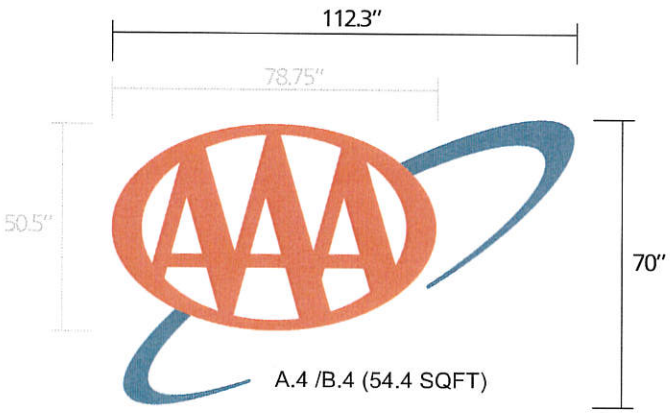
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PAGE# 2



A.4 /B.4 (54.4 SQFT)

82.6"

14" **Car Care** A.1 / B.1 (8 SQFT)

95.2"

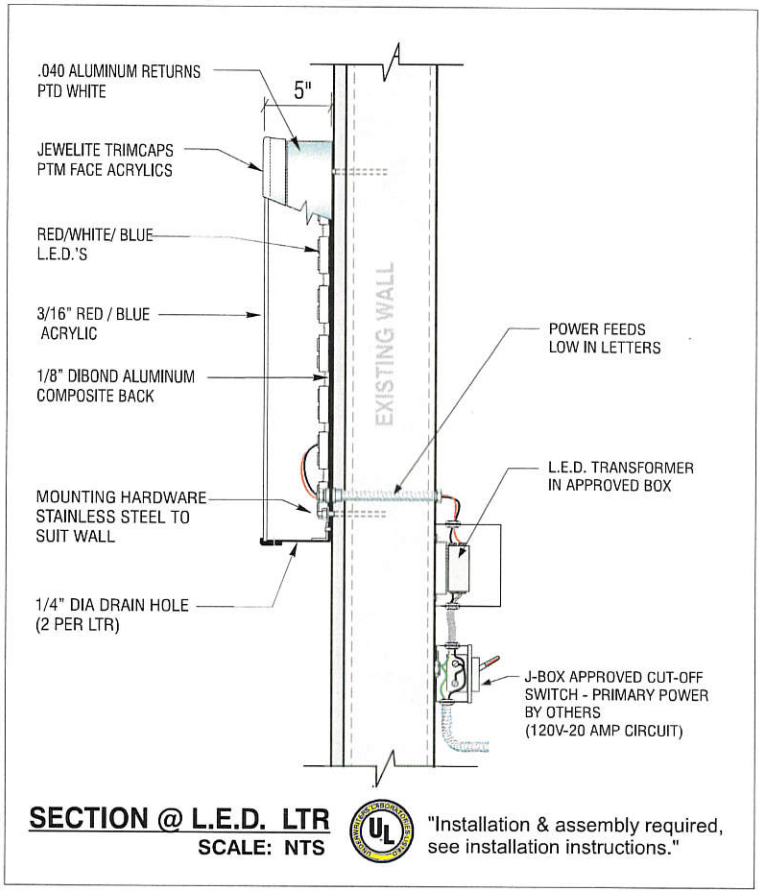
14" **Insurance** A.2 /B.2 (9.2 SQFT)

58.8"

14" **Travel** A.3 / B.3 (5.7 SQFT)

EAST (FRONT) ELEVATION - Sign Type (A.1 - A.4)(QTY:1each)
Channel Letters - Remote Mount
Scale: Proportional

SOUTH (SIDE) ELEVATION - Sign Type (B.1 - B.4)(QTY:1each)
Channel Letters - Remote Mount
Scale: Proportional



SECTION @ L.E.D. LTR
SCALE: NTS

"Installation & assembly required, see installation instructions."

#2114 BLUE

#2793 RED

Exhibit 2: Page 3

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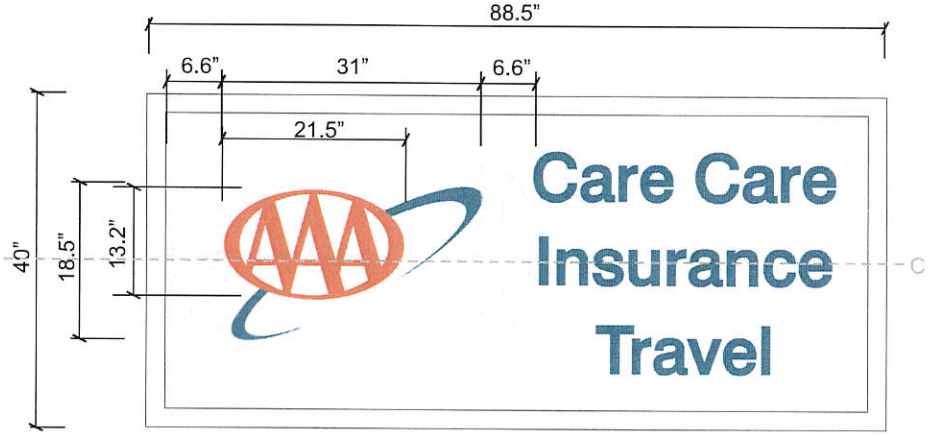
DRAWING # 0460REV2mcm



EXISTING PYLON - Sign Type (C)(QTY:2)
Replacement Faces - Acrylic
Scale: NTS



EXISTING CONDITIONS
Scale: NTS'



SCOPE	Provide (2) Replacement Faces For Existing Pylon
SUBSTRATE	3/16" Acrylic - Cut Size Shown / VO Size 35.5 x 84
GRAPHIC	Translucent Vinyls
COLORS	As Indicated



Exhibit 2: Page 4

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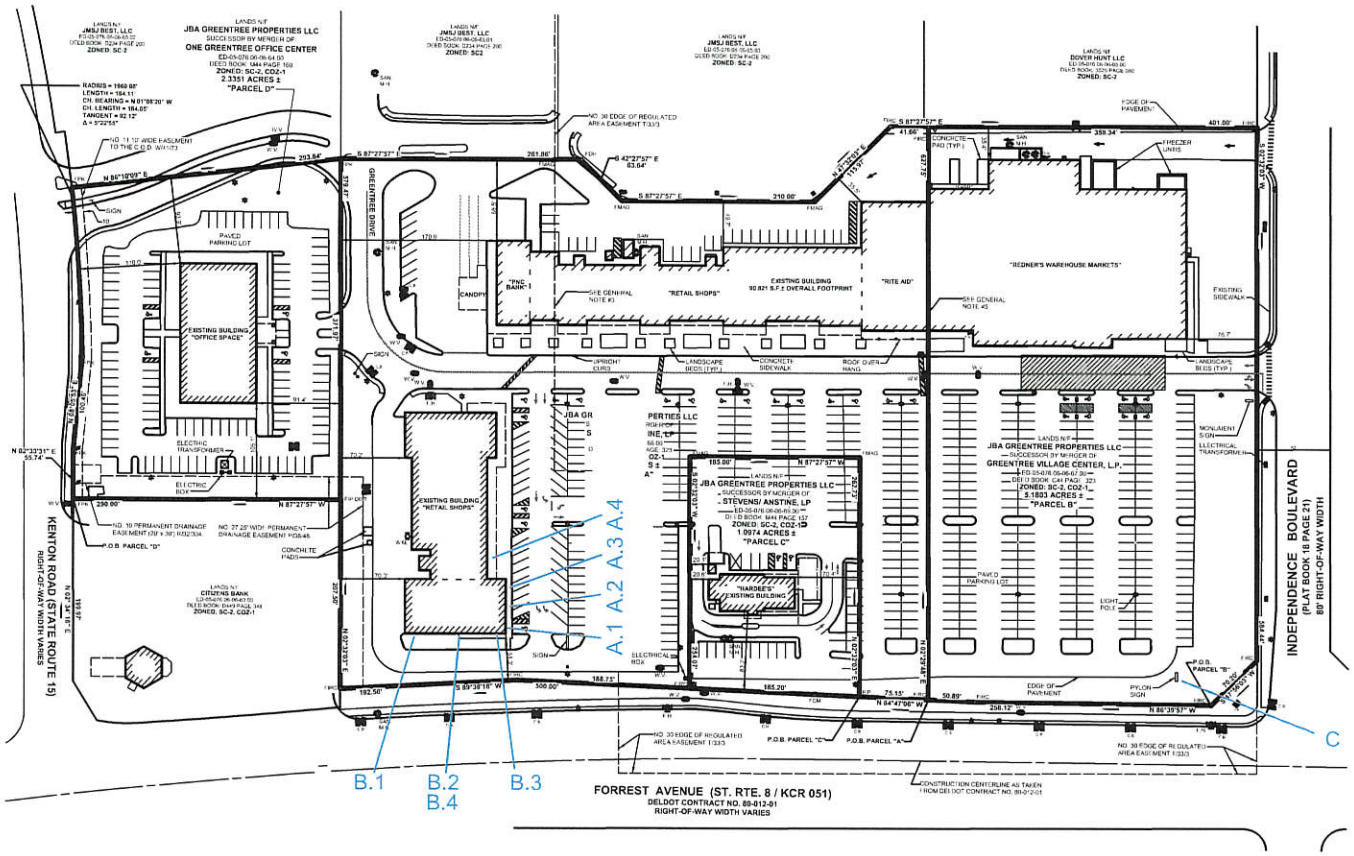
Landlord Approval
SIGNATURE
DATE

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SOUTH (SIDE) ELEVATION - Sign Type (B.1-B.2-B.3-B.4)(QTY:1each)
Channel Letters - Remote Mount
Scale: 1/8" = 1' (77.3 Total SQFT)

EAST (FRONT) ELEVATION - Sign Type (A.1-A.2-A.3-A.4)(QTY: 1 each)
Channel Letters - Remote Mount
Scale: 1/8" = 1' (77.3 Total SQFT)

EXISTING PYLON - Sign Type (C)(QTY:2)
Replacement Faces - Acrylic
Scale: NTS

Exhibit 2: Page 5

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RED LINE NOTES

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LOTT

DRAWING # 0460REV2mcm

PAGE# 5

City of Dover

DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF October 7, 2015

PLANNING COMMISSION MEETING OF October 19, 2015

Plan Title:	Blue Hen Apartments LLC Phase 2 (S-15-12)
Plan Type:	Site Development Plan
Applicant:	Blue Hen Apt, LLC
Location:	East side of Bay Road and south of Blue Hen Boulevard between Bay Road and Haslet Street
Address:	605 and 655 Bay Road, 400 Haslet Street
Tax Parcels:	ED-05-077.00-01-19.03-000, 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
Site Area:	8.159 acres +/-
Zoning:	RG-2 (General Residence Zone) SC-2 (Community Shopping Center) SWPOZ (Source Water Protection Overlay Zone - Tier 1: Secondary Wellhead Protection Area and Tier 3: Excellent Recharge Area)
Proposed Use:	Multi-Family Residential
Building Type:	Multiple Dwelling (Garden Apartments)
Building Areas:	12 three-story residential structures 12 one-story accessory (garage + storage) structures
Lot Coverage:	Existing (Phase 1): 48.44% Proposed (Phase 1+2): 46.64% RG-2 Max: 60%
Off Street Parking:	(Phase 2) Required: 432 parking spaces (2.25 per DU) Proposed: 380 parking spaces (344 surface, 36 structured)
Waiver Requested:	Rear Emergency Access

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: October 7, 2015

APPLICATION: Blue Hen Apartments LLC Phase 2 Dover, DE

FILE #: S-15-12 REVIEWING AGENCY: City of Dover Planning Office

CONTACT PERSON: Bill Cook, Planner I PHONE #: 302.736.7196

Plan Review of Site Plan Submitted October 9, 2015

PLAN SUMMARY

This is a Site Plan to permit the construction of a multi-family residential development consisting of 12 apartment buildings with 192 total units, 12 accessory garage structures and associated site improvements on portions of multiple parcels to total 8.159 +/- acres for this project. This plan is an expansion of the existing 20.66 acre +/- Blue Hen Apartment complex (Site Plan Application S-07-57) bringing the total number units to 354 dwelling units for the complex.

The zoning is RG-2 (General Residence Zone) and SC-2 (Community Shopping Center) with portions subject to SWPOZ (Source Water Protection Overlay Zone - Tiers 1 and 3). The properties are 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-05-077.00-01-19.03-000, 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.

Background

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.

Phase 1 of the complex Village at Blue Hen Apartments was constructed under Site Plan S-07-57 which outlined the development of thirteen (13) apartment buildings consisting of a total of 162 residential units (apartments) and a clubhouse building. Approval was granted by the Planning Commission at its meeting of November 19, 2007, and the Final Plan was approved by staff on July 1, 2009.

Zoning, Minor Subdivision/Lot Line Adjustment Plan

A Minor Lot Line Adjustment Plan is included with this application to create an overall 28.311 acre parcel for the entire apartment complex. Upon completion of the plan, lot lines will be

adjusted so that the proposed project (Phase 2) and the existing apartments (Phase 1) will be contained on one parcel. The majority of the proposed development lies within the RG-2 zone; however, an area of the resulting parcel will be split-zoned. This area is found in the northwest segment of the property fronting Blue Hen Boulevard approximately 300 feet from the intersection with Haslet Street. This portion of the property is the site of an existing commercial structure currently occupied by a day care center facility.

The types of permitted uses for RG-2 are outlined in *Zoning Ordinance,* Article 3 §2 General Residence Zones (RG-1 and RG-2). Within the RG-2 zoning, the permitted housing types are single family detached dwellings and garden apartments. The buildings being constructed utilize the multi-family building type that the *Zoning Ordinance* defines as garden apartments.

Multiple unit dwellings require a minimum of 1,700 S.F. of lot area per dwelling unit as listed in the Zoning Bulk and Parking Regulations of Article 4 §4.3. As proposed, Phase 2 exceeds the minimum lot area requirement per dwelling unit (1,821 S.F.). The combined site following lot line adjustment will have a density of approximately 3,480 S.F. per dwelling unit.

A small portion of the site near the intersection of Blue Hen Boulevard and Haslet Street lies within the SWPOZ (Source Water Protection Overlay Zone - Tier 1: Secondary Wellhead Protection Area) and is subject to regulations as stated in *Zoning Ordinance* Article 3 §29. There is no new development occurring within this overlay zone so it is of minimal impact, however stormwater runoff should not be diverted into this area.

A small segment of the SWPOZ (Source Water Protection Overlay Zone - Tier 3: Excellent Recharge Areas) overlays a portion of one of the subject parcels located furthest south. This overlay zone does not intersect the project area, and will not intersect the final parcel following the proposed lot line adjustment.

SITE CONSIDERATIONS

Parking

The minimum off-street parking requirement for the RG-2 (General Residence Zone) requires two parking spaces per dwelling unit. Provisions of *Zoning Ordinance* Article 6 §3 have more detailed parking requirements for apartments that require additional visitor parking for apartment units at a rate of 0.25 spaces per dwelling unit. Thus the required parking ratio is 2.25 parking spaces per dwelling unit for the Phase 2 project area. For the 192 dwelling units, a total of 432 parking spaces are required. The plan shows a total of 380 parking spaces provided for Phase 2, distributed as shown in Table 1.

The existing parking provided in Phase 1 consists of 393 spaces, which exceeds the parking which was required (335) for Phase 1 at the time it was

Table 1
S-15-12 Parking Summary

REQUIRED	
Phase 2	**432**
192 Units	
Phase 1	**335**
*162 Units**	*324*
Clubhouse	*11*
Total Combined Site:	**767**
PROVIDED	
Phase 2	**380**
Surface	*344*
Garaged	*36*
Phase 1	**393**
Surface	*357*
Garaged	*41*
Total Combined Site:	**773**

* Note: Per code at time of approval

approved. The surplus parking spaces in Phase 1 satisfy the required parking for the complex as a whole when the Phase 1 surplus is used to satisfy the Phase 2 shortfall in parking spaces.

Bicycle Parking

The *Zoning Ordinance* calculates required bicycle parking facilities in Article 6 §3.10, based on required parking for automobiles, 22 bicycle parking spaces are required for Phase 2. Bicycle parking is shown on the plan on sheet LS-3 and is located primarily in the central area surrounding the clubhouse and recreation facilities.

Sidewalk

Sidewalks are required along public street frontages per *Zoning Ordinance,* Article 5 §18. Section 18.2 requires barrier-free access ramps at all points where sidewalks intersect with roadways and parking areas. For multi-family residential developments, sidewalk is additionally required to provide pedestrian access from parking areas to building entrances, and sidewalks shall provide linkages to the existing sidewalk network in the neighborhood.

The submitted plan shows sidewalks internal to the site which lead from parking areas to the nearest building entrances. A 5-foot wide walking path of unspecified surface is shown as a feature of the Active Recreation Area and Landscape Plans. This path makes connections between the Phase 2 residences and the clubhouse/recreation area located centrally on Phase 1. Specific recommended improvements to linking the path and existing and proposed sidewalks are made in the Recommendations section later in this Report, and were made in the Active Recreation Plan Report to the Parks, Recreation, and Community Enhancement Committee.

Frontage sidewalk exists for portions of the property fronting Haslet Street and Blue Hen Boulevard. This corner of the property is where (2) two apartment buildings are proposed and an existing daycare center is located. As the daycare center is located on the subject parcel being developed, frontage sidewalk is required to be completed along Blue Hen Boulevard and is shown on the submitted plan.

Dumpsters

Zoning Ordinance, Article 5 §6 requires one (1) dumpster pad for the first 24 dwelling units for apartment complexes and one (1) for each additional 24 dwelling units or faction thereof. For this 192-unit project eight (8) dumpster pads are required, subject to dimension, location, and enclosure requirements. Per state requirements, provisions for recycling must be included for the facility. Accommodation for recycling receptacles should be made within the proposed dumpster pad area. A masonry enclosure is proposed in the plan notes.

Four (4) dumpster pads are shown on the submitted plan, albeit labeled as containing two (2) dumpsters each. In past practice staff has accepted this as meeting the conditions of the Ordinance. Staff notes the dumpster provisions near Buildings 24 and 25. There is an existing dumpster pad and enclosure located at the bend in Long Island Court located farthest north. However, this dumpster already services 32 dwelling units located within Phase 1. Staff has expressed capacity concerns to the applicant, who will coordinate pickup frequency and monitor facility demand.

Lighting

In the initial plan submission for the September Planning Commission meeting, the Site Plan

shows the location of lights in the parking lot and along its perimeter. Lighting on the buildings is not labeled. Per the objectives of Article 10 §2.24, the Site Plan must additionally include the power, direction, and time of outdoor lighting, and demonstrate no adverse effect upon adjacent properties. Lighting details for the site must be demonstrated before Final Plan approval.

Curbing

Zoning Ordinance Article 6 §3.6(b) requires upright curbing for all parking areas and access drives. Curbing is shown on the submitted Site Plan in all such areas.

Signage

No details were provided regarding signage (building, directional, wayfinding), striping, or traffic controls. Staff recommends inclusion of a Layout, Striping, and Signage Plan as was provided and approved on the Phase 1 Final Plan. Such details should identify building names, street names, key entry points, internal directional signage for pedestrians, and directions to site amenities. Pedestrian crossings and traffic controls should be included on such a plan.

Any signage must be approved through a separate sign approval and permitting process. For purposes of the sign regulations found in the *Zoning Ordinance*, the roads on which the project has frontage are considered "Urban Collector/Local Streets." The property is considered to be residential and adjacent to residential properties or uses, which is an additional factor determining allowable signage.

Regulations regarding directional signage on the site are found in *Zoning Ordinance*, Article 6 §5.44 and *Zoning Ordinance*, Article 4 §4.5(D). Consult with staff to determine what types of signage may not require permits.

Waiver Request: Elimination of Emergency Rear Access Requirement

The *Zoning Ordinance* requires a 16 foot alley or an 18 foot secondary fire lane and an 18 foot subgrade emergency access lane for two and three story apartment buildings. (Article 5 §17.5(a)).

The applicant has submitted a waiver request for the elimination of these requirements. The Planning Commission will make a recommendation to City Council who has the final authority to grant the request for the elimination of the emergency rear access.

BUILDING ARCHITECTURE AND LAYOUT

Photographs of existing Phase 1 buildings were presented with the application as representative of planned construction. The buildings are predominately brick with siding on selected walls or portions of walls and white trim. The buildings shown have asphalt shingle pitched roofs.

The typical building is three (3) stories with varied building sizes based on unit count per building as shown in Table 2. Typical buildings are shown to have two (2) main entrances, one located on each side half of the building and includes an open

Table 2
Buildings/Dwelling Units

Type	# Units	# Bldgs	Total Units
3-story	24	2	48
3-story	18	6	108
3-story	12	2	24
3-story	6	2	12
Total Dwelling		**12**	**192**
Garage/Storage		12	36*

* Shown with 3 parking spaces each

porch with railing over the entrances. This includes a balcony area and a stairway to the upper floors.

The plan also provides twelve (12) garage/storage buildings along the internal drive. The garage/storage buildings are shown on the plans to have three (3) covered parking spaces per building. Elevations of the garages have not been presented. The garages constructed in Phase 1 are larger and typically have 4 or 5 rollup doors, with the ends of the buildings having storage areas accessed by hinged doors on the sides.

TREE PLANTING AND LANDSCAPE PLAN

One (1) tree is required for every 3,000 S.F. of land area. The tree planting requirement is based on the total lot area and may include existing trees. The Phase 2 project site consists of a total lot area of 355,406 S.F. There are no Woodland Areas on the subject site as defined by *Zoning Ordinance* Article 5 §16.6. Much of the subject site to be developed for Phase 2 consists of paved surface associated with the adjacent former mall.

Based on the 355,406 S.F. (8.159 Ac.) of non-woodland area, 119 trees are required. Landscaping Plan sheets included in the submitted Site Plan show that 125 trees are proposed to be planted, therefore meeting the tree density requirement. A tree planting and landscaping plan for a typical building is included in the plan. Trees are also planted in a landscape strip on the southwest edge of the development between the Phase 2 property and the Blue Hen Corporate Center. The trees required as part of the Phase 2 site development plan must be planted within the resulting parcel following lot line adjustments.

Tree removal (6 trees) is shown on the plan to make way for the proposed 5-foot walking path. These trees are on the existing Phase 1 parcel, and any trees removed must be replaced 1-for-1. The replacements are including in the total tree planting plan (131 trees). The species and size meet requirements.

OPEN SPACE AND RECREATION PLAN

The developer included on the plan the elements of an Active Recreation Plan which illustrates how the project will provide recreation amenities required of Article 5 §10 of the *Zoning Ordinance*. Based on the proposed total of 192 residential dwelling units for Phase 2, it is required to have 52,800 S.F. (1.21 ac +/-) of active recreation areas.

The proposed new amenities for the Active Recreation Area (Phase 2) include:

- Volleyball Court (sand)
- Two Corn Hole courts
- Walking path five (5) feet wide totaling approximately 1,425 linear feet
- Barbeque grills

The Plan indicates various areas totaling 57,000 S.F. reserved as active recreation space. Much of the proposed new space consists of areas adjacent to the proposed 5-foot path. These areas are significant enough in size to constitute areas where “pick-up” ball games, Frisbee, etc., could occur. The programmed spaces such as the corn hole and volleyball courts are located adjacent to the existing clubhouse and pool area within Phase 1.

Previously for the Blue Hen Apartments (Phase 1), an Active Recreation Area Plan was

reviewed in 2007 and ultimately approved for construction. The approved Plan includes 49,223 S.F. (1.13 ac +/-) of land reserved as Active Recreation Area. The included amenities are a clubhouse with fitness center, swimming pool, and play area with swing set, play structure and benches. A future basketball court was shown on the Phase 1 Active Recreation Plan but was not subsequently constructed, but its location is an open lawn area that could be utilized for play. Overall, 40,750 S.F. of Active Recreation Area was constructed of the 44,500 S.F. required.

The amenities of Phase 1 will be available to residents of Phase 2. The submitted plan shows that the total apartment complex (Phase 1 & Phase 2) after Phase 2 construction will provide Active Recreation Areas totaling 97,750 S.F. (2.24 acres +/-).

The Parks, Recreation & Community Enhancement Committee of City Council reviewed a Conceptual Plan for the proposed Active Recreation Area on September 14, 2015 and provided comment and recommendations to the Planning Commission. See the attached Active Recreation Area Report which includes detailed staff comments. Some subsequent revisions were made to the Plan in response to these comments.

Staff comments related to the Active Recreation Plan are made in the recommendations section.

Preliminary Land Use Services Review (PLUS)

This application was reviewed on August 26, 2015 by the Preliminary Land Use Services as required by the City of Dover's Memorandum of Understanding (MOU). This MOU requires that residential development of over 150 units complete the PLUS Review process prior to application submission. The applicant submitted a written response letter to the Office of State Planning Coordination regarding the PLUS comments. See attachments: PLUS Comment Letter dated 8-01-2015 and applicant response.

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:

Note the following comments and corrections to be resolved in preparation for completing the Final Plan.

1) General plan submission package comments:
   a) Provide an overall Layout, Striping, and Signage Plan sheet for review prior to Final Plan approval.
   b) Please submit garage architectural elevations for review prior to Final Plan approval.
   c) Any changes recommended, waiver requests granted or other approvals by the Planning Commission. Add to data column or as reference notes on Sheet TS-1.
   d) Utilize revision listing section in title block to clarify versions of plan set for subsequent check print submissions.

2) Sheet MS-1: Minor Subdivision Plan
   a) Strike AEOZ from the Site Data column. It no longer applies.

3) Sheet SD-1: Grading Plan
   a) Per prior comments to the applicant, sidewalk connectivity between the existing daycare center and the west side of Building 24 should be completed to permit access to Blue Hen Boulevard and to Blue Hen Boulevard from Long Island Court. Complete as shown on sheet LS-1.
   b) Provide a perimeter sidewalk fronting the parking spaces adjacent to the northwest side of Building 25 to complete the perimeter access to the opposite side of the building where the entrances are located.
   c) On northwest side of Building 25, confirm that the requirements of *Zoning Ordinance* Article 6 §5.3 are met, relating to the required distance (15 feet) between parking and windows.

4) Sheet SD-3: Detail Sheet
   a) Add surface details for the 5-feet walking path.

5) Sheets UP-3: Utility Plan
   a) Provide model specifications for site lighting.

6) LS-1: Tree Density Details
   a) Strike AEOZ from the Site Data column. It no longer applies.

7) LS-2: Tree Density Details
   a) Add a sidewalk connection (approx. 10') at the end of Plumage Court to connect to the sidewalk that comes from the end of the southernmost garage on Kearnsey Court. Update other plan sheets accordingly.

8) LS-3: Tree Density Details

a) Continue the paved area from the sidewalk to the side of the ADA picnic table to allow rollup access.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Waiver To Be Requested- Emergency Rear Access Requirement – Staff recommends approval of the Waiver Request. Buildings are proposed to be sprinklered, and the Fire Marshal's Office has provided comment regarding compliance with fire protection regulations.

2) Provide a perimeter sidewalk fronting the parking spaces adjacent to the northwest side of Building 25 to complete the perimeter access to the opposite side of the building where the entrances are located.

3) Staff recommends that the 5-foot path proposed be surfaced in hard paved surface such as concrete.

4) Staff recommends that the existing central walkway that bisects the buildings of Phase 1 be continued in the form of striping to cross the north segment of Long Island Court leading to the sidewalk frontage to be constructed in front of Phase 2/Building 25.

5) Staff recommends that proposed bicycle spaces/devices be more evenly distributed among the residential buildings and be conveniently located near building entrances. As presented, the bicycle parking is clustered centrally around the pool/clubhouse area.

ADVISORY COMMENTS TO THE APPLICANT:

1) An as-built survey prepared and stamped by a licensed professional surveyor is required prior to the issuance of a Certificate of Occupancy in order to confirm compliance with building setbacks. Multiple buildings are currently shown to be constructed directly on the setback lines.

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

3) The applicant is reminded of the requirements for construction phasing of the recreation area as associated with the development of the residential units:

> Article 5 §10.6 Construction Phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that one hundred (100) percent of the recreation and open space areas shall be completed prior to issuing building permits for the final twenty (20) percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

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

A Check Print must be submitted for review by Planning Office Staff and directly to other agencies. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.

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

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

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: SEPTEMBER 30, 2015

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Blue Hen Apartments: Phase 2**

FILE #: **S-15-12**

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.
7. All water taps shall be installed with a Powerseal 3490AS and approved tapping valve. This will eliminate the need to shut down water to active customers.

WASTEWATER

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

"…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.
4. Each property shall be served by a single sanitary sewer lateral which shall be furnished and installed by the property owner. In the event a property contains multiple principle structures, such as shopping centers or apartment complexes, the property shall be served by a single sanitary sewer main where a sanitary sewer lateral may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate wastewater facilities.
5. 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.
6. Sizing (flow) calculations must be submitted for all sanitary sewer mains showing that velocity and all other requirements are met. Any projected future flow requirement must be clearly identified.
7. 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.
8. Calculations that the existing pump station can accommodate the increased sewage flow must be submitted to our office for review and approval.
9. The minimum size of all sanitary sewer laterals shall be six-inch (6").
10. 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. No structures, including permanent signage, may be located within ten feet (10') of utility infrastructure.
3. Please remove all mention of Department of Public Utilities and replace with Department of Public Works.
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 project.
5. The City of Dover will not maintain the water service beyond the water utility easement.

WASTEWATER

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

STORMWATER / STREETS / GROUNDS

1. None

SANITATION

1. The trash service for the proposed apartment complex shall be provided by a private contractor.

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-15-12

CITY OF DOVER FIRE MARSHAL

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 10/07/15

APPLICATION: Blue Hen Apartments: Phase 2 *(REVISED SUBMITTAL)*

FILE #: S-15-12 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is Multi-Family (Apartment). Primary fire lanes are required to be 24 feet wide and cover the side of the building that has the primary entrance and exit. Fire lanes can be no closer than 10 feet to the building and no farther than 50 feet from the building. Fire lanes shall cover **35%** of the proposed building.

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

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

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

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

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

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

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

9. Full building and fire plan review is required.

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

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

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

13. Sprinkler system required. 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.

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

17. Fire Alarm System required per occupancy code requirements.

18. Knox Box required at all buildings.

19. Standpipes required.

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

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

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

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. **Need square footage of buildings to determine the accessibility requirements.**

2. **Fire Lane markings need to comply by Delaware State Fire Prevention Regulations and be clearly shown on the plans, to include fire lane width measurements.**

3. Buildings over 10,000 sq. ft require fire lane coverage, per the Accessibility Table in the Delaware State Fire Prevention Regulations; Fire Lanes must cover 35% of the structure. In addition perimeter access must cover 75% of the structure. The Fire Lanes can serve both as fire lane coverage and perimeter access. Please show the perimeter access on plans.

4. Buildings less than 10,000 sq. ft do not require fire lane coverage but do require building perimeter access. For Buildings (apartment) sprinklered you must provide 35% perimeter access. For buildings (apartment) not sprinklered you must provide70% perimeter access.

5. The closest edge of fire lanes shall not be located further than 40ft if three or four stories in height. Please show measurements on the drawing.

6. Fire Department Connections shall be within 50ft of the main entrance to the structure and within 300 ft of a City of Dover Fire Hydrant. Please show fire hydrant locations as it appears the amount of fire hydrants show on the plans provided is not sufficient.

7. Show any LP gas connection locations and provide impact protection as specified in City of Dover Code of Ordinances. (Provide Specification Diagram for the Impact Protection).

8. Garages: For storage occupancies not sprinklered the building is required to have 50 % building perimeter access. If the storage occupancy is sprinklered the building is required to have 25% building perimeter access. Please provide garage detail.

9. Provide turning radius details for intersections to show compliance with most demanding fire apparatus specification provided with this report.

10. Any proposed trees cannot impede into the fire lane or cause the vertical height of 13ft 6in to be obstructed.

11. Buildings over 25,000 Sq. Ft are to have radio performance testing done by Delaware State Communications prior to Final CO. Please contact this office for specifics.

12. Rear Emergency Access Requirements per City of Dover Code Appendix B- Zoning, Article 5 Supplementary Regulations, Section 5 Supplementary regulations applying to group housing zone (RG-3), Section 17 Emergency Access Requirements. Please show compliance or provide request for waiver.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 2, 2015

D E L D O T

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APPLICATION: Blue Hen Apartments: Phase 2

FILE#: S-15-12 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:

- Per Section 2.2.2.1 of the Development Coordination Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The table below shows the increase in trip generation associated with the additional apartments, using the Institute of Transportation Engineers' (ITE) Trip Generation Manual.

Land Use	ITE Land Use Code	Weekday Average Daily Traffic	Weekday AM Peak Hour	Weekday PM Peak Hour
Total complex (354 dwellings)	220	2269	177	212
Phase 1 (162 dwellings)	220	1105	83	107
Net Increase (192 dwellings)		1164	94	105

Based on any of these three sets of volumes, this project would warrant a TIS. To obtain a scope of work for a TIS, the applicant may have their engineer contact Mr. Troy Brestel of this office. Mr. Brestel may be reached at (302) 760-2167. However, the developer does have alternatives to doing a TIS.

If the City of Dover does not require a TIS, Section 2.2.2.2 of the Manual permits DelDOT to accept an Area Wide Study Fee in lieu of a TIS for developments generating less than 2,000 vehicle trip ands per day and less than 200 vehicle trip ends per hour. The Fee is calculated as $10 per daily trip, which in this case

would mean $11,640 and is payable when plans are submitted for the Initial Stage review. The Fee, if paid, would be used for the funding of future traffic studies in Kent County and does not reduce any contributions that might be assessed for off-site improvements or excuse the developer from making such contributions. Payment also does not excuse the developer from the need to conduct a Traffic Operational Analysis (TOA) if DelDOT identifies the need for one in their review of an entrance plan.

Presently, we have not identified a need for off-site improvements or determined that a TOA is necessary. However, we can foresee the possibility of DelDOT requiring a TOA and the TOA identifying a need for intersection improvements at Haslet Street and South Little Creek Road and/or execution of a signal agreement for this intersection. To determine whether a TOA will be needed, and the scope thereof, the developer should request a Pre-Submittal Meeting as discussed later in these comments.

Another alternative to doing a TIS is participation in a Transportation Improvement District (TID). Since November 2013, DelDOT has been working with the City of Dover to create a TID for the US Route 13 / Bay Road Corridor, which includes the subject development. The idea of a TID, as described in Section 2.4 of the Manual, is to plan comprehensively for land use and transportation in the District and to assess developers in the District a fee that will be used to build, or help build, the improvements needed in the District. To the extent that developers in the District are required to make off-site improvements, they receive credit against their fees. Section 2.2.2.4 of the Manual permits DelDOT to require participation in a TID in lieu of a TIS but we have not yet progressed far enough in creating the TID to apply this section. DelDOT and the City still need to determine a program of needed improvements and establish a fee structure. Based on our experience with the Southern New Castle County TID, we would expect fees in the range of $2,800 per multi-family dwelling unit, or in this case $537,600. If the developer does not want do a TIS or pay the Area Wide Study Fee, one option would be to wait for the adoption of a TID fee structure.

- The site fronts on Haslet Street and Blue Hen Boulevard, which are not maintained by the State. Any off-site improvements necessary to support the development must be designed in accordance with DelDOT's Road Design Manual or, for improvements at development entrances, DelDOT's Development Coordination Manual. These manuals are, respectively, available at http://www.deldot.gov/information/pubs_forms/manuals/road_design/index.shtml and http://www.deldot.gov/information/business/subdivisions/changes/index.shtml.

- Regardless of whether roadway improvements are required, in accordance with Section 3.4 of the Development Coordination Manual, a record plan shall be prepared prior to issuing "Letter of No Objection". The following information will be required for the "Letter of No Objection" review:

Copy Initial Stage Fee Calculation Form
Copy Initial Stage Review Fee
Gate-Keeping Checklist – Site Plan
Record Plan Review Design Checklist
Auxiliary Lane
Sight Distance Spreadsheet
Site/Record Plan
Conceptual Entrance Plan
Submission of the Area-Wide Study Fee (If applicable)

- Referring to Section 3.4.1 of the Development Coordination Manual, because the proposed development would generate more than 200 vehicle trips per day, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request this meeting is available http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.pdf.

- Referring to Section 3.4.2 of the Development Coordination Manual, the Initial Stage review fee shall be assessed to this project.

- If roadway improvements are warranted, then referring to Section 4.3 of the Development Coordination Manual, the Construction Stage review fee shall be assessed to this project.

- Again, if roadway improvements are warranted, then referring to Section 4.3 of the Development Coordination Manual, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review:

  Copy of the Construction Stage Fee Calculation Form
  Copy of the Construction Review Fee
  Gate-Keeping Checklist – Entrance Plan
  Entrance Plan Review Checklist
  Entrance Design Checklist
  Application for Commercial Entrance Permit
  Pipe/Angle Spreadsheet (if applicable)
  Entrance Photo
  Entrance Plan
  SWM Report, Calculations and DA Maps
  Sediment & Stormwater Management Project Design & Review Checklist

ADVISORY COMMENTS TO THE APPLICANT:

- Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available at http://www.deldot.gov/information/business/subdivisions/.

- To provide improved access to both developments for pedestrians, bicyclists and emergency vehicles, we recommend that a shared use path, with bollards to prevent routine vehicular use, be built between the private section of Haslet Street and the unnamed stub street in the Schoolview development. We would advise against a street connection or a path without bollards as it could result in speeding in one or both developments.

- Please check to determine whether any utilities will need to be relocated as part of this project

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
September 2015

APPLICATION: *Blue Hen Apartments Phase 2*

FILE #: S-15-12

REVIEWING AGENCY: *Kent Conservation District*

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

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

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 30, 2015

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Blue Hen Apartments: Phase 2

FILE #: S-15-12 REVIEWING AGENCY: Dover/Kent County MPO

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

The Dover/Kent County MPO has participated in the State's Preliminary Land Use Services (PLUS) process for several months. The MPO requested the opportunity to bring the recommendations on issues of our concern to the City as well. The MPO will limit comments to projects to development proposals and applications that may lead to new development. Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission 10/19/2015
Project Review
S-15-12 Blue Hen Apartments: Phase 2

Phase 1 of the apartment complex is located directly on the DART Route 107 route. Upon completion of Phase 2, there will be nearly 350 units on the site. There are no bus stop signs at the entry road to the apartments and the nearest stop is in front of Corporate Kids Day Care. The developer or a representative should contact the Delaware Transit Corporation Planning division to explore whether a transit stop is need on site. Tremica Cherrry of DTC Planning is aware of the proposal. If need be, she can be reached at Tremica.Cherry@state.de.us or at (302) 739-3278, the main line for DTC Dover.

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

LARSON
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING

RECEIVED
5-13-12
OCT - 7
CITY OF DOVER
PLANNING & INSPECTIONS

October 7, 2015

Ms. Ann Marie Townshend
City of Dover Planning
PO Box 475
Dover, DE 19903

RE: BLUE HEN APARTMENTS – PHASE 2
EMERGENCY REAR ACCESS WAIVER REQUEST

Dear Ann Marie:

We would like to request a waiver to Article 5, Section 17.5(a) that requires a sixteen foot alley or an eighteen foot secondary fire lane and an eighteen foot subgrade emergency access for two and three story apartment buildings. The proposed layout exceeds the minimum fire lane access and perimeter accessibility required by the Delaware State Fire Marshal regulations. The addition of paved access around the building will add unnecessary impervious area to the site.

We have reviewed the site layout with the City of Dover Fire Marshal and he was satisfied the emergency access provided is sufficient. Please review this request and call me if you have any questions.

Sincerely,

LARSON ENGINEERING GROUP, INC.

Douglas J. Liberman
Vice President

City of Dover

DATA SHEET FOR RECREATION PLAN REVIEW

PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE
MEETING OF September 14, 2015

Plan Title:	Blue Hen Apartments Phase 2
Plan Type:	Site Development Plan S-15-12 with Active Recreation Area Plan
Location:	East side of Bay Road and south of Blue Hen Boulevard between Bay Road and Haslet Street
Address:	605 and 655 Bay Road, 400 Haslet Street
Tax Parcels:	ED-05-077.00-01-19.03-000, 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
Applicants/Owners:	Blue Hen Apt, LLC, Blue Hen Mall, LLC
Site Area:	6.19 acres +/-
Zoning:	RG-2 (General Residence Zone) SWPOZ (Source Water Protection Overlay Zone - Tier 1: Secondary Wellhead Protection *and* Tier 3: Excellent Recharge Area)
Proposed Use:	Site Development Plan for a multi-family residential development consisting of 12 residential buildings, accessory structures and associated site improvements. A Minor Subdivision Plan is included with this application.
Dwelling Units:	Phase 2: 192 Phase 1 (completed): 162 Total: 354

Project History and Summary

The Blue Hen Apartments Phase 2 is being reviewed as a Site Development Plan. The first phase of the complex Village at Blue Hen Apartments was constructed under Site Plan S-07-57 which outlined the development of thirteen (13) apartment buildings consisting of a total of 162 residential units (apartments) and a clubhouse building. The subject area for Phase 2 consists of portions of multiple parcels of land that will be ultimately be consolidated into a single parcel of land for the entire apartment complex.

The Site Plan is to permit the construction of twelve (12) apartment buildings for a total of 192 units. This review is for the Active Recreation Plan.

Active Recreation Area Plan Summary

The *Zoning Ordinance* requires an Open Space and Active Recreation Plan for all residential developments, projects and plans that come before the Planning Commission (*Dover Code of Ordinances*, Appendix B, Article 5 §10).

Previously for the Blue Hen Apartments (Phase 1), an Active Recreation Area Plan was reviewed in 2007 and ultimately approved for construction. The approved Plan includes 49,223 S.F. (1.13 ac +/-) of land reserved as Active Recreation Area. The Active Recreation Areas are in a central location on the site. The included amenities are a clubhouse with swimming pool, play area with swing set, play structure and benches. A future basketball court was shown on the Phase 1 Active Recreation Plan but was not subsequently constructed, but its location is an open lawn area that could be utilized for play. Overall, 40,750 S.F. of Active Recreation Area was constructed of the 44,500 S.F. required.

As part of the Site Plan review process for the development of Phase 2, the applicant prepared a Conceptual Recreation Plan (presented on the Landscape Plan sheets) which illustrates how this phase of the Blue Hen Apartments development will provide recreation amenities in accordance with the design specifications described in Article 5, Section 10 of the *Zoning Ordinance.*

Phase 2 Active Recreation Area

Focusing on the Phase 2 land area specifically, based on the proposed total of 192 residential dwelling units, it is required to have 52,800 S.F. (1.21 ac +/-) of active recreation areas.

The submitted plan shows that the total apartment complex (Phase 1 & Phase 2) after Phase 2 construction will provide Active Recreation Areas totaling 97,750 S.F. (2.24 acres +/-).

Information on the Active Recreation Area is found on Plan Sheets labeled “LS-1” and “LS-2 Tree Density Plan.”

Amenities of the Active Recreation Area Design

The amenities constructed and implemented in Phase 1 will be available to residents of Phase 2. The proposed new amenities for the Active Recreation Area (Phase 2) include:

- Volleyball Court (sand)
- Two Corn Hole courts
- Walking path five (5) feet wide totaling approximately 1,425 linear feet

- Barbeque grills

This recreational component must be reviewed by the Parks, Recreation, and Community Enhancement Committee for a recommendation prior to its consideration by the Planning Commission.

The following table provides a summary of the existing Phase 1 amenities, and the proposed Phase 2 amenities for the Blue Hen Apartments complex.

Blue Hen Apartments: Active Recreation Area Plan
Existing (Phase 1) and Planned (Phase 2) Facilities

Requirements	Minimum Required	Plan Provision	
		PHASE 1 (existing)	**PHASE 2 (proposed)**
Active Rec. Area 275 SF per DU or 275 SF per 0.5 ac.	Phase 1: 44,550 SF (1.02 ac.) Phase 2: 52,800 SF (1.21 ac.)	162 Dwelling Units 49,223 SF (1.13 ac.) on Final Plan 40,750 SF (.935 ac.) built	192 Dwelling Units 57,000 SF (1.30 ac.)
Active Recreation Amenities	Examples of types are given in *Zoning Ordinance* Art. 5 §10.15.	Clubhouse (2,188 SF), swimming pool (1,800 SF), fenced/mulched play area with equipment (3,315 SF), basketball court (4,200 SF- Note 1)	Sand volleyball court, 2 cornhole courts, walking path, barbeque grills.
Guidelines	**Recommended**	**Plan Provision**	
Accessibility	Areas should be arranged to afford access to all residents in the development.	Located at the center of the development. A central sidewalk provides access to and from all residential buildings.	A 5' wide path is provided adjacent or parallel to the rear of most buildings. Comments are provided in Staff Recommendations.
Pedestrian Oriented	Areas should be designed with linkages to public & other planned & existing walkways & recreation areas.	See above.	There is sidewalk fronting the buildings and the aforementioned path. Some missing sidewalk/ path connections have been identified and are commented upon in Staff Recommendations.
Age Oriented	Areas shall reflect awareness of and sensitivity to anticipated age groups.	The amenities provided should satisfy the interests of younger households and families in market-rate rental housing.	As with Phase 1. According to complex website the existing clubhouse features a 24-hour fitness center.
Parking	Designs consider the need for parking associated with recreation areas.	A parking lot with 24 spaces is located on the east side of the clubhouse. On-site parking is provided throughout the complex.	The Phase 2 amenities are located near the clubhouse, which has existing parking.
Walking, jogging, & biking trails	Trails shall only be counted towards area requirement when constructed as an accessory to central recreation facilities.	No trails in this phase were planned.	The proposed 5' trail links residential building and sidewalks to recreational amenities. The trail also passes through open areas sufficiently sized for frisbee and "pickup" games and play.
Landscaping	Required per *Zoning Ordinance.* Game courts, parking, playground areas, etc., should be screened where warranted to preserve interests of adjoining residential properties.	A Landscape Plan was approved and implemented per the Final Plan. The areas and amenities are internal to the complex and sufficiently distant from adjoining residential properties.	As with Phase 1. An overall landscape plan is submitted with the Site Development Plan, but no new landscaping is shown within or adjacent to existing or proposed recreation ares. Anticipated revisions are commented upon in Staff Recommendations.
Setbacks	No structure, equipment, or game court surface shall be located nearer than 30 feet from residential lots and 25 feet from any right-of-way line.	Clubhouse, swimming pool and amenity locations (basketball court and play area equipment) in compliance as required.	As with Phase 1.

Notes: (1) The basketball court was approved in the Final Plan but subsequently not constructed.

Staff Recommendations:

The following are comments and recommendations from Staff of the Department of Planning & Inspections and the Parks & Recreation Department following review of the Active Recreation Area for the Blue Hen Apartments Phase 2.

1. Revised Active Recreation Design - Staff is generally supportive of the overall concept to provided additional amenities in the established area around the existing clubhouse and pool site in Phase 1. The existing central location is logical and generally convenient to residents of Phase 1. There are details related to trail and sidewalk connectivity and the overall layout of Phase 2 that make the pedestrian accessibility between Phase 2 and the clubhouse/pool site less apparent. Additional detailed comments are found below. At the time of report preparation, Staff continues to work with the applicant to refine details of the Active Recreation Area Plan and the overall Site Plan to be presented to the Planning Commission. Additional comment regarding these and other issues is provided in the Development Advisory Committee (D.A.C.) report to the Planning Commission.

2. Upon review of the overall concept for the Active Recreation Area and with consideration given to the overall circulation and layout of amenities the following revisions to the plan are recommended:
    a. The proposed 5-foot path as it traverses the triangular area behind the existing daycare center facility will require rerouting. The path as shown conflicts with plans to relocate the playground associated with the daycare center.
    b. While the daycare center facility is separate from Blue Hen Apartments, staff advises particular attention be paid to improve and ensure pedestrian accessibility to the facility from within the apartment complex.
    c. Further south, staff has concerns about the routing of the 5-foot path and potential conflicts with grading plans for the swale running between Phase 1 and Phase 2.
    d. In the area of the three (3) buildings on Phase 2 located farthest south, staff recommends an additional route that crosses to access the 5-foot path that leads to the clubhouse area. At present the current path requires using the sidewalks along the building fronts, walking north to the entry drive, then backtracking south. The proposed swale or graded area poses a circulation barrier to the southernmost buildings of Phase 2.
    e. Related to (c.) staff recommends at least two (2) sidewalk connections that connect the building frontage sidewalks to the 5-foot path which runs behind the buildings. Such connections should be placed between selected buildings, and there should be at least one (1) such connection located both north and south of the entrance driveway leading from the Blue Hen Corporate Center parcel.
    f. Provide an accessible path from the sidewalk to one of the cornhole courts.
    g. Clarify the relationship of the planned 5-foot path where it extends toward the playground and appears to terminate. Staff advises revising graphics to better identify connections to existing sidewalks and paths.
    h. Provide connections from existing sidewalks in Phase 1 to the 5-foot path at the following points: Plumage Ct, Kearnsey Ct, Kimberton Ct, Long Island Ct. There are several points where the path passes within 20 feet or less of existing sidewalks.

3. The following items should be clarified or included on the Plan as related to placement and construction of the recreation area improvements:
    a. A schedule of the proposed features needs to be provided on the Active Recreation Plan (i.e. the number of benches, grills, fixtures, equipment).
    b. Bicycle parking as required by code is not presented on the Active Recreation Area Plan or the Site Development Plan. Show bicycle parking on the plan to include devices near the volleyball court, playground, and clubhouse.
    c. Barbeque grills are noted on the submission letter but cannot be located on the Plans. Label them or provide a symbol legend.
    d. Fixed and sturdy picnic tables are recommended adjacent to grills. Include at least one (1) ADA accessible table in a suitably accessible location.
    e. Add park benches at cornhole and volleyball court areas.
    f. Indicate the dimensions and area of the volleyball court and cornhole courts.
    g. Identify the placement of any trash cans and the location of a dumpster enclosure that services the clubhouse building and leasing/management office.
    h. Signage is suggested to identify building names, key entry points, and directional signage to amenities.
    i. As noted in the D.A.C. Report, provide an overall Layout, Striping, and Signage Plan for the site to note traffic stops, pedestrian crossings, and traffic controls.
    j. Confirm the orientation of the North arrow.

4. The Landscape Plan with tree plantings and landscaping will need revision as related to site changes presented in the submitted Site Development Plan:
    a. Existing trees and vegetation shown along the western edge of Phase 1 and between Phase 2 conflict with the grading plans for this area.
    b. The Landscape Plan must clearly identify the quantity and type planned for removal and a plan for 1-for-1 replacement.
    c. Arrange tree plantings to provide shade at key locations near amenities (i.e. playground area, picnic/grill areas.)

5. Ensure barrier free access is provided at all sidewalks where they intersect with streets and parking lots. Ensure accessible sidewalks lead to all amenities (i.e. building access points, game court surfaces, parking areas, etc.)

6. Provide construction and material details including but not limited to: sidewalks, walking path, game court surfaces, benches, bicycle racks, dumpster enclosure, etc.

7. Refer to other comments in the D.A.C. Report regarding Plan presentation and coordination with other Site Plan details (match lines, surrounding parcels, other).

8. The applicant is reminded of the requirements for construction phasing of the recreation area as associated with the development of the residential units.

    > Article 5 §10.6 Construction Phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that one hundred (100) percent of the recreation and open space areas shall be completed prior to issuing building permits for the final twenty (20) percent of the dwelling units proposed. Building permits shall not be issued for dwelling units

unless the requirements of this section are met.

9. There shall be provisions which insure that the common open space lands shall continue as such and be properly managed and maintained. The developer shall either retain ownership and responsibility for maintenance of such open land; or provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space i.e. a Homeowners Association. The organization shall be responsible for maintenance, insurance and taxes on the common open space.
    a. Provide information on any agreements established regarding responsibilities for construction, landscaping, maintenance, etc. for the open space areas with the TND project.
    b. Staff notes that the Active Recreation Areas will not be dedicated to the City of Dover.

10. In the event, that major changes and revisions to the Plan occur in the finalization of the Recreation Plan or Site Plan contact the Department of Planning and Inspections. Examples include reorientation of elements, relocation of site components, etc. These changes may require resubmittal for review by the Parks Recreation and Community Enhancement Committee, Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

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

The Parks, Recreation, and Community Enhancement Committee shall submit to the Planning Commission a report detailing the recommendations as to the Recreation Area Plan. Following Planning Commission review of Active Recreation Area Plan associated with the Site Plan for the Blue Hen Apartments, the next step is finalization of the Site Plan set.

Attachments:

- Proposed Recreation Area Plan Set dated 8/7/2015 (2 sheets*):
    - LS-1
    - LS-2

**Plan Set Sheets are available as 24" x 36" paper copies should Committee members desire this format. Contact the Planning Office at 736-7196.*

File 5/15/12

City of Dover

DATA SHEET FOR RECREATION PLAN REVIEW

PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE
MEETING OF September 14, 2015

Plan Title:	Blue Hen Apartments Phase 2
Plan Type:	Site Development Plan S-15-12 with Active Recreation Area Plan
Location:	East side of Bay Road and south of Blue Hen Boulevard between Bay Road and Haslet Street
Address:	605 and 655 Bay Road, 400 Haslet Street
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Applicants/Owners:	Blue Hen Apt, LLC, Blue Hen Mall, LLC
Site Area:	6.19 acres +/-
Zoning:	RG-2 (General Residence Zone) SWPOZ (Source Water Protection Overlay Zone - Tier 1: Secondary Wellhead Protection *and* Tier 3: Excellent Recharge Area)
Proposed Use:	Site Development Plan for a multi-family residential development consisting of 12 residential buildings, accessory structures and associated site improvements. A Minor Subdivision Plan is included with this application.
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    j. Confirm the orientation of the North arrow.

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6. Provide construction and material details including but not limited to: sidewalks, walking path, game court surfaces, benches, bicycle racks, dumpster enclosure, etc.

7. Refer to other comments in the D.A.C. Report regarding Plan presentation and coordination with other Site Plan details (match lines, surrounding parcels, other).

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    Article 5 §10.6 Construction Phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that one hundred (100) percent of the recreation and open space areas shall be completed prior to issuing building permits for the final twenty (20) percent of the dwelling units proposed. Building permits shall not be issued for dwelling units

unless the requirements of this section are met.

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    a. Provide information on any agreements established regarding responsibilities for construction, landscaping, maintenance, etc. for the open space areas with the TND project.
    b. Staff notes that the Active Recreation Areas will not be dedicated to the City of Dover.

10. In the event, that major changes and revisions to the Plan occur in the finalization of the Recreation Plan or Site Plan contact the Department of Planning and Inspections. Examples include reorientation of elements, relocation of site components, etc. These changes may require resubmittal for review by the Parks Recreation and Community Enhancement Committee, Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

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

The Parks, Recreation, and Community Enhancement Committee shall submit to the Planning Commission a report detailing the recommendations as to the Recreation Area Plan. Following Planning Commission review of Active Recreation Area Plan associated with the Site Plan for the Blue Hen Apartments, the next step is finalization of the Site Plan set.

Attachments:

- Proposed Recreation Area Plan Set dated 8/7/2015 (2 sheets*):
    - LS-1
    - LS-2

**Plan Set Sheets are available as 24" x 36" paper copies should Committee members desire this format. Contact the Planning Office at 736-7196.*

S-15-12

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 24, 2015

Mr. Doug Liberman
Larson Engineering Group, Inc.
910 South Chapel St., Suite 200
Newark, DE 19713

RE: PLUS review 2015-08-01; Blue Hen Apartments – Phase 2

Dear Mr. Liberman,

Thank you for meeting with State agency planners on August 26, 2015 to discuss the proposed plans for the Blue Hen Apartments – Phase 2 project. According to the information received, you are seeking review of a site plan for 192 apartment units on 6.15 acres in Dover.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that the City of Dover has governing authority over this land and the developers will need to comply with any and all regulations/restrictions set forth by the County and City.**

Strategies for State Policies and Spending

- This project is located in Investment Level 1 according to the *Strategies for State Policies and Spending*. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Per Section 2.2.2.1 of the Development Coordination Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The table below shows the increase in trip generation associated with the additional apartments, using the Institute of Transportation Engineers' (ITE) Trip Generation Manual.

Land Use	ITE Land Use Code	Weekday Average Daily Traffic	Weekday AM Peak Hour	Weekday PM Peak Hour
Total complex (354 dwellings)	220	2269	177	212
Phase 1 (162 dwellings)	220	1105	83	107
Net Increase (192 dwellings)		1164	94	105

Based on any of these three sets of volumes, this project would warrant a TIS. To obtain a scope of work for a TIS, the applicant may have their engineer contact Mr. Troy Brestel of the DelDOT Planning office. Mr. Brestel may be reached at (302) 760-2167. However, the developer does have alternatives to doing a TIS.

If the City of Dover does not require a TIS, Section 2.2.2.2 of the Manual permits DelDOT to accept an Area Wide Study Fee in lieu of a TIS for developments generating less than 2,000 vehicle trip ands per day and less than 200 vehicle trip ends per hour. The Fee is calculated as $10 per daily trip, which in this case would mean $11,640 and is payable when plans are submitted for the Initial Stage review. The Fee, if paid, would be used for the funding of future traffic studies in Kent County and does not reduce any contributions that might be assessed for off-site improvements or excuse the developer from making such contributions. Payment also does not excuse the developer from the need to conduct a Traffic Operational Analysis (TOA) if DelDOT identifies the need for one in their review of an entrance plan.

Presently, we have not identified a need for off-site improvements or determined that a TOA is necessary. However, DelDOT can foresee the possibility of requiring a TOA and the TOA identifying a need for intersection improvements at Haslet Street and South Little Creek Road and/or execution of a signal agreement for this intersection. To determine whether a TOA will be needed, and the scope thereof, the developer should request a Pre-Submittal Meeting as discussed later in these comments.

Another alternative to doing a TIS is participation in a Transportation Improvement District (TID). Since November 2013, DelDOT has been working with the City of Dover to create a TID for the US Route 13 / Bay Road Corridor, which includes the subject development. The idea of a TID, as described in Section 2.4 of the Manual, is to plan comprehensively for land use and transportation in the District and to assess developers in the District a fee that will be used to build, or help build, the improvements needed in the District. To the extent that developers in the District are required to make off-site improvements, they receive credit against their fees. Section 2.2.2.4 of the Manual permits DelDOT to require participation in a TID in lieu of a TIS but we have not yet progressed far enough in creating the TID to apply this section. DelDOT and the City still need to determine a program of needed improvements and establish a fee structure. Based on our experience with the Southern New Castle County TID, DelDOT would expect fees in the range of $2,800 per multi-family dwelling unit, or in this case

$537,600. If the developer does not want do a TIS or pay the Area Wide Study Fee, one option would be to wait for the adoption of a TID fee structure.

- The site fronts on Haslet Street and Blue Hen Boulevard, which are not maintained by the State. Any off-site improvements necessary to support the development must be designed in accordance with DelDOT's Road Design Manual or, for improvements at development entrances, DelDOT's Development Coordination Manual. These manuals are, respectively, available at http://www.deldot.gov/information/pubs_forms/manuals/road_design/index.shtml and http://www.deldot.gov/information/business/subdivisions/changes/index.shtml.

- Regardless of whether roadway improvements are required, in accordance with Section 3.4 of the Development Coordination Manual, a record plan shall be prepared prior to issuing "Letter of No Objection". The following information will be required for the "Letter of No Objection" review:

    - Copy Initial Stage Fee Calculation Form
    - Copy Initial Stage Review Fee
    - Gate-Keeping Checklist – Site Plan
    - Record Plan Review Design Checklist
    - Auxiliary Lane
    - Sight Distance Spreadsheet
    - Site/Record Plan
    - Conceptual Entrance Plan
    - Submission of the Area-Wide Study Fee (If applicable)

- Referring to Section 3.4.1 of the Development Coordination Manual, because the proposed development would generate more than 200 vehicle trips per day, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request this meeting is available http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.pdf.

- Referring to Section 3.4.2 of the Development Coordination Manual, the Initial Stage review fee shall be assessed to this project.

- If roadway improvements are warranted, then referring to Section 4.3 of the Development Coordination Manual, the Construction Stage review fee shall be assessed to this project.

- Again, if roadway improvements are warranted, then referring to Section 4.3 of the Development Coordination Manual, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review:

    - Copy of the Construction Stage Fee Calculation Form
    - Copy of the Construction Review Fee

- Gate-Keeping Checklist – Entrance Plan
- Entrance Plan Review Checklist
- Entrance Design Checklist
- Application for Commercial Entrance Permit
- Pipe/Angle Spreadsheet (if applicable)
- Entrance Photo
- Entrance Plan
- SWM Report, Calculations and DA Maps
- Sediment & Stormwater Management Project Design & Review Checklist

Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

TMDLs.

- The project is located in the greater Delaware River and Bay drainage area, specifically within the Leipsic River watershed. In this watershed, the State of Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets for nitrogen, phosphorus, and bacteria (under the auspices of Section 303(d) of the Clean Water Act). A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited waterbody" can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; *State of Delaware Surface Water Quality Standards*, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the Leipsic River watershed calls for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 75 percent reduction in bacteria from baseline conditions.

Water Supply.

- The project information sheets state water will be provided to the project by the City of Dover via a public water system. DNREC records indicate that the project is located within the public water service area granted to the City of Dover under Certificate of Public Convenience and Necessity 90-CPCN-07.

- Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

- All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising. Should you have any questions concerning these comments, please contact Rick Rios, at (302) 739-9944.

Source Water Protection Areas.

- A review of the adjacent area shows an un-delineated wellhead protection area for the City of Dover on the northeastern boundary. There is an excellent groundwater recharge potential area on the southwestern area of an adjacent parcel.

- Wellhead protection areas are surface and subsurface areas surrounding a public water supply well where the quantity and quality of ground water moving toward such wells may be adversely affected by land use activities. In addition, because the wellhead protection area the source of public drinking water, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

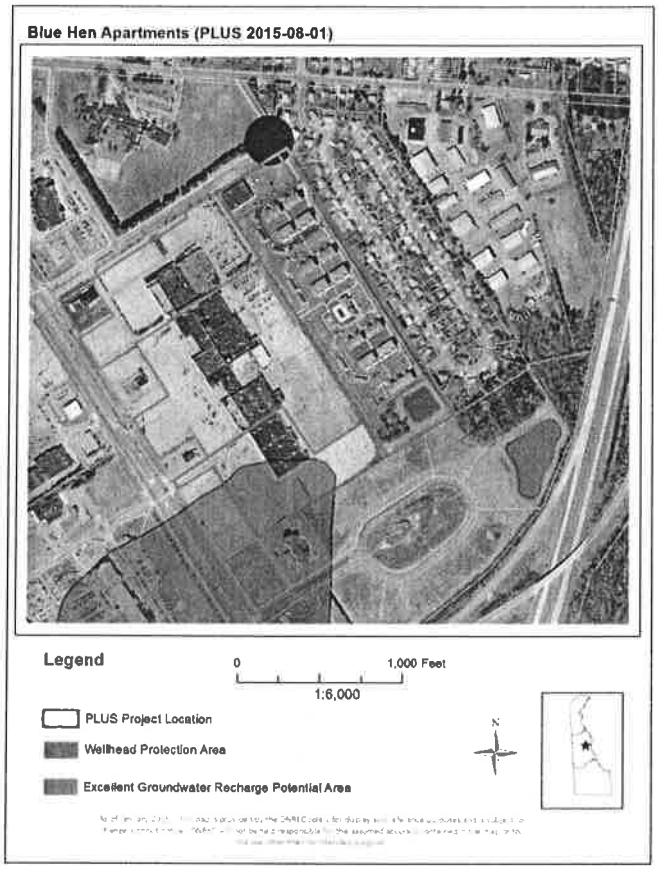
- Excellent Ground-Water Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. These soils are able to transmit water very quickly from the land surface to the water table. This map category (excellent) is an indicator of how fast contaminants will move and how much water may become contaminated (Andres, 2004). Land use activities or impervious cover on areas of excellent ground-water recharge potential may adversely affect ground water in these areas.

- Impervious cover should be limited in these areas. Stormwater management facilities should not be constructed in these areas.

- In addition, because the excellent ground water recharge area can readily affect the underlying aquifer if contaminants are spilled or discharged across the area, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

References:

Andres, A. Scott, 2004, Ground-Water Recharge Potential Mapping in Kent and Sussex Counties, Delaware: Delaware Geological Survey Report of Investigations No. 66, p. 14.



Sediment and Stormwater Management.

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. It is strongly recommended that the owner and consultant contact the Kent Conservation District to schedule a project application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Kent Conservation District. Contact Jared Adkins, Program Manager, at the Kent Conservation District at (302) 741-2600, ext. 3 for details regarding submittal requirements and fees (Title 7, Delaware Code, Chapter 40 and Delaware Regulations, Title 7, Administrative Code, 5101).

Hazardous Waste Sites.

- If it is determined by the Department that there was a release of a hazardous substance on the property in question and the Department requires remediation pursuant to the Hazardous Substance Cleanup Act, the provisions of 7 Del.C. Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware Regulations Governing Hazardous Substance Cleanup shall be followed.

- There are two SIRS site within a ½ mile radius of the proposed project. The proposed project is located on the Blue Hen Drum Site (DE-1480, parcel ED-05-077.00-01-01.00). In August 2009, 63 drums were uncovered during the development of the currently existing apartments. The majority of the drums contained petroleum based liquids. It was believe that the drums were buried there during the construction of the Blue Hen Mall in the 1960s. From August to October 2009, all the drums and contaminated soil were removed and properly disposed offsite. In August 2012, DNREC issued a No Further Action designation and closed and archived the Site.

- The 605 South Bay Road Site (DE-1564) is located south adjacent of the proposed project. The Site was previously used as orchards for at least 60 years. The main farm operations were west of the orchard and consisted of several buildings with open space. Orchard operations began diminishing in the early 1990's. A Phase I investigation was conducted in July 2013 and identified potential impacts to soil and groundwater from the orchard business. The Site joined the Voluntary Clean-up Program (VCP) in December 2013. A Remedial Investigation was conducted and approved in June 2014. The Proposed Plan and Final Plans were published in July and August 2014. The Site was divided into two Operating Units (OUs). OU-1 is restricted to non-residential use.

- Both OUs were issued a Certificate of Completion of Remedy (COCR) in February and July 2014.

Tank Management.

- If a release of a Regulated Substance occurs at the proposed project site, compliance of 7 Del.C., Chapter 60; 7 Del.C., Chapter 74; and DE Admin. Code 1351, State of Delaware *Regulations Governing Underground Storage Tank Systems* (the UST Regulations) is required.

- The following (LUST) projects are located within a quarter mile from the proposed project area:
  - Shore Stop #1230, Facility: 1-000198, Projects: K9602029, K9710179, and K1112156 (Inactive)
  - East Dover Elementary School, Facility: 1-000060, Project: K9811202 (Inactive)
  - Roses Blue Hen Mall Dept. Store, Facility: 1-000554, Project: K9502032 (Inactive)
  -

- Per the UST Regulations: Part E, § 1. Reporting Requirements:
  Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:
  - The Department's 24-hour Release Hot Line by calling (800) 662-8802; and
  - The DNREC Tank Management Section by calling (302) 395-2500.

Air Quality.

- The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1 – Potential Regulatory Requirements may apply to your project:

Table 1: Potential Regulatory Requirements	
Regulation	**Requirements**
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads. Use covers on trucks that transport material to and from site to prevent visible emissions.
7 DE Admin. Code 1113 – Open Burning	Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year. Prohibit the burning of land clearing debris. Prohibit the burning of trash or building materials/debris.
7 DE Admin. Code 1135 – Conformity of General Federal Actions to the State Implementation Plan	Require, for any "federal action," a conformity determination for each pollutant where the total of direct and indirect emissions would equal or exceed any of the de minimus levels (See Section 3.2.1)
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	Use structural/ paint coatings that are low in Volatile Organic Compounds. Use covers on paint containers when paint containers are not in use.
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO_2), carbon monoxide (CO), and carbon dioxide (CO_2) from emergency generators meet the emissions limits established. (See section 3.2). Maintain recordkeeping and reporting requirements.
7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles	Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.
Regulation 21 Section 10 – Emission Standards for	Ensure no visible residue of asbestos materials remains in the work area after all asbestos materials are removed in

Hazardous Air Pollutants, Asbestos	accordance with NESHAP. Display DANGER signs whenever airborne asbestos may be present in accordance with NESHAP and OSHA Use wet removal techniques. Dispose of all asbestos containing waste in clearly labeled sealed containers and store in a secure location awaiting transport to an authorized disposal facility, not to exceed a period of 45 days.

For a complete listing of all Delaware applicable regulations, please look at our website: http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx.

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There are no known archaeological sites or National Register-listed property on this parcel. Therefore, prior to any demolition or ground-disturbing activities, the developer may want to hire an archaeological consultant to examine the parcel for any potential archaeological site or archaeological resources, such as cemetery, burial site, or unmarked human remains. Furthermore, if there is any federal involvement with the project, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at www.achp.gov.

Recommendations/Additional Information

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped **(but in no way required)** that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available at http://www.deldot.gov/information/business/subdivisions/.

- To provide improved access to both developments for pedestrians, bicyclists and emergency vehicles, we recommend that a shared use path, with bollards to prevent routine vehicular use, be built between the private section of Haslet Street and the unnamed stub street in the Schoolview development. We would advise against a street connection or a path without bollards as it could result in speeding in one or both developments.

- The applicant should expect a requirement that all PLUS and/or TAC comments be addressed prior to submitting record, subdivision or entrance plans for review.

- Please check to determine whether any utilities will need to be relocated as part of this project.

Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

Soils Assessment.

- Based on soils survey mapping update, Greenwich (GrB) is the primary soil mapping unit mapped in the immediate vicinity of the proposed project (Figure 1). Greenwich is a well-drained upland soil that, generally, has few limitations for development.

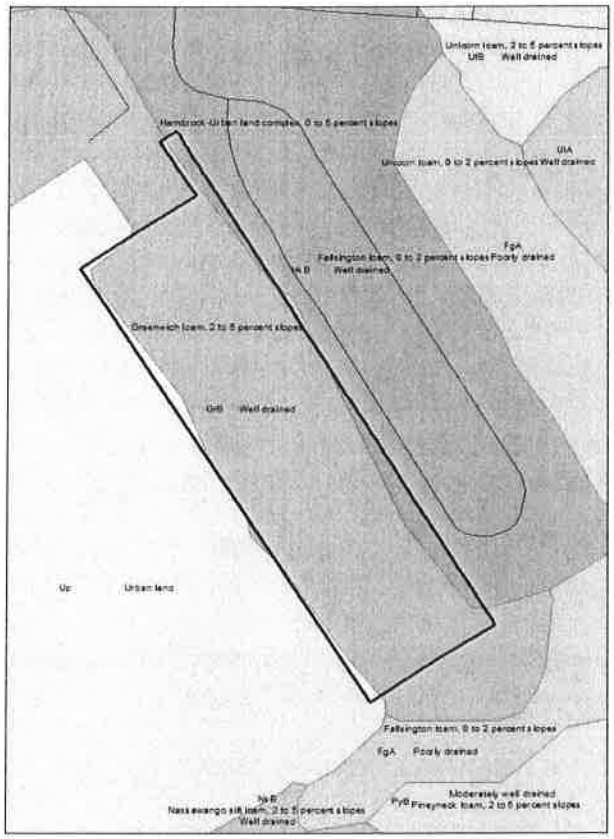


Figure 1: NRCS soil survey mapping update in the immediate vicinity of the proposed construction

Additional information on TMDLs and water quality.

- DNREC strongly encourages the applicant to reduce nutrient and bacterial pollutant runoff through voluntary implementation of the following recommended BMPs:

  - Consider additional native tree or herbaceous cover plantings wherever possible.

- Use green-technology storm water management (in lieu of open-water management structures) and rain gardens as BMPs to mitigate or reduce nutrient and bacterial pollutant runoff increases that often track post-development increases in surface imperviousness. Please contact Lara Allison at (302) 739-9939 for further information about the possibility for installing rain gardens on this parcel.

- Calculate post-construction surface imperviousness with all forms of created (or constructed) surface imperviousness (e.g., rooftops, driveways, parking lots, sidewalks, open-water storm water management structures, ponds, and roads) included in the calculation. Omission of any of the above-stated forms of surface imperviousness will

result in an underestimate of the actual post-development surface imperviousness and will understate the environmental impacts.

- Since this project is a large commercial project that will create additional surface imperviousness which will increase the probability for increased flooding and increased pollutant load runoff impacts to adjoining streams and wetlands in the greater Leipsic River watershed, wherever practicable, use pervious paving materials (instead of conventional asphalt and concrete) to mitigate these impacts. Use pervious paving materials for all parking areas.

- Voluntarily assess nutrient and bacterial pollutant loading at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the "Nutrient Load Assessment protocol." The protocol is a tool used to assess changes in nutrient loading (e.g., nitrogen and phosphorus) that result from the conversion of individual or combined land parcels to a different land use, while providing applicants with quantitative information about their project's impact on baseline water quality. We strongly encourage the use of this protocol to help design and implement the most effective BMPs. Please contact John Martin or Jen Walls at (302) 739-9939 for more information on the protocol.

Additional information on hazardous waste sites.

- DNREC strongly recommends that the land owner perform environmental due diligence of the property by performing a Phase I Environmental Site Assessment (including a title search to identify environmental covenants) in accordance to Section 9105(c) (2) of the Delaware Hazardous Substance Cleanup Act (HSCA). While this is not a requirement under HSCA, it is good business practice and failure to do so will prevent a person from being able to qualify for a potential affirmative defense under Section 9105(c) (2) of HSCA. Additional remediation may be required if the project property or site is re-zoned by the city.

- Should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800) 662-8802. SIRB should also be contacted as soon as possible at (302) 395-2600 for further instructions.

Additional information on tank management.

- When contamination is encountered, PVC pipe materials should be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.
- If any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the TMS. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the TMS.

Additional information on air quality.

- DNREC encourages developers and builders to consider all sustainable growth practices in their design, and we believe that the air quality impacts associated with the project should be completely considered. The existing property has access to sidewalks along Blue Hen Boulevard, leading up to South Bay Road. Safe pedestrian access is also provided to the Bay Court Plaza, which is located across South Bay Road. Bike paths are not present at this time, and the developer indicates that they will not be added as part of this project. There is an opportunity to connect to a transit network via existing DART bus stops within walking distance of the property, along Blue Hen Boulevard. These stops are served by route 107, which connects Federal Street in downtown Dover to the Division of Motor Vehicles in south Dover.

- New homes and businesses may emit, or cause to be emitted, additional air contaminants into Delaware's air, which will negatively impact public health, safety and welfare. These negative impacts are attributable to:
  - Emissions that form ozone and fine particulate matter; Delaware currently violates federal health-based air quality standards for ozone.
  - The emission of greenhouse gases which are associated with climate change, and
  - The emission of air toxics.

- Air emissions generated from new homes and businesses include emissions from the following activities:
  - Area sources such as painting, maintenance equipment and the use of consumer products like roof coatings and roof primers.
  - The generation of electricity, and
  - All transportation activity.

- Based on the information provided, the three air emissions components (i.e., area, electric power generation, and mobile sources) were quantified. Table 2 – Projected Air Quality Emissions represents the actual impact Blue Hen Apartments Phase 2 may have on air quality.

Table 2: Projected Air Quality Emissions for Blue Hen Apartments Phase 2

Emissions Attributable to Blue Hen Apartments Phase 2 (Tons per Year)	Volatile Organic Compounds (VOC)	Nitrogen Oxides (NOx)	Sulfur Dioxide (SO_2)	Fine Particulate Matter ($PM_{2.5}$)	Carbon Dioxide (CO_2)
Area source emissions	5.9	0.7	0.5	0.7	24.1
Power emissions	*	2.4	8.2	*	1,208.5
Mobile emissions	8.8	9.2	0.3	0.1	5,674.6
Total emissions	14.7	12.3	9.0	0.8	6,907.2

(*) *Indicates data is not available.*

Note that emissions associated with the actual construction of the apartment community, including automobile and truck traffic from working in, or delivering products to the site, as well as site preparation, earth moving activities, road paving and other miscellaneous air emissions, are not reflected in the table above.

- DNREC encourages sustainable growth practices that:
  - Control sprawl;
  - Preserve rural and forested areas;
  - Identify conflicting land use priorities;
  - Encourage growth on previously developed sites and denser communities while at the same time protect our diminishing land base;
  - Coordinate transportation, housing, environment, and climate protection plans with land use plans; and
  - Demonstrate that communities can achieve the qualities of privacy, community, and contact with nature without degrading the natural environment or generating unacceptable environmental costs in terms of congestion, use of natural resources, or pollution.

- Additional measures may be taken to substantially reduce the air emissions identified above. These measures include:
  - **Constructing with only energy efficient products.** Energy Star qualified products are up to 30% more energy efficient. Savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of energy efficiency translates into a percent reduction in pollution. The Energy Star Program is an excellent way to save on energy costs and reduce air pollution.

  - **Offering geothermal and/or photo voltaic energy options.** These systems can significantly reduce emissions from electrical generation and from the use of oil or gas heating equipment.

  - **Constructing with high albedo, high solar reflectance materials**. This includes roofing and hardscape. These materials help to reduce heat island impacts and, by extension, help to minimize the potential for localized ground-level ozone formation. These materials also help reduce demands on air conditioning systems and save on energy costs.

  - **Providing shade for parking areas.** Approaches may include architectural devices, vegetation, or solar panels. Providing shade for parking areas helps to reduce heat island impacts, and, by extension, helps to minimize the potential for localized ground-level ozone formation. Such measures can also have the additional benefit of channeling or infiltrating stormwater.

- **Providing charging stations for plug-in electric vehicles.** This measure helps to reduce localized air pollution by supporting the use of non-gasoline powered vehicles. Please refer to the US Department of Energy's website for electric vehicle readiness information: http://www1.eere.energy.gov/cleancities/electric_vehicle_projects.html
- Several charging stations exist nearby along US 13, between Camden and Smyrna.

- **Encouraging the use of safe multimodal transportation**. This measure can significantly reduce mobile source emissions. For every vehicle trip that is replaced by the use of a sidewalk, bike path, or mass transit, 7 pounds of VOC and 11.5 pounds of NOx are reduced each year. There is an opportunity to connect to a transit network via an existing DART bus stop within walking distance of the property, located on Blue Hen Boulevard.

- **Using retrofitted diesel engines during construction**. This includes equipment that is on-site as well as equipment used to transport materials to and from site.

- **Using pre-painted/pre-coated flooring, cabinets, fencing, etc**. These measures can significantly reduce the emission of VOCs from typical architectural coating operations.

- **Planting trees in vegetative buffer areas.** Native trees reduce emissions by trapping dust particles and replenishing oxygen. Trees also reduce energy emissions by cooling during the summer and by providing wind breaks in the winter, whereby reducing air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs.

This is a partial list, and there are additional things that can be done to reduce the impact of the development. The applicant should submit a plan to the DNREC Division of Air Quality (DAQ) which addresses the above listed measures, and that details all of the specific emission mitigation measures that will be incorporated into the Blue Hen Apartments Phase 2 project. The DAQ point of contact is Rachel Yocum, and she may be reached at (302) 739-9402.

Delaware State Housing Authority – Contact Karen Horton 739-4263

- DSHA supports the site plan review for a 192-unit rental community on 6.15 acres adjacent to the existing Blue Hen Apartments in Dover. As a general practice, DSHA encourages residential development in areas where residents will have proximity to services, markets, and employment opportunities such as this location. In addition, DSHA strongly supports the development of rental communities as they can be the most economical to construct and are needed to meet the needs of low- and moderate-income families. There is a growing body of research indicating a market shift away from the large suburban homes that dominated development in Delaware for many years. The Delaware Population Consortium (DPC) projections for the next ten years indicate that

not only will there be a large amount of suburban homes placed on the market by baby boomers, but that there will be a *decline* in households in age ranges that typically seek large homes. These same DPC projections show growth in the younger age ranges most likely at stages in their life and income to support entry-level homes, such as those included in this proposal.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

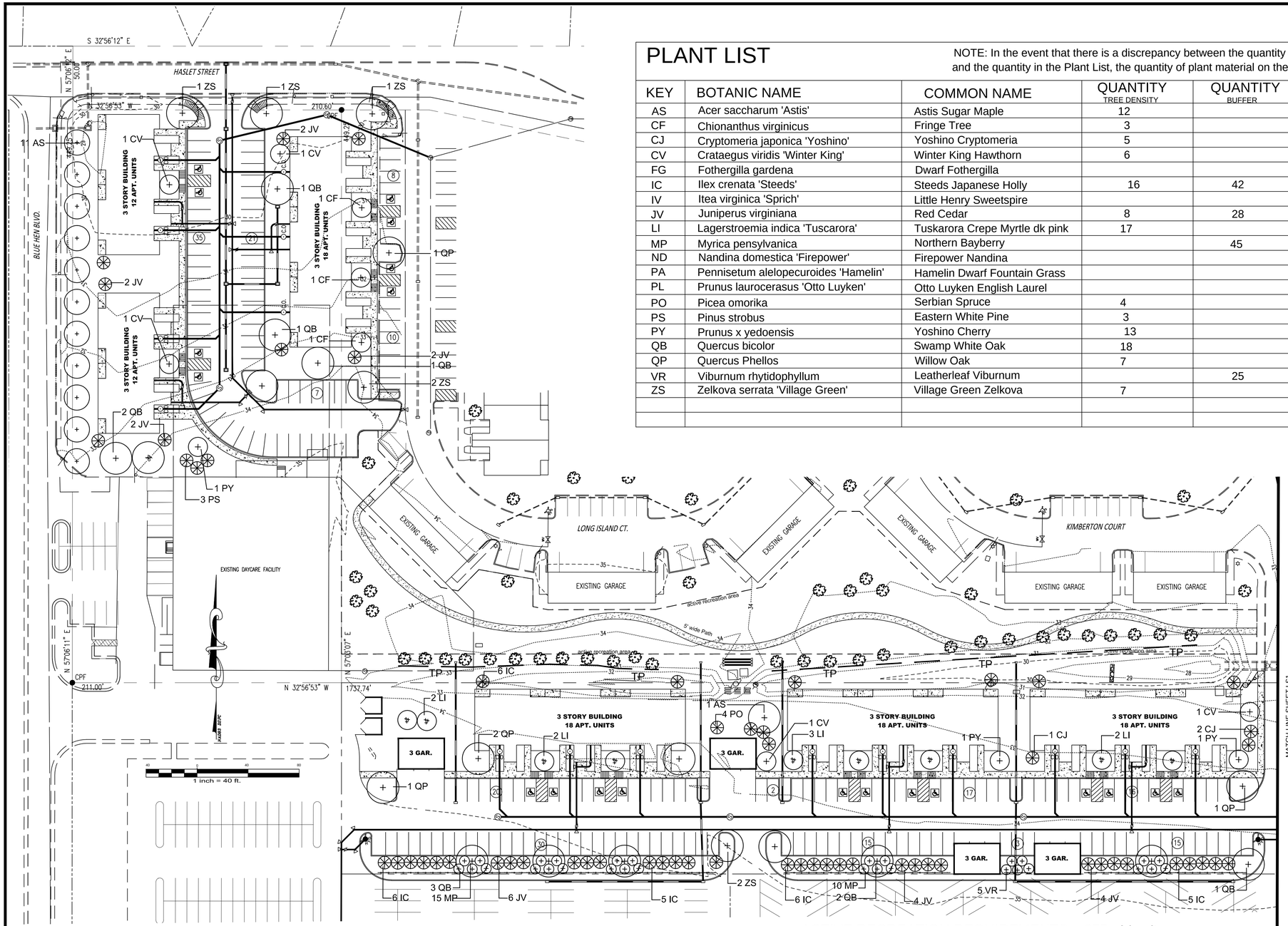
Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland

Constance C. Holland, AICP
Director, Office of State Planning Coordination

CC: Kent County
City of Dover



MATCH LINE SHEET LS1

PLANT LIST

NOTE: In the event that there is a discrepancy between the quantity of plant material on the Plan Drawing and the quantity in the Plant List, the quantity of plant material on the plan drawing shall govern.

KEY	BOTANIC NAME	COMMON NAME	QUANTITY TREE DENSITY	QUANTITY BUFFER	QUANTITY TYPICAL BUILDING	SIZE	REMARKS	
AS	Acer saccharum 'Astis'	Astis Sugar Maple	12			2" Cal.	B&B	Heavy Full Vigorous
CF	Chionanthus virginicus	Fringe Tree	3			5/6'	B&B	Heavy Full Vigorous
CJ	Cryptomeria japonica 'Yoshino'	Yoshino Cryptomeria	5			5/6'	B&B	Heavy Full Vigorous
CV	Crataegus viridis 'Winter King'	Winter King Hawthorn	6			5/6'	B&B	Heavy Full Vigorous
FG	Fothergilla gardena	Dwarf Fothergilla			80	18-24"	B&B	Heavy Full Vigorous
IC	Ilex crenata 'Steeds'	Steeds Japanese Holly	16	42		5/6'	Container	Heavy Full Vigorous
IV	Itea virginica 'Sprich'	Little Henry Sweetspire			24	18-24"	Container	Heavy Full Vigorous
JV	Juniperus virginiana	Red Cedar	8	28		5/6'	B&B	Heavy Full Vigorous
LI	Lagerstroemia indica 'Tuscarora'	Tuskarora Crepe Myrtle dk pink	17			6/7'	B&B	Heavy Full Vigorous
MP	Myrica pensylvanica	Northern Bayberry		45		2-2 1/2'	B&B	Heavy Full Vigorous
ND	Nandina domestica 'Firepower'	Firepower Nandina			88	18-24"	Container	Heavy Full Vigorous
PA	Pennisetum alelopecuroides 'Hamelin'	Hamelin Dwarf Fountain Grass			184	#1	Container	Heavy Full Vigorous
PL	Prunus laurocerasus 'Otto Luyken'	Otto Luyken English Laurel			80	18-24"	Container	Heavy Full Vigorous
PO	Picea omorika	Serbian Spruce	4			5/6'	B&B	Heavy Full Vigorous
PS	Pinus strobus	Eastern White Pine	3			5/6'	B&B	Heavy Full Vigorous
PY	Prunus x yedoensis	Yoshino Cherry	13			5/6'	B&B	Heavy Full Vigorous
QB	Quercus bicolor	Swamp White Oak	18			2" Cal.	B&B	Heavy Full Vigorous
QP	Quercus Phellos	Willow Oak	7			2" Cal.	B&B	Heavy Full Vigorous
VR	Viburnum rhytidophyllum	Leatherleaf Viburnum		25		2-2 1/2'	B&B	Heavy Full Vigorous
ZS	Zelkova serrata 'Village Green'	Village Green Zelkova	7			2" Cal.	B&B	Heavy Full Vigorous

SITE DATA

OWNER of RECORD: BLUE HEN APT, LLC
234 NORTH JAMES ST
NEWPORT, DE 19804 302-999-0708

PROPERTY ADDRESS: SOUTH LITTLE CREEK ROAD
DOVER, DE 19901

PROPERTY MAP NUMBER: 2-05-07700-01-0100
DEED SUMMARY: D-3580-0115
PLAT REFERENCE: BOOK 32 PAGE 78

ZONING: RG-2
AEOZ

LANDSCAPE LEGEND

Proposed Trees

Proposed 6' high Solid Fence
Buffer btw Residential & Commercial Uses and Parking

Tree Protection Fence ___TP___ ___TP___

STATEMENT OF ACCURACY
I, MATTHEW SPONG, HEREBY STATE THAT I AM A REGISTERED LANDSCAPE ARCHITECT IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD LANDSCAPE ARCHITECTURAL PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DATE MATTHEW T. SPONG
#126-E

TREE DENSITY NOTES: PHASE 1 (COMPLETED)

Tree Density Required = 1 Tree / 3,000 sf. of Non-woodland Area
Woodland Preservation Required = 50% of existing Woodlands

Total Site Area = 20.66 A. = 899,950 sf.
Total Woodlands on site = 31,688 sf.
Woodland Area to be Preserved = 16,466 SF. = 51.96%
Non-woodland Area = 881,126 sf.
Trees Required = 881,126 sf / 3,000 = 294 Trees Required
Trees Provided = 304 Trees

TREE DENSITY NOTES: PHASE 2

Tree Density Required = 1 Tree / 3,000 sf. of Non-woodland Area
Woodland Preservation Required = 50% of existing Woodlands

Total Site Area = 8.158 A. = 355,362.96 sf.
Total Woodlands on site = 0 sf.
Woodland Area to be Preserved = NA
Non-woodland Area = 355,362.96 sf.
Trees Required = 355,362.96 sf / 3,000 = 119 Trees Required
Tree Density Trees Provided = 119 Trees
Buffer Trees provided between RG2 and SC2 Zoned Properties = 70 Trees
Total Trees Provided = 189 Trees

ACTIVE RECREATION REQUIREMENTS = 275 sf / unit

Total Units Phases 1 and 2:	354 Units
Active Recreation Required:	354 x 275 = 97,350 sf required
Phase #1: 162 units x 275 sf	= 44,500 sf required
Phase #1 :	= 49,223 sf provided per Plan approved by the City of Dover Planning Commission 11-19-2007 and Final Plans approved by the City of Dover Planning Commission 07-01-2009
Phase #2: 192 units x 275 sf	= 52,800 sf. required
Phase #1 built	= 40,750 sf.
Phase #1 and #2 required	= 97,350 sf. - 40,750 sf. = 56,600 additional sf. required
Phase #2 provided	= 57,000 sf.

DATE 8/7/15 | SCALE 1"=40'
JOB NO. | DRAWN BY
APPLICATION NO.: | DESIGNED BY:
APPROVED BY: | CHECKED BY:

DATE	REVISION

TREE DENSITY PLAN

FOR

BLUE HEN APARTMENTS - PHASE 2

CITY OF DOVER KENT COUNTY, DELAWARE

PREPARED FOR: PETTINARO CONSTRUCTION

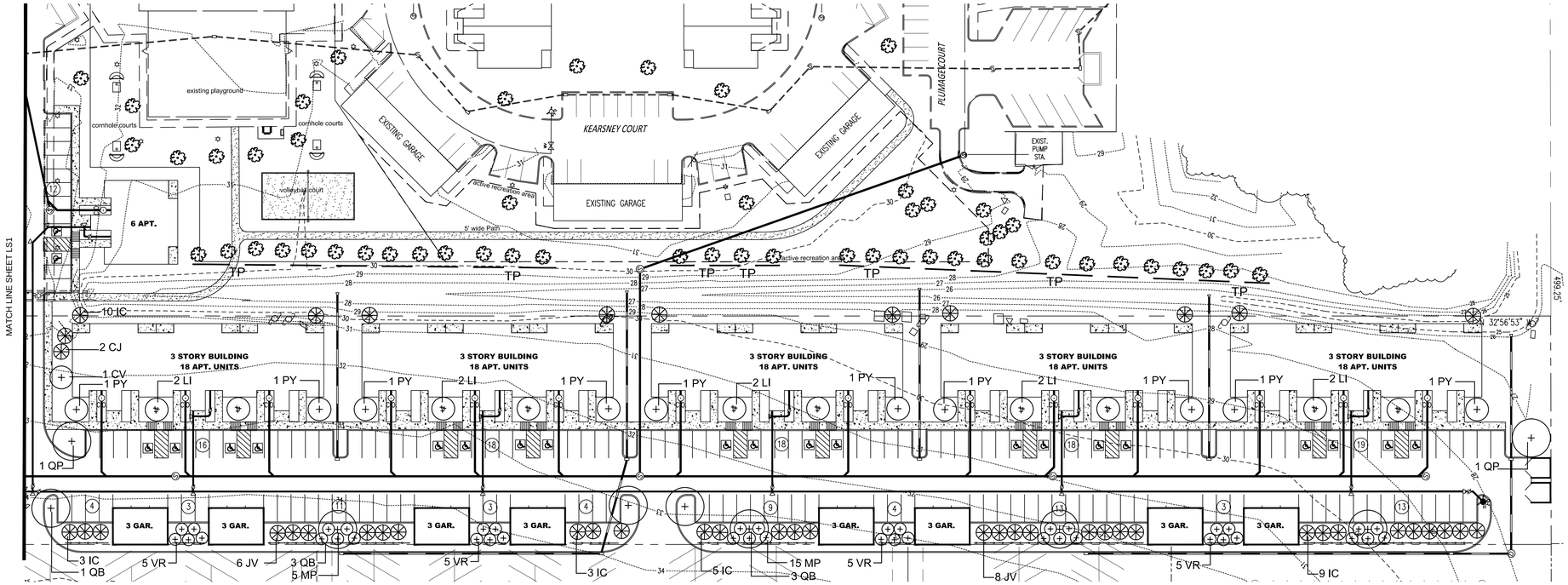
CADD FILE — LandscapePlan

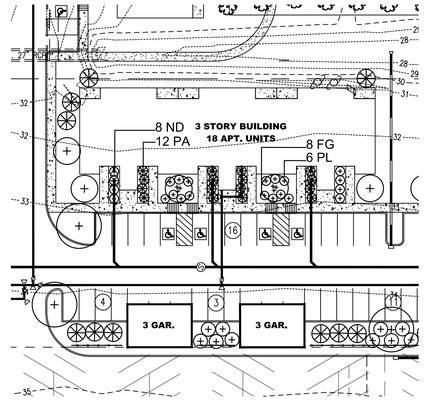
LANDSCAPE ARCHITECTURAL SERVICES, L.L.C.
LAND, SITE & PARK PLANNING • WETLANDS SCIENCES
Matthew T. Spong, R.L.A., A.S.L.A.
Trisha Sawicki, A.S.L.A.
P.O. Box 293 Dover, Delaware 19903
Phone: 302-284-4578 Fax: 302-284-0301
Email: lasmail@las-llc.net Web: las-llc.net

PROJECT #: 2015-13
COMM #: 1508
DATE: 08-07-2015
Drawn PS: Designed By: MTS Checked By: MTS
REVISION: 08-18-2015 add Recreation Area

DATE SEAL

SHEET NO. — LS—1





TYPICAL BUILDING PLANTING PLAN

For Tree Identification see Sheet LS1

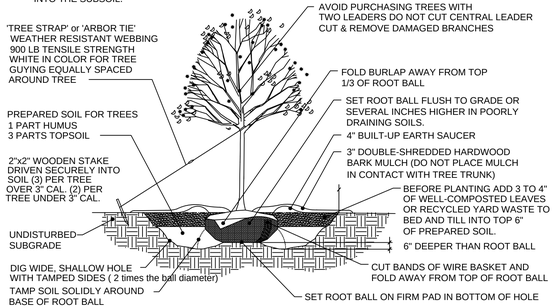
REFERENCE: ARCHITECTURAL GRAPHIC STANDARDS 1998 CUMULATIVE SUPPLEMENT.

SHRUB PLANTING DETAIL

NOT TO SCALE

NOTES:

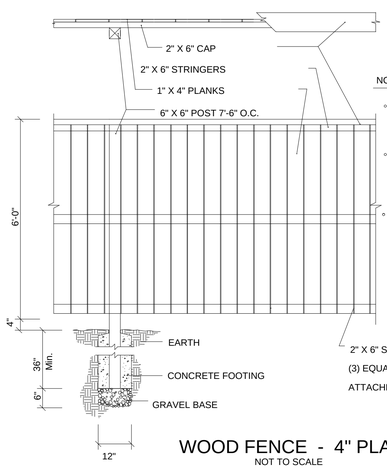
1. NO SOIL OR MULCH SHALL BE PLACED AGAINST ROOT COLLAR OF PLANT.
2. REMOVE ALL ROPE FROM TRUNK & TOP OF ROOT BALL. FOLD BURLAP BACK 1/3 FROM ROOT BALL
3. PLANTING DEPTH SHALL BE THE SAME AS GROWN IN NURSERY.
4. THOUROUGHLY SOAK THE TREE ROOT BALL AND ADJACENT PREPARED SOIL SEVERAL TIMES DURING THE FIRST MONTH AFTER PLANTING AND REGULARLY THROUGHOUT THE FOLLOWING TWO SUMMERS.
5. THE BOTTOM OF PLANTING PIT EXCAVATIONS SHOULD BE ROUGH TO AVOID MATTING OF SOIL LAYERS AS NEW SOIL IS ADDED. IT IS PREFERABLE TO TILL THE FIRST LIFT (2 TO 3 IN.) OF PLANTING SOIL INTO THE SUBSOIL.



REFERENCE: ARCHITECTURAL GRAPHIC STANDARDS 1998 CUMULATIVE SUPPLEMENT.

TREE PLANTING DETAIL

NOT TO SCALE

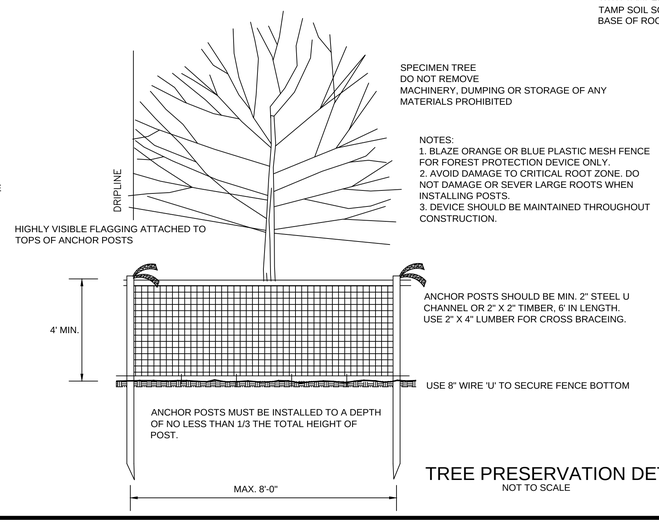


NOTES:

- ALL NAILS AND HARDWARE TO BE HOT DIPPED GALVANIZED
- ALL LUMBER TO BE SOUTHERN PINE CBA-A TREATED FOR GROUND CONTACT
- CAPS AND PLANKING SHALL BE GRADE #1. POST AND STRINGERS GRADE #2.

WOOD FENCE - 4" PLANKS

NOT TO SCALE



NOTES:

1. BLAZE ORANGE OR BLUE PLASTIC MESH FENCE FOR FOREST PROTECTION DEVICE ONLY.
2. AVOID DAMAGE TO CRITICAL ROOT ZONE. DO NOT DAMAGE OR SEVER LARGE ROOTS WHEN INSTALLING POSTS.
3. DEVICE SHOULD BE MAINTAINED THROUGHOUT CONSTRUCTION.

TREE PRESERVATION DETAIL

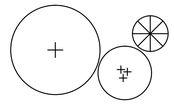
NOT TO SCALE

GENERAL PLANTING NOTES

1. All trees shall be guaranteed to survive for one full year after installation (full cost).
2. All stakes and guys shall be removed from trees and from the site at the end of the guarantee period.
3. No tree shall be planted closer than 10' from any fire hydrant.
4. Only trees that reach a height and size at maturity of small to medium shall be planted under power lines. No tree shall be planted within 10' of underground utilities.
5. The purpose of this plan is to meet the requirements of the City of Dover's Landscape Ordinance. The plan does not include specifications for drainage, soil preparation and plant quality which are necessary to ensure successful installation. Without these specifications, the landscape architect shall not be responsible for the results of implementing this plan. The developer or owner is advised to contact the landscape architect concerning these components.
6. The owner is expected to maintain plantings, including watering all plants anytime from April 1st to December, when natural rainfall is less than 1" per week.

LANDSCAPE LEGEND

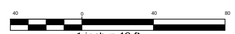
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Proposed 6' high Solid Fence
Buffer btw Residential & Commercial Uses and Parking

Tree Protection Fence ___TP___ ___ ___TP___





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DATE MATTHEW T. SPONG #126-E

DATE 8/7/15	SCALE 1"=40'
JOB NO.	DRAWN BY
APPLICATION NO.:	DESIGNED BY:
APPROVED BY:	CHECKED BY:

DATE	REVISION

TREE DENSITY PLAN

FOR

BLUE HEN APARTMENTS - PHASE 2

CITY OF DOVER KENT COUNTY, DELAWARE

PREPARED FOR: PETTINARO CONSTRUCTION

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Email: lasmail@las-llc.net Web: las-llc.net

PROJECT #: 2015-13
COMM #: 1508
DATE: 08-07-2015
Drawn: PS Designed By: MTS Checked By: MTS
REVISION: 08-18-2015 Add recreation Area

DATE SEAL

CADD FILE — LandscapePlan

SHEET NO. — LS — 2