**CITY OF DOVER PLANNING COMMISSION**
**AGENDA**
**Monday, April 20, 2015 – 7:00 P.M.**

**City Hall Council Chambers**
**15 Loockerman Plaza, Dover, Delaware**

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

ADOPTION OF MINUTES OF REGULAR MEETING of March 16, 2015

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, May 18, 2015 at 7:00pm in the City Council Chambers.

2) Reminder: The next Planning Commission Quarterly Workshop is scheduled for WEDNESDAY, May 20, 2015 at 12 noon in the City Hall Conference Room.

3) Update on City Council Actions

4) Update on Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:
   A. S-13-06 US Gas at 461 North DuPont Highway – Request for a one year extension of the Planning Commission approval granted on April 15, 2013 for Site Development Plan to allow for the addition of a fenced paved area consisting of 6,861 SF of impervious surface located at 461 North DuPont Highway. The property is the location of an existing automobile service station with fuel sales. The property is zoned C-4 (Highway Commercial Zone). The property is located on the southeast corner of North DuPont Highway and Townsend Boulevard. The owner of record is US Gas, LLC. Address: 461 North DuPont Highway. Tax Parcel: ED-05-068.13-01-55.00-000. Council District 3. *The project is working through the Check Print Review process to achieve Final Site Plan approval.*

2) Pending Applications:
   A. Z-15-01 Lands of 801 Gold Coast, LLC at 801 North State Street: Rezoning from RG-3 to C-2A – The Planning Commission on March 16, 2015 deferred consideration of this Rezoning Application Z-15-01 until a future meeting. Application is associated with request (MI-15-01A) for a Comprehensive Plan Amendment consisting of a land use classification revision to Map 12-1: Land Development Plan. The Planning Commission recommended denial of this Comprehensive Plan Amendment at their meeting of March

16, 2015. The City Council will conduct a Public Hearing and take final action on Comprehensive Plan Amendment MI-15-01A at their meeting of April 13, 2015 after which time the status of the Rezoning Application will be known.

NEW DEVELOPMENT APPLICATIONS

1) SB-15-01 Lands of Michael E. Camisky at 5096 Hazlettville Road – Public Hearing and Review of a Minor Subdivision Plan to subdivide an existing 3.21 acre lot into four (4) lots. Lots 1, 2, and 3 consisting of 0.24 acres each fronting on Saxondale Lane and the residual area consists of 2.42 acres. The property is zoned RM-1 (Medium Density Residence Zone). The property is located on the southeast side of Hazlettville Road and between Hazlettville Road and Saxondale Lane. The owner of record is Michael E. Camisky. Property Address: 5096 Hazlettville Road. Tax Parcel: ED-05-076.00-02-04.00-000. Council District 2.

2) S-15-04 Dover Town Center at 1574 N. DuPont Highway – Public Hearing and Review of a Site Development Plan to construct the two (2) pad buildings consisting of a 5,740 S.F. restaurant and a 7,685 S.F. commercial building, 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.). This results in a total of 111,503 S.F. building area on the property. Associated site improvements will also occur on this 12.74 acre site. 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 c/o Dean Pletz. Property Address: 1574 N. DuPont Highway. Tax Parcel: ED-05-057.00-01-05.01-000. Council District 4. *Waiver Request: Reduction of Arterial Street Buffer. Site Plan S-12-10 for this property was approved by the Planning Commission at its meeting in June 2012. The plan subsequently expired. Plan C-14-06 was filed in November 2014 and distributed for D.A.C. review but was withdrawn upon request of the applicant.*

3) S-15-05 North Street Mini Storage at 1351 West North Street – Public Hearing and Review of a Site Development Plan to construct a self-storage facility consisting of three (3) buildings totaling 108,940 S.F. to include an office building and two (2) storage buildings with 519 units, and associated site improvements. The property is zoned IPM (Industrial Park Manufacturing Zone). The property is located on the north side of West North Street east of Mifflin Road and west of Commerce Way. The owner of record is RES-Data, LLC and SSS-Data, LLC c/o Dean Pletz. Property Address: 1351 West North Street. Tax Parcel: ED-05-076.14-01-07.00-000. Council District 1. *Waivers Requested: Elimination of Curbing, Elimination of Opaque Barrier Requirement. Site Plan S-12-06 for this property was approved by the Planning Commission at its meeting in April 2012. An extension was granted and the plan expires on April 30, 2015. The plan is being refiled because construction will not commence before plan approval expires.*

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 April 10, 2015 at 11:15am

**CITY OF DOVER PLANNING COMMISSION**
**March 16, 2015**

The Regular Meeting of the City of Dover Planning Commission was held on Monday, March 16, 2015 at 7:00 PM with Vice Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Cregar, Mr. Holt, Mr. Baldwin, Ms. Still, Mr. Ambruso and Mr. Tolbert. Dr. Jones and Colonel Welsh were absent.

Staff members present were Mrs. Townshend, Mr. Cook, Mr. Jason Lyon, Mrs. Dawn Melson-Williams, Mrs. Mullaney and Mr. Nick Rodriguez. Also present were Mr. Toren Williams, Mr. Julian Pellegrini, Mr. Chip Hazel, Mr. John Paradee and Mr. Bob MacLeish. Speaking from the public were Mr. Adam Gerber, Mr. Mark Boller, Mr. Leonard Roberts, Ms. Sharon Reed, Mrs. Holly Pfeifer and Mr. L.D. Shank.

## APPROVAL OF AGENDA

Mr. Tolbert stated that application S-15-03 on the agenda tonight would be moved to the beginning of New Development Applications.

*Mr. Cregar moved to approve the revised agenda to include moving application S-15-03 to the beginning of New Development Applications, seconded by Mr. Ambruso and the motion was unanimously carried 7-0 with Dr. Jones and Colonel Welsh absent.*

## APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JANUARY 20, 2015

*Mr. Baldwin moved to approve the Planning Commission minutes of January 20, 2015, seconded by Ms. Still and the motion was unanimously carried 7-0 with Dr. Jones and Colonel Welsh absent.*

## APPROVAL OF THE PLANNING COMMISSION QUARTERLY WORKSHOP MEETING MINUTES OF FEBRUARY 18, 2015

*Mr. Holt moved to approve the Planning Commission Quarterly Workshop minutes of February 18, 2015, seconded by Mr. Baldwin and the motion was unanimously carried 7-0 with Dr. Jones and Colonel Welsh absent.*

## COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting will be held on Monday, April 20, 2015 at 7:00 PM in the City Hall Council Chambers.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on January 26, 2015, February 9, 2015, February 23, 2015 and March 9, 2015.

## OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

## OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:

A. S-13-03 Lands of Boyles at 527-529 South State Street – Request for a one year extension of the Planning Commission approval granted on March 18, 2013 for Site Development Plan application and Architectural Review Certification (HI-13-01) to permit the construction of a parking lot. The property is zoned RGO (General Residence and Office Zone) and is subject to the H (Historic District Overlay Zone) and SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area. The property is located on the northeast corner of South State Street and Elm Terrace. The owners of record are William and Lisa Boyles. Address: 527-529 South State Street. Tax Parcel: ED-05-077.09-05-47.00-000. Council District 2. *Final Site Plan approval was granted on November 16, 2013.*

Mrs. Melson-Williams stated that the applicant has made a request for a one (1) year extension via a letter that the Planning Office received dated February 9, 2015. This Site Plan application moved through review with the Historic District Commission in February 2013 and then the Planning Commission took action on the Site Plan in March 2013. The applicants moved through the process to finalize the Site Plan. The Site Plan was finalized in November 2013; however, from the date of original Planning Commission action the plan approval is only good for two (2) years. Two (2) years ends the last day of March so they are seeking a one (1) year extension of that plan approval. The Code does allow for the Planning Commission to grant this additional one (1) year extension to the Site Plan.

Mr. Cregar questioned if they had any issues that would preclude the Commission from granting the extension? Responding to Mr. Cregar, Mrs. Townshend stated no.

*Mr. Cregar moved to approve a one (1) year extension for S-13-03 Lands of Boyles at 527-529 South State Street as the Ordinance allows for this extension to be granted, seconded by Ms. Still and the motion was approved unanimously7-0 with Dr. Jones and Colonel Welsh absent.*

## NEW DEVELOPMENT APPLICATIONS

1) S-15-03 Building for Islamic Society of Central Delaware at 777 South Little Creek Road – Public Hearing and Review of Site Development Plan for a place of public assembly building of 28,502 S.F on a 3.8 acre property. The property is zoned C-2A (Limited Central Commercial Zone). The property is located on the north side of South Little Creek Road and west of JH Brown Boulevard. The owner of record is Islamic Society of Central Delaware c/o Usman Sandhu. Property Address: 777 South Little Creek Road. Tax Parcel: ED-05-077.11-01-03.00-000. Council District 2. *Waiver Request: Alternative Format of Opaque Barrier.*

**Representatives**: Mr. Toren Williams, Architectural Alliance; Mr. Julian Pellegrini, The Pelsa Company; Mr. Chip Hazel, The Pelsa Company

Mrs. Melson-Williams stated that this application is for a building for the Islamic Society of Central Delaware. The project site location is 777 South Little Creek Road. This parcel of land is 3.8 acres and is zoned C-2A (Limited Central Commercial Zone). The proposed use is a place of assembly building which is a permitted use under the C-2A (Limited Central Commercial Zone) District; however, the size of the project does require a public hearing with a Site Plan review before the Planning Commission.

There is some revised information that was received late last week regarding the project. On the Commissioner's desks this evening is some revised information related to the building area and the off-street parking calculation for this project. In discussions with the applicant at the DAC Meeting, Staff asked for clarification on the floor area of the building. There is a first floor, a partial second floor and also a basement area that includes occupied space. The applicant did present to Staff a revised building area calculation by floor which then results in a total building floor area of 38,649 S.F. That is important because it then changes the off-street parking calculation for this property. The off-street parking for this type of use is based on a floor area calculation at a ratio of one (1) parking space per two hundred (200) S.F. of floor area. The required parking for this project is one hundred sixty-nine (169) parking spaces. By Code you are allowed to park up to 125% of that number so the maximum parking that could be designed on the site is a total of two hundred eleven (211) parking spaces. The Revised Plan that accompanied those numbers shows that they are proposing a total of two hundred four (204) parking spaces for the project site. The project site includes parking in what would be between the building and South Little Creek Road and this also encompasses the required handicapped parking spaces for the project site.

This property, while it has frontage on South Little Creek Road, the driveway access will come from John Hunn Brown Boulevard which is the basic entrance drive into the Clearview Meadows subdivision. At the time of the development of the subdivision there was planning to provide access to what is this vacant tract of land with that Subdivision Plan. So there is a forty (40) foot cross access easement that was already previously established and they are making use of that for their entrance. It occurs where there's a split in the boulevard median near the entry from South Little Creek Road.

The building architecture is a masonry building. There are portions of it that are two (2) story in height and it includes a pitched roof system. Overall the building is a U-shaped building; one wing is more of a gymnasium space. Central to the facility is the assembly area and then the other wing is more offices, meeting rooms and classroom type spaces. As noted before, the proposed use is considered by the *Zoning Ordinance* as a place of public assembly and is permitted in the zone. Other site elements of note for the site will be requirements for bicycle parking and they are planning that near the building. There is a requirement for a dumpster for trash collection and recycling services. The parking lot is required to be lit to adequately provide safe lighting for the parking and on any of the pedestrian areas on the site. Pedestrians will be able to make use of a new sidewalk along the frontage of South Little Creek Road and then a connecting sidewalk into the site from John Hunn Brown Boulevard as well.

From a landscaping component the *Zoning Ordinance* requires that the site be planted with fifty-six (56) trees. They are showing them along South Little Creek Road, within parking lot islands and other areas near the building and then to the north of the building between it and what are a series of townhouses that are part of the Clearview Meadows subdivision. This area of the north property line near the townhouses also has an opaque barrier requirement. The applicant is requesting a waiver to consider an alternative format to that barrier. They are proposing an opaque fence six (6) feet in height and then a series of evergreen plantings on the new building side of the fence. The Code requires that the format actually be the plantings towards the residential side of the fence. They are asking for a reversal of that thinking that the fence would be more amenable to the adjacent property owners and give a better and clearer defined edge to their property.

The DAC Report includes a number of plan comments related to its completeness and corrections to be made. The information provided this evening related to building area and the new off-street parking calculation would be included by reference into the DAC Report. They have also as part of that DAC Report, included the other agency comments. Those include comments from the City's Public Works Office and Electric Department. There are comments related to providing water and sewer services to the facility. The City's Fire Marshal has provided comments to ensure that fire protection needs are met through a variety of measures including appropriate fire lanes and due to the size of this building it is required to have a sprinkler system. The other agencies outside the City include DelDOT. This developer will be required to enter into a Traffic Signal Agreement and this is a signal that eventually could be placed at the intersection of South Little Creek Road and John Hunn Brown Boulevard. The developer of Clearview Meadows is already a party to that agreement. The other thing to note related to transportation is that this project is within the Transportation Improvement District that has been established along the Route 13 and Bay Road corridor areas related to how off-site improvements will be facilitated. The project site is also required to have Sediment and Stormwater Management Plans and they are working with Kent Conservation District in that regard and the Kent Conservation District has provided comments.

Mr. Ambruso questioned how this request for the usage as a facility of public assembly differs from those that come in a request for the construction of a church? Responding to Mr. Ambruso, Mrs. Townshend stated that it doesn't, it's the same classification in the *Zoning Ordinance*.

Mr. Ambruso further questioned about schools? Responding to Mr. Ambruso, Mrs. Townshend stated that schools are a different classification in the *Zoning Ordinance*; they are educational facilities.

Mr. Ambruso stated that he heard the word classrooms being used earlier. Responding to Mr. Ambruso, Mrs. Townshend stated that's a use that would be incidental.

Mr. Cregar stated that it was no different than a church having classrooms for Sunday School or any other educational stuff. Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Holden questioned if there was some discussion over the square footage that was leading towards the amount of parking spaces? It seemed that the Revised Plan is calling out a different total allowed than the narrative did. He didn't know if he missed something. Responding to Mr. Holden, Mrs. Melson-Williams stated that when they met with the applicants to go over the Development Advisory Committee's initial report, it came to their attention that the facility had a basement area. By the *Zoning Ordinance*, the definition of floor area includes areas on the basement level that can be considered occupied space. It does not count storage rooms or mechanical system areas but if there are places where people can be such as other rooms, then that has to be added into the floor area calculation. It had not previously been provided; it was a clarification that the applicant was asked to make. Because it is a multi-floor building they needed to clarify by floor what that floor area is. This results in a larger floor area number overall for the project site which then changes the off-street parking calculation that they are allowed to have.

Mr. Holden stated that the Revised Plan is claiming a greater number of allowed spaces than the narrative. Did their Revised Plan jive with Planning Staff's understanding or is there some discretion there? Responding to Mr. Holden, Mrs. Melson-Williams stated that along with the

Revised Plan Staff put together a cover memo that re-did those calculations. Previously, if you are looking just at the DAC Report as issued those numbers were lower and there was a concern that they were potentially overparking based on the floor area that Staff was aware of at that point in time.

Mr. Holt questioned how large their congregation is or how many members will the church have? Responding to Mr. Holt, Mr. Williams stated that right now the religious facility is designed to hold up to six hundred (600) people. That includes the ground floor and also the mezzanine level.

Mr. Holt further questioned what days the group would meet? Responding to Mr. Holt, Mr. Williams stated that primarily that would meet on Friday between 1-2PM, at off-peak times.

Mr. Williams stated that they agree with comments made by Mrs. Melson-Williams. They are proposing roughly a 35,000 SF religious facility that's two (2) stories tall with occupied spaces in the basement. The basement consists of mechanical storage, some additional offices, a commercial kitchen and some public gathering space. As you come upstairs, the main ground floor plan is a prayer hall that's two (2) story with all administrative offices to the left hand side which he calls the administrative wing, and a two (2) story lobby space as you come in off axis directly to the center of the building. As you come upstairs, they have a mezzanine level that overlooks the two (2) story prayer hall but gives them additional space for prayer. Then there is a classroom wing that is basically above the administrative wing.

They are planning on an all masonry building. The prayer hall erupts about two (2) stories tall, masonry all the way around it and they will keep the hard edge as you come all the way around all four (4) sides of the building and then step it up to a lighter material dry-vit but still kind of keeping a monochromatic look. They have other masonry accents that kind of bring some flare to the building. They are trying to keep into the context and not overpower the site but also based on what the owner was looking for and giving them a representable look.

Mr. Pelligrini stated that he wanted to touch on a couple of things; primarily the location of the bike rack that was discussed at the DAC meeting. If you look at the part of the building that is housing the classrooms and office parts, just south of that is going to be where the nine (9) bicycle parking locations will be. Earlier plans will show a dumpster in that area but now on these plans that have revised that to be in front of the gymnasium and they have also enlarged it to account for recycling. On this Site Plan you can see that the fire lane is a gray line coming into the entrance and around to the front of the building, down a parking aisle and out through a center parking aisle. It's been verified with Aashto turning movements that a fire truck will be able to fit through there. He also wants to briefly touch on stormwater management since that was a big part of their parking design. They did maximum the parking but they did keep in mind that they need to attenuate stormwater flows that were in excess due to the new development. They are proposing an infiltration facility that will handle not only the amount of stormwater that's in excess but also the treatment of it. The Record Plan that was mentioned in the DAC meeting and to show the right-of-way dedication is currently still in progress and will be submitted shortly.

*Mr. Tolbert opened a public hearing.*

**Mr. Adam Gerber – Hudson, Jones, Jaywork & Fisher at 225 South State Street Dover DE 19901**

Mr. Gerber stated that he is here this evening on behalf of a group of members of Cornerstone Church who own the property next door. Their church is on the property immediately adjacent to the subject property. There are a few requests that they would like to make. The first request is that the Planning Commission add a request that the owners of this property install some sort of buffer or barrier between their property and the applicant's property. One purpose of the Site Plan review is to minimize the impact of this plan on adjacent properties and theirs is the immediately adjacent property. It appears from the proposed plan that a buffer will be installed. It will be installed on other boundaries of the property and they request that a fence or other barrier be installed on the line that divides their two (2) properties. There is already some sort of tree line; he believes there may have been a historic tree line or hedgerow between their properties. They ask that those trees not be removed and if impossible they would like some sort of barrier, at the very least some of the fifty-six (56) trees that were mentioned be put on our property line between these two (2) properties. There are a number of reasons for this request. For one, aesthetic purposes to clearly delineate the property line as well as for noise cancellation. They also have a specific concern which is foot traffic. There is already a great deal of foot traffic coming across their property and they would assume the applicant's property as well, from the neighborhood behind their property that goes into the shopping center containing Target and Safeway. They are concerned with the development of this property that there will be even more foot traffic so they are asking that some type of barrier be put up to discourage that foot traffic and try to divert it onto the sidewalks in this area. In many ways, this would also help the applicant too because foot traffic would not be going across their property but would be diverted onto the sidewalk.

In addition to the foot traffic, they also have some concerns about automobile traffic. When you are talking about two hundred four (204) parking spots, they are concerned with the increase in automobile traffic. It is already difficult at times for members of their church to get into the parking lot with the shopping center there and of course if you have this many additional parking spots being added there will be a significant amount of increased traffic. He reviewed the plan and did not see that a Traffic Impact Study had been done. Maybe he missed it but if not, they would like to ask that one be done if possible. They had another concern or question on a point of clarification and that was whether this application was being made as a place of worship. He believes that is now clear from what has been discussed and from the DAC Report. Therefore, they are getting the increased number of parking spots.

Another concern is the amount of impervious surface or cover that's listed. It looks like on the application that it is almost 2.5 acres of impervious surface between the parking lot, the building and the sidewalks. They are obviously concerned about that because they are the adjacent property and they are concerned about run-off. He knows there are some plans in place but they would just like to ensure that the run-off from the vast amount of impervious surface will not in directed onto their property in any way. The last concern is their concern about run-off, not just from that impervious surface after construction but the run-off during the construction itself. Any large scale project such as this would require significant changes to the topography of the lot. As a result, some of the lot will be disturbed; to a significant extent they must assume and during that process they also assume that there will be erosion and run-off from this lot so they want to make sure that some sort of environment study has been done to make sure there's not going to be any run-off or contaminates that will enter onto their property. They are right next to each other and the fact that

there's a big ditch in between them, they are concerned that some of the run-off will go into there. They would like an environmental study to be done too if that can be added to the requirements.

**Mr. Mark Boller – 80 Sipple Road Dover DE 19901**

Mr. Boller stated that his concern for the property is of environmental nature. He doesn't know if the Commission knows but this site was a landfill and if you look at the site there is a construction debris component. They were looking at purchasing the property and they were afraid of it because all of the debris that was there. If you also notice it is not a secured site so he doubts that there are any manifests or documentation of any kind of waste that went into this landfill. Obviously, they noticed construction debris and with some of the dwellings that were on the property in the 1950's and 1960's, lead paint was an issue and asbestos was an issue. Since it isn't a secured site, he has been an environmental professional for thirty (30) years and he has made a lot of money cleaning up uncontrolled dump sites where heating oil tanks turn into hazardous waste sites, where farm fields turn into hazardous waste sites or actually Superfund sites. They are interested in doing an environmental assessment to find out what actually is on the site. They know there is construction debris but what else is there? Is there midnight dumping? There's no documentation of anything that was taken in there. They would like that documented with an intrusive assessment; a Phase 1 or Phase 2 where there are borings drilled on the site and that the site is fully environmental assessed to make sure that there are no contaminants on that site. Their reason for those concerns are that they are going to be putting in a basement and part of that basement they are going to be doing excavation. When you do excavations, he has done enough to know that if asbestos and lead are there or any other contaminants, there's a chance for airborne contamination. He recently did a job for the New Jersey Department of the National Guard where they had to do constant air monitoring for asbestos and use personal protection devices. If that's happening on the property they are immediately adjacent to, and use they have concerns about those airborne contaminants impacting their people, the neighborhood on the other side of the property as well as those airborne contaminants coming onto their property and they being responsible for clean-up. There is a lot of foot traffic through the property. If any of these airborne contaminates come onto their property, then they have a third party liability of citizens walking through their property and being exposed to any potential impacts. They know that there is construction debris. They know that it is an undocumented site and there was no site security and they are interested in making sure that they monitor the impacts of what they are seeing on this site and that they know that there are no long term human exposure issues and that there is no long term exposure to their property value. If there are contaminants that have leached into their property, they need to know about it.

Mr. Gerber spoke for a total of twenty-three (23) people from Cornerstone Church.

**Mr. Leonard Roberts – 100 Ladybug Drive Dover DE 19901**

Mr. Roberts stated that he lives on the corner of Ladybug Drive and ~~South Little Creek Road~~ (Babb Drive). He is trying to look at the map but he would like to know where the access would be to go to the mosque and also the traffic flow because he is located on the corner of Ladybug Drive and ~~South Little Creek Road~~ (Babb Drive). Will that traffic be diverted through Clearview Meadows? If so, the impact that they have now between the buses coming down that street going out through South Little Creek Road. They have put in a request to have the bus transferee to make a U-turn. Now he is concerned about having two hundred (200) cars. Where will this entrance be to the mosque and how will it affect Clearview Meadows traffic in and out of their area?

Mrs. Townshend used the Site Plan displayed to show the entrance location for the mosque. The entrance will be directly across from the first entrance to Mer Way.

**Ms. Sharon Reed – 102 Henry Drive Magnolia DE 19962**

Ms. Reed stated that she has been a life-long resident in Dover. She is worried mainly about the legal aspect of it. With most churches, the police and different people can have access if a problem were to occur. She is wondering with this mosque, would the police be under State law? Responding to Ms. Reed, Mrs. Townshend stated that everything within the City is under the jurisdiction of the City police and they enforce both City Ordinance and State law.

Ms. Reed further questioned if they would be allowed on the premises of that church? Responding to Ms. Reed, Mrs. Townshend stated absolutely, just as there are on any other private property.

Ms. Reed questioned if the police would be able to enforce the law? Responding to Ms. Reed, Mrs. Townshend stated yes.

Mr. Tolbert stated that you can't ban the police from enforcing the law.

*Mr. Tolbert closed the public hearing.*

Mrs. Townshend stated that she wanted to address the issue of a Traffic Impact Study. Mrs. Melson-Williams mentioned during her briefing on the project that this is within the Transportation Improvement District. This is the area where the City is working with DelDOT to do a large regional study for transportation improvements and there will be fees assessed to properties that are developed within the Transportation Improvement District boundaries. This project will be subject to whatever the outcome of that agreement is. It does not require a Transportation Impact Study on its own because they are doing the larger study for the district.

Mr. Cregar stated that he has a question that relates to other issues that were brought up regarding environmental factors and this being at one point some kind of dump site. What do we know about that from a City standpoint? Responding to Mr. Cregar, Mrs. Townshend stated that she is not aware of anything. Typically, private property owners to get their financing have to do some degree of environmental study; that ends up being more of a private issue. The stormwater management and run-off issues that came up, they are under the jurisdiction of the Sediment and Stormwater Regulations for the State of Delaware which includes erosion and sediment control during construction and stormwater management from a long term basis. That is something that is managed under the State Sediment and Stormwater Regulations.

Mr. Cregar stated that there was the issue brought up by the attorney about the buffering and landscaping on the west side of the property. Any comment from Staff regarding that? Responding to Mr. Cregar, Mrs. Townshend stated that she doesn't have any concerns, there was some question about cross access but she guesses if there's not the interest in cross access and that's fine. She doesn't believe it's a requirement but she would defer to the applicant on that issue. From a Staff standpoint they don't have any concerns about buffering between the two (2) properties.

Mr. Cregar stated that they did designate that there would be a certain number of trees and landscaping that would have to take place on the site itself. Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mrs. Melson-Williams stated that the only buffering requirement based in the *Zoning Ordinance* is related to the northern property line where this property as a non-residential use abuts the residential use of those townhouse lots. That's the only place where there's a buffering requirement. The subject property's western property line is adjoining another non-residential use; there is not a required buffering by ordinance. That is an area that is on this plan proposed as part of their stormwater management swale system. It appears there is some landscaping that is proposed in that area but not through the entire length.

Mr. Holt stated that he had a concern on the cross access. One gentleman expressed concern about foot traffic going back and forth. What kind of material would the opaque buffer be? Were they going to try putting a fence there? Responding to Mr. Holt, Mrs. Townshend stated that it's the prerogative of the Commission because currently the applicant has not proposed a fence in that location; there's a swale system. If it is something that the Planning Commission wants to see like a fence and denser landscaping as a buffer then that would be something to be discussed this evening by the Commission.

Ms. Still questioned if the buffering and the access across the parking lot and the other issues that were brought up by the attorney were something that the Commission is addressing here? Responding to Ms. Still, Mrs. Townshend stated that the issues that the attorney brought up include the buffering, the transportation study which she has already mentioned and the stormwater management. Those are within the prevue of the Commission to address.

*Mr. Holden moved to approve S-15-03 Building for Islamic Society of Central Delaware at 777 South Little Creek Road including Staff recommendations, which included the placement of the fence relative to the vegetative buffer along the northern property line. He thinks it's in compliance with the zone and he thinks they have put together a good plan. The motion was seconded by Mr. Holt.*

Mr. Cregar stated that with the waiver for the opaque barrier, they are going with the revised information regarding where they are going to put the fence and then the landscape buffer and then hold the fence more to the inside of that property line more for maintenance. Responding to Mr. Cregar, Mrs. Townshend stated yes, usually the vegetation is on the residential side of the fence. In this case, the Commission is approving a waiver that would allow the fence on the residential side of the vegetation.

*The motion was approved by roll call vote 7-0 with Dr. Jones and Colonel Welsh absent. Mr. Holden voting yes, for the reasons stated in the motion. Mr. Cregar voting yes, in support of the recommendations of the DAC Report and the Staff recommendations and waiver that they granted. Mr. Holt voting yes, for the reasons given earlier and for the information in the packet and the DAC plan. Mr. Baldwin voting yes, based on the recommendation that has been put forth and plus it fits with the adjoining property which has a similar facility. Ms. Still voting yes, based on the motion and the recommendations of the DAC Report and the plan as proposed meets the requirements of the Site Plan requirements. Mr. Ambruso voting yes, he feels they meet the requirements as set*

*forth. Mr. Tolbert voting yes, the building itself is very attractive and he is sure the services will be very appealing to those that attend and it will be a blessing to the neighborhood and the community.*

2) MI-15-01 Comprehensive Plan Amendment 2015 – Public Hearing and Review for Recommendation to City Council regarding a series of Amendments to the *2008 Comprehensive Plan*, as amended. The Amendments include consideration of the following: a request for amendment of Map 12-1: Land Development Plan to revise the Land Use Classification of a property as associates with rezoning application Z-15-01 and amendments to the text of Chapter 13 – Growth and Annexation Plan for *Comprehensive Plan*. Ordinance #2015-01.

A. Consideration of Amendment to Map 12-1: Land Development Plan Map – Request for a parcel located on the east side of North State Street between the Silver Lake bridge and Lepore Road to revise the Land Use Classification from Residential Medium Density to Commercial on Map 12-1: Land Development Plan Map. Property Address: 801 North State Street. This is associated with rezoning application Z-15-01.

B. Consideration of Amendment to Chapter 13 – Growth and Annexation Plan – Amendment to Chapter 13 – Growth and Annexation of the *Comprehensive Plan* to amend the text to delete the Cost Revenue Analysis Model and the delete the requirement for its use as a means of reviewing annexation proposals within the Category 2 Annexation Areas.

**Representatives**: None

Mrs. Townshend stated that this is two (2) amendments to the *Comprehensive Plan*. One is an amendment to Map 12-1: Land Development Plan Map. This is a request for a parcel located on the east side of North State Street between Lepore Road and the Silver Lake bridge to change the land-use classification from Residential Medium Density to Commercial. The property affected is 801 North State Street. This is associated with the Rezoning application that is next on the agenda. When you look at the surrounding properties, the property to the rear of the subject property is zoned RG-3 and is a Medium Density Residential but when you look at the other properties that front along North State Street area, they are principally commercial properties. This change would be consistent with those commercial properties. The other piece of the *Comprehensive Plan* amendment is an amendment to Chapter 13 – Growth and Annexation Plan. What that would do is eliminate the requirement to use the Cost Revenue Analysis Model that was developed in 2004 when they reviewed annexation proposals. That is a very complex model that requires routine and regular updating. They had almost no annexation applications for a number of years and the model became very much out of date. In addition, when they did use the model the largest annexation that they used the model to look at was what ended up becoming the Dover High School property. When they evaluated the annexation of that property they were looking at the tax revenue and utility revenue associated with approximately three hundred (300) dwelling units and now they have a property that is tax exempt and the utility usage is much different. For the amount of effort and expense that it takes to maintain the model, they believe that they can do a basic analysis that is less complex and might even yield better results. They wanted to take the language out but not take out the idea that they would do analysis of the cost and revenues associated with annexations. The *Comprehensive Plan* amendment is open as a public hearing.

Mr. Cregar stated that he had some concerns and comments to address with the Commission. As he has thought about this proposed change, he feels very committed to his position on this application. He recognizes that an argument can be made to amend the Land Development Plan Map from Medium Density Residential to Commercial; however, he believes that there is an equally logical argument to not to change this designation. The City of Dover is actively engaged in an effort to re-energize its Downtown Area with the Downtown Development District. There has been considerable time, effort and money directed to this cause. They have sat in their Quarterly Workshops and been updated on the progress of these efforts. There's a pool of money established for qualifying construction projects, State Historic Preservation tax credits available, City of Dover incentives which include licensing fee waivers, transfer tax abatements, permit fee waivers, impact fee waivers and others. The Kent County government has offered incentives along with Downtown Dover Partnership. All of this is in an effort and commitment to move this Development District forward. Yet tonight they sit here and are looking at the possibility of creating another commercial pocket just 1.3 miles north of the center of this Downtown Development District. Why would we approve such a change that provides further competition to our efforts to attract residential and commercial to the Downtown District? There are a number of properties already zoned Commercial that are available for development and re-development purposes which do not require such a change to our *Comprehensive Plan Map*. It would be his hope that those interested in commercial and residential development would be encouraged to look at some of the Downtown Development opportunity sites that are available. What he is asking for is not easy. In January, the Commission heard a Conditional Use application to permit a church in a once retail operation. As difficult as that decision was, the Planning Commission heard the voice of the merchants to give the Downtown District time to allow the efforts to take hold. They voted to support the on-going efforts in that Downtown District. What he is asking is that they continue to support that District by not creating another commercial pocket just up the street. Additionally, it seems to him that there is an assumption that the current residential classification and zoning will not provide for the orderly development of this property. He does not subscribe to that belief. The efforts in the Downtown District will take time but there is no compelling reason to amend the *Comprehensive Plan* at this time. He is willing to wait; he is willing to give the District time before they create further competition. For these reasons, he is not going to support the changes in this Amendment Map.

Mr. Ambruso stated that he wanted to point out that Mr. Cregar, what he has offered this evening is food for thought. Sitting here as a member of this Commission, he can't recall any time where they involved their selves because of a financial hardship that a decision could possibly bring about a competitor. He doesn't think that they have ever taken into consideration that just because there is a business located in one area then they are not going to grant somebody access to a particular facility because there is already one in a different area. That doesn't help the free enterprise system. Responding to Mr. Ambruso, Mr. Cregar stated that they continue to shoot themselves in the foot; there's no compelling reason to create another commercial zone when there are existing commercial zones that are already in existence that are under developed today.

Mr. Ambruso stated that it's their responsibility to either say yes or no if something falls within parameters of what this body is supposed to enforce. He doesn't really think that they should take into consideration the financial implications, that's up to the individual investors; people who are taking the risks. Responding to Mr. Ambruso, Mr. Cregar stated that it is their responsibility to look at the Land-Use Map and determine whether or not this proposed use is something that they want to address in changing the map; they don't have to change the map.

Mr. Ambruso stated that no they don't have to change the map but they have someone who is asking them to change the map and who is willing to invest his/her money, not any of ours into a project to contribute to the well-being of Dover.

Mr. Holden stated that he has heard two (2) different arguments and he finds some pieces in both that strike true to him. He leans more towards Mr. Cregar's stance in that why convert what's Medium Density Residential adjacent to a very success Medium Density Residential neighborhood? What is the driver and what is the driver to change the course that the City has chosen with the *Comprehensive Plan* to chart for the City? It's not a choice against a competitor or to allow economic advantage to another. This is the path that the City has chosen in how the land should be developed. Do we want to change the nature of what more of the lakefront looks like? Do we want to say that it shouldn't be Medium Density Residential just because somebody would like to develop it under another use? Those are all valid questions to ask. He personally thinks that it has great opportunity; it hasn't been turned into Medium Density Residential not for lack of opportunity but for the house was occupied for long term time. He doesn't know that it doesn't have a future as a very vibrant and economically supportive of the City Medium Residential neighborhood. It might be a good commercial venture; does that do well for the City? He thinks that have to lend some credence to the *Comprehensive Plan* and why it was preheated and there has to be good reason to change that course that has been charted.

*Mr. Tolbert opened a public hearing.*

**Mrs. Holly Pfeifer – 112 Overlook Place Dover DE 19901**

Mrs. Pfeifer lives at the property adjacent to the property up for discussion. She sees no reason to change it from residential. It's adjacent to their community; it affects their community. Like what was said be, she doesn't see that there's any reason to change the look of the lakefront. The other concern they have for their community is that if you go commercial adjacent to it, would they be required to do some sort of screening like what was mentioned during the previous application heard tonight? To make sure that foot traffic can't come through and driving traffic can't come through. They are a U shaped community and if you allow cars to come in from State Street, they will cut through to get to Lepore Road or to get out to Route 13.

**Mr. L D Shank – 801 Gold Coast, LLC at 801 North State Street Dover DE 19901**

Mr. Shank stated that he is the managing general partner of 801 Gold Coast, LLC; the applicant on the request coming up. He is not here to practice, he has given a lot of thought to this thing and it's an economic driver that he chose to invest in. He talked to most of the people in the Overlook; they have been cordial. They have some very legitimate concerns. Mr. Cregar also has some very legitimate concerns but everybody in this country has the right to go bankrupt. All he was thinking was that this piece of property could probably generate somewhere between $4-7 million of tax ratable. He thought that was the kind of driver that would inspire somebody, not necessarily him; he is not that kind of developer. What he is trying to do is bring this thing to the marketplace; let the marketplace decide what's going to happen. He thinks everybody knows by his track record that he is a firm believer in Downtown Dover, he has invested significant amounts of money preserving things on The Green and things on Governors Avenue and he is going to do the same thing here if he has something to do with it.

*Mr. Tolbert closed the public hearing.*

Mrs. Townshend stated that since there are two (2) specific amendments, in the past the Commission has taken them one at a time and then a motion for each. Staff would then forward it to Council in that same way.

*Mr. Cregar moved to deny MI-15-01A Consideration of Amendment to Map 12-1: Land Development Plan Map for the reasons that he stated earlier and there's no compelling reason to amend this residential zone to commercial at this time, seconded by Mr. Holden and the motion to deny was approved by roll call vote 6-1 with Dr. Jones and Colonel Welsh absent. Mr. Holden voting yes, due to his previous comments. Mr. Cregar voting yes, in accordance with his previous comments. Mr. Holt voting yes, due to previously stated comments. Mr. Baldwin voting yes, based on the last meeting held where they had such a strong drive to maintain the Downtown Dover area and he agrees that they need to focus on that area. Ms. Still voting yes, in concurrence with all previous comments. Mr. Ambruso voting no, predicated on his thoughts and expressions stated earlier. Mr. Tolbert voting yes, stating that it's problematic issue and he sees valid comments on each side of the issue. He knows that there are problems in the Overlook development and they are already surrounded by commercial establishments.*

Mr. Holden stated that he understood that the deletion of Cost Revenue Analysis Model is a very comprehensive, costly, and time intensive to up keep. Do they have an alternative other than they will look at something? He is concerned that they will do away with it, it goes by the way side and there's nothing done. Responding to Mr. Holden, Mrs. Townshend stated that in absence of the model; Staff would look at based on the zoning what they would expect the tax revenue on a piece of property to be. What would they expect based on how they think at that point it's going to be developed? What would they expect the impact fee and utility revenue to be and then cost accordingly? It would be similar to what they would have done previously but less technical and less cumbersome.

Mr. Holden questioned if the Chapter needed to be amended to add the language in? He has full faith that that's what would happen tomorrow but what would happen in a year from now when they don't have the same people at the same desks? He thinks it's a very valid thing to approach and he doesn't want to lose it. Responding to Mr. Holden, Mrs. Townshend stated that she will add language and send it out to the Planning Commission for their information and then make sure that it gets into the Council Report.

Mr. Cregar stated that it just becomes a pending matter in that regard. Responding to Mr. Cregar, Mr. Holden stated that there could be an alternative described to include it.

*Mr. Cregar moved to recommend approval to Council for MI-15-01B Consideration of Amendment to Chapter 13 – Growth and Annexation of the Comprehensive Plan with the considerations that were discussed about an alternative, seconded by Ms. Still and the motion to recommend approval to Council was approved by roll call vote 7-0 with Dr Jones and Colonel Welsh absent. Mr. Holden voting yes, for reasons previously stated. Mr. Cregar voting yes, for reasons previously stated. Mr. Holt voting yes, for all the reasons explained to him by Mr. Cregar. Mr. Baldwin voting yes, based on the before mentioned statements. Ms. Still voting yes, based on all previous statements. Mr.*

*Ambruso voting yes, based on all previous statements. Mr. Tolbert voting yes, in concurrence with the comments explained by Mr. Holden.*

3) Z-15-01 Lands of 801 Gold Coast, LLC at 801 North State Street: Rezoning from RG-3 to C-2A – Public Hearing and Review for Recommendation to City Council on a rezoning application for a 1.943 acre ± parcel. The property is zoned RG-3 (Group Housing Zone). The proposed zoning is C-2A (Limited Central Commercial Zone). The property is located on the east side of North State Street between the Silver Lake bridge and Lepore Road; the property is adjacent to Silver Lake. The owner of record is 801 Gold Coast, LLC c/o Luther D. Shank III. Address: 801 North State Street. Tax Parcel: ED-05-068.09-01-13.00-000. Council District 3. Ordinance #2015-02. *Associated with request (MI-15-01) for Comprehensive Plan Amendment as land use classification to Map 12-1.*

**Representatives**: Mr. L.D. Shank, 801 Gold Coast LLC

Mrs. Townshend stated that there may be a question for the applicant regarding this application because if the Comprehensive Plan Amendment is not approved then the rezoning cannot be approved. If the rezoning is denied then there is a prohibition to coming back within a year with a similar rezoning request. It's a question for the Commission; the Commission can defer the hearing until such time that Council has made a decision on the Comprehensive Plan Amendment. The Commission can proceed with the hearing but again they are tied to the result of the plan amendment.

Mr. Shank questioned if he had an option of tabling the application? Responding to Mr. Shank, Mrs. Townshend stated that as an applicant he could withdrawal the application. It would be the Commission's decision to table it if they so chose.

Mr. Tolbert questioned if Mr. Shank wanted to withdrawal the application?

Mr. Holden questioned if there was a benefit for the application to defer it versus withdrawing it? Responding to Mr. Holden, Mrs. Townshend stated that she believes that way they would know what the outcome of Council action is because the Planning Commission is on recommendation to City Council.

Mr. Shank stated that he would like to follow Mrs. Townshend's lead and defer the application and let Council get their word in on it.

*Mr. Cregar moved to defer Z-15-01 Lands of 801 Gold Coast, LLC at 801 North State Street: Rezoning from RG-3 to C-2A, seconded by Mr. Holden and the motioned was unanimously carried 7-0 with Dr. Jones and Colonel Welsh absent.*

4) SB-13-06P Revised Jefferson Terrace (previously known as The Meadows) Subdivision on Jefferson Terrace – Public Hearing and Review of Preliminary Subdivision Plan to create five (5) residential lots from an existing parcel totaling 4.23 acres ± of land. The property is zoned R-10 (One Family Residence Zone) and R-8 (One Family Residence Zone). The property is located south of but not adjacent to Wyoming Avenue and west of Monroe Terrace. The proposal includes an extension of the street known as Jefferson Terrace. The owner of record is Penntex, LLC. Address: Jefferson Terrace. Tax Parcel: ED-05-077.17-06-20.01-000. Council District 2. *Waivers granted*

*approval by City Council on 1/13/2014: Increase Length of Dead End Street and Increased Percentage of Lots on Cul-de-sac. This submission is Revised Preliminary Subdivision Plan which supersedes the previous submission SB-13-06P filed for review in February 2014.*

**Representatives**: Mr. John Paradee, Baird, Mandalas & Brockstedt; Mr. Bob MacLeish, MacLeish Management LLC

Mrs. Melson-Williams stated that this application is a Preliminary Subdivision Plan. It was here once before the Planning Commission as a Conceptual Subdivision Plan; that happened in November 2013. The applicant had actually filed this Preliminary Subdivision Plan during the winter of 2014 but chose to hold that back from further review and did some additional work on the project. The application is labeled "Revised" just to keep it straight in the Planning Office.

It is a property that is located west of Monroe Terrace. This project proposes an extension of Jefferson Terrace moving west as a cul-de-sac street with a series of five (5) residential single family lots. There is a residual tract to the land. Previously, this application had two (2) waivers that were approved and those were recommended by the Planning Commission and then went onto City Council for final action. Those were waivers to exceed the maximum length of the dead-end street and then to allow an increased percentage of lots on the cul-de-sac itself. The property for the most part is zoned R-10 (One Family Residence Zone) with an R-8 (One Family Residence Zone) for a portion of the property.

Mrs. Townshend stated that there is a portion of the property that is within the flood hazard area. This portion is on lots 3 and 4. According the *Zoning Ordinance*, this area needs to stay as natural open space. There is also a portion of the land that is designated as wetlands and again this cannot be built and requires a buffer. Regarding the street, they have a cul-de-sac. The Planning Commission had previously recommended and City Council issued the waiver on the number of lots that front on the cul-de-sac as well as the length of the cul-de-sac. There is a thirty-six (36) foot paved width and a sixty (60) foot right of way on the Jefferson Terrace extension. There is a total of 1.7 acres in woodlands and that is proposed to remain. The non-woodland acreage is 2.53 acres which requires thirty-seven (37) trees. There are seven (7) existing trees so thirty (30) trees will need to be planted. As for active recreation, this project falls under the small developments and is exempt from providing active recreation on the site. The formula for a cash donation in lieu of active recreation is included. One thing on the Utility Plan that she wants to point out is that this will be served by a private force main and grinder pumps that will be owned and maintained by the property owners and the appropriate easements and details need to be included within the deeds to note this information. There are other comments that have been submitted by the other DAC agencies.

Mrs. Melson-Williams stated that on page 8 of the DAC Report the Planning Staff under "Recommendations suggested as conditions of approval to meet code objectives": Number 1 is related to this new street extension of Jefferson Terrace. They are recommending that the appropriate water and sanitary sewer service connections should be established for all existing and proposed lots that front on this street. This project proposes five (5) new lots but there are several existing lots which would now front on this new street. Staff is recommending that with this initial construction that the taps and laterals be completed for those other properties so to avoid future disruption of what would be a newly paved street for the City should those other properties develop

and need such services. The other thing that they do note under recommendations is a proposal for sewer service for these five (5) new lots that is somewhat unusual in that it makes use of a private force-main system. The Public Works Department has included a number of comments on how they will be looking at that and how that system would have to make connections to what ultimately becomes City utility infrastructure.

Mr. Holt stated that he is a little confused on the private sewer system. Why did the City allow this? Was the expense too great? Responding to Mr. Holt, Mr. Lyon stated there were site constraints; the topography was so flat that the only alternative to the private force main would be to essentially backfill the entire subdivision which causes concern for stormwater run-off and the like. This was the alternative that was provided by the engineer. The Public Works Department could not say no to that, other than to provide the recommendation that an agreement be put in place that proper maintenance and repair is delegated to the private ownership.

Mrs. Townshend stated that it's not a private system in terms of treatment; it is a private force main that will feed into the City's transmission system. It's not like a community septic system; it simply conveys the wastewater to the City's collection.

Mr. Holt stated that he now understands that it is still going to be a part of the sewer system but how about the expense to that? Is that going to be put on the property deed that the people in that development will have to maintain this system? Responding to Mr. Holt, Mr. Lyon stated that is the proposal.

Mr. Holt questioned if the owners would be aware of that stipulation when they purchased the properties? Responding to Mr. Holt, Mr. Lyon stated that the Department of Public Works will not sign off until they review the agreement and have it signed off by the City Solicitor.

Mr. Paradee stated that this is a perhaps a little unusual for the City but not entirely unusual in Kent County, Delaware. What they propose to do is have a Declaration of Maintenance Covenant that will be recorded prior to deeds being conveyed out. That Declaration will make clear that each property owner will share the responsibility for maintaining that line. They are willing if the Department of Public Works wants them to include language. They could actually provide language that would give the City the authority to enforce that maintenance obligation and assess the properties. This is what Kent County does with their stormwater management facilities currently. He is confident that this can be done in a way that will be enforceable and would give the property owners notice of what their obligations are.

Mr. Holt stated that everything would be obvious and above board when the buyer's purchase the property. Responding to Mr. Holt, Mr. Paradee stated yes, they could do something that was recorded as a matter of record and disclosed to the property owners before they ever bought so that they would understand.

Mr. Paradee stated that they are also comfortable with the first recommendation that Staff mentioned on page 8. They have no problems complying with those suggestions/recommendations. With the waivers that had been granted, the application complies with all code requirements. There are two (2) requirements in the DAC Report that he would like to touch on briefly. It's his understanding after speaking with the Department of Public Works that these are boilerplate notes.

The first one is on page 2 of the DAC comments under Water. It's number 4 and it reads "all water mains within the proposed subdivision must be looped; no dead end mains are permitted. A wavier to this requirement may be granted with a proper technical infeasibility presented by the owner." As you know, this project obviously sits on a dead end street; a cul-de-sac which the City has granted a waiver to allow the applicant to exceed the length of the street. Obviously, it's going to be infeasible to loop that system. Nevertheless, there is a fire hydrant in the cul-de-sac so the system can be flushed which is typically the concern from an engineering perspective in looping. He just wanted to point out that there will in fact be no loop on this but there is a fire hydrant in place that will allow the system to be flushed. The second comment that he wanted to bring up in the DAC comments is on page 4; it's number 6 under Streets. It reads "Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be at least 25 feet. The required radius may be increased by the City Engineer if the increased radius is necessary for public safety." At this particular intersection, the properties that would be implicated would be private properties that they don't own or control. The current radius at that intersection is twelve (12) feet and they would propose to keep it at the current twelve (12) feet. That is something that he is comfortable that they can work out with the Department of Public Works but he wanted to mention that because they can't possibly comply with the twenty-five (25) feet. Other than those comments, this application complies with all code requirements and they are agreeable to and accept all of the Staff comments and conditions of approval.

Mr. Cregar questioned if there were any comments to Mr. Paradee's comments about the twelve (12) foot radius? Responding to Mr. Cregar, Mr. Lyon stated that the City of Dover Public Works can provide a waiver administratively for this situation; very much the same way that they would provide a waiver for the water main loop. Technical infeasibilities dictate those sort of situations.

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

*Mr. Ambruso moved to approve SB-13-06P Revised Jefferson Terrace (previously known as The Meadows) Subdivision on Jefferson Terrace, to supersede the previous plan that was reviewed in February 2014 and to acknowledge that Mr. Paradee stated that the Staff recommendations and the DAC comments would be observed and that he's acknowledged them and agreed to them, seconded by Mr. Holt and the motion was approved by roll call vote 7-0 with Dr. Jones and Colonel Welsh absent. Mr. Holden voting yes, for the reasons stated in the motion. Mr. Cregar voting yes, for the reasons in the DAC comments and those previously stated. Mr. Holt voting yes, for the previous statements and the DAC comments. Mr. Baldwin voting yes, for reasons previously stated. Ms. Still voting yes, for reasons previously stated. Mr. Ambruso voting yes, for the reasons mentioned in the motion. Mr. Tolbert voting yes, they have already looked at this application and waivers have already been previously approved.*

**NEW BUSINESS**

**Meeting adjourned at 8:47 PM**

**Sincerely,**

**Kristen Mullaney**
**Secretary**

**From:** Tim Glass [mailto:tglass@leinc.com]
**Sent:** Monday, April 06, 2015 3:14 PM
**To:** Townshend, Ann Marie
**Cc:** lizardking2010@yahoo.com
**Subject:** US Gas, Inc. - 461 N. Dupont Hwy, Dover - Site Plan approval extension request

Dear Ann Marie,

On behalf of US Gas, Inc. I am writing to request the Planning Commission's consideration in extending the current Site Plan approval for an additional year. As you know, the project is very close to receiving final site plan approval from your office. Once the site plan is approved, US Gas will commence site construction in accordance with the plans to bring the long standing non-compliance matters to a close.

Please place this request on the next Planning Commission agenda and offer support for the extension, as we have been working with City departments for the last few months towards final site plan approval.

Thank you.

**Timothy W. Glass, P.E.**
**Principal**
**Lane Engineering, LLC**
117 Bay Street
Easton, MD 21601
410-822-8003 x 103
410-822-2024 fax
tglass@leinc.com

City of Dover

DATA SHEET FOR MINOR SUBDIVISION PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF APRIL 8, 2015

PLANNING COMMISSION MEETING OF APRIL 20, 2015

| | |
|---|---|
| Plan Title: | Lands of Michael E. Camisky at 5096 Hazlettville Road<br>SB-15-01 |
| Plan Type: | Minor Subdivision Plan |
| Applicant/Owner: | Michael E. Camisky |
| Property Location: | Located on the southeast side of Hazlettville Road and between Hazlettville Road and Saxondale Lane. |
| Tax Parcel Number: | ED-05-076.00-02-04.00-000 |
| Applicant/Owner: | Michael E. Camisky |
| Existing Site Area: | 3.21 acres +/- |
| Parcels to be created: | Lot 1: 0.24 acres +/- (10,333.39 +/- S.F.)<br>Lot 2: 0.24 acres +/- (10,334.38 +/- S.F.)<br>Lot 3: 0.24 acres +/- (10,505.51 +/- S.F.)<br>Residual Lot: 2.42 acres +/- (105,374.56 +/- S.F.) |
| Zoning: | RM-1 (Medium Density Residence Zone) |
| Present Use: | One (1) Single Family Dwelling on one (1) lot |
| Proposed Use: | Four (4) Single Family Dwellings on four (4) lots |
| Sewer & Water: | City of Dover |

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER PLANNING

APPLICATION: Lands of Michael E. Camisky at 5096 Hazlettville Road

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

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

PLAN SUMMARY

This Minor Subdivision Plan proposes to create four (4) parcels of land from the existing 3.21 acre +/- parcel of land. This request will subdivide the land into three (3) parcels consisting of 0.24 acres +/- each, and one (1) residual parcel consisting of 2.42 acres +/-. The property is zoned RM-1 (Medium Density Residence Zone). The property is located on the southeast side of Hazlettville Road and between Hazlettville Road and Saxondale Lane. The owner of record is Michael E. Camisky. Property Address: 5096 Hazlettville Road. Tax Parcel: ED-05-076.00-02-04.00-000.

*Background*

The subject property was part of a larger property commonly known as the Brittingham Farm, which was subdivided (SB-04-01) to create the Nottingham Meadows subdivision. A Minor Subdivision Plan created two parcels; one parcel consisting of the subject property which contains the home and outbuildings of the original parcel, and another parcel which would be further subdivided to become Nottingham Meadows.

The original Concept Plan for Nottingham Meadows (SB-04-01C) received Planning Commission approval on January 20, 2004 and the Preliminary Subdivision Plan received conditional approval from the Planning Commission on July 19, 2004. The Record Plan for Nottingham Meadows was approved on February 21, 2006 with a Revised Record Plan approved on March 8, 2006, and Final Construction Plans were approved on February 21, 2006. A Revised Active Recreation Plan for Nottingham Meadows (MI-13-10) was approved by the Planning Commission at its meeting of June 17, 2013.

The entire Nottingham Meadows subdivision including the subject parcel was originally zoned RM-1 (Medium Density Residential). A rezoning (Z-10-02) was approved by the Planning Commission at its meeting of April 19, 2010 and subsequently approved by City Council at its

meeting of May 24, 2010. This rezoning changed the zoning of the subdivided Nottingham Meadows parcels to R-8 (One Family Residence Zone). The subject parcel of this application remained RM-1.

Subdivision

This subdivision of land and any future development on the parcels is subject to the requirements found in the City of Dover *Zoning Ordinance* Article 3 §6 and referenced sections outline the permitted uses for the RM-1 (Medium Density Residence Zone). The zone permits one-family dwellings and various multiple-dwelling types as well as all uses as permitted in R (One-Family Residence) zones.

Table 1 highlights some of the lot design standards for the RM-1 (Medium Density Residence Zone) district, per the requirements of *Zoning Ordinance* Article 4 §4.7. (NOTE: This chart is not an all-inclusive listing of the code requirements, but is provided as information regarding physical development requirements for the proposed lot type.)

**Table 1**

| MINIMUM REQUIRED: | RM-1<br>One-Family Detached<br>Dwellings & Rooming Houses |
|---|---|
| Lot Area (sq/ft.) | 8,000 |
| Lot Width (ft.) | 70 |
| Lot Depth (ft.) | 100 |
| Front Yard Setback (ft.) | 25 |
| Side Yard Setback (ft.) | 10 |
| Total Side Yards (ft.) | 20 |
| Rear Yard Setback (ft.) | 30 |
| Off Street Parking Spaces | 2 |
| Maximum Permitted :<br>Building Height: Stories<br>Feet | <br>2.5 stories<br>35 feet |
| Lot Coverage | 35% |
| Dwelling Units Per Building | 1 |
| Dwelling Units Per Acre | 6 |

Site Considerations

For the Minor Subdivision Plan, the applicant is proposing to create four (4) separate parcels of land from an existing 3.21 acre +/- parcel on a site adjacent to the Nottingham Meadow subdivision.

Three (3) parcels of 0.24 acres +/- would be created with frontage and access on the existing city

street Saxondale Lane. The residual 2.42 acre +/- parcel would have access and frontage on Hazlettville Road and also maintains 20 feet of frontage off Saxondale Lane.

The parcels are shown on the proposed Minor Subdivision Plan and designated as outlined in Table 2:

**Table 2**

| PARCEL | ACREAGE | SQ. FEET |
|---|---|---|
| Lot 1 | 0.24 acres +/- | 10,333.39 S.F. +/- |
| Lot 2 | 0.24 acres +/- | 10,334.38 S.F. +/- |
| Lot 3 | 0.24 acres +/- | 10,505.51 S.F. +/- |
| Residual Lot | 2.42 acres +/- | 105,374.56 S.F. +/- |

*Structures*
Three (3) buildings exist on the current lot, and would be located on the residual parcel if they are planned to remain. The existing two-story frame house would be within the required setbacks for an RM-1 lot per the requirements of Article 4 §4.7.

Two barn structures are shown on the submitted plan near what is the proposed rear lot line for the residual parcel. These are considered an *accessory building* as defined in Article 12.

> *Accessory building:* A building or use clearly incidental or subordinate to, and customar[il]y in connection with, the principal building or use on the same lot.

Article 5 §1 requires accessory buildings to be placed a minimum of five (5) feet from side or rear property lines, subject to additional height and area requirements. Structures exceeding 15 feet in height, or 30% of the area of the required rear and side yard would be required to be built within the lot setbacks. As presented, the structures meet the requirements defined as “accessory structures” and are compliant with setback requirements.

Driveways and Access
The submitted plan shows two existing driveways accessing the existing parcel and future residual parcel from Hazlettville Road. Current aerial photographs show that the driveway that terminates at the southwest corner of the property has grown in with grass, and that the sidewalk crosses the location of the entrance shown on the plan. A driveway entrance approximately 100 feet from the opposite property corner appears to be in current use, and according to current aerial photos there is a break in the sidewalk for the driveway entrance.

Sidewalk
The submitted plan shows a partial sidewalk along the Hazlettville Road frontage. Hazlettville Road is a DelDOT road. Current aerial photographs indicate that a sidewalk has been completed along this frontage of the residual lot.

The submitted plan shows no sidewalk installed along the Saxondale Lane frontage, a City street. *Zoning Ordinance* Article 5 §18 requires the installation of sidewalks along the public street frontage of a property whenever such property involves a development proposal which is subject to Planning Commission review and approval.

Trees

*Zoning Ordinance* Article 5 §16 requires tree planting at a rate of one (1) tree for every 3,000 S.F., or fraction thereof of land area. The tree planting requirement is based on the total lot area and may include existing trees. Mature trees are found on the existing site and are shown on a utility and landscaping plan sheet submitted with the Minor Subdivision Plan. Parcels 1, 2, and 3 are required to have 4 trees on each lot, which are shown on the submitted plan. The residual parcel is required to have 35 trees on the lot. The submitted plan shows 37 trees on the lot.

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

CITY AND STATE CODE REQUIREMENTS:

1) The Plan will need to be updated to reflect any changes recommended or approvals by the Planning Commission.

2) Sidewalks are required to be installed along the Saxondale Lane frontage. Applicant has confirmed that sidewalks fronting Hazlettville Road have been installed, and the approved Final Plan for recordation will reflect this.

3) Correct the zoning label of surrounding parcels.

4) Residual Parcel: Revise the front building setback line to accurately reflect the City of Dover setback requirements for the lot.

5) Add a note in the data column to clarify that the accessory structures are subject to 5' setback from property lines and not subject to the building setbacks that apply to the principal structure.

6) The Final Plat submitted must include requirements described in *Dover, Delaware Code of Ordinances*, Appendix A Land Subdivision Regulations, Article IV, (C).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) N/A

ADVISORY COMMENTS TO THE APPLICANT:

1) Chesapeake Utilities has indicated that gas service to the existing property comes from Saxondale Lane through the area of proposed Lot 2. Applicant is advised to closely coordinate with the gas utility regarding preferred re-routing of lines, new services, and any required easements.

2) In the event, that major changes and revisions to the plan occur in the finalization of the plan contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies making recommendations in regards to the plan.

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

4) Upon final approval and endorsement, this Minor Subdivision Plan must be recorded at the Kent County Recorder of Deeds Office.

5) The applicant shall be aware that Minor Subdivision approval does not represent a Site Plan approval for development. A separate application process is required for Site Plan Review.

6) The applicant shall be aware that Minor Subdivision 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.

7) Property owners are advised to work with the Department of Public Works regarding water and sewer services to each property to achieve compliance with the City's water/wastewater regulations.

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

**CITY OF DOVER**

**DEVELOPMENT ADVISORY COMMITTEE**

**APPLICATION REVIEW COMMENTARY**

**STAFF D.A.C. MEETING DATE: JANUARY 28, 2015**

**CITY OF DOVER Electric & Public Works Departments**

**APPLICATION:** **Lands of Michael E. Camisky at 5096 Hazlettville Road**

**FILE #:** **SB-15-01**

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

**CONTACT PERSON:** **Aren Wright - 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. All cable and electrical equipment will be installed along the right-of-way in front of the lots.
7. Owner is responsible for site and/or street lighting.
8. Meter locations will be determined by City of Dover Engineering Department.
9. Load sheets and AutoCAD compatible DXF or DWG diskettes of site plans, including driveways, are required prior to receiving approved electrical construction drawings.
10. 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.
11. 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.
12. 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.
13. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
14. 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.

15. All Engineering and design for Dover Electric will be engineered upon final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

**WATER**

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

**WASTEWATER**

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.
3. The minimum size of all sanitary sewer laterals shall be six-inch (6").
4. The minimum slope for all sanitary sewer laterals shall meet the current plumbing standard accepted by the City of Dover, typically 0.0104 feet/foot for a six-inch (6") sewer lateral.
5. Sanitary sewer laterals, from the main to the first cleanout located one-foot (1') outside the right-of-way or easement line, shall extend perpendicular to the main.
6. Sanitary sewer laterals shall be installed to the center of each lot. This requirement may be waived by the Water / Wastewater Manager for non-residential applications if deemed appropriate.
7. Sanitary sewer laterals shall be connected directly to the main, not manholes, unless impracticable, as determined by the Public Utilities Department.

8. Sewer laterals are to be installed to one foot (1') beyond the right-of-way line at a typical depth of three feet (3'), preferably not exceeding five feet (5').

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

### 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 submitted to our office. If the Kent Conservation District does not require a plan, an erosion and sediment control plan shall be submitted to our office for review and approval. This is required for the City of Dover to maintain compliance with our MS4 permit.

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

### STREETS

1. The current City of Dover standard street section provides for a 3' grass strip between the curb and sidewalk. This standard was administratively revised to meet ADA and FHA compliance with cross slope requirements and to prevent cars from scrapping at driveways. The revised standard utilizes a five feet (5') wide public sidewalk with a five feet (5') wide grass strip behind the curb.

2. Please utilize the standard City of Dover Driveway Apron Detail, contact our office for more information.

3. Please utilize the standard City of Dover Sidewalk Detail, contact our office for more information. New sidewalk shall connect to the east and west to tie in the existing sidewalk.

4. A road patching detail will be required to be submitted and reviewed by our office, prior to approval. Due to the fact that this road was dedicated to the City in December of 2011, the patch shall be full width of the street for the length of the improvements.

5. A right-of-way permit will be required prior to construction.

### SANITATION

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

### GROUNDS

1. None.

### GENERAL

1. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).

2. 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.

## 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/media/documents/2010%20Electric%20Service%20Handbook.pdf

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

1. None.

## ADVISORY COMMENTS TO THE APPLICANT

### ELECTRIC

1. None

### WATER

1. The City of Dover water system is available to this site. The developer is responsible for all costs associated with extending and providing service to the proposed development.
2. Hydrant flow testing is currently only performed two (2) times per year during system wide flushing operations. The applicant must call the Department of Public Works directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.
3. Water impact fees will be required for each residential lot.

### 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. Wastewater impact fees will be required for each residential lot.

### STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

### GENERAL

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

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

SB-15-01

CITY OF DOVER FIRE MARSHAL

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

APPLICATION: Lands of Michael E. Camisky at 5096 Hazlettville Road

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

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. No objections; N/A

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. This office has no objections related to this project.

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: April 1, 2015

**D E L D O T**

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APPLICATION: Lands of Michael Camisky at 5096 Hazlettville Road
FILE#: S-15-01 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Julio F. Seneus PHONE#: 760-2145

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

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

CITY & STATE CODE REQUIREMENTS:

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 073 (Hazlettville Road) is classified as a minor arterial road. If the existing right-of-way does not have the proper width along the frontage of the site, the department will require 40-feet of right-of-way dedication from the innermost edge of the through lane for public use.

3. Provide a 15' permanent easement across the site's frontage.

4. Per Section 7.2.3.1 of the Development Coordination Manual Adopted March 10, 2015, the entrance point for the dirt driveway must be removed if it does not meet the criteria noted in the referenced section and the minimum entrance spacing based on a collector road standard.

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**
**April 2015**

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**APPLICATION:** *Lands of Michael E. Camisky*

**FILE #:** MI-15-01

**REVIEWING AGENCY:** *Kent Conservation District*

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

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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:

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the minor subdivision of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

1. A detailed Sediment and Stormwater Management Plan must be approved by our office prior to any land disturbing activity (i.e. clearing, grading, filling, etc.) over 5000 square feet.

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF April 8, 2015

PLANNING COMMISSION MEETING OF April 20, 2015

| | |
|---|---|
| Plan Title: | Dover Town Center<br>Redevelopment of the former Wal-Mart site at 1574 North DuPont Highway<br>S-15-04 |
| 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: | 12.74 acres |
| Owner: | Onix Dover, LLC |
| Building Areas: | Existing Building 118,234 SF<br><br>Renovated Building 98,098 SF<br>Restaurant (Pad Building) 5,740 SF<br>Future Retail Building (with drive-thru) 7,665 SF<br>TOTAL 111,503 SF |
| Existing Use: | Vacant Retail Building |
| Proposed Use: | Retail building with multiple tenants and two pad site buildings |
| Off Street Parking: | Required – 413 spaces (Maximum 516 parking spaces per Code)<br>Proposed – 583 spaces |
| Sewer & Water: | City of Dover |
| Zoning Classification: | C-4 (Highway Commercial Zone) |
| Waiver Requested: | Reduction in Arterial Street Buffer |

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

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

FILE #: S-15-04 REVIEWING AGENCY: City of Dover Planning

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

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**** This plan review has been updated following submission of a Revised Plan Set dated April 9, 2015 (received 4/10/2015) consisting of eight (8) plan sheets. The original submission included additional plan sheets and information that may continue to be referenced in this narrative. The Revised Plan Set for S-15-04 was submitted as a result of plan discussions between the Planning Office and the applicant's representatives/design professionals which focused on parking, site circulation, pedestrian accessibility, and building area refinements.**

PLAN SUMMARY:

This Site Development Plan is to construct the 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.). This results in an overall total building area of 111,503 S.F. for the buildings on this site. Associated site improvements will also occur on this 12.74 acre site. 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 c/o Dean Pletz. Property Address: 1574 N. DuPont Highway. Tax Parcel: ED-05-057.00-01-05.01-000. Council District 4.

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 7,020 S.F. 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 current application Site Plan S-15-04 supersedes the 2014 application.

PROJECT DESCRIPTION

The plan is the redevelopment of the former Wal-Mart property. The existing commercial building will undergo renovation and building addition activities resulting in a reduction in its overall square footage 118,234 S.F. to 98,098 S.F. This will occur through the demolition of portions of the south and west sections of the existing building along with additions to the east and west ends of the building. This reconfigures the footprint of the existing building and enables the division of the building into multiple tenant spaces.

The proposal also includes the construction of two (2) pad site buildings: a restaurant of 5,740 S.F. and a future retail building of 7,665 S.F. The three (3) buildings will be located on the same parcel of land and will function as a shopping center. The use of multiple buildings and multiple tenant spaces within one building is permitted within the C-4 (Highway Commercial Zone) Zoning District.

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.

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. See the excerpt from the bulk standards table below for C-4.

| | **C-4** |
|---|---|
| Minimum required: | |
| Lot area | |
| Lot width (ft.) | 150 |
| Lot depth (ft.) | 150 |
| Front yard (ft.) | 20 |
| Side yard (ft.) | 15 |
| Rear yard (ft.) | 10 or equal to bldg. height |
| Side or rear yards which adjoin a residence zone (ft.) | 30 |

| | |
|---|---|
| Off-street parking | |
| Per 300 sq. ft. floor area or | 1 |
| Per employee (whichever is greater) | 1 |
| Maximum permitted: | |
| Building height | |
| Stories | 6 |
| Feet | 75 |
| Floor area ratio | 4.0 |

Preliminary Land Use Services Review (PLUS)

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

BUILDING ARCHITECTURE

Architecture

The renovation to the existing main multi-tenant commercial building will result in a new front facade of 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. The front façade (south facing elevation) consists of multiple wall planes and parapet upper wall extensions highlighting the multiple tenant spaces. Each tenant space includes a storefront with windows and awning systems over the entrance. Display windows flank the entrances to the tenant spaces. The architecture of the building sides will continue the watertable detail feature. Large expanses of blank wall shall be avoided.

The site also proposes two pad building sites. The proposed architecture for the restaurant pad site building was submitted. This one story 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 and outdoor seating area.

No architectural information was provided regarding the second pad site building. Prior to authorization to construct this building, submission of the building architecture to the Planning Commission for review is required.

SITE CONSIDERATIONS

The site consists of an existing vacant commercial building and its associated parking lot (existing 704 parking spaces). As the building has been vacant for a number of years (since the relocation of Walmart) and is registered as a Vacant Building under the *Dover Code of Ordinances.* The property has access points from North DuPont Highway, KW Boulevard, and Crawford Carroll Avenue. 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).

This redevelopment project requires review of a 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 105,763 SF for the main multi-tenant commercial building (as renovated/added to) and the Phase 2 future retail building, a minimum of 353 parking spaces are required. The parking for the restaurant building is based on seat count rather than floor area. A seating plan for the restaurant (5,740 S.F. building) shows both interior and outdoor 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 413 parking spaces. The maximum number of parking spaces allowable per Code is 516 parking spaces. The proposed Site Plan shows 583 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 sixty-seven (67) 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 proposes to reduce the overall number of parking spaces to 583 spaces. While the excess number of parking spaces is an existing condition, the proposed plan does include conversion of "drive aisle" space to striped parking spaces thus adding parking in certain areas not previously parked.

Loading Space

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 two pad site buildings no loading spaces are required for these buildings. Based on the square footage of the renovated main multi-tenant 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 eleven (11) loading spaces in the data column. 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.

[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.

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 583 parking spaces, thirty (30) 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.

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 Future Retail Building, the number of Dumpsters would be based on the number of tenants, but only one is shown. 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 and only two are shown. There are twelve (12) Dumpster shown and two (2) reserved Dumpster locations for a total of fourteen (14) 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 thirty (30) existing trees located on the site to remain. 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. The existing trees along the North DuPont Highway frontage will be removed and replaced with a new planting concept for twenty-two (22) trees in the Arterial Street Buffer area (see discussion below).

Waiver Requested: Reduction of Arterial Street Buffer

North DuPont Highway (U.S Route 13) is considered as a principal arterial street and requires a thirty (30) foot landscape buffer along the road frontage known as an Arterial Street Buffer. The buffer is measured from the edge of the right-of-way. This plan does not provide the required thirty (30) foot width landscape buffer along DuPont Highway. The plan provides fourteen (14) feet of landscape buffer along DuPont Highway.

A written waiver request for the reduction of sixteen (16) feet (from 30 feet to 14 feet) for the Arterial Street Buffer has been submitted to the Planning Office for consideration by the Planning Commission. The waiver request notes the location of existing parking lot curbing at fourteen (14) feet from the property line then an existing paving/parking area of sixteen (16) feet width. The existing Demolition Plan shows paving in this area functioning as a drive aisle in the parking lot and with the new project a row of parking is proposed along this curb line. The proposed improvements in the existing landscape area involve removal of the existing evergreen trees and the replanting of American Arborvitae, Holly and Red Cedar trees in groupings with a series of shrub plantings. Other changes within the required 30 foot buffer area include converting the paved area to parking spaces.

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. The site is adjacent to residential from approximately the middle of the main multi-tenant commercial building to the western end of the property line near the stormwater management pond. An opaque barrier consists of an opaque component at least six (6) feet in height (a wooden fence, masonry wall or earthen berm). The landscape component of the barrier must consist 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. Additional trees may be required to be planted to ensure that the landscape buffer is opaque.

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

CITY AND STATE CODE REQUIREMENTS:

1) A number of regulations of the *Zoning Ordinance* have been amended since the previous application review for this property. Specifically, the zoning district regulations of the C-4 (Highway Commercial Zone) and the associated bulk standards were amended in July 2014 (Ordinance #2014-08). This application S-15-04 must be reviewed under the provisions of the *Zoning Ordinance* that are currently in place.

2) The Arterial Street Buffer of 30 feet shall be provided along the North DuPont Highway frontage in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request for a reduction to fourteen (14) feet in width for the Arterial Street Buffer has been submitted to the Planning Office for consideration by the Planning Commission.

3) The Revised Plan Set submitted did not include all sheets listed in the Sheet Index. The Revised Plan Set consisted of eight (8) plan sheets. All other plan sheets must be updated to reflect the project design changes and be included in the final versions of the plan set.

4) Provide or revise the following information in the Data Column on the Title Sheet:
   a. List maximum parking allowable by Code and note the determination of legal non-conformity regarding the number of parking spaces.
   b. Check Floor Area Ratio calculation.
   c. List Dumpster calculation for restaurants.
   d. Indicate the number of handicap parking spaces provided.
   e. Update the description of the bicycle rack format proposed for bicycle parking spaces.
   f. The Plan will need to be updated to reflect any changes recommended or approvals or waivers granted by the Planning Commission.

5) The minimum number of parking spaces required for the project is 413 parking spaces and the maximum number of parking spaces allowable per Code is 516 parking spaces. With the proposed Site Plan shows 583 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.

6) Sheet SD-1A: Site Plan:
   a. The complete plan set must be updated to adequately complete the review for compliance.
   b. The pedestrian crosswalks and sidewalks located at the intersection of KW Boulevard and Crawford Carroll Avenue may need improvements the corner meets current standards for accessibility.

c. Check areas of dedicate labels as the sizes don't match the data column on Title Sheet.
d. Provide details for traffic control measures such as stop signs, stop bars, crosswalks, etc.
e. Identify the location of any proposed 'cart carrels' in the parking lot area.

7) Ensure vehicles do not 'overhang' key sidewalk routes or reduce sidewalk width to less than the required accessibility width i.e. sidewalks leading to bus stop or adjacent to building entrances. Also ensure barrier free access ramps are installed at all intersections of sidewalks with the roadways and parking areas.

8) Sheet SD-2: Grading Plan:
   a. Update labels describing the location and number of bicycle racks and bicycle spaces provided.
   b. Provided spot elevation to ensure north-south sidewalk north of the restaurant building is elevated (upright curb) from pavement level. Also address intersection with handicapped parking spaces.

9) Construction detail on Sheet SD-5 for the Dumpster Enclosure does not reflect construction with exterior finish materials that are compatible to the proposed building. Clarify exterior finish for the concrete block.

10) Sheet UP-1 and UP-3: Utility Plan:
   a. Adjust sidewalk connect ion adjacent apartment property to avoid conflict with fire hydrant.
   b. Ensure access to fire hydrants along DuPont Highway if utilized to comply with fire protection spacing needs for the adjacent buildings. Evaluate position of parking spaces, tree or shrub plantings, etc. that may limit 'hose line' access to each hydrant.
   c. Update contact number for Public Works Construction Manager.

11) 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.
   a. Sheet ES-2: The silt fence location is north of an existing wooden fence near the northern property line. Adjust location.

12) Landscape Plan:
   a. Update data box listings pertaining to site. There is only one parcel for this site.
   b. Ensure adequate access to the stormwater management pond is provided for maintenance. Review proposed tree plantings with the Kent Conservation District.
   c. Check for tree placement conflicts with the existing sewer line along DuPont Highway.
   d. Remove existing and proposed trees in the entry islands at the KW Boulevard entrance location to ensure sightline visibilities.
   e. Clarify surface treatment of parking lot island areas and along the north-south

pedestrian path.

13) 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.
    a. The architecture for the Phase 2 Future Retail Building will be required to be reviewed by the Planning Commission as it is not included with this application.

14) The Site Plan (Sheet SD-1A) depicts information that requires submission of a Record Plat. A Record Plat shall be prepared for recordation as related to the proposed dedication of right-of-way, the establishment of permanent easements, and any other easement revisions related to utilities. All easements shall be fully described on the Plat. The Record Plat shall be submitted for review and approval prior recordation in the Kent County Recorder of Deeds Office.

15) The property qualifies for consideration of a Unified Comprehensive Sign Plan to address signage on the site. 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.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Recommendation on Waiver Request:
    a. Reduction of Arterial Street Buffer: Staff recommends approval of the request to reduce the Arterial Street Buffer to fourteen (14) feet. As properties are redeveloped in the Route 13 corridor, the addition and enhancement of the green space area of the Arterial Street Buffer has been encouraged and has been utilized to improve the streetscape appearance, add sidewalks and sidewalk connections, for stormwater management facilities, to accommodate utilities, etc. The existing pavement condition of the sixteen (16) foot area is as a drive aisle. The placement of parking in this area does intensify the use of the buffer area. However, the overall impervious surface for the site has been reduced and the applicant has been responsive to other Staff recommended changes for pedestrian improvements.

2) Pedestrian Circulation: This redevelopment project as depicted in the Revised Plan Set has improved the site's pedestrian circulation from the existing conditions and from the original plan design submission. Multiple sidewalk connections lead into the site and provide within the site designated pedestrian paths through the parking lot and between buildings. Additional design changes can continue to make improvements.
    a. Increase width of parking lot islands for greater protection of sidewalk connections from DuPont Highway sidewalk.

b. It is suggested that under tree plantings be established with the trees along the north side of KW Boulevard to limit pedestrians freely crossing KW Boulevard. Specific crossing points linking to internal sidewalk system should be established.
c. Work with adjacent owners to design a designated pedestrian crossing of KW Boulevard.

3) Parking: This redevelopment project as proposed results in the property being over-parked by sixty-seven (67) parking spaces per the current parking regulations of the C-4 zoning district. The proposed Revised Site Plan reduces the number of parking spaces from the existing condition of its previous retail use. Numerous opportunities exist for access to this site by bus transit and by pedestrians in addition to patrons who park once and then visit multiple establishments in this complex. Additional design changes can continue to make improvements while keeping the site in compliance with the parking regulations of the *Zoning Ordinance.*
   a. Eliminate the adjacent four parking spaces on the east side of the entrance from KW Boulevard.
   b. Staff remains concerned with the potential for movement conflicts along the main north-south drive aisle through the parking lot from the entrance on KW Boulevard. Further evaluation of options such as a one way traffic pattern, angled parking, single row of parking with opposite curbed edge, etc. should be considered.
   c. Evaluate other points of intersection throughout the drive aisle network for other parking spaces to be eliminated to improve traffic circulation movements and remove parking conflicts.

4) Staff encourages the review of the landscaped areas near the buildings ensure adequate circulation exists between site amenities and the building exist. Also the use of various paving treatments, seating areas, site lighting, and building architecture detailing and elements appropriate to the pedestrian scale of the plaza-like area are recommended. This is an opportunity to improve the aesthetics and architecture of a large commercial building space to a more appealing 'town center' appearance.

5) Staff recommends revisions to the architecture of the main multi-tenant space building on its side elevations facing North DuPont Highway and Crawford Carroll Avenue to further break up the large expanses of blank wall area. Architectural elements such as additional windows, variations with pilaster detailing, canopies, entrance features, trimwork detailing, etc.

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

ADVISORY COMMENTS TO THE APPLICANT:

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

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

3) 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.

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

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

6) 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.

7) 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.

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

9) 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.

10) The City of Dover offers various redevelopment incentives. Contact the City of Dover Economic Development Office for more information on the opportunities and application procedures.

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

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

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

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

**CITY OF DOVER**

**DEVELOPMENT ADVISORY COMMITTEE**

**APPLICATION REVIEW COMMENTARY**

**STAFF D.A.C. MEETING DATE: APRIL 1, 2015**

**CITY OF DOVER Electric & Public Works Departments**

**APPLICATION:** **Dover Town Center, 1574 N. Dupont Highway**

**FILE #:** **S-15-04**

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

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

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

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

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

## CITY AND STATE CODE REQUIREMENTS

### ELECTRIC

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

## WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
   b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7070 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.
7. The shopping center shall be served by one single water service (which includes domestic and fire), specifically one (1) curb stop and one (1) water meter. The owner has the option to sub-meter the properties downstream of the initial meter. The two individual buildings may have separate water services, since they are a set aside principle structure. If a technical infeasibility exists, a waiver may be granted from this requirement.
8. No structure, including permanent signage, may be located within ten feet (10') of water utility infrastructure. The existing water main shall be re-routed around the proposed building with the use of forty-five degree (45°) bends. The water main shall be installed with strict accordance to the Water / Wastewater Handbook. Additionally, the easement shall be relocated to be centered on the new alignment of the water main. The easement width shall be at least twenty-feet (20') wide. Additionally, a sequence of construction must be submitted for review and approval for this activity.
9. No trees may be planted within ten feet (10') of water utility infrastructure.
10. For any water service equal to or less than two-inches (2"), the material shall be Type K Copper.

## WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.
3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
6. The minimum size of all sanitary sewer laterals shall be six-inch (6").
7. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.
8. Each property shall be served by a single sanitary sewer lateral which shall be furnished and installed by the property owner. In the event a property contains multiple principle structures, such as shopping centers or apartment complexes, the property shall be served by a single sanitary sewer main where a sanitary sewer lateral may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate wastewater facilities. If a technical infeasibility exists, a waiver may be granted from this requirement.

## STORMWATER

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

## STREETS

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

## SANITATION / GROUNDS

1. None

## GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).

b. Adobe Reader (.pdf format).

## RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

### ELECTRIC

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

### WATER / WASTEWATER / STORMWATER / SANITATION / GROUNDS / GENERAL

1. None.

### STREETS

1. The current note on sheet SD-1A states that there is area adjacent to KW Boulevard that is to be dedicated to the City of Dover. Please remove this note as well as the accompanying note about KW Boulevard being dedicated to the City, as this dedication will not take place. KW Boulevard is a privately owned and maintained street.

## ADVISORY COMMENTS TO THE APPLICANT

### ELECTRIC

1. None

### WATER

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

### WASTEWATER

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

### STORMWATER / GROUNDS / STREETS

1. None.

### SANITATION

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

## GENERAL

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

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

S-15-04

CITY FIRE OF DOVER MARSHAL

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

APPLICATION: Dover Town Center at 1574 N. DuPont Hwy

FILE #: S-15-04 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

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

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

3. Firefighter perimeter access will be 25% and clearly shown on the plans

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

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

6. Full building and fire plan review is required.

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

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

9. As building is over 100,000 square feet, building shall meet the requirements of Large Area Buildings per Delaware State Fire Prevention Regulations 2012.

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

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

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

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

14. Fire Alarm System required, which will monitor Building Fire Suppression System.

15. Knox Box required at all tenant spaces, unless one shall serve all suites. This will be decided by this office.

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

17. Project to be completed per approved Site Plan.

18. Multiple Access Roads shall be provided when a fire department access road (fire lane) is determined by the Fire Marshal to be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access such as placement of fire hose from fire equipment.

## ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. **Plans shall provide fire lane measurements (width).**

2. **Plans shall provide fire lane coverage (50%) clearly identified per the most current Delaware State Fire Prevention Regulations. (Shown on Plan).**

3. **Plans shall provide perimeter access coverage (25%) clearly identified per the most current Delaware State Fire Prevention Regulations. (Shown on Plan).**

4. **Buildings over 25,000 Sq. Ft are to have radio performance testing done by Delaware State Communications prior to Final CO. Contact this office for contact information for test.**

5. **Plans shall show actual building height.**

6. **Fire Suppression System /Fire Alarm System shall be one system shared by all tenant spaces.**

7. **Plans shall provide Fire Department Connection distance to closest hydrant. Required to be within 300ft. (Shown on Plan).**

8. **Plans shall provide Fire Department Connection distances to each tenant space entry. Required to be within 50ft. Placement of Fire Department Connection may be altered to compensate for distance requirement due to multiple tenant spaces.**

9. Plans shall provide Detail Spec for City of Dover Code concerning Impact Protection. City of Dover Code Section 46-4.

10. Plans shall provide Detail Spec for City of Dover Hydrant. Can obtain through the City of Dover Public Works Division.

11. This office would like to discuss the use of Fire Lane road verbiage rather than Fire Lane signage, at the time of the DAC meeting.

12. Plans shall provide location of Sprinkler Room if applicable.

13. Proposed "Restaurant" in South East Corner: plans shall provide the following;

    - Fire Lane measurements (width).
    - Confirm square footage of building (6,243 or 5,740). Two separate drawings provided show different square footage calculations.
    - Building height is needed.

14. Proposed "Future Retail" South West Corner: plans shall provide the following;

    - Fire Lane measurements (width).
    - Confirm square footage of building (8,888 or 6,160). Two spate drawings provided show different square footage calculations.
    - Identify if the building sprinklered or not.
    - FDC location if sprinklered.
    - Provide clarification that parking spaces on south side of the building will be removed.
    - Building height is needed.
    - Drive through lane must meet minimum clearance as defined by Delaware State Fire Prevention Regulations; 14ft.

15. Existing entrance from KW Blvd into the shopping center needs to be able to provide turning radius for fire department apparatus. The existing entrance does not provide sufficient radius. Please contact this office to receive the turning radius breakdown for the most demanding fire apparatus in the fire department's current fleet.

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: April 1, 2015

**D E L D O T**

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APPLICATION: Dover Town Center at 11574 North Dupont Highway
FILE#: S-15-04 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Julio F. Seneus PHONE#: 760-2145

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

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

CITY & STATE CODE REQUIREMENTS:

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 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.

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:

- The applicant will be required to provide and show to the Department that the proposed site configuration including the proposed drive-thru restaurant will not exceed the Average Daily Trip (ADT) of the former Wal-Mart.

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**
**April 2015**
Revised Comments

**APPLICATION:** *Dover Town Center*

**FILE #: S-15-04**

**REVIEWING AGENCY:** *Kent Conservation District*

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

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

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

1. The site has been grandfathered under the old Delaware Stormwater Regulations.
2. The project must provide stormwater quantity and quality. This can more than likely be accomplished by provided calculations verifying that the existing stormwater facility is sized to accommodate the site improvements.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: April 1, 2015

**Dover/Kent County Metropolitan Planning Organization**

APPLICATION: Dover Town Center at 1574 N. DuPont Highway

FILE #: S-15-04 REVIEWING AGENCY: Dover/Kent County MPO

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

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

**City of Dover Planning Commission 4/20/2015**
Project Review
S-15-04 Dover Town Center at 1574 N. DuPont Highway

This is a redevelopment of a significant parcel on a US Route in the City of Dover. It is adjacent to a former hotel used as a dormitory for Delaware State University and classrooms for the Early College High School. Adjacent to the north is a sizable apartment complex. There is an existing transit stop on US13 at this site. Given the adjacent land uses, we expect there to be significant pedestrian access to the site.

The proposed sidewalk on KW Boulevard will be critical for site and neighborhood access. The MPO recommends sidewalks facing all streets bordering the site.

The MPO recommends the plans include a description of safe pedestrian access from the bus stop along US 13 to the main building and the closest pad site. We recommend a similar access-way between the 2 pad sites. There is a great likelihood that pedestrians will be crossing KW Boulevard to access the site. The MPO recommends one or two demarcated access points into the site with sidewalks and a safe passage from these entry points to the main building. We feel the methods for providing the safe passage are, at a minimum, demarcated pedestrian lanes with striping. Additional related site improvements may offer opportunities to meet other City code requirements, such as tree lined paths.

The access 'gap' between Cedar Chase Apartments and the site was well used by the residents of the apartments to access the previous use while avoiding use of US 13. We suggest the option remain open to pedestrians.

**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.**

LARSON
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING

March 6, 2015

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

**RE: REDEVELOPMENT OF DOVER WALMART**
**ARTERIAL STREET BUFFER WAIVER REQUEST**

Dear Ann Marie:

This letter is to request a waiver for the above referenced site. We would like to request a waiver of Article 5, Section 7.3 to allow the existing parking area to remain as shown on the plan.

The existing parking lot curbing is located approximately 14' from the existing right-of-way for U.S. Route 13. The section of the code listed above would require a 30' arterial street buffer and require the removal of 16' of paving/parking. We are planning to leave the curbing in its existing location and are actually creating additional green space at the northeast corner of the site. We have added significant landscape improvements to the buffer to provide a more attractive project.

The redevelopment of the site is going to present a better curb appeal than what currently exists. This project actually provides a larger street buffer than projects that adjoin this site. It would be a hardship on the new developer to remove curbing and approximately 49 parking spaces to create the buffer.

Please review this information and call me if you have any questions.

Sincerely,

**LARSON ENGINEERING GROUP, INC.**

Douglas J. Liberman
Vice President

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF April 8, 2015

PLANNING COMMISSION MEETING OF April 20, 2015

| | |
|---|---|
| Plan Title: | West North Street Mini Storage<br>S-15-05 |
| Plan Type: | Site Plan |
| Property Location: | North side of West North Street and east of Mifflin Road |
| Property Address: | 1351 West North Street |
| Tax Parcel Number: | ED-05-076.14-01-07.00-000 |
| Owner: | RES-Data, LLC and SSS-Data, LLC |
| Property Area: | 5.0104 Acres +/- |
| Present Use: | Vacant (pad remains of previous warehouse building) |
| Proposed Use: | Mini-storage Warehouse Buildings and Office |
| Building Areas: | Proposed Building A - 63,200 S.F.<br>Building B - 44,240 S.F.<br>Office - 1,500 S.F.<br>Total - 108,940 S.F. |
| Impervious Areas: | Existing – 57.1%<br>Proposed - 63.1% |
| Off Street Parking: | Required – 24 parking spaces<br>Proposed – 27 regular parking spaces<br>26 for RV and Boat storage |
| Sewer & Water: | City of Dover |
| Zoning Classification: | IPM (Industrial Park Manufacturing Zone) |
| Waivers Requested: | Partial Elimination of Curbing<br>Opaque Barrier: Fence Requirement |

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

**City of Dover Planning Office**

APPLICATION: West North Street Mini-Storage at 1351 West North Street, Dover

FILE #: S-15-05 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn E. Melson-Williams, AICP PHONE #: (302) 736-7010

PLAN SUMMARY

This is a Site Plan to permit the construction of a self-storage facility consisting of three (3) buildings totaling 108,940 SF to include an office building and two (2) storage buildings with 519 units with boat and RV storage parking and associated site improvements. The mini-storage facility is to be known as the West North Street Mini-Storage. The project is located on one parcel of land consisting of 5.0104 +/- acres and is zoned IPM (Industrial Park Manufacturing Zone). The project is located on the north side of West North Street and east of Mifflin Road. The owner of record is RES-Data, LLC and SSS-Data, LLC. Property Address: 1351 West North Street. Tax Parcel: ED-05-76.14-01-07.00-000.

PREVIOUS APPLICATIONS

In January 2006, the Planning Commission granted conditional approval to project S-06-03 West North Street Mini-Storage at this property and then a one year extension in January 2007. However, when the plan was not finalized and no development activity occurred the plan expired in January 2008.

Then Site Plan Application S-08-02 was filed proposing the construction of an administrative office building with a total of 41,372 S.F. of space, a 16,280 S.F. utility yard, and associated site improvements. Consideration of Application S-08-02 was deferred on 1/22/2008 by the Planning Commission at the request of the applicant; following no further action to proceed, the project file was closed for lack of activity.

Application S-11-01 for development of the site as a mini-storage facility by owner Data Center, LLC did not proceed to Planning Commission review because project was required to complete PLUS Review prior to the application proceeding with the local review process. Following PLUS Review in 2012, a new application was filed. The Planning Commission granted conditional approval to Site Plan S-12-06 West North Street Mini-Storage on April 26, 2012. The Final Site Plan approval of S-12-06 was granted on January 16, 2014. A one year extension was granted setting the plan expiration date for April 30, 2015; however, this plan is being refiled because construction will not commence before the plan approval expires.

PROJECT DESCRIPTION

This Site Plan proposes construction of a mini-storage facility consisting of two (2) two-story buildings with an office building area for a total area of 108,940 S.F. The new buildings will be constructed on the existing foundation slab (pad) on the site. A portion of the existing paved areas on the site will be designated for boat and recreational vehicle (RV) storage (26 parking spaces of 12'x30'). The project also involves stormwater management improvements.

The *Zoning Ordinance* Article 3 §20 outlines a series of requirements for mini-storage facilities. The text is given below. These conditions are to be included on the site plan as a note.

> Article 3 §20.18 Mini-storage facilities subject to the following regulations:
> (a) No unit shall be placed within thirty (30) feet of any other structure on the lot or a residential property line.
> (b) No outside storage, except for recreational vehicles, boats or personal automobiles when completely screened from view and parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
> (c) No individual unit may be used for retail, garage sale or any other commercial activities.
> (d) No storage of flammable, explosive, corrosive or other hazardous products may occur in the individual unit.
> (e) Parking must be provided at a ratio of one space for each twenty-five (25) rental units plus a minimum of three (3) spaces for an office outside of the enclosure. One row of parallel parking is permitted between buildings at a ratio of one space per twenty-five (25) feet.
> (f) All other bulk requirements of this ordinance are met.

The project appears to comply with the bulk standards of the IPM zoning district related to setbacks. The setback is 100 feet in areas adjacent to the residential zone. A property to the northeast is zoned RG-2 in addition to residential properties on the west and north of the subject property. The building height is listed as 21 feet 8.5 inches and must be confirmed with the architectural drawings. The Floor Area Ratio (FAR) for the project is at 0.5; the maximum allowed (FAR calculation is 108,940 S.F. / 218,253.02 S.F. = 0.499 ~0.5).

Preliminary Land Use Services Review (PLUS)

The West North Street Mini-Storage application (associated with previous application S-12-06) was reviewed on February 22, 2012 by the Preliminary Land Use Services (PLUS) as required by the City of Dover's Memorandum of Understanding (MOU). This MOU requires that non-residential developments of over 75,000 square feet complete the PLUS Review process prior to application submission. A PLUS Review Comment Letter was issued on March 16, 2012 (PLUS 2012-02-05). A copy of the applicant's response to the PLUS Review Comments was submitted; these letters are on file in the Planning Office. With this Application S-15-05 being the same project proposal as the 2012 project proposal, resubmission for PLUS Review was not required.

BUILDING ARCHITECTURE

Elevation drawings for the mini-storage warehouse buildings were submitted showing the proposed elevations for both mini-storage buildings and the office area on the west side of

Building A. The plan shows information on the location of steps/stairways from the egress doors and unit doors.

This project consists of two (2) story buildings (Building A and B) clad with what appears to be metal siding on the west, north, and east elevations of each building. The front elevations (south elevations) of each building which face West North Street/Hazlettville Road appear to be clad with Dry-vit with a banding detail dividing the two floors. The first floor has several door openings and the second floor level has s series of framed rectangles of an alternate material. The buildings have a very, very low (almost flat) sloping roof. The one story office section of the facility is located on the west side of Building A and is clad in metal siding with a pitched roof.

*Zoning Ordinance,* Article 5 §19 Building and architectural design guidelines provides the guidelines for review of building elevations especially those serving as front elevations. (See excerpt below.) Also guidelines are provided for architectural characteristics of building proportions, building mass, materials, and roofs.

> Article 5 §19.1 - Physical Orientation and façade. Item ii. Consideration shall be given to the dominant architectural features of existing buildings, but do not necessarily have to mimic those styles. Large expanses of blank walls are to be avoided, [and] consideration shall be given to windows and entrance ways along frontage, as well as projecting elements such as eaves, cornices, canopies, projecting bays, shadow lines and overhangs.

SITE CONSIDERATIONS

Existing Conditions

The proposed building is to be built on an existing site and will be constructed utilizing the building foundation slab currently located there. The property has an entrance from West North Street/Hazlettville Road) which leads to parking areas on the west and north sides of the proposed buildings.

PARKING SUMMARY

For the mini-storage buildings, the off-street parking shall be provided at a rate of at least one (1) space per each 25 rental units and three (3) spaces for the office. For the total number of units given as 519 units with the office, the minimum required is 24 parking spaces and the plan complies. (The maximum parking allowed by Code is 30 parking spaces). The plan shows a total of twenty-seven (27) regular parking spaces including two (2) handicapped parking spaces. The plan also identifies a total of twenty-six (26) parking spaces for RV and boat storage on the northwest area of the parking lot and at the north end of the buildings. The boat and RV storage areas must be screened. The plan needs to clarify how this is being accomplished.

The building use as a mini-storage in the IPM zone requires loading spaces be sufficient to meet the site development needs (Article 6 §4.27). There are several areas including the drive aisle between the buildings that can be classified as loading areas to meet the requirement.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces. Based on the number of required parking spaces two (2) bicycle parking spaces are required. A bike rack is proposed near the office on the southwest corner of Building A.

Site Access
The property has access from West North Street. The project identifies the installation of curbing along the north edge of the entrance drive including the new pavement for the connection to central drive aisle between the buildings and to the area where three parking spaces are located near the office.

The parking areas on the west and north side of the buildings consist of existing pavement that will remain; this area does not have curbing. However, it will be considered an existing condition. The parking bumpers are proposed at the head of the parking spaces prohibits travel onto lawn areas.

Waiver Requested: Partial Elimination of Curbing
The *Zoning Ordinance*, Article 6 §3.6(b) requires upright curbing for all parking areas and access drives. The elimination of curbing is proposed on the south side of the front entry drive in the area of a proposed filter strip installation for stormwater management practices. This project also proposes construction of a drive aisle along the east side of the buildings. This new paving does not include curbing as required. A written waiver request was submitted for consideration of eliminating curbing along these drive aisles. The Planning Commission may consider the elimination of such curbing when necessary to address stormwater management practices.

Sidewalks
There is existing sidewalk along West North Street/Hazlettville Road. Sidewalk connection linking into the site is shown along the north side of the entrance drive leading to the mini-storage office. Barrier free access ramps shall be installed at the access from the accessible parking spaces and at all points where sidewalks intersect with roadways and parking areas.

Lighting
The location of the lighting is proposed in the form of wall mounted units on the building. The proposed lighting must be adequate to safely light all parking and pedestrian areas yet must be shielded and directed as to not create a nuisance on the adjacent properties.

Dumpsters
A Dumpster pad with masonry enclosure for two units is depicted on the plan with construction details identified. However, based on the size of the facility the *Zoning Ordinance* requires three Dumpsters. The location of a third unit is shown as reserved for future use; it does not have to be constructed initially if the applicant believes two units will satisfy the present needs of the site. Per the *Zoning Ordinance*, the City Planner can require construction of the third unit upon determination of need. The location of the Dumpster enclosures will require a gate enclosure.

Fences
A portion of the site is enclosed by chain-link fence that is eight (8) feet in height. Other locations include an aluminum gate system for security measures. The appropriate access for emergency personal must be provided at all gates within the fence system. (See Office of the Fire Marshal comments.)

TREE PLANTING AND LANDSCAPE PLAN

The submitted plans include the requisite Landscaping Plan. There are woodland areas along the west property line. Based on a non-woodland area of 203,077 S.F., a total of sixty-eight (68) trees are required to meet the tree density requirements. A total of seventy-two (72) trees are shown for the site including 48 existing trees to remain and 24 new plantings. The tree plantings consist of a mix of deciduous, ornamental, and evergreen trees. These plantings are located on the north side of the entrance drive, the area adjacent to the accessible parking, and the area north of the buildings. All proposed tree planting locations should avoid conflicts with proposed utility lines.

Waiver Requested: Opaque Barrier – Fence Requirement

There are requirements for visual and noise buffering for non-residential properties that abut residential properties (Article 5 §7.2). The Ordinance generally requires the installation of both an opaque barrier (solid fence, wall, berm, etc.) and a vegetative buffer (evergreen trees and shrub plantings) on the residential side of the opaque barrier. Due to the non-residential use of the property, project must conform to these buffer requirements as the subject property is bounded by residential properties to the west, north, and northeast. The existing woodlands on the west side of the site and the series of White Pine trees on the northern property line will account for portions of the tree plantings for this requirement. The plan shows the planting of additional Red Cedar trees along the west property to satisfy the buffer in that area. The northeast corner of the site adjacent to residentially zoned property shows five Douglas Fir trees in that area for the buffer.

While the site does propose to fence a portion of the site, full compliance with the opaque barrier requirements is not met. A waiver request for the opaque barrier requirement was submitted for consideration of eliminating the fence component.

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

CITY AND STATE CODE REQUIREMENTS:

1) The data column on all sheets (Sheet TS-1) will need to be updated prior to Final Approval. Some of the items which need revising are as follows:
   a) Add information on any waivers granted by the Planning Commission for this Site Plan application. The current notes on the plan refer to waivers from 2012 that have expired.
   b) Any changes recommended or approvals by the Planning Commission.
   c) The engineer's certification and owner's certification on Cover Sheet and Landscape Plan must be resigned with currently dated signatures.
   d) Update title block date and revision tracking listing.

2) The waivers noted on the plan that were previously granted by the Planning Commission have expired and cannot apply to this Site Plan. New waiver requests have been submitted for consideration.

3) The required fence component of the opaque barrier requirement must be shown on the plan unless the Planning Commission grants a waiver. A written waiver request was submitted for consideration by the Planning Commission.

4) The required curbing for new parking and entrance drive aisle areas must be shown on the plan unless the Planning Commission grants a waiver for the elimination of curbing. A waiver request was submitted for consideration by the Planning Commission.

5) Corrections to Sheets:
   a) Sheet SD-1: Pavement is not shown for removal in the curbed island areas on the west access gate or in the areas where the entrance drive is being reconfigured.
   b) Sheet UP-1: Update contact number for the Department of Public Works.

6) Barrier free access ramps shall be installed at the access from the accessible parking spaces and at all points where sidewalks intersect with roadways and parking areas.

7) Identify the method of screening of the boat and RV storage area.

8) If site layout or building size or design changes are made to achieve compliance with fire protection regulations, consult with Planning Office to ensure *Zoning Ordinance* provisions are met.

9) Building construction plans must comply the approved Site Plan.

10) On the Landscape Plan, the following corrections are identified:
   a) Update the information on the opaque barrier waiver as related to the current consideration of the Site Plan.
   b) Check labeling of tree plantings as several are missing letters: LI and QP.

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

1) <u>Recommendations on Waivers Requested:</u>
   a) <u>Waiver Request for Curbing</u>: Staff recommends approval of the partial elimination of curbing in designated areas of the parking lot and drive aisles where it can be demonstrated to be associated with stormwater management practices. The areas where curbing elimination is proposed are adjacent to a filter strip in one area and a drainage swale in the second area. The Plan shows the installation of parking bumpers at the head of parking spaces to prohibit vehicle travel onto non-paved areas. Also portions of the site to the west and north where pavement exists without curbing are to be retained.

   b) <u>Waiver Request for Opaque Barrier – Fence Requirement:</u> Staff recommends approval of the elimination of the fence component of the opaque barrier. The landscape screening element of the opaque barrier in the areas of the site adjacent to residentially zoned properties will be implemented in the form of existing woodland areas and tree plantings and by additional evergreen tree plantings. The site does include fencing as a security measure for portions of the mini-storage facility; however, this fencing does not fully comply with the opaque requirement due to location and lack of opaqueness.

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 its placement as most areas immediately adjacent to the building are parking areas or drive aisles/fire lanes.

ADVISORY COMMENTS TO THE APPLICANT:

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

2) 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 the complex/buildings, relocation of site components like stormwater management areas, and increases in floor area count. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

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

4) The project site currently has a DelDOT approved Entrance Plan for improvements in the right-of-way at the entrance. The project site also has a Kent Conservation District approved Sediment & Stormwater Management Plan. It is noted that while these plan approvals are currently in place they may expire prior to any plan approval timeframes yet to be established by the Planning Commission through review of Application S-15-05. Final plan approvals from all agencies must be in place for construction activities to occur.

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

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

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

8) 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: APRIL 1, 2015**

**CITY OF DOVER Electric & Public Works Departments**

**APPLICATION:** **North Street Mini Storage**

**FILE #:** **S-15-05**

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

**CONTACT PERSON:** **Aren Wright - 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. Meter locations will be determined by City of Dover Engineering Department.
2. Load sheets and AutoCAD compatible DXF or DWG diskettes of site plans, including driveways, are required prior to receiving approved electrical construction drawings.
3. 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.
4. 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.
5. 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.
6. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
7. All Engineering and design for Dover Electric will be engineered upon final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

### WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
   b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7070 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted

in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.

3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.

**WASTEWATER**

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.
3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. 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 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/GENERAL

1. None

## ADVISORY COMMENTS TO THE APPLICANT

### 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. Impact fees may be required for this project.

### WASTEWATER

1. The City of Dover sanitary sewer system is available to this site. The developer is responsible for all costs associated with extending and providing service and capacity to the proposed development.
2. Prior to plan approval, the sanitary sewer system plans 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. Impact fees may be required for this project.

**STREETS**

1. Please provide turning diagram for largest anticipated vehicle to verify the geometry is adequate for the entrance.

**SANITATION**

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

**ELECTRIC/STORMWATER/ GROUNDS**

1. None

**GENERAL**

1. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.
2. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter.
3. Be advised that this project was previously approved by the Department of Public Works in its current form. The comments in this report may be applicable based on design alterations made by the requirements of other agencies.

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-15-05**

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER FIRE MARSHAL

APPLICATION: North Street Mini Storage at 1351 West North Street

FILE #: S-15-05 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

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

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

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

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

5. Firefighter perimeter access will be 25% (TBDFM) and clearly shown on the plans

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

7. Any natural or LP gas bottles, meters, values, regulators, etc., must have impact protection per City of Dover Code of Ordinances. Provide Detail Spec. on Plan.

8. Full building and fire plan review is required.

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

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

11. As building is over 100,000 square feet, building shall meet the requirements of Large Area Buildings per Delaware State Fire Prevention Regulations 2012.

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

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

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

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

16. Fire Alarm System required per occupancy code requirements.

17. Knox Box required at all tenant spaces.

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

19. Gate is to be operational with Fire Department Opti-Con system.

20. Project to be completed per approved Site Plan.

21. Multiple Access Roads shall be provided when a fire department access road (fire lane) is determined by the Fire Marshal to be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access such as placement of fire hose from fire equipment.

## ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. **Please provide location of primary entrance/exit from building as it pertains to the fire lane locations.**

2. **Plans shall provide fire lane measurements (width). In addition provide measurements for all travel lanes around building.**

3. **Plans shall provide fire lane coverage (50%) clearly identified per the most current Delaware State Fire Prevention Regulations. (Shown on Plan).**

4. **Plans shall provide perimeter access coverage (25%) clearly identified per the most current Delaware State Fire Prevention Regulations. (Shown on Plan).**

5. **Fire lanes can be no closer than 10 feet to the building and no farther than 50 feet from the building. Current figures/measurements do not show compliance with this.**

6. Buildings over 25,000 Sq. Ft are to have radio performance testing done by Delaware State Communications prior to Final CO. Contact this office for contact information for test.

7. Plans shall show actual building height need to be shown on plans. If the building is over 50ft in height it will increase the amount of fire lane and perimeter access requirements for the property.

8. Plans shall clearly show all new and existing fire hydrants. Currently this office has only located one hydrant on the North side of the property.

9. Plans shall confirm that the building is sprinklered or not.

10. Plans shall provide Fire Department Connection distance to closest hydrant. FDC's are required to be within 300ft of an approved City of Dover Fire Hydrant.

11. Fire Department Connection is to be located within 50 feet of main entrance to the building. Access to the Fire Department Connection must be clear unobstructed access as defined by the AHJ (Authority Having Jurisdiction). Please show measurement on plans.

12. Plans shall provide Detail Spec for City of Dover Code (46-4) concerning Impact Protection for all gas and LP gas devices.

13. Plans shall show means of identifying Fire Lanes per the most current edition of the Delaware State Fire Prevention Regulations.

14. Plans shall provide location of Sprinkler Room if available.

15. Plans shall provide detail of obstructions next to the note "20.2 measurement" between Building A and B. This appears to be a ramp. This configuration must comply with the most current edition of the Delaware State Fire Prevention Regulations

16. Per Note "6' High, Aluminum Automatic Gate"; please provide detail of gate system. All approved gates are required to comply with this office and the Delaware State Fire Prevention Regulations in addition to the Delaware Department of Transportation. All gates are required to have one manual and one automated means for opening. To be considered accessible for fire department apparatus the actual clear openings shall be not less than 14ft, the paved surface through the gate shall be not less than 12ft and the gate shall be setback from the perpendicular street by at least 50ft. Contact this office to discuss.

17. Plans shall show dimensions of turning radius for the South East Corner of Building B. Attached is a copy of the turning radius for the most demanding fire apparatus served to protect this building. Show compliance that fire apparatus can make this turn.

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: April 1, 2015

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APPLICATION: West North Street Mini Storage at 1351 West North Street
FILE#: S-15-05 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Julio F. Seneus PHONE#: 760-2145

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

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

CITY & STATE CODE REQUIREMENTS:

1. The department has no comments for this project. The entrance approval letter and the Letter of No Objection (LONOR), which were issued on June 19, 2013, are still valid for this project, and the entrance approval letter will be valid until June 19, 2016.

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**
**April 2015**

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**APPLICATION:** *West North Street Mini Storage*

**FILE #: S-15-05**

**REVIEWING AGENCY:** *Kent Conservation District*

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

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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:

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

1. The site plans have been approved by The Kent Conservation District on August 29, 2013 the plans are valid for three (3) years form the approval date August 29, 2016.

S-15-05

LARSON
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING

March 6, 2015

Ms. Dawn Melson
City of Dover Planning
PO Box 475
Dover, DE 19901

**RE: WEST NORTH STREET MINI STORAGE**
**CURBING WAIVER**

Dear Dawn:

This letter is to request a waiver of Article 6, Section 3.6(b) on behalf of our client, RES-Data, LLC and SSS-Data, LLC. Many areas throughout the site have sheet flow off the parking lot to take advantage of the Green Technology Best Management Practices to improve water quality. The curbing would reduce the water quality benefits of the GTBMPs chosen by concentrating runoff.

Please review this request and call me if you need any additional information.

Sincerely,

**LARSON ENGINEERING GROUP, INC.**

Douglas J. Liberman
Vice President

S-15-05

LANDSCAPE ARCHITECTURAL SERVICES, L.L.C.

Matthew T. Spong, R.L.A., ASLA
Trisha Sawicki, ASLA

City of Dover
Dept. of Planning & Inspections
P.O. Box 475
Dover DE 19903
Attn: Ms. Dawn Melson – Williams, A.I.C.P., Principal Planner 4.2.12

**RE: West North Street, Mini Storage**
**Waiver Request from the Opaque Barrier**
**Along Residential Zoned Property Lines**

Dear Dawn,

We are writing to request a waiver from Article 5, Section 7.2 of the Dover City code requiring a 6' high opaque barrier and landscaping adjacent to the residential land use along the north and west property liens of this new facility.

Reasons for the waiver request are:

1. the mini storage use will not generate a significant increase in noise impacting the adjacent residential site.

2. The existing 15'-20' high white pine plantings will be preserved as shown on the plan and will provide a dense buffer. (Installing a fence would require pruning the trees to create an open area in which to construct it), the drainage ditch precludes a fence at the southwest corner.

We appreciate you consideration of this request and would be happy to answer any questions you may have.

With Best Regards,

Matthew T. Spong, R.L.A., A.S.L.A., Principal
X.C. Doug Liberman, Vice President, Larson Engineering Group, Inc.

P.O. Box 293, Dover, DE 19903 phone: 302-284-4578 fax: 302-284-0301
e-mail: matt@las-llc.net website: www.las-llc.net