CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, September 21, 2015 – 7:00 P.M.

City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

1) *Application S-15-12 Blue Hen Apartments: Phase 2 scheduled for this Planning Commission meeting of September 21, 2015 will not be heard. The application will be rescheduled for a future meeting of the Planning Commission and will be subject to Public Notice requirements for that future meeting.*

ADOPTION OF MINUTES OF REGULAR MEETING of August 17, 2015

ADOPTION OF MINUTES OF QUARTERLY WORKSHOP of August 19, 2015

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, October 19, 2015 at 7:00pm in the City Council Chambers.

2) Update on City Council Actions

3) Update on Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

2) Revised Plan Information:
   A. S-13-18 Redevelopment of Walker Woods: The Village of (~~Sherwood~~) 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.*

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 Recommendation 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-00-068.19-01-25.00-000.

~~2) 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 parcel for the entire apartment complex. The zoning is RG-2 (General Residence Zone) with a portion subject to SWPOZ (Source Water Protection Overlay Zone - Tier 1). 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 to be 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.*~~

3) 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.*

4) 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 two (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.

5) 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 Amendments 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 4.2 - RG-1 (General Residence Zone); and Article 5 - Supplementary 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.*

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 September 11, 2015 at 2:30pm

CITY OF DOVER PLANNING COMMISSION
August 17, 2015

The Regular Meeting of the City of Dover Planning Commission was held on Monday, August 17, 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, Mr. Ambruso and Mr. Tolbert.

Staff members present were Mrs. Townshend, Mr. Cook, Mr. Jason Lyon Mrs. Dawn Melson-Williams and Mrs. Mullaney. Also present were Mr. Jonathan Jordan, Mr. W. Jeffery Nagorny and Ms. Andrea Finerosky. Speaking from the public was Mr. Kenneth Morse.

APPROVAL OF AGENDA

Ms. Still moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 9-0.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JULY 20, 2015

Colonel Welsh moved to approve the Planning Commission minutes of July 20 2015, seconded by Mr. Holt and the motion was unanimously carried 9-0.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the Planning Commission Quarterly Workshop is scheduled for Wednesday, August 19, 2015 at noon in the City Hall Conference Room. They will be starting the meeting with a joint meeting of the Board of Adjustment and Planning Commission so that they can share some of the observations they've seen in terms of variance requests and where they think that Staff should consider changing the Code. That will be a good opportunity for dialogue between the two (2) bodies.

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, September 21, 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 July 27, 2015 and August 10, 2015.

Mrs. Townshend stated that City Council approved the re-assignment of Planning Commission District representation. Dr. Jones had been representing the 1st District and she will now be the At-Large member. Ms. Still was the At-Large member and she will now be appointed from the 1st District. Dr. Jones moved so they wanted to make sure that they were able to accommodate things. Since Ms. Still lives in the 1st District and was serving as the At-Large member; they were able to make that switch.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:

A. C-13-05 The Redeemed Christian Church of God Eagles' Wings Chapel at 896 South State Street – Request for one year extension of Planning Commission approval granted on August 19, 2013 to the Conditional Use Site Plan for the establishment of a church within the existing 2,030 SF building located at 896 South State Street. The property is zoned RGO (General Residence Office Zone). The property is located on the west side of South State Street north of Wyoming Avenue. The owner of record is Basilio Bautista. Address: 896 South State Street. Tax Parcel: ED-05-077.17-03-53.00-000.

Representatives: None

Mrs. Melson-Williams stated that this application was for the Redeemed Christian Church of God Eagles' Wings Chapel located at 896 South State Street. They are requesting a one year extension of the Planning Commission approval that was previously granted on August 19, 2013. That was for a Conditional Use Site Plan for the establishment of a church within an existing building on that property at 896 South State Street. Provided to the Planning Commission was a series of emails making the request for the extension. The Code allows, upon Planning Commission approval of an application, that the approval to be valid for a two (2) year time period. This plan would expire the end of this month. They are making request for a one (1) year extension of that approval. The applicant has been moving through the Check Print Review process; meaning the process to finalize their plan. The Planning Commission has issued comments on their plan. Public Works approval has come this summer as well. They are making progress but will not be fully underway by the end of this month.

Dr. Jones moved to approve C-13-05 The Redeemed Christian Church of God Eagles' Wings Chapel at 896 South State Street for a one year extension, seconded by Ms. Still and the motion unanimously carried 9-0.

2) Revised Plan Information and Request for Extension of Planning Commission Approval:

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

Representatives: None

Mrs. Melson-Williams stated that this is application is for the Dover Christian Church to be located at 1738 Forrest Avenue. That applicant had originally requested to provide information on revisions to their plan but have since requested that that aspect be placed on hold. They are still working with their client in regards to some potential changes to the overall plan. However, they do wish to continue with the Request for a one year extension of the Planning Commission approval. That

approval was granted on October 21, 2013 for a Site Plan for the construction of a one story place of worship and the associated site improvements on that property. Since it was already on the agenda for this evening, Staff suggested that they go ahead and make the extension request rather than wait until the October timeframe. They have started the Check Print Review process with the various agencies but continue to work with their client in regards to some value engineering and some potential changes with their plan overall. Tonight they won't be discussing their proposed changes that were provided in the packet, but will hold that for a future meeting once they have solidified their revisions a little more completely.

Colonel Welsh moved to approve C-13-11 Dover Christian Church at 1738 Forrest Avenue for a one year extension, seconded by Ms. Still and the motion was unanimously carried 9-0.

NEW DEVELOPMENT APPLICATIONS

1) C-15-03 Cellco Partnership dba Verizon Wireless at 1255 College Park Drive – Public Hearing and Review of Conditional Use Site Development Plan to construct 158 foot telecommunications tower and facilities with associated site improvements on a 1.05 acre ± parcel. The property is zoned M (Manufacturing Zone). The property is located off College Road, at the end of College Park Drive, abutting the southwest side of the railroad right-of-way. The owner of record is Bay Developers Inc. Property Address: 1255 College Park Drive. Tax Parcel: ED-05-067.00-02-12.06-000. Council District 3. Waiver Request: Elimination of Sidewalk. *This application is associated with V-15-08 approved by the Board of Adjustment on June 17, 2015.*

Representatives: Mr. Jonathan Jordan, RRHC; Mr. W. Jeffrey Nagorny, Advantage Engineer

Mr. Cook stated that this application was for Cellco Partnership dba Verizon Wireless at 1255 College Park Drive. This is a Public Hearing and review of a Conditional Use Site Development Plan to construct a one hundred fifty-eight (158) foot telecommunications tower and facilities with associated site improvements on a 1.05 acre parcel. The property is zoned M (Manufacturing Zone) and all uses in the M (Manufacturing Zone) are subject to a Conditional Use Permit which is the reason why this project is here tonight. The property is located off College Road, at the end of College Park Drive, abutting the southwest side of the railroad right-of-way. The owner of record is Bay Developers Inc. The property address is 1255 College Park Drive. Council District 3. There is a waiver request associated with this project.

In reviewing the DAC Report, there was a Board of Adjustment Variance associated with the project V-15-08 which was heard in June by the Board of Adjustment. This was to allow a one hundred twenty-three (123) foot increase in the maximum height permitted for a structure in the M (Manufacturing Zone). That Variance was approved. The project as described is in the M (Manufacturing Zone) and Staff did provide a Zoning Exhibit Map in the packet. The surrounding zoning is CPO (Commercial and Professional Office Zone) and IO (Institutional and Office Zone). There is no residential in the immediate vicinity of the project; there is some RG-5 (General Residence Zone) across the railroad tracks and on the other side of Scarborough Road.

Staff included as an Exhibit, an overview aerial of the project just to give a sense of the existing conditions on the site. They included this in the packet to give the Commission members a sense of

sidewalk network which is existing there and the segments that are not. They gave this relative to the waiver request. The subject property is in the upper right side of the cul-de-sac; the only one that's got considerable vegetation on it. In the Site Plan, there is information about the existing tree cover as well as the existing vegetation and the extent of some selective removal of vegetation in preparation for this project. The site access is from College Park Drive which is a private street. There's no curbing on that street and there are some sidewalks existing at present.

In regards to the project, there is no parking requirement because it is not a habituated structure. There is no floor area per the definition in the *Zoning Ordinance.* On the Site Plan, there is a driveway which comes in from the end of the cul-de-sac which is proposed and goes around the perimeter of the property. This is the proposed access drive leading back to the compound which is a fenced in area which will contain the monopole tower structure as well as a small concrete equipment hut and a generator as well as other things. It is proposed to be a gravel driveway which is acceptable under the *Zoning Ordinance* as it is a utility use and it's not a driveway which leads to parking.

There is a Landscape Plan with details in the DAC Report and the Site Plan. In preparation for Final Check Print Plan approval, Staff has requested that there is a Consolidated Landscape Plan that has the clearing and the new trees all on one page. One page of the Site Plan has some of the clearing proposed and another page shows the proposed planting of trees. There are eight (8) trees required by the City's Ordinance and the Plan has nine (9). These are to be planted around the compound area to provide a little bit of screening between the fenced area and some of the surrounding properties.

The sidewalk waiver request included several rationales. The applicant's rationales were due to the relative isolation of the site within the office park within the cul-de-sac and the lack of connection with other properties due to the railroad. They also cited the unoccupied use of the site which would not generate pedestrian trips. They cited that the proposed development plan is a secondary use and that a future development plan may have a primary tenant on the property which could be a larger building. There is sufficient room on the property to be able to house another use in the future. As part of that future possible development, they requested that the sidewalk installation not be done at this time as that may conflict with what needs may be required of such future tenant. They also felt that at this point, sidewalk installation would cause disturbances to vegetation which doesn't really need to be bothered at this point. The site is fairly wooded and thickly vegetated. There are no streetview pictures provided in the presentation but there's a fair amount of trees and shrubs. The Staff recommendation was for the approval of the waiver request for the sidewalk for the reasons stated by the applicant.

Mr. Jordan stated that Mr. Cook did a fine job of describing what they would have said tonight. They did receive a Variance by the Board of Adjustment on June 17, 2015 and they would like to incorporate that into the record. Mr. Jeff Nagorny, the Site Engineer, can answer any questions that the Commission has regarding what they are planning to do at the site. Basically it's a utility use and they are putting a monopole for telecommunications on the site.

Colonel Welsh questioned if this tower was going to be restricted to Verizon? Responding to Colonel Welsh, Mr. Jordan stated no.

Colonel Welsh further questioned if they would allow other cell phone carriers to put antennas on? Responding to Colonel Welsh, Mr. Jordan stated that was correct. One of their witnesses could answer this question better than him but that seems to be the way it works.

Mr. Nagorny stated that pretty much every one hundred fifty (150) foot cell tower that goes up these days are built and designed to accommodate at least three (3) to four (4) additional carriers or co-locators. Typically, they have a minimum vertical location of ten (10) feet between the installations so that the antennas don't interfere with each other and there's cabling and everything else involved. That is the standard for the industry. All of the major carriers, AT&T, Verizon, Sprint, etc. have master lease agreements (MOA's) amongst themselves so when an opportunity comes up. If there was a tower there that they could use, Verizon would save a couple dollars by not having to build another tower. So they use each other's towers on a pretty regular basis.

Mr. Holt stated that some places have their cell phone towers camouflaged so that people can't really tell that they are cell phone towers. He questioned if any thought had been given in this case? Responding to Mr. Holt, Mr. Nagorny stated that he didn't believe so, particularly because of the specific location of where it's at and granted one hundred fifty (150) feet is a reasonable sized tower but it's not like there are two hundred (200) to two hundred fifty (250) feet towers that go in. They are back on the end of College Park Drive in a business park, directly abutting the existing railroad right-of-way. As far as the affect that they might get, they actually refer to the fake tree not as a monopole but a monopine. They also have the ones that are like a flag pole but it's really a wide flag pole that goes way up. They refer to it as a unipole.

Mr. Holden questioned if it was harder to co-locate with those types. Responding to Mr. Holden, Mr. Nagorny stated that the limitation on a unipole is where they actually hang a flag and is the amount of area on the inside is limited so you can only put a couple antennas. Whereas with the traditional one, obviously there's a lot more flexibility in terms of the number of antennas and the number of co-locating cellular carriers. In this instance, Verizon chose the height of one hundred fifty (150) feet because that's where they would need to get best coverage for the area that they are trying to serve. However, one hundred forty (140) feet or one hundred thirty (130) feet underneath that could very well still provide sufficient vertical height elevation to provide coverage for AT&T, Sprint or one of the other carriers. As far as your original question, no they had not really discussed the possibility of a camouflaged or a stealth installation for this particular area.

Mr. Holden questioned if the one hundred fifty (150) feet really fit anywhere? Responding to Mr. Holden, Mr. Nagorny stated that was the other thing, when all of the other trees are about sixty (60) or eighty (80) feet and it's sticking up over that. He hasn't seen it yet but someone had a great idea where the tower was painted kind of a brown tree bark type of color up to about the top of the over trees in the area and then they painted it kind of light blue to blend in with the sky. He doesn't know if it works because there are still antennas on the tower but back to the simple question, it had not been considered for this tower.

Mr. Tolbert questioned if the tower was going to go one hundred fifty-eight (158) feet in the air? Responding to Mr. Tolbert, Mr. Nagorny stated yes.

Mr. Tolbert further questioned what the potential for a problem with it falling because of adverse weather conditions? Responding to Mr. Tolbert, Mr. Nagorny stated that there's always an outside

possibility but over the last several years, the telecommunications industry along with the electronic industries association has developed a pretty strict set of design guidelines. It's actually referred to as Standard 222-G. The current version talks all about the various aspect of the design of these towers from the foundations and what you need to do to check the ground to make sure the foundation is deep enough and wide enough, to the steel that's used in the pole itself, to the wind speeds. They actually have standards that these towers need to be designed to withstand. He is not sure where we are at right here but if you are on the coast line, the wind speed is sometimes one hundred twenty (120) to one hundred thirty (130) miles per hour. Once you get a little bit inland, it drops off to about ninety (90) miles per hour. The other thing is, with the way the towers are designed you do not create a one hundred fifty (150) foot one piece section. They actually do them in a couple of sections and they kind of sleeve together. But they are designed for if the design criteria were exceeded by mother nature that there's actually a weak point and the tower would most likely fall over on itself. Plus it has some pretty decent inch and a half coax cables running up the inside so if it bent over those cables are still in there and they're not snapping. They kind of hold on.

Mr. Tolbert questioned if Mr. Nagorny could guarantee that it would just bend over in a strong wind? Responding to Mr. Tolbert, Mr. Nagorny stated that it would depend on what they mean by a guarantee. The industry has come a long way since this process started and these towers are very well designed because safety is certainly the foremost consideration.

Mr. Tolbert further questioned how far the tower goes down into the ground? Responding to Mr. Tolbert, Mr. Nagorny stated that for a larger tower like this, it's typically twenty (25) to thirty (30) feet down with maybe a four (4) or five (5) foot diameter concrete pier. It's basically just re-enforced concrete with steel in it column that's sunk into the ground. They come in with a big drill rig and they have to boar all the way down and if they hit rock, they may need to blast a little bit. They have to get them pretty deep.

Colonel Welsh questioned the range of an antenna? Responding to Colonel Welsh, Mr. Nagorny stated that they have radio frequency engineers who are part of the team that they did have at the Zoning (Board of Adjustment) hearing a couple months back. It depends but typically you are looking at about a mile and a half to two miles, may a little more. Part of it is your terrain, if you have nice flat terrain; certainly a lot of southern Delaware is that way. But what other kinds of obstructions might be in the way, trees, buildings, etc. There's another interesting aspect which he has learned just from listening to other engineers and it has to do with smart phones. Smart phones have data connections. If we were all just using voice cell phones there wouldn't be any issues but the data that the YouTube videos, the sending of pictures, etc. takes up bandwidth. It's like if I'm in the shower on the third floor of my house and somebody starts a load of laundry in the basement, all of a sudden my water pressure goes down. That's kind of what happens with the cell tower because so many people are using these for data, it draws a lot more of the capacity of the towers. Of course, they are upgrading the antennas and everything else to serve that. Part of the service area for this tower will be Delaware State University.

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

Mr. Ambruso moved to approve C-15-03 Cellco Partnership dba Verizon Wireless at 1255 College Park Drive to include a waiver for the elimination of sidewalks, seconded by Colonel Welsh and the motion was unanimously carried 9-0 by roll call vote. Mr. Holden voting yes, as it won't disturb the harmony of the surrounding area and for other Staff comments. Mr. Cregar voting yes, the project complies with all the bulk standards on the M (Manufacturing Zone) district. There was a Variance granted on this, V-15-08 and they have an Engineering Report that deals with the Communication Facility meeting all applicable standards by the FCC for radio frequency and electromagnetic fields. Colonel Welsh voting yes, for all of the previous reasons stated. Mr. Holt voting yes, for all of the reasons previously stated. Mr. Baldwin voting yes; it's a good fit for the area. Dr. Jones voting yes, for all of the reasons aforementioned. Ms. Still voting yes, in concurrence with all of the previous comments stated. Mr. Ambruso voting yes, for all of the previous comments stated. Mr. Tolbert voting yes, for all of the reasons that were stated and he is also impressed with the answer given to his question. Mr. Nagorny did answer the question in depth and thoroughly.

2) S-15-10 Revised Active Recreation and Open Space Plan Review of Eden Hill Farm TND Residential District – Public Hearing and Review of Revised Active Recreation and Open Space Plan design consisting of a Central Open Space area of 9.22 acres proposed on the southern portion of the Residential District, a 4,493 SF clubhouse building with amenities and office space, outdoor swimming pool, game/play areas, community garden, outdoor site furnishings and associated site improvements. The zoning is TND (Traditional Neighborhood Design Zone). The property is located south of West North Street and Wemyss Road and southeast of the intersection of West North Street and Saulsbury Road. The owner of record is Eden Hill Residential, LLC. Tax Parcels: Multiple parcels on Map ED-05-076.04. Council District 2. *This application is associated with S-15-07 Revised Residential District Implementation Plan conditionally approved by the Planning Commission at its meeting of May 18, 2015.*

Representatives: Ms. Andrea Finerosky, Pettinaro Construction Co, Inc

Mrs. Melson-Williams stated that this application is for a Revised Active Recreation and Open Space Plan for review associated with the Eden Hill Farm TND (Traditional Neighborhood Design Zone) specifically the Residential District. This is a revision to their Active Recreation and Open Space Plan and looks to a create central open space area of 9.22 acres in the southern portion of the Residential District. This is a revision to what was a previous Active Recreation Plan for the overall site. Planning Commission members probably remember the Residential District; they saw it most recently in May 2015 as a Revised Implementation Plan that the new owner brought through. With that Revised Implementation Plan, approval was granted for a total of seven hundred forty-two (742) residential units at the site, mixed of single family, duplex, townhouses and multi-family units. With that proposed Revised Implementation Plan, they did some changes to what is the street network and put forth initially the concept for a centralized open space in what is the southern area of the property. Tonight, we are looking more closely at that centralized open space and what is planned for it.

The Eden Hill project itself goes back a number of years really starting in 2005 and 2006. Some of that background information is provided in the Report. Initially, there was an Active Recreation and Open Space Plan that was reviewed and approved in 2006. The overall TND (Traditional Neighborhood Design Zone) has to have 25% open space requirement and that is met by amenities

in this District as well as other open space areas on the larger scale of the TND (Traditional Neighborhood Design Zone). With this Active Recreation Plan, based on the number of residential dwelling units at seven hundred forty-two (742), it is required by Code to have 4.68 acres of Active Recreation Area within the project. This Revised Plan is well exceeding that. Just in looking at the centralized open space, it's a little over nine (9) acres and the series of pocket parks that continue to be located throughout the residential subdivision as proposed is over eleven (11) acres. Additionally, there are other open space areas beyond those eleven (11) acres that include things such as stormwater management facilities along the eastern side and there is a small buffer area that flanks the west side of the Residential District as well that is technically open space.

This Active Recreation Plan did go to the Parks Recreation and Community Enhancement Committee, as is the case before it is reviewed by the Planning Commission. That Committee was supportive of it; they saw a very similar review that is in the Commissioner's packets this evening and they also provided the minutes from that meeting as well. The centralized open space is what they are going to focus on this evening. It consists of a clubhouse building which has interior spaces of a gym, community meeting rooms, restroom facilities and it is also attached to what will be the leasing and management office for the multi-family units that are proposed in the overall District. The clubhouse building is kind of in the northern area of the open space. Leading from it you go into what is a swimming pool area. There is a parking lot that's provided to the north of the club house. Other amenities in this open space area include a basketball court, two (2) tennis courts, a playground area, a community garden, a picnic area and then a very large lawn area that a number of pick-up type games could be played there. The project also is proposing landscaping as series of tree plantings as well as items that they would call site furniture such as benches or bicycle racks near the various amenities.

With the Traditional Neighborhood Design there is an associated Pattern Book and it talks about key elements. One of those is of course open space and this project is providing that. On page 5 of the DAC Report there is a more detailed summary of the different amenities, the sizing calculation, etc. They are proposed to be accessible meaning that you could park your car but it is also linked to the street frontage sidewalk system of the overall residential development. There is a sidewalk system or trail system through the open space itself to connect the various elements. We find that it is age oriented to the development, ranging from the playground space that might be for the younger generation all the way up to how ever active you want to be in your older years as well. Staff did go through a series of recommendations related to the project that is presented. They are supportive of the concept to create a large open space area that is centralized and can be managed appropriately. They did provide some comments to further refine the design of this area to make some improvements with connectivity to ensure that bicycle racks and things of that nature are in the right locations with the amenities that perhaps you would bike to. The most significant is the comments related to the design of parking lot to make sure that there is a clear pedestrian access from the north to the clubhouse for those walking to the site. They have asked for some clarifications on some of the details of construction but that is typical and can be reflected in the Final Construction Plans for the project. Likewise with comments on the Landscape Plan, currently it does not show the necessary number of trees that will be required for this land area but they certainly feel that the applicant will be addressing that as they move into the greater detail with their construction plans.

The project was reviewed by the members of the Development Advisory Committee which includes the Fire Marshal's Office, the Public Works Office and the Kent Conservation District Office

related to stormwater planning. DelDOT is also a participant in that process but has no real comments related to this specific aspect of the overall project as it's within what will be a City street network. The Dover Kent County MPO also provided some comments and also suggested that they approach and look at transit options to see if there would be a need for a bus stop in this general area because of the draw of residents to the area for the amenities that are located here.

They do have the architecture of the clubhouse building. It's basically a one (1) story structure where the main lobby, the gym area and spaces would be. The larger two (2) story section is actually where the leasing office and the models would be located for the multi-family. They make use of that model format for their leasing office in this case.

Ms. Finerosky stated that they have been all through the comments. She has had some preliminary discussions already with Mrs. Melson-Williams. They will be hashing them out as they move into construction plans. They also have a landscape architect onboard so they will be addressing all of the comments. Everything you see on the plan regarding the trees and the landscaping, it's just a placeholder to indicate that. They understand there are requirements that they need to address. The only other thing that she could really add is that in July, they did hold two (2) meetings over at the Blue Hen Apartments Clubhouse for the residents of Eden Hill to come see the plans, offer any comments or any discussions that they would like to have with them.

Mr. Cregar stated that in the Parks Recreation and Community Enhancement meeting minutes he noticed that there were some points of clarification that Ms. Finerosky was looking for beyond the D.A.C. Comments. Have you gotten those points of clarification and what were they? Responding to Mr. Cregar, Ms. Finerosky stated that at this point the discussions that she had with Mrs. Melson-Williams were prior to the D.A.C. meeting. There's nothing insurmountable that's going to be too difficult to address.

Dr. Jones questioned how the attendance was at the meetings that were held in July? Responding to Dr. Jones, Ms. Finerosky stated that one meeting was the week before July 4th and they had about six (6) or seven (7) people. They held the meeting again after the holiday because it fell at an awkward time and again they had about six (6) or seven (7) people. She does know that they put fliers in everybody's door to make sure that everybody was notified about the meeting.

Colonel Welsh stated that his question was not really related to this specific request but the last time Ms. Finerosky attended a Planning Commission meeting, they had discussion about the areas that were not being maintained that were overgrown. It seems like every time he has driven by there since that meeting it's still overgrown. Responding to Colonel Welsh, Ms. Finerosky stated that she does know for a fact that Brian Aster who is their in-house site representative went out and walked the site with staff from Code Enforcement to address and determine what was Pettinaro's responsibility, what was City responsibility and what might have been DelDOT's responsibility.

Mrs. Townshend questioned what specific area Colonel Welsh was referring to? Responding to Mrs. Townshend, Colonel Welsh stated as you come in on Saulsbury Road and you turn left at the light, the field that is between that light and the townhomes that are there if you kept going straight on North Street.

Mrs. Townshend stated that the agreement that they had made with Pettinaro regarding the Commercial District was to cut thirty (30) feet back from all of the property lines so that they could maintain the remainder as kind of a meadow area but that it wouldn't encroach into the right-of-way and more public areas. They have been maintaining those areas.

Colonel Welsh stated that it certainly doesn't fit the description of a meadow but it's not very attractive from the road.

Mr. Tolbert questioned if Colonel Welsh was saying that the thirty (30) feet that Pettinaro is clearing is not enough? Responding to Mr. Tolbert, Colonel Welsh stated if that's Code then that's fine. He just thinks that if that were his property and he was responsible for maintaining it he would not want it to look the way it does. If he had people who had bought homes from me who are using that area to walk in. He remembers seeing the woman walking out from the weeds with the dog and he doesn't see much of her; he saw a little bit of her head as she emerged from the weeds. That could be maintained to a much nicer degree but if it meets the Code then that's fine but he just doesn't think it looks very attractive.

Mr. Holden stated that back in May there were a lot of resident comments and concerns over the up keep and he understands that they may be talking about different areas in terms of the Commercial District and the Residential District. With two (2) meetings held at the Blue Hen Clubhouse, are those related to or different from the interaction with those residents after May? He is looking for some follow-up on what has transpired with regard to those concerns that were voiced in May. Responding to Mr. Holden, Ms. Finerosky stated that back in May a lot of residents were here. There was a lot of confusion about who owned what and what was going on. They did hold a meeting which she was not at but several Pettinaro members were and there was a huge turnout for that meeting. She thinks everything got aired out and put on the table over how it all operates. All of the residents were given a point of contact, Mr. Brian Aster. Even if it had to do with the land development, they just wanted everything to go through one (1) person rather than randomly calling people in the department. As far as she knows all of those items have been getting addressed. Mr. Aster has not come to her and said that anyone else has contacted him with any other complaints because they are certainly willing to get on it if anyone has anything that's going on. That was just in terms of the overall transition from when they purchased the property and everything was dormant for so long. From that point forward as that plan evolved and the first time they were in front of the Commission was for the Implementation Plan Revision which showed this configuration but did not focus on the open space. Once they decided how to setup the open space and what amenities they thought might be appropriate then they had the two (2) meetings in July for the residents to take a look at what they were proposing for the open space and what their opinions of that were.

Mr. Cregar questioned the staging and timing of the development. Responding to Mr. Cregar, Ms. Finerosky stated that once they get through the plan approval process it's their intent to begin with the multi-family homes. That's something that their company builds. Similar to Blue Hen Apartments, they maintain it; they lease it. The other areas, single family homes and townhomes, they'd be looking to market them to a national builder.

Mr. Holt stated that one of Ms. Finerosky's concerns before were the reasons that the homes didn't sell was because they weren't properly in the marketplace at that time. Do you feel a lot more

confident now with the new design and Pettinaro being able to move the sale of these homes along? That's a major factor in the success of a development. Responding to Mr. Holt, Ms. Finerosky stated that it absolutely is. She knows that they have had discussions with several national home builders preliminarily to find out what types of units were selling and what lot sizes were more marketable than the giant single family lot which is why they worked with the Department to come up with this ratio of units that they feel should be marketable.

Mr. Holt questioned if Pettinaro will be really hands on to make sure that this thing moves right along. Responding to Mr. Holt, Ms. Finerosky stated yes, they will build the multi-family; that is something that they do, something they maintain, they lease and manage. The infrastructure is most likely going to be built by them as well as it progresses.

Mr. Tolbert opened a public hearing.

Mr. Kenneth Morse – 422 S Greenberry Ln Dover DE 19904

Mr. Morse stated that he and his wife have been residents since they first started building there and that's approximately four (4) years ago. They promised them the clubhouse, the playground and then they folded. Now Pettinaro is taking over and in that area they have children that are riding bikes. They need a playground for the children so that they can have a safe place for the children to ride bikes. Also, they need to have a clubhouse for them to use. The grass growing up in the front of the development does kind of make the area look a little messed up because people that ask him about the area. They love the section and they love the place but that the area in the front makes them look like bad. If you ride through the development on a Saturday, the kids are riding their bikes in the street and it's very unsafe. If they hit one of those children, how can they explain it to the children's parent? He understands that the playground is going to be built but how long will it take?

Mr. Tolbert closed the public hearing.

Ms. Finerosky stated that as many people know they have only owned this property for a little over a year. They are advancing plans through the process as quickly as they can go with the timeline and the deadlines for all of the various Planning Commission, Parks and Recreation Meetings and other things that they need to accomplish. She will revise her statement in terms of how they are sequencing this to get built. It's their intent to build the apartments first but in conjunction with that they also need to build the open space and the recreation area first because that is part of the attraction of the apartment community as well as the residents that live there. Time wise, they are probably close to a year away from full plan approval for everything. It could be less but she doesn't want to say eight (8) months and have it drag out longer.

Mrs. Townshend stated that it would be six (6) to twelve (12) months.

Ms. Finerosky stated that they had to deal with all of the other agencies other than the City, DelDOT and Kent Conservation District so she thinks six (6) to twelve (12) months is fair to get Final Plan Approval and be in a position to actually the start construction.

Mr. Tolbert questioned if during the meeting held with the residents, were any of the concerns that were expressed by Mr. Morse dealt with specifically in those meetings? Responding to Mr. Tolbert,

Ms. Finerosky stated that she wouldn't say specifically but they did talk about timing, how long it would take to get the open space up and running or at least a large piece of it. Nobody had any real comments for or against the various amenities; they all seemed pleased with the layout. She thinks there is an overall feeling from at least the people that she talked to that were glad that they were making an effort and continuing through with the plan instead of letting the project sit there and do nothing at all. They did explain the time constraints and that they did have to go through this process.

Dr. Jones asked for clarification in terms of possible timing for construction. She thinks Ms. Finerosky stated that they were going to start building the apartments and that they need to start with the construction of the open space. Responding to Dr. Jones, Ms. Finerosky stated that it runs concurrently is what she meant to say. From an apartment perspective, in order to lease the apartments part of the attraction is what amenities come with the apartment. That's part of the reason that they worked out the Implementation Plan in the way it is with the amounts and ratios so that it's suitable for everybody; for Pettinaro, for the neighbors, for the community, and for the City. To put the apartments in at the same time, they have to build the amenities as well.

Mr. Holden stated that in the Staff Report, there was some discussion over Article 5, Section 10.6 that kind of relates to phasing of the recreation with regard to the construction. Can you detail how that happens in application throughout the City? The City guidelines aren't always necessarily clear to the public of what the developer is required to do. Responding, Mrs. Townshend stated that the other side of that is that it's not quite as precise. Where you have a clubhouse, you can't build 10% of a clubhouse; you build a clubhouse or you don't. The way it works is that the construction of the recreation amenities needs to keep pace with the Building Permits that are issued. Once they start releasing Building Permits for the apartments because of the dwelling unit count associated with that; they are going to have no choice but to really build out the bulk of that before they start occupying apartments. They need to make sure that they keep these things phased together.

Colonel Welsh moved to approve S-15-10 Revised Active Recreation and Open Space Plan Review of Eden Hill Farm TND Residential District, seconded by Mr. Holt and the motion was unanimously carried 9-0 by roll call vote. Mr. Holden voting yes, the Recreation Plan complies with City Code and it's going to provide once constructed, ample opportunity. Mr. Cregar voting yes, the plan is in accordance with City Code and all the DAC comments that are attached regarding this proposal. Colonel Welsh voting yes, for previous reasons stated and with the Planning Staff recommendations to be incorporated as well. Mr. Holt voting yes, for all of the reasons previously stated and it does comply with the City Code and he thinks it's going to be a great asset to the community in general. Mr. Baldwin voting yes, for the reasons previously stated. Dr. Jones voting yes, for reasons previously stated and the fact that it appears that the residents are generally in agreement with the plan for the open space. Ms. Still voting yes, as it meets all the requirements and she thinks this is a good first step towards a new renovation to the area. Mr. Ambruso voting yes, because it's the right thing to do. Mr. Tolbert voting yes, given the history of the development and the extent of which they have come along at this point he is impressed with that. They have also demonstrated a willingness to work with the Staff cooperatively and with the residents that they have already and they will continue to do so.

Meeting adjourned at 8:09 PM.
Sincerely,

Kristen Mullaney
Secretary

- **MINUTES OF**
  QUARTERLY WORKSHOP MEETING
  Of August 19, 2015

    - The Quarterly Workshop Meeting Minutes of August 19, 2015 are still being prepared. These Meeting Minutes will be distributed to the Planning Commission at the September 21, 2015 meeting for review.

    - Adoption of the Quarterly Workshop Meeting Minutes will be considered at the September 21, 2015 meeting of the Planning Commission.

City of Dover

September 14, 2015

Green Street Housing
C/o Thomas Ayd
1813 Sweetbay Drive, Suite 9
Salisbury MD 21804
Via Email: tom@greenstreethousing.com

Re: **Final Site Plan Approval for S-13-18 Site Plan for Village at McKee Branch aka Redevelopment of Walker Woods**

Dear Mr. Ayd,

The Final Site Plan approval is granted to Site Plan for the Village at McKee Branch, which involves redevelopment of what was formerly known as Walker Woods and Walker Woods II, located on the north side of Walker Road east of Kenton Road.

The Final Site Plan set consists of fifteen sheets with a revision date of 8/4/2015. The endorsed plan sheets of the Final Site Plan are available for pick-up at the Planning Office service counter by the project engineer.

The Site Plan conforms with the conditions of approval set forth by the City of Dover Planning Commission on October 21, 2013 including a series of waivers (curbing elimination and emergency rear access) and including the abandonment of Harmony Lane, (MI-13-16 – Resolution #2015-12 approved on June 8, 2015). It also confirms to the requirements outlined in the Development Advisory Committee Report dated October 9, 2013. The necessary agency approvals of the Site Plan have been documented.

The following advisory comments are provided for the project:

1. The applicant should be aware that this Final Site Plan approval does not represent a Building Permit and other associated construction activity permits. A copy of the Final Site Plan will be returned to the contractor with the Building Permit for the project. The approved plan shall remain on the premises at all times during construction, and site construction shall be carried out in accordance with, and as illustrated on the approved plan. Final Inspections for compliance with the Site Plan will be conducted by the Planning Office.

2. You may now proceed with obtaining the related construction permits. .

3. A City of Dover Pre-Construction Meeting was held on September 3, 2015 with the project site contractor, general contractor, developer and project engineer to go over the procedures for construction in the City.

4. If revisions to the Site Plan are necessary, the developer is required to contact Planning Staff to discuss the appropriate review procedure for the revisions.

The applicant should be aware that this Site Plan approval will not represent a Building Permit and associated construction activity permits. The Building Permit will be reviewed for compliance with the Site Plan approval for the project. We looked forward to working with you on the construction of this project to provide quality affordable housing in Dover. If there are any further questions, please do not hesitate to contact this office during normal business hours at (302) 736-7196.

Sincerely,
Planning Office

Ann Marie Townshend, AICP
Director, Planning & Community Development

Cc: Ann Marie Townshend, AICP, Planning Director
Scott Koenig, P.E., City Manager
Jason Lyon, P.E., Department of Public Works
S-13-18

PETITION TO ANNEX AND REZONE PROPERTY
Public Hearing before the
City of Dover Planning Commission
September 21, 2015

Applicants/Owners:	Paul Phillips Theresa HoShue
Property Address:	55 Nixon Lane – Lot 1 121 Acorn Lane – Lot 2
Tax Parcel ID #:	ED-00-068.19-01-25.00-000 ED-00-068.19-01-25.01-000
Size:	Lot 1 - 0.5171 +/- acres Lot 2 - 0.4609 +/- acres
Present Use:	Residential
Proposed Use:	Residential

Comprehensive Plan Designation: Category 1 – High Priority Annexation Areas

Comprehensive Plan Land Use Designation: Residential Low Density

Present Zoning:	RS1 (Single Family Residential)
Proposed Zoning:	R-8 (One Family Residence)
File Number:	AX-15-01

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 9, 2015

APPLICATION: Lands of Phillips – Annexation and Rezoning from RS-1 to R-8

FILE#: AX-15-01 REVIEWING AGENCY: City of Dover Planning Office

CONTACT PERSON: Ann Marie Townshend, AICP PHONE#: (302) 736-7196

This application is for the annexation and rezoning of property located at 121 Acorn Lane and 55 Nixon Lane (previously no address assigned). The property is owned by Paul Phillips and Theresa HoShue. The Tax Parcel Identification Numbers are ED-00-068.19-01-25.00-000 and ED-00-068.19-01-25.01-000.

Existing Property:
The property consists of two parcels located on Acorn Lane and Nixon Lane north of North Little Creek Road. The parcel at 121 Acorn Lane is developed with a single family home. The parcel at 55 Nixon Lane is undeveloped with construction beginning on a new single family home.

Surrounding Land Uses:
The surrounding uses are residential properties. Surrounding properties located in unincorporated Kent County are zoned RS-1, the surrounding properties within the City of Dover are zoned R-8 (One Family Residence Zone).

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

Request for R-8 (One Family Residence Zone)
The types of permitted uses in the R-8 (One Family Residence) zone include primarily one family detached residences, but also agricultural uses and public uses. A series of conditional uses and accessory uses, generally deemed compatible with the residential uses, are also permitted in the One Family Residence Zones.

Recommendation of the Planning Staff:
Staff recommends that annexation of the property and the rezoning to R-8 (One Family Residence Zone) be approved as submitted.

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

ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: SEPTEMBER 2, 2015

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **LANDS OF PAUL C. PHILLIPS AND THERESA HOSHUE AT 121 ACORN LANE**

FILE #: **AX-15-01**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

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

1. Our office has no objections to the proposed annexation of tax parcel ED-00-068.19-01-25.01-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

WATER

1. As per the Petition to Annex and Rezone Property, as heard by the City of Dover Utility Committee, September 14, 2015, please find the following:
    a. There is no water service to proposed property facing Nixon Lane; however, a water main exists within Nixon Lane. The property owner would be responsible for the costs associated with tapping the water main, payment of impact fees, and obtaining permits associated with such improvements. Water infrastructure must be installed in accordance with the requirements of the City of Dover Water / Wastewater Handbook.

WASTEWATER

1. As per the Petition to Annex and Rezone Property, as heard by the City of Dover Utility Committee, September 14, 2015, please find the following:
    a. There is no sewer service to the property facing Nixon Lane; however, a sanitary sewer main exists within Nixon Lane. The property owner would be responsible for the costs associated with connecting to the sanitary sewer

main, payment of impact fees, and obtaining permits associated with such improvements. Wastewater infrastructure must be installed in accordance with the requirements of the City of Dover Water / Wastewater Handbook and DelDOT.

b. A new sanitary sewer cleanout cap will be required to be installed for 121 Acorn Lane.

SANITATION

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

STORMWATER / STREETS / GROUNDS

1. None.

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

AX-15-01

CITY OF DOVER FIRE MARSHAL

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 09/02/15

APPLICATION: Lands of Paul C. Phillips and Theresa HoShue at 121 Acorn Lane and property at Nixon Lane

FILE #: AX-15-01 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

- **No objections to the proposed Annexation Request / Rezoning Request**

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

D E L D O T

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APPLICATION: Lands of Paul C. Phillips and Theresa HoShue at 121 Acorn Lane and a property on Nixon Lane

FILE#: AX-15-01 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:

The Department has no comments on the proposed annexation/rezoning.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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: Lands of Paul C. Phillips & Theresa HoShue 121 Acorn Lane/Nixon Lane

FILE #: AX-15- 01

REVIEWING AGENCY: *Kent Conservation District*

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

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

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. *Kent Conservation District has no objection to the annexation of the above referenced properties.*

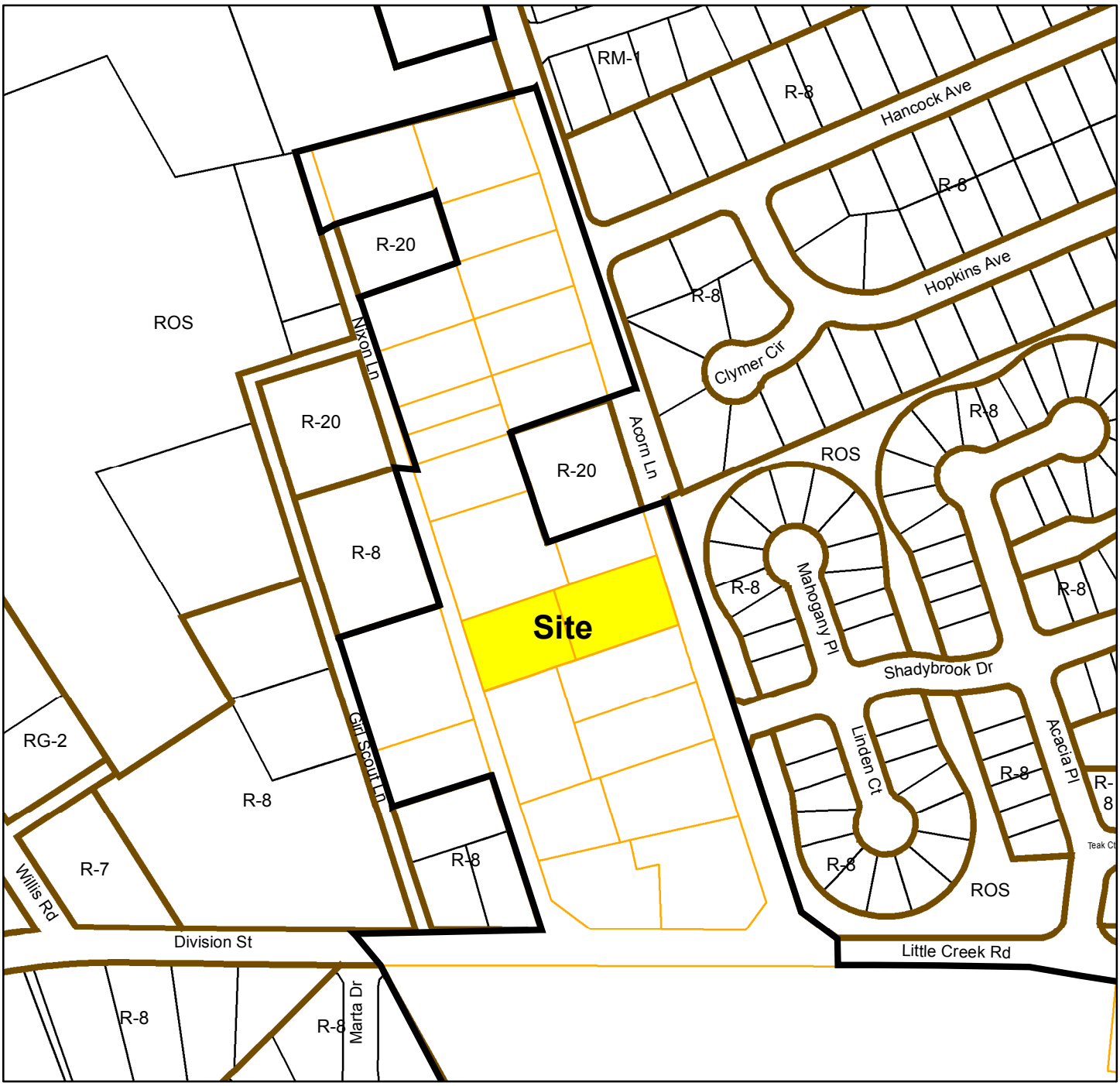
ADVISORY COMMENTS TO THE APPLICANT:

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

City of Dover

Department of Planning & Inspections

Application No.: AX-15-01



Title: Lands of Paul C. Phillips and Theresa HoShue
Application #: AX-15-01
Address: 121 Acorn Lane, (unaddressed) Nixon Lane
Parcel ID: ED-00-068.19-01-25.01-000, ED-00-068.19-01-25.00-000
Zoning: R-8 (One Family Residence Zone) *proposed*
Owner: Paul C. Phillips and Theresa HoShue
Date: 8/14/2015

Legend

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

N
W
E
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0 150 300 600 Feet

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF September 9, 2015

PLANNING COMMISSION MEETING OF September 21, 2015

Plan Title:	Dover Town Center: Revised Phase 2, S-15-13
Associated Plan:	Dover Town Center, S-15-04 Redevelopment of the former Wal-Mart site at 1574 North DuPont Highway
Plan Type:	Site Plan
Property Location:	West side of North DuPont Highway, between KW Boulevard and Cedar Chase Drive
Property Address:	1574 North DuPont Highway
Tax Parcel:	ED-05-057.00-01-05.01-000
Property Area:	12.42 acres (after right-of-way dedication)
Owner:	Onix Dover, LLC
Building Areas:	Existing Building 118,234 SF (Prior to renovations) Renovated Building 98,098 SF REVISED Restaurant (Pad Building) 5,793 SF REVISED Phase 2 Retail Building 11,600 SF REVISED TOTAL 115,491 SF
Existing Use: Proposed Use:	Vacant Retail Building Retail building with multiple tenants and two pad site buildings
Off Street Parking:	Required – 426 spaces (Maximum 532 parking spaces per Code) Proposed – 552 spaces
Sewer & Water:	City of Dover
Zoning Classification:	C-4 (Highway Commercial Zone)
Waiver Approved:	Reduction in Arterial Street Buffer

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 9, 2015

APPLICATION: Dover Town Center: Revised Phase 2 at 1574 North DuPont Highway, Dover (Redevelopment of former Walmart site)

FILE #: S-15-13 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

This Revised Site Development Plan is for revisions to certain areas of the Dover Town Center project. This plan proposes the revision of the (Phase 2) 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.

Approved Site Plan S-15-04 Dover Town Center

The Dover Town Center project was reviewed as Site Development Plan S-15-04 and approved by the Planning Commission on May 18, 2015 to redevelop the property at 1574 North DuPont Highway, the previous location of a Walmart. It was granted Final Site Plan approval on July 6, 2015 to construct two (2) pad buildings consisting of a 5,740 S.F. restaurant and an 7,665 S.F. retail building (with drive-thru), and to reconfigure the existing retail structure to create multiple tenant spaces (reduction in overall main building size from 118,234 S.F. to 98,098 S.F.). The redevelopment project was planned to result in a total of 111,503 S.F. building area on the property.

Previous Applications

The previous Site Development Plan S-12-10 was conditionally approved by the Planning Commission on June 18, 2012. The proposed project consisted of renovations to the existing commercial building (former Walmart building) to reconfigure it into multiple tenant spaces and the construction of two pad site buildings to function as a shopping center with a total of building area of 116,620 S.F. The Site Plan S-12-10 expired on June 31, 2014 due to lack of finalization of the Site Plan and no commencement of construction activity. Also associated with the redevelopment of the property as a commercial shopping center, a Unified Comprehensive Signage Plan US-12-02 for the property was reviewed and granted conditional approval by the

Planning Commission in November 19, 2012. Application US-12-02 expired on November 30, 2014 due to lack of finalization.

In November 2014, a Conditional Use Site Development Master Plan application was filed for review which proposed three (3) multi-family four story buildings with a total of 124 apartment units and three (3) restaurant buildings at the site. The Application C-14-06 began the Development Advisory Committee review process; however, the application was placed on hold by the applicant prior to any Planning Commission review. The 2015 applications superseded this proposal.

PROJECT DESCRIPTION

The Revised Plan proposes additional changes to the redevelopment of the former Wal-Mart property. The three (3) buildings will be located on the same parcel of land and will function as a shopping center. The existing commercial building is under renovations based on the approved Site Plan S-15-04 and issued Building Permits. This Revised Plan proposes the revision of the (Phase 2) 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 and removing the outdoor patio area. There are also revisions to the adjacent site areas to these pad buildings related to parking spaces and landscaping.

C-4 Zoning District

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

BUILDING ARCHITECTURE

Architecture

The site includes two new pad building sites for construction and the one main multi-tenant building that is under renovation currently. Some revisions to the proposed architecture for the restaurant pad site building were submitted with this Revised Plan. This one story restaurant building appears to be a mix of three finishes and three main colors. The specific materials are not easily identified other than a corner storefront window system at the entrance. The flat roof building includes multiple wall projections, windows with awnings, and a covered canopy that wraps the southeast building corner at the entry. Revisions included the elimination on the outdoor dining/seating area and its associated canopy.

The proposed architecture for the Phase 2 multi-tenant building is similar in design to the proposed renovations of the existing main multi-tenant commercial building. All four building elevations of the Phase 2 building are shown in an E.I.F.S exterior finish with a heavy cornice feature around the top of the building and a cast stone capped split face block watertable feature as its base. Each tenant space includes a storefront with display windows and entry door. Windows are also included on the east ends of the south and north elevations. A series of engaged pilasters (columns) divided each building wall into multiple sections. The rear (west elevation includes service doors to the tenant spaces.

SITE CONSIDERATIONS

The site consists of an existing vacant commercial building and its associated parking lot (existing 704 parking spaces). The property is adjacent to the north with an apartment complex, a hotel, and restaurant building. To the south, across KW Boulevard is the former Sheraton Hotel building now occupied as the Early College High School and a Delaware State University dormitory and then a separate hotel building. To the west, across Crawford Carroll Avenue is a commercial retail building (Sam's Club).

The access to the site is provided by one entrance directly from North DuPont Highway. The main access to the property is by turning off of North DuPont Highway onto KW Boulevard then into the site. The site also has access (an entrance/exit) to Crawford Carroll Avenue along the west side of the site.

The main building is under active construction. These Phase 2 Revisions require review of a Revised Site Development Plan. The *Zoning Ordinance* outlines a series of objectives for consideration by the Planning Commission when reviewing the plan. See *Zoning Ordinance*, Article 10 Section 2.2.

PARKING SUMMARY

The minimum parking requirement for the C-4 (Highway Commercial Zone) is one (1) parking space for every three hundred square feet of building area.[1] Based on the overall total size of 98,098 SF for the main multi-tenant commercial building (as renovated/added to) and the Phase 2 multi-tenant retail building of 11,600 SF, a minimum of 366 parking spaces are required. The parking for the restaurant building is based on seat count rather than floor area. The restaurant (as revised to a 5,793 S.F. building) proposes seating areas for 212 regular seats and 21 bar seats. Based on the parking rate of one parking space per four (4) regular seats and one parking space per three (3) bar seats, this restaurant building requires sixty (60) parking spaces.

Accounting for all the proposed buildings/uses on the site, the minimum number of parking spaces required is 426 parking spaces. The maximum number of parking spaces allowable per Code is 532 parking spaces. The proposed Site Plan shows 552 parking spaces including 24 handicap parking spaces. The site exceeds the overall parking calculation and the maximum parking allowable in the C-4 zoning district by twenty (20) parking spaces; this parking can be considered legal non-conforming due to the redevelopment of the existing site.

The existing property has a parking lot of 704 parking spaces which would be considered non-conforming with the current C-4 parking requirements. The project as Revised proposes to reduce the overall number of parking spaces to 552 spaces.

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

Loading Spaces

Article 6 §4.23 requires loading spaces to be installed for retail and service buildings at a rate of one space per 8,000 SF to 25,000 SF and one for each additional 25,000 SF of building area. Based on the square footage of the multi-tenant retail building requires one (1) loading space while the restaurant building does not require a designated loading space. The Phase 2 multi-tenant building shows on loading space on the south end of the building.

Based on the square footage of the renovated main multi-tenant commercial building, four (4) loading spaces are required. However, the maximum number of loading spaces required for buildings up to 150,000 SF is three (3). The plan indicates a total of eleven (11) loading spaces in the data column for the property. These loading areas are located at the northeast and northwest ends of the large multi-tenant building with loading dock areas; exact spaces are not delineated.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) regular vehicle parking spaces. Based on the number of parking spaces provided at 553 parking spaces, twenty-eight (28) bicycle parking spaces are required. The Site Plan indicates thirty-five (35) bicycle parking spaces to be provided in bicycle racks located in plaza area in front of the main building and at each pad site building.

Sidewalks

Zoning Ordinance, Article 5 §18 requires sidewalks to be installed along the public street frontages of a property. The site has existing concrete sidewalk along North DuPont Highway and along Crawford Carroll Avenue. Two short sidewalk connections into the site are provided off of the sidewalk on the North DuPont Highway frontage. These sidewalks lead from the terminus of the bus stop sidewalk ramp system to the sidewalk plaza area at the main building front elevation and to a sidewalk at the pad site restaurant building.

The project proposes construction of sidewalk along the north side of KW Boulevard. There are three (3) sidewalk connections leading into the site from this proposed sidewalk. There is a north-south pedestrian path/sidewalk through the site leading from KW Boulevard to the main multi-tenant commercial building and a second north-south series of sidewalk segments on the west side of the restaurant building.

Curbing

Article 6 § 3.6 (b) requires curbing for all parking areas. The plan provides curbing around the building drive aisles and the parking areas.

Dumpsters

For the use as a shopping center, two (2) dumpsters are required for the first three tenant spaces and one (1) for each tenant space after that. Based on the six (6) tenant spaces shown (it could be further divided into more tenant spaces) in the main commercial building, five (5) dumpster

pads and enclosures are required. For the Multi-Tenant Retail Building, the number of Dumpsters would be based on the number of tenants; two (2) Dumpster are shown on the building's north side. For the restaurant building, two (2) Dumpsters are required for the first 3000 S.F. floor area and one additional Dumpster per 3000 S.F. of floor area. Therefore, the restaurant requires three (3) Dumpsters: two (2) Dumpsters are shown with the third reserved for future construction. For the overall site, there are twelve (12) Dumpsters shown and five (5) reserved Dumpster locations for a total of seventeen (17) for the overall site. There is also a trash compactor on the east end of the main building. The majority of the dumpster pads are located along the northern property line. If all the Dumpster pads are not needed a Dumpster pad may be reserved and shown on the plan as reserved. The dumpster pad and enclosure would only be constructed if it was determined to be necessary by the Planning Director.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a Landscaping Plan Sheet. Based on the total site area of 12.74 acres for the site (541,407.24 S.F. prior to right-of-way dedication), a total of 185 trees are required. The proposed plan currently shows 185 trees. This includes twenty-nine (29) existing trees located on the site to remain and a total 156 new tree plantings. The trees plantings are proposed to be located around the existing stormwater management pond, within the parking lot islands, and along KW Boulevard and Crawford Carroll Avenue. The trees proposed are a mixture of deciduous, ornamental and evergreen trees. All trees shall be located ten (10) feet from utilities. With the plan revisions for the Phase 2 multi-tenant retail building and the restaurant building some revisions were made to tree planting locations.

Approved Waiver for the Reduction of Arterial Street Buffer

North DuPont Highway (U.S Route 13) is considered as a principal arterial street and requires a thirty (30) foot landscape buffer along the road frontage known as an Arterial Street Buffer. The buffer is measured from the edge of the right-of-way. In May 2015, the Planning Commission granted approval of a waiver to reduce the Arterial Street Buffer requirement to fourteen (14) feet of landscape buffer along DuPont Highway. The proposed improvements in this existing landscape area involve removal of the existing evergreen trees and the replanting a series of shrub plantings only (due to underground utilities in the area.

Opaque Barrier

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

The site has an existing opaque wooden fence located along the residential portion of the site which must be maintained in good repair. The plan does provide a landscape buffer of trees along the north property line of the site utilizing a series of thirty-nine (39) existing evergreen and

deciduous trees located on the site for that portion of the landscape buffer.

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

CITY AND STATE CODE REQUIREMENTS:

The following comments are provided based on the applicant's initial plan submission for S-15-13 and a Revised Plan submission (partial plan set) received on 9/11/2015. Planning Staff may continue to identify other plan corrections necessary for Final Plan approval. *

1) Provide or revise the following information in the Data Column on the Title Sheet:
   a. Recheck Floor Area Ratio calculation; ensure in it includes these square footage revisions.
   b. Update the number of parking spaces provided on the plan to be 552 spaces.
   c. Remove note about presenting the architecture of Phase 2 retail building to the Planning Commission. This submission satisfies that requirement unless significant redesign occurs.
   d. The Plan will need to be updated to reflect any changes recommended or approvals or waivers granted by the Planning Commission.

2) The minimum number of parking spaces required for the project is 426 parking spaces and the maximum number of parking spaces allowable per Code is 532 parking spaces. With the proposed Site Plan shows 552 parking, the site exceeds the overall parking calculation and the maximum parking allowable per the Zoning Ordinance. Since the redevelopment project is reducing the number of overall parking spaces it will be considered legal non-conforming.

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

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

5) Sheet SD-1: Site Plan and Sheet SD-2: Grading Plan:
   a. Identify if Dumpster at Phase 2 building will have gates.
   b. The Phase 2 multi-tenant building must comply with the front yard setback requirements from Crawford Carroll Avenue. It appears to be three feet from the setback line.

6) Sheet UP-1: Utility Plan:
   a. Revisions to the location of the water main easement designated area are shown on this plan sheet. A Revised Record Plan sheet documenting these easement area changes may be required.

7) Ensure Revised Plan set (various sheets) reflects the changes to the restaurant building and site to remove the outdoor dining patio, landscaping revisions, etc.

8) Any Sediment & Stormwater Management Plans granted approval by the Kent Conservation District must reflect the Site Plan layout and design conditionally approved by the Planning Commission and be in compliance with the *Zoning Ordinance* and technical review requirements of other agencies.

9) Landscape Plan:
    a. Ensure that there is no conflict with the existing Maple Tree on the west side of the Phase 2 Retail Building with the location of the water services and meter location.
    b. Update restaurant landscaping. Ensure that tree locations do not conflict with water lines and fire hydrants.
    c. The seasonal planting area may need to be adjusted to accommodate the proposed new freestanding sign at corner of KW Boulevard and North DuPont Highway.

10) A waiver was previously granted by the Planning Commission to reduce the Arterial Street Buffer from 30 feet to 14 feet along the North DuPont Highway frontage.

11) Staff notes that any revised architecture for the main multi-tenant commercial building and the two pad sites may be required to come before the Planning Commission for additional review if upon selection of tenants or decisions on spec buildings there are significant design changes to the buildings' exterior finishes in form and materials.

12) The property qualifies for consideration of a Unified Comprehensive Sign Plan to address signage on the site. Application US-15-02 has filed for review of a Comprehensive Sign Plan for the Dover Town Center property.
    a. Any existing signs on site may be non-conforming with regards to size, height, setback and exclusion zone and are required to come into compliance with the Sign Regulations.
    b. Any proposed signage not included and approval with the Comprehensive Sign Plan will be subject to the sign regulations of the *Zoning Ordinance*.

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

1) <u>Pedestrian Circulation</u>: Multiple sidewalk connections lead into the site from the street frontage sidewalks and provide within the site designated pedestrian paths through the parking lot and between buildings. Additional design changes can continue to make improvements to the pedestrian circulation.
    a. It is recommended that shrubs or other ground coverings be added under tree plantings along the north side of KW Boulevard to limit pedestrians freely crossing KW Boulevard.
    b. One designated pedestrian crossing point from the south across KW Boulevard

(mid-block) and linking to internal sidewalk system of Dover Town Center was shown on the previous Site Plan S-15-04 and must be implemented.

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

ADVISORY COMMENTS TO THE APPLICANT:

1) In the event, that major changes and revisions to the Site Plan occur in the finalization of the Site Plan contact the Planning Office. Examples include reorientation of building additions, and relocation of site components like dumpster pads, utilities, changes in building size, etc. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

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

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

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

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

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

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

8) Tree protection devices must be installed by the developer prior to any grading or

clearing activity and before the issuance of Building Permits for the site project area.

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: SEPTEMBER 2, 2015

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Dover Town Center: Revised Phase 2**

FILE #: **S-15-13**

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 size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
3. 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.

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. 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. Please relocate the cleanout for the "Phase 2 Retail" building to the west; it should not be in line with the sewer main it connects to.
3. 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.
4. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District is submitted to our office.
2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.

STREETS

1. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DelDOT is submitted to our office.

SANITATION / GROUNDS

1. None.

GENERAL

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

1. None

GENERAL

1. Please revise the notes that refer to sheets that are not included in this plan set, including but not limited to SD-5 and UP-3.
2. Please remove all mention of Department of Public Utilities and replace with Department of Public Works. Please remove the phone number 302.736.7070 with 302.736.7025.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1.

WATER

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

WASTEWATER

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

STORMWATER / GROUNDS / STREETS

1. None.

SANITATION

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

GENERAL

1. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.
2. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial

Plan Submission Checklist, which can be obtained from the following website: https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal_1.pdf, page 88.

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

S-15-13

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: **April 8th, 2015**

CITY OF DOVER FIRE MARSHAL

APPLICATION: **Dover Town Center: Revised Phase # 2**

FILE #: **S-15-13** 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:

- See all main notes as applied during DAC review of S-15-04; approved on 05/18/15. Below comments are as a result of the changes proposed for the two stand alone tenant spaces.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1) Proposed "Restaurant" in South East Corner: plans shall provide:
   - No changes from this office on the proposed square footage change.

2) Proposed "Retail Multi. Tenant" in the South West Corner: plans shall provide:
   - Show distance measurement of the proposed Fire Department Connection to the closest Fire Hydrant as the hose would fall off of the fire truck. All Fire Department Connections must be within 300ft of a Fire Hydrant.
   - Please provide Fire Lane markings as a result of the layout change.
   - Per Accessibility Table in the Delaware State Fire Prevention Regulations the building is required to have 50% Fire Lane coverage due to building height and must provide 75% perimeter access due to be over 10,000 sq. ft. The fire lane coverage can be used as perimeter access.

3) Provide Impact Protection Detail on a plan that is in compliance with the City of Dover Code of Ordinances Section 46-4. All LP gas service meters must have impact protection.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

D E L D O T

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APPLICATION: Dover Town Center: Revised Phase 2

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

CONTACT PERSON: Waylon Sprowl PHONE#: 760-2262

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

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

CITY & STATE CODE REQUIREMENTS:

1. In order to be issued an entrance permit, the department will require the applicant to provide the proper forms, fees, and plans.

2. Per Section 3.6.5 of the Development Coordination Manual Adopted March 10, 2015, an 80-foot wide right-of-way (40-feet from the centerline) is required for a minor arterial. According to the Kent County Classification Maps, KCR 002 (North DuPont Hwy) is classified as a minor arterial. If the existing right-of-way does not have the proper width along the frontage of the site, the department will require 40-feet of right-of-way dedication from the innermost edge of the through lane for public use.

3. Per Section 3.6.5 of the Development Coordination Manual Adopted March 10, 2015, an 80-foot wide right-of-way (40-feet from the centerline) is required for a major collector. According to the Kent County Classification Maps, KCR 294A (Crawford Carroll Ave) is classified as a major collector road. If the existing right-of-way does not have the proper width along the frontage of the site, the department will require 40-feet of right-of-way dedication from the innermost edge of the through lane for public use.

4. Provide a 15' permanent easement along the site frontage.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

- It was previously determined that a TIS is not required for this project.

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
September 2015

APPLICATION: Dover Town Center Revisions Phase 2

FILE #: S-15-13

REVIEWING AGENCY: *Kent Conservation District*

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

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

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. The Kent Conservation District has no objection to the site changes to the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

1. The revisions can be submitted for approval as a plan revision to the existing approved plans.

DATA SHEET FOR UNIFIED COMPREHENSIVE SIGNAGE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF September 9, 2015

PLANNING COMMISSION MEETING OF September 21, 2015

Plan Title:	Dover Town Center (US-15-02)
Plan Type:	Unified Comprehensive Signage Plan
Property Location:	Located on the west side of North DuPont Highway between KW Boulevard and Cedar Chase Drive.
Property Addresses:	1574 North DuPont Highway
Tax Parcels:	ED-05-057.00-01-05.01-000
Owners:	Onix Dover, LLC
Project Professional:	GG+A, LLC, ARIUM AE, LLC and associated sign fabricators
Site Area:	12.74 acres +/-
Existing Signs:	One (1) pylon sign, shared with Sam's Club. Non-conforming as to setback and exclusion zone. (To be removed)
Proposed Signs:	Two (2) illuminated pylon signs, 576 SF total 28 wall signs of various types, sizes and illumination methods totaling 1,872 SF.
Zoning Classification:	C-4 (Highway Commercial Zone)
Roadway Classification: (per Sign Regulations)	North DuPont Highway – Urban Principal Arterial KW Boulevard – Urban Local Collector Crawford Carroll Avenue – Urban Local Collector

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 9, 2015

CITY OF DOVER PLANNING

APPLICATION: Dover Town Center Comprehensive Signage Plan

FILE #: US-15-02 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY

This is an application to the Planning Commission for a Unified Comprehensive Signage Plan Review. The plan includes the construction and implementation of signage for the Dover Town Center, a multi-tenant shopping center, two (2) illuminated freestanding pylon signs totaling 576 SF and 28 wall signs of various types totaling 1,872 SF.

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

The three (3) buildings planned for the site include:

- A 98,098 SF building to be configured for ten (10) tenants.
- A 5,793 SF building planned as a restaurant to be located at the corner of North DuPont Highway and KW Boulevard.
- An 11,600 SF multi-tenant building located at the corner of KW Boulevard and Crawford Carroll Avenue.

While all three buildings are on the same parcel, the Unified Comprehensive Signage Plan as proposed applies to only the largest building and the two freestanding pylon signs. The remaining buildings would be subject to the standard sign regulations of *Zoning Ordinance* Article 5 §4 related to building signage.

Related Actions

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. Building permits have been issued and active construction is underway. Previous Site Development Plan (S-12-10) and Unified Comprehensive Sign Plan (US-12-02) for past proposals were conditionally approved by the Planning Commission but subsequently expired due to lack of finalization of plans and no commencement of construction activity.

Site Development Plan S-15-13, scheduled for review by the Planning Commission on September 21, 2015, proposes revisions to the area and configuration of the two smaller buildings that were previously approved with S-15-04.

SIGNAGE REGULATIONS

The subject site has frontage on North DuPont Highway, an Urban Principal Arterial street, as well as KW Boulevard and Carroll Crawford Avenue, both classified as Urban/Local Collector streets.

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

Table 1: "Sign Table"

Zoning Ordinance, Article 5 §4.7 (excerpt)

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

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

In addition to the sign regulations related to permitted size and dimensional characteristics, additional provisions of the sign regulations would apply to this property under the standard sign regulations. These are referenced in greater detail in the analysis and recommendation of the applicant's proposed signage:

- *Zoning Ordinance* Article 5 §4.9.F related to shared freestanding signs
- *Zoning Ordinance* Article 5 §4.9.G and past practice and code interpretation related to multi-tenant properties

- *Zoning Ordinance* Article 5 §4.4.A design requirements for freestanding signs
- *Zoning Ordinance* Article 5 §4.4.C design requirements for wall signs

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

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

DESIGN GUIDELINES AND OBJECTIVES FOR COMPREHENSIVE SIGNAGE PLANS

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

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

> B. *Design guidelines for unified comprehensive signage plans.*
>
> > 1. Unified campuses and complexes applying for a unified comprehensive signage plan may not be held to the height, size, number and area regulations for signs found in other subsections of this section. However, the number, type and size of signs proposed may not be excessive, and must be in proportion to the scale of the buildings and the uses on the site.
> >
> > 2. All unified comprehensive signage plans must comply with all design guidelines found in subsection 4.4-Design requirements of this section, as well as all specific design guidelines found in this section.
> >
> > 3. Building signs shall be in harmony with the overall architectural concept for the site, and be compatible with each other and the building facades.

4. The freestanding signs identifying shopping centers and other unified campuses and complexes shall identify the name of the campus or complex and no more than three separate tenants within the campus or complex unless otherwise approved by the planning commission.

5. There shall be architectural harmony and unity of signs within a unified campus or complex. Sign type, color scheme, size, and illumination within the site shall be coordinated and shall be compatible with the architecture of the center and the surrounding area.

C. *Planning commission duties.* In reviewing and approving comprehensive signage plans, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents, businesses, and property owners of the immediate neighborhood in particular, and shall ensure that unified campuses and complexes have adequate, but not excessive, signage. Specifically, the following objectives shall guide the commission when reviewing such plans:

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

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

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

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

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

SUMMARY OF SIGNAGE AND RECOMMENDATIONS

This project is to establish building and freestanding signage for a multi-tenant shopping center. The Plan Book (draft) submitted outlines the placement and construction details for each sign, as well as design details such as typeface, color, and dimensions. Building façade elevations are provided to demonstrate the relationship of signage to each tenant space, as well as to show the design of the shopping center as a whole.

Table 2 on the page that follows is a detailed listing of all signs proposed for the Dover Town Center campus.

Table 2: Proposed Signage
US-15-02; Dover Town Center
1574 North DuPont Highway

FREESTANDING SIGNS

# Tenant Areas	Planbook Page	Description	Total Dimensions	Height	Setback	Sign Area
10	8, 9	North Pylon	16' x 14'	24'	16.1'	224
6	8, 9	South Pylon	22' x 16'	31'	--	352
		N. DuPont Hwy			*16.9'*	
		KW Blvd			*17.7'*	
					Total Square Feet, Freestanding Signs:	**576**

BUILDING SIGNS

No.	Planbook Page	Ste	Description	Sign Face Dimensions	Sign Area
	Petco				
3.1	3,12,15,16	300	INDIVIDUAL CHANNEL LETTERS	74" X 26' 8.25"	156.23
3.2	3,12,15,17	300	INDIVIDUAL FCO LETTERS	77.5" X 43.5"	23.41
3.3	3,12,15	300	D/F PVC UNDER CANOPY	11.5" X 62"	4.95
	Shoe Carnival				
3.4	3,18,20-21	400	STACKED (REMOTE) LETTER SET	29' 4" X 11' 9"	198.00
3.5	3,18,20-21	400	D/F PROJECTING TENANT BLADE SIGN	3' 1" X 1' 8"	3.94
	Ross				
3.6	3,22,24	500	INDIVIDUAL "ROSS" PAN CHANNEL	22' X 66"	121.00
3.7	3,22,24	500	INDIVIDUAL "DFL" LOGO LETTERS	42" X 42'	147.00
3.8	3,22,24,26,28	500	DOUBLE FACE ILLUMINATED	46" X 23"	6.00
3.9	3,22,24,29	500	SINTRA OVAL "ROSS" LOGO	48" X 24"	7.00
3.1	3,22,25	500	INDIVIDUAL "ROSS" PAN CHANNEL	66" X 22'	121.00
	Ulta Beauty				
3.11	3,30,32-33	600	INDIVIDUAL ILLUMINATED LETTER SET	17 ' 10" X 7' 2"	128.00
3.12	3,30,34	600	D/F PROJECTING NON-ILLUMINATED	3' 1" X 1' 8"	3.94
3.13	3,30,35-41	600	LOGO ON 8" VALENCE	8" X 24.5'	16.41
3.14	3,30,35-41	600	LOGO ON 8" VALENCE	8" X 25.5'	17.08
3.15	3,30,35-41	600	LOGO ON 8" VALENCE	8" X 16.5'	11.05
	Five Below				
3.16	3,42,44,46	700	INDIVIDUAL CHANNEL LETTERS	25' 6" X 17' 7.5"	195.23
3.17	3,42,4,45,47	700	INDIVIDUAL CHANNEL LETTERS	23' X 19' 6"	86.55
3.18	3,42,48	700	D/F PVC UNDER CANOPY	11.5" X 62"	4.95
	Future Tenants				
3.19	3,6	100	INDIVIDUAL CHANNEL LETTERS	6' X 20'	120.00
3.2	3,6	100	PROJECTING BLADE SIGN	3 '1" X 1' 8"	4.00
3.21	3,6	125	INDIVIDUAL CHANNEL LETTERS	6' X 20'	120.00
3.22	3,6	125	PROJECTING BLADE SIGN	3' 1" X 1' 8"	4.00
3.23	3,6	150	INDIVIDUAL CHANNEL LETTERS	6' X 20'	120.00
3.24	3,6	150	PROJECTING BLADE SIGN	3' 1" X 1' 8"	4.00
3.25	3,6	175	INDIVIDUAL CHANNEL LETTERS	6' X 20'	120.00
3.26	3,6	175	PROJECTING BLADE SIGN	3' 1" X 1' 8"	4.00
3.27	3,6	200	INDIVIDUAL CHANNEL LETTERS	6' X 20'	120.00
3.28	3,6	200	PROJECTING BLADE SIGN	3' 1" X 1' 8"	4.00
				Total Square Feet, Building Signs:	**1871.7**
				Total Square Feet, All Signs:	**2447.7**

Freestanding Signage: Summary of Signage and Recommendations

Summary
The applicant is requesting two pylon signs. The locations are found on the third page of the site plan sheets, and also on site plan diagrams included throughout the Plan Book. Design information for both signs is found on page 9 of the Plan Book, and on pages within the Plan Book associated with individual tenants. Both signs are internally illuminated, have sand-colored structural supports, and have a 3' 9" high brick-faced base with surrounding plantings proposed.

The "North Pylon" is a proposed 224 SF sign 24 feet tall and located on the southbound side of North DuPont Highway between an entrance to the property and the intersection of the highway and KW Boulevard. The shopping center is identified at the top, and there are individual panels for ten (10) tenants.

The "South Pylon" is a proposed 352 SF sign 31 feet tall and located at the northwest corner of the intersection of North DuPont Highway and KW Boulevard. An existing pylon sign near this location will be removed. The sign has five (5) panels for tenants associated with Dover Town Center. The sign is also shared, as permitted by code, with another property (Sam's Club). When shared with another property, such signs are entitled to a 50% area bonus.

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

This property is permitted signage according to the regulations for Urban Principal Arterial streets, as referenced in Table 1. Table 3 provides a summary of the physical characteristics of the pylon signs proposed. Staff notes that the signage proposed for the future tenants are "placeholders".

Staff Recommendation: Freestanding Signs
Staff generally recommends approval of the pylon signs, subject to individual comments and recommendations for each. While standard code would allow for one (1) pylon sign only, the property has significant frontage to allow for two, and finds the use of two signs appropriate for the use. The size and scale is in keeping with the use as a large shopping center with multiple tenants.

The number of tenants on each freestanding sign differs from the limits of the Design Guidelines of *Zoning Ordinance* Article 5 §4.8.B (4) related to Unified Comprehensive Sign Plans. Refer to Table 3. Staff finds the proposed arrangement to be characteristic of signage for this type of property.

<u>North Pylon</u>
Staff recommends a reduction in the height of the brick base of the sign if technically possible

due to visibility concerns related to the nearby sidewalk leading from the highway frontage sidewalk. Staff finds the sign otherwise appropriate as presented. Due to the existing conditions on the site the setback is appropriate and reasonable.

South Pylon

Staff recommends a one (1) foot reduction in sign height to bring the sign in compliance with regulations for maximum sign height. Staff finds the sign otherwise appropriate as presented. The additional sign area is appropriate for the use of the property and the use of a sign when shared with an adjacent property. Due to the existing conditions on the site the setback is appropriate and reasonable. The proposed sign increases the exclusion zone and setback distances compared to the existing non-conforming sign planned for replacement.

Table 3: Freestanding Sign Code Comparison
US-15-02; Dover Town Center

	Permitted by Code	Proposed	Difference Between Proposed and Code
NORTH Pylon			
Sign Area (max.)	150 SF	224 SF	**74 SF greater than code (49%)**
Height (max.)	30'	24'	Complies
Setback from Right-of-Way (min.)			
For signs </= 100 SF	15'		**Setback is 14.9' less than code**
For signs >100 SF	31'	16.1'	
Exclusion Zone (min.)	50'	> 50'	Complies
SOUTH Pylon			
Sign Area (max.)	150 SF	352 SF	**127 SF greater than code (63%)**
50% bonus for shared signs	*225 SF*		
Height (max.)	30'	31'	**1 foot taller than code**
Setback from Right-of-Way (min.)			
For signs </= 100 SF	15'		**Setback is 14.1' less than code**
*For signs >100 SF**	31'	16.9'	
Exclusion Zone (min.)	50'	> 50'	Complies
Total Property			
Number Pylon Signs Permitted per Frontage, Urban Principal Arterial	1	2	**1 additional pylon sign**
Design Guidelines, Art. 5 §4.8.B.4, freestanding signs shall identify name of campus/center and no more than 3 separate tenants within, unless approved by the Planning Commission	3 tenants	North, 10 South, 6	**Both signs exceed the number of tenants recommended per freestanding sign**

* Pylons permitted only on Urban Principal Arterials. When placed on a corner property where the other street frontage is a different type, the sign must meet the setback requirements for an Urban Principal Arterial.

Wall Signage: Summary of Signage and Recommendations

Summary
The applicant is requesting a total of 28 wall signs for the Dover Town Center property. Primary tenant signs are channel letter internally illuminated signs located over the store entrances. All tenant spaces also have signs that are oriented perpendicular to the wall along the building facade. These are pedestrian-scaled and either project from the building wall or hang down overhead from entrance canopies.

Some tenants (Ross, Petco) have additional flat signage applied to the wall and scaled for visibility at ground level. Ross and Five Below each have signage on the side wall facing North DuPont Highway. Ulta Beauty has window awnings with the brand logo featured on them. Per the sign regulations, awnings are a type of wall sign.

The standard sign regulations of *Zoning Ordinance* Article 5 §4 regulate the permitted signage according to its property frontage. The property has frontages on both an Urban Principal Arterial and an Urban/Local Collector street. When a property has frontages on different classes of streets, past practice and code interpretation has allowed the establishment to place signage on any building wall, subject to the sign area and number that the establishment is entitled to. This property is permitted signage according to the regulations for Urban Principal Arterial streets, as referenced in Table 1.

For multi-tenant properties such as shopping centers, the sign regulations state each tenant is "permitted to have at least one wall sign" per unit. Past practice has permitted two (2) wall signs per tenant.

Table 4 provides a summary of the number and area of wall signs proposed, per tenant. In all cases, the total sign area comprises less than 15% of the wall area. Staff notes that the signage proposed for the future tenants are "placeholders". The sign dimensions given are for the sign faces. The actual sign areas, as well as sign faces, may be less.

Table 4: Wall Sign Code Comparison
US-15-02; Dover Town Center

	Maximum Permitted per Code		Proposed	
Tenant	**Number**	**Wall Area %**	**Number**	**Wall Area %**
Petco	2	15%	3	7.3%
Shoe Carnival	2	15%	2	8.7%
Ross (front)	2	15%	4	7.6%
Ross (side)	--		1	6.0%
Ulta Beauty	2	15%	5	6.4%
Five Below (front)	2	15%	2	10.2%
Five Below (side)	--		1	2.6%
Future Tenants (ea.), 5 spaces	2	15%	2	14.0%

Staff Recommendation: Wall Signs
Staff recommends approval for the wall signs. The wall signs are similar in sign area, but staff notes the variety in type. The projecting wall signs are appropriate and aid pedestrian wayfinding. The awning signs add detail and help to distinguish store fronts. While some tenant spaces have greater than two (2) signs, the additional signs are typically smaller, pedestrian oriented, and do not add significantly increase the overall sign area to a level that is inappropriate for the building type and intended use.

Summary and Staff Recommendations for Dover Town Center Unified Comprehensive Signage Plan (US-15-02)

Staff finds overall that the proposed Unified Comprehensive Sign Plan presents a coordinated concept for the property and provides signage that provides identity to the center and its tenants and provides safe wayfinding to the general public. The plan is in keeping with the purpose and design guidelines for Unified Comprehensive Signage Plans. Staff finds the increases in sign area and sign number compared to the standard sign regulations to be appropriate for the property and its use.

Staff recommends that the Phase 2 and stand-alone restaurant buildings be included in the scope of the Unified Comprehensive Sign Plan. Otherwise, such signage for those buildings is subject to the following standard sign regulations of *Zoning Ordinance* Article 5 §4:

a. Phase 2: Two (2) wall signs per tenant, size subject to limits for multi-tenant properties with Urban Principal Arterial frontage.
b. Restaurant: Number and size of wall signs subject to limits for a single-tenant building with frontages on an Urban Principal Arterial and an Urban/Local Collector.
c. No additional freestanding signage.
d. Additional freestanding signage, or wall signage in excess for the parcel requires amendments to the Unified Comprehensive Sign Plan.

As a condition of plan approval, staff recommends a one (1) foot reduction in height for the "South pylon" sign to bring it into code compliance related to maximum height.

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

CITY AND STATE CODE REQUIREMENTS:

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

1) Plan Book, all/general:
   a) Cover Page: Add "US-15-02" after date.

2) Plan Book, by page:
   a) Page 8:
      i) Add a page number.
      ii) Add Sam's Club signage area, description, dimensions.
      iii) Check the sign area total for the South pylon.
      iv) Add signage area, description, dimensions for Outback and "Dover Town Center" so that the sign face areas total.
      v) Check area and size for all tenant panels. Is asymmetry intended?
   b) Page 9: Update area total for North pylon.
   c) Page 24: Confirm the area calculation for Ross. Add Sign 3.9 to calculation.
   d) Page 11:
      i) Sign 3.6: Correct dimensions and area to match with page 24.
      ii) Signs 3.13-3.15: Correct dimensions to only include text (not decorative line). Update page 32 area calculations accordingly.
      iii) Signs 3.5, 3.20, 3.22, 3.24, 3.26, 3.28, Correct/confirm sign area calculation.
      iv) Sign
   e) Page 24
      i) Confirm Sign Area total. Numbers may be transposed (413 shown, staff gets 314). Recalculate sign/façade total (staff gets 7.6%).
      ii) Ensure that signs 3.9 and 3.8 are calculated.
   f) Page 44: Ensure that sign 3.18 is calculated.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Staff recommends a one (1) foot reduction in height for the "South pylon" sign to bring it into code compliance related to maximum height.

ADVISORY COMMENTS TO THE APPLICANT:

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

c. Initial facings and subsequent refacings of tenant panels on freestanding signs require permits.

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

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

4) Per *Zoning Ordinance*, Article 5 §4.9.F, related to shared freestanding signs: "The permit application for a shared freestanding sign shall be accompanied by a binding legal agreement between the multiple adjoining property owners and/or businesses which describes the ownership and maintenance obligations for such shared sign."

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

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

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

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

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

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: SEPTEMBER 2, 2015

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **DOVER TOWN CENTER: COMPREHENSIVE SIGN PLAN**

FILE #: **US-15-02**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER / WASTEWATER / STORMWATER

1. No structures, including permanent signage, may be located within ten feet (10') of underground utility infrastructure. Please provide underground utilities on the plan to verify this requirement is met.

STREETS / SANITATION / GROUNDS

1. None

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

ADVISORY COMMENTS TO THE APPLICANT

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

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

US-15-02

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: **09/02/15**

CITY OF DOVER FIRE MARSHAL

APPLICATION: **Dover Town Center**

FILE #: **US-15-02** REVIEWING AGENCY: **City of Dover, Office of the Fire Marshal**

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

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

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

CITY AND STATE CODE REQUIREMENTS:

- **No objections to the proposed Unified Comprehensive Sign Plan**

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

D E L D O T

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APPLICATION: Dover Town Center

FILE#: US-15-02 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Waylon Sprowl PHONE#: 760-2262

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments for the proposed signage.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

PETITION TO AMEND ZONING ORDINANCE TEXT

Report to the
Dover Planning Commission
September 21, 2015

Proposed Change:	Amendment to *Zoning Ordinance*, Article 3 –District Regulations, Section 2 – General Residence Zones (RG-1 and RG-2), to add a new conditional use.
Summary of Amendment:	The proposed amendment is associated with implementation of the Downtown Development District and the *Restoring Central Dover* plan. It would allow townhouse and duplex housing styles within the RG-1 zone as a conditional use, which would require Planning Commission approval. It also would revise the bulk standards for the RG-1 zone to be more consistent with downtown development patterns. Additionally, the proposed ordinance would implement infill standards for development of vacant lots within developed areas.
Ordinance Number:	2015-13
File Number:	MI-15-11

CITY OF DOVER DRAFT PROPOSED ORDINANCE #2015-13

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

That Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General Residence Zones (RG-1 and RG-2) of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Section 2. - General residence zones (RG-1 and RG-2).

2.1 *Uses permitted*. In a general residence zone, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

2.11 Any use permitted in one-family residence zones.~~, except that:~~

~~Not more than one professional office or studio, other than accessory to a use otherwise permitted, shall be permitted for each 25 dwelling units or major fraction thereof on the lot. Such office or studio shall be only on the street floor of any building and on the floor immediately above the street floor only if there [shall] be direct access to such office or studio from outside the building.~~

2.12 Garden apartments limited to placement within the RG-2 district only.

2.13 Off-street parking. ~~accessory to uses located within the central commercial C-2 zone, provided that:~~

~~(a) Such parking is situated not more than 150 feet from the C-2 zone.~~

~~(b) Parking areas are screened by landscaping from adjoining properties used for residence.~~

~~(c) Illumination of parking areas is shielded from the view of adjoining properties used for residence.~~

2.14 Reserved.

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

2.3 *Site development plan approval*. Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

2.4 ~~**[Conditional uses.] Conditional uses permitted upon the approval of the planning commission in accordance with the procedures and general conditions set forth in article 10, section 1 of this ordinance:**~~ ***Conditional uses*. The following uses are permitted, conditional upon the**

Draft

approval of the Planning Commission in accordance with the procedures and subject to the general conditions set forth in Article 10, Section 1:

(a) ***Townhouses subject to the following restrictions:***

i. **No more than one dwelling unit shall be permitted upon a lot**

ii. **No more than four dwelling units shall be permitted in a group of townhouses**

iii. **Each group of townhouses shall be physically separated from another by no less than two (2) dwelling units of a different housing type from other groups of townhouses on the same side of the street.**

iv. **Townhouse groups shall be designed to minimize points of access to the public street and to take access from an alley or other shared access where such access is available.**

(b) ***Duplex dwellings subject to the following restrictions:***

i. **No more than one dwelling unit shall be permitted upon a lot**

ii. **Duplex dwellings shall be designed to minimize points of access to the public street and to take access from an alley or other shared access where such access is available.**

~~(a)~~**(c)** Bed and breakfast inns in the RG-1 district only, subject to the following:

i. A bed and breakfast inn may only be established within a primary residential structure or an associated accessory structure.

ii. The owner of the property shall reside on the premises of the bed and breakfast inn or in an adjacent premises. However, if ownership of the property is in the name of a corporation, partnership, trust, etc., a full-time resident manager/operator/inn-keeper shall reside in the principal structure on the subject property or adjacent property.

iii. The principal structure shall contain at least one full bathroom for the exclusive use of the owner or resident manager and other members of the immediate household. In addition, one full bathroom shall be provided for each two guestrooms. Each full bathroom shall contain a minimum of one water closet (toilet), one lavatory (sink) and one bathtub or shower stall and shall comply with all applicable building and plumbing codes.

iv. The number of guestrooms requested shall be set forth in the application for conditional use. The planning commission shall expressly establish the maximum number of guestrooms permitted for any application for which approval is granted. In no case shall a bed and breakfast inn contain more than ten guestrooms.

v. Off-street parking shall be provided at a minimum of two spaces, plus one space per guestroom. Off-street parking shall be prohibited in the front yard, except that such parking which may be customarily accommodated on a single width driveway may be permitted. Required parking may be provided on the premises or off the premises, provided that such off-premises parking is located within 150 feet walking distance of the bed and breakfast property.

vi. Lot coverage for a bed and breakfast inn shall not exceed 60 percent of the lot.

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vii. Signage is limited to one sign not to exceed six square feet in area. Signs may be illuminated, provided that internally illuminated signs shall be prohibited.

viii. Meals may be served to residents and overnight guests only. No cooking appliances or kitchenettes shall be permitted within the guestrooms, except small refrigerators and microwave ovens.

ix. The stay of overnight guests shall be limited to 30 consecutive days.

x. The owner/operator of a bed and breakfast inn shall maintain a current City of Dover business license, and the establishment shall be inspected by the City of Dover fire marshal and the City of Dover health inspector for compliance with all applicable life safety and health and sanitation codes.

~~(b)~~**(d)** Student homes subject to the following siting and bulk criteria:

i. No student home shall be located closer than 500 feet from any other student home.

ii. The maximum allowable occupancy shall be four persons or the occupancy limit as determined by the building and fire codes adopted by the City of Dover, whichever is less.

iii. Two off-street parking spaces shall be provided per dwelling unit.

iv. A student home shall not be permitted to be established within any semi-detached dwelling, duplex dwelling, group dwelling, or townhouse dwelling unit.

v. Buildings or groups of buildings on the same lot with 15 or more units on the lot shall not be subject to the student home regulations.

vi. Student homes shall be licensed under chapter 10, Housing Code [chapter 22, Buildings and Building Regulations], article V [X], Rental Dwellings, of the Code of Ordinances.

vii. Student homes shall be subject to the provisions of chapter 10, Housing Code [chapter 22, Buildings and Building Regulations], article III [VIII], Leases, of the Code of Ordinances.

~~(c)~~**(e)** Multiple dwellings ***limited to placement in the RG-2 district only.*** ~~subject to the following restrictions:~~

~~i. Conversions of single-family dwellings to multi-family residential dwellings shall be limited to the RG-2 district~~.

~~(d)~~**(f)** Professional offices may be permitted on Governors Avenue between Water Street and Mary Street, and on Route 8, subject to the following restrictions:

i. The office operations shall be conducted in such a manner as to maintain the residential character of the surrounding neighborhood, and no changes or improvements shall be made to the premises which might preclude utilization of the premises for residential purposes in the future.

ii. There shall be no other professional office located in the same zoning district within 250 feet of the premises.

iii. No display of products or goods shall be visible from the street.

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

v. A minimum of two off-street parking spaces shall be required.

vi. No more than four off-street parking spaces shall be permitted. Furthermore, all off-street spaces shall be visually screened from adjacent residential uses, to the greatest extent possible, by employing a landscape screen no less than six and one-half feet

Draft

high, which landscape screen shall be properly maintained throughout the duration of the professional office use on the subject premises.

vii. Signage shall be limited to one sign, not to exceed six square feet in area. No sign may be illuminated.

viii. The hours of operation shall not commence prior to 6:00 a.m. and shall cease no later than 8:00 p.m., with no more than four employees engaged in the operations upon the premises at any given time.

ix. The planning commission shall have the authority to impose such additional conditions and restrictions as may be necessary or appropriate to protect the general health, safety, and welfare of the residents of surrounding properties.

~~(e)~~**(g)** In order to stimulate limited commercial activity in the RG-1 and RG-2 zones within the city's historic district zone and/or where a historic district property or a property listed on the National Register of Historic Places exists, and to make this area of historic Dover more attractive to tourists and residents, antique shops, art galleries, gift and card shops, book stores, specialty hobby stores, and restaurants with no alcoholic beverages may be permitted as accessory uses incidental to the principal residence, subject to the conditional use approval of the planning commission in accordance with Article 10—Planning Commission, Section 1—Approval of conditional uses, and subject to the following:

i. Total floor area of any nonresidential accessory use shall not exceed 2,000 square feet.

ii. A minimum of two off-street parking spaces shall be required to serve the residence and the accessory use.

iii. Signage for the accessory use is limited to one sign not to exceed six square feet in area. Signs may be illuminated, provided that internally illuminated signs shall be prohibited.

~~2.5 [Signs.] Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.~~

2.6 Administrative waivers:

(a) The city planner shall have the authority to waive the bulk standards and parking requirements of article 4, section 4.2 for all non-conforming lots that existed in the RG-1 zone prior to January 1, 2007, when deemed necessary for redevelopment. The applicant must request such waivers in writing, stating the reasons that such waivers are necessary for development for redevelopment of the subject parcel.

(b) The city planner shall have the authority to adjust the lot dimension requirements of article 4, section 4.2 in the approval minor lot line adjustment plans, where no additional lots are created, and to waive the bulk standards of article 4, section 4.2 for the placement of a structure on associated lots when deemed necessary for redevelopment. The applicant must request such waivers in writing, stating the reasons that waivers are necessary for redevelopment of the subject property.

(c) The city planner shall have the authority to allow alternative parking surface, other than those specified in article 6, section 3.6 provided that such off-street parking areas where alternative surface is used are located within a rear yard. The applicant must request such a waiver in writing, stating the reasons that waivers are necessary.

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BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 4 - Zoning Bulk and Parking Regulations , Section 4.2 - RG-1 (General Residence) Zones, of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Bulk and parking regulations for general residence zone (RG-1) ~~[~~are as follows~~]~~ (see also article 12, definitions; article 5, supplementary regulations; and article 6, off-street parking, driveways and loading facilities):

	One-Family Dwellings Detached	**Duplex**/One-Family Semi-Detached ~~and Other Dwellings~~	**Townhouses/ One Family Attached**	~~Multiple Dwellings*~~
Minimum required:				
Lot area ~~per dwelling unit~~ (sq. ft.)	~~7,500~~ **6,000**	5,000	**3,000**	~~3,000~~
Lot width (ft.) **per dwelling unit**	~~60~~ **50**	~~80~~ ***25***	**20**	~~100~~
Lot depth (ft.)	100	100	**100**	~~125~~
Front yard (ft.)	~~20~~ **15**	~~20~~ **15**	**15**	~~30~~
Minimum side yard (ft.)	~~8~~ ***5***	~~15~~ **10**	**10**	~~20~~
~~Total both side yards (ft.)~~	~~20~~	~~—~~		~~40~~
Rear yard (ft.)	30	30	**30**	~~30~~
Off-street parking spaces/DU	~~2~~ **1**	1	**1**	~~2~~
Maximum permitted:				
Building height				
Stories	2½	2½	**3**	~~2½~~
Feet	35	35	35	~~35~~
Lot coverage	~~40%~~ **45%**	~~40%~~ **50%**	**60%**	~~45%~~
~~Number of dwelling units in group of attached dwellings or in multiple dwellings~~	~~1~~	~~2~~		~~None prescribed~~

~~* Conversions of dwellings erected prior to the enactment of this ordinance to more intensive residential uses shall be governed only by the requirements as to lot area, livable floor area, and off-street parking.~~

BE IT FURTHER ORDAINED:

That Article 5 - Supplementary Regulations, Section 1 - Supplementary Regulations Applying to Residence Zones, of the Dover Code be amended by adding a new subsection 1.12 - Infill Standards, as follows:

Draft

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

(a) *Sidewalks*. Standard City of Dover sidewalk, per chapter 98, shall be required to be installed along public street frontage of every infill property by the property owner or developer.

(b) *Landscaping*. Infill structures shall be designed to minimize the impact on existing, mature trees when practical. All residential lots shall include landscaping to include plants and shrubs along the portions of the house that front a public street. No form of vegetation shall be planted on a property in a way that blocks more than half of the front façade(s) from public view.

(c) *Primary facade*. All buildings shall include a primary entry along the property's street frontage, and shall also include a porch or other entry feature.

ADOPTED: *

S:\ORDINANCES\2015\DRAFT\2015-13 Apndx B - Zoning, Art 3 - District Regulations and Art 4 - Zoning Bulk and Parking Regulations .wpd

SYNOPSIS

The proposed ordinance would allow townhouse and duplex housing styles within the RG-1 zone as a conditional use, which would require Planning Commission approval. It also would revise the bulk standards for the RG-1 zone to be more consistent with downtown development patterns. Additionally, the proposed ordinance would implement infill standards for development of vacant lots within developed areas.

(SPONSORS: HUTCHISON AND TOWNSHEND)

Actions History

08/10/2015 - Scheduled for Introduction at the Legislative, Finance, and Administration Committee

Draft

MI-15-11

CITY OF DOVER FIRE MARSHAL

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: **09/02/15**

APPLICATION: **Text Amendment: RG-1 and RG-2 Uses and Bulk Standards and Establish Infill Standards for Residence Zones**

FILE #: **MI-15-11** 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:

- **No objections to the proposed Text Amendments.**

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: SEPTEMBER 2, 2015

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **TEXT AMENDMENT: RG-1 AND RG-2 USES AND BULK STANDARDS AND ESTABLISH INFILL STANDARDS FOR RESIDENCE ZONES**

FILE #: **MI-15-11**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

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

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

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

1. None.

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