CITY OF DOVER BOARD OF ADJUSTMENT
AGENDA
Wednesday, February 18, 2015 at 9:00 AM

City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES of January 21, 2015 Meeting

NEW BUSINESS

Applicant #V-15-03
20, 28, 30, 32, 40, and 48 South Kirkwood Street. Central Delaware Habitat for Humanity has requested a variance from the requirements of Article 4 §4.2 of the *Zoning Ordinance* pertaining to minimum lot width in the RG-1 zoning district for one-family detached dwellings. Subject properties are zoned RG-1 (General Residence Zone). The Tax Parcels are: ED-05-076.08-06-11.00-000, ED-05-076.08-06-12.00-000, ED-05-076.08-06-13.00-000, ED-05-076.08-06-14.00-000, ED-05-076.08-06-15.00-000, and ED-05-076.08-06-16.00-000. The owners of record are Central Delaware Habitat for Humanity and Bibleway Temple Church of God in Christ.

Applicant #V-15-04
747 North DuPont Highway. Bankshares Realty LLC c/o Charles Owensby has requested a variance from the requirements of Article 6 §3.1 and §3.11 of the *Zoning Ordinance* for parking as related to the maximum allowed parking for the proposed use. Subject property is zoned SC-2 (Community Shopping Center) and a portion is subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 3 Excellent Recharge Area). The Tax Parcel is ED-05-068.05-01-15.00-000. The owner of record is Bankshares Realty LLC.

ADJOURN
29 Del.C. § 10004(e)(2)

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.

MINUTES OF
BOARD OF ADJUSTMENT
MEETING of January 21, 2015

- The Board of Adjustment Meeting Minutes of January 21, 2015 is still being prepared. These Meeting Minutes will be distributed to the Commission members via email prior to the meeting and provided as a hard copy if needed at the February 18, 2015 meeting for review.

- Adoption of the Meeting Minutes will be considered at the February 18, 2015 meeting of the Board of Adjustment.

City of Dover

Board of Adjustment

February 18, 2015

V-15-03

Location:	20, 28, 30, 32, 40 & 48 South Kirkwood Street
Applicant/Owner:	Central Delaware Habitat for Humanity Bibleway Temple Church of God in Christ
Tax Parcel:	ED-05-076.08-06-11.00-000 ED-05-076.08-06-12.00-000 ED-05-076.08-06-13.00-000 ED-05-076.08-06-14.00-000 ED-05-076.08-06-15.00-000 ED-05-076.08-06-16.00-000
Application Date:	January 16, 2015
Present Zoning:	RG-1 (General Residence Zone)
Present Use:	Vacant/Church on One Parcel
Proposed Use:	Houses/Church to Remain
Reviewed By:	Ann Marie Townshend, AICP
Variance Type:	Area Variance
Variances Requested:	To allow reduction of lot width from the required 60 feet to 50 feet

Project Description
The applicant wishes to build homes on the vacant residential lots. Currently the lots vary in width from 36 feet to 100 feet. The applicant wishes to create parcels that are consistent in width.

The applicant is requesting an area variance from the requirements of *Zoning Ordinance* Article 4 §4.2 to reduce lot width from 60 feet to 50 feet.

Adjacent Zoning and Land Use
The adjacent properties to the west, fronting West Street, are zoned C-2A (Limited Central Commercial Zone) and include the NAPA Auto Parts store and the Inner City Cultural League.

The property adjacent to the north is zone RG-1 (General Residence Zone) and has a house on it. The property to the south is also zoned RG-1and is the Bibleway Temple Church of God in Christ's church building. Properties east across South Kirkwood Street are residential properties zoned RG-1.

Code Citations:
Article 4, Section 4.2:

			One-Family Dwellings Detached	One-Family Semi-Detached and Other Dwellings	Multiple Dwellings*
Minimum required:					
	Lot area per dwelling unit (sq. ft.)		7,500	5,000	3,000
	Lot width (ft.)		60	80	100

Applicant's Proposal
The applicant wishes to complete a lot line adjustment process that would result in one 92.6-foot-wide lot (to be owned by Bibleway Temple Church of God in Christ) and five 51.1-foot-wide lots to be developed as homes by Central Delaware Habitat for Humanity. According to the applicant:

> The reason for the joint application is because it is our intent to do a lot line adjustment on these lots that allow Central Habitat to swap parcel 14.00 with the church which would allow the church to expand parcel 16.00 and Habitat would have five contiguous lots each at 50'. We are starting and ending with the same number of parcels just a variance for consistent parcel sizes.
>
> This request is also consistent with the Downtown Development District designation as well as the Restoring Central Dover plan by increasing homeownership.

Exceptional Practical Difficulties Tests
Zoning Ordinance Article 9 §2 dictates the specific powers and duties of the Board of Adjustment with regard to granting variances. Specifically the Board must determine:

> 2.1 Variance – The board shall have the authority to authorize variances from provisions of the Zoning Ordinance that are not contrary to public interest where the board determines that a literal interpretation of the Zoning Ordinance would result in undue hardship or exceptional practical difficulties to the applicant. In granting variances, the board shall determine that the spirit of the Zoning Ordinance is observed and substantial justice is done.

2.11 Area Variance. A variance shall be considered an area variance if it relates to bulk standards, signage regulations, and other provisions of the Zoning Ordinance that address lot layout, buffers, and dimensions. In considering a request for an area variance, the board shall evaluate the following criteria and document them in their findings of fact:

(a) the nature of the zone in which the property lies;
(b) the character of the immediate vicinity and the contained uses therein;
(c) whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; and
(d) whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the Zoning Ordinance.

Review of Application

As part of the application, the applicant was asked to summarize how the requested variance relates to the criteria. The applicant's response is provided below along with a staff assessment of the application in accordance with the required criteria.

1. The nature of the zone in which the property lies.

   Applicant Responses:
   The current zoning for these parcels is RG-1 which permits single family residential homes. The homes located on this property would be single family homes.

   Staff Response:
   The proposal to build homes would be consistent with the nature of the zone, as the property is located within the RG-1 (General Residence) zone.

2. The character of the immediate vicinity and the contained uses therein.

   Applicant Responses:
   It appears the original lot sizes in the surrounding area were 50'. Across the street from these parcels, the lot widths vary from 15' to 63'. The current four lots owned by Habitat vary in size from 100', 36', 70' and 48'; however; after the parcel swap with the church, Habitat would then own five lots of the following widths, 58', 42', 36', 70', 48'. By allowing the variance of 50' lot sizes this would provide consistency in the neighborhood and allow for similar sized homes. Besides the church, it is a residential community with single family homes.

   Staff Response:
   The planned construction based on the variance request would be consistent with the immediate vicinity and uses. The variance would allow all of the lots to be developed with required off-street parking, and it would create consistency in the lot sizes of the subject parcels. As articulated by the applicant, other lots on the opposite side of the street are also blow the minimum lot width of 60 feet and the request lot width of 51.1 feet.

3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses.

   Applicant Responses:
   No, it would not seriously affect the neighboring properties but only improve the properties by providing consistency and it would be compatible with what already exists. Plus it would increase homeownership and provide stability to the community.

   Staff Response:
   If the minimum lot width of 60 feet is reduced, it would not seriously affect neighboring properties. It would actually improve the area by adding new homes to be occupied by homeowners.

4. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the Zoning Ordinance.

   Applicant Responses:
   The unnecessary hardships would be that Habitat would develop smaller homes on the narrow lots plus it would be difficult to provide off street parking on those lots and meet the setback requirements. By creating varying sized homes this would create inconsistency in the neighborhood and lack uniformity for future development.

   Staff Response:
   The applicant has demonstrated exceptional practical difficulty, because without the requested variance, they cannot increase the lot widths of the smaller parcels, thereby making them more difficult to develop and provide off-street parking, especially since the lots are not served by an alley. It would also create inconsistency in the appearance of the street as the lots are developed.

Variance Recommendations:
Staff recommends approval of the variance to allow reduction of the lot width to 51.1 feet on the subject lots:

- The applicant has demonstrated exceptional practical difficulty, as development of the lots with the current varied width creates an exceptional practical difficulty in developing the lots in a way that meets other bulk standards, specifically off-street parking.
- The development plan to build homes for owner occupancy is consistent with approved plans for the area and with the prior development pattern of the area.
- Dover's *2008 Comprehensive Plan*, the *Restoring Central Dover Plan*, the City's Consolidated Plan for Community Development, and the newly created Downtown Development District all support redevelopment, increased homeownership, and affordable homeownership in this area. The proposal is consistent with these goals articulated in multiple City plans and policies.

City of Dover

Board of Adjustment

February 18, 2015

V-15-04

Location:	747 North DuPont Highway
Applicant/Owner:	Bankshares Realty, LLC c/o Charles E. Owensby
Tax Parcel:	ED-05-068.05-01-15.00-000
Application Date:	January 15, 2015
Present Zoning:	SC-2 (Community Shopping Center) SWPOZ (Source Water Protection Overlay Zone- Tier 3 Excellent Recharge Area)
Present Use:	Vacant, previously developed
Proposed Use:	Restaurant
Reviewed By:	Bill Cook, Planner I
Variance Type:	Area Variance
Variance Requested:	To increase the parking on site above the maximum number of spaces permitted by *Zoning Ordinance*.

Project Description

The applicant is proposing construction of a freestanding restaurant on the property addressed as 747 North DuPont Highway. The project site is known as the former Berry Van Lines site.

The subject property was rezoned from C-4 (Highway Commercial Zone) to SC-2 (Community Shopping Center Zone), application Z-07-05, recommended for approval by the Planning Commission at its meeting of March 21, 2007, and approved by City Council on April 9, 2007. Previously Site Plan S-07-39 was reviewed to redevelop the property; however that plan has expired.

The restaurant is one component of a new concept for development of the total 25 acre property. The restaurant is proposed in the southwest corner of the parcel adjacent to the highway.

Development of the property as a restaurant will be subject to a Site Plan application. As part of designing the new site layout, the applicant is requesting an area variance from the requirements of *Zoning Ordinance,* Article 6 §3.11 for parking.

Adjacent Land Uses

The subject property is zoned SC-2 (Community Shopping Center Zone), located on the east side of North DuPont Highway between Leipsic Road and Jefferic Boulevard. Portions of the property are adjacent to North DuPont Highway and Leipsic Road. A portion of the property is also within the SWPOZ (Source Water Protection Overlay Zone- Tier 3 Excellent Recharge Area). This overlay zone includes provisions related to impervious surface area in order to protect ground water quality.

Surrounding properties to the north and south fronting North DuPont Highway are zoned C-4 (Highway Commercial Zone). Properties across Leipsic Road are zoned SC-2 and RC (Recreational Commercial Zone). Along a segment of the southeastern boundary of the property, the property adjoins a property zoned CPO (Commercial Professional Office Zone).

Code Citations

The proposed restaurant use is permitted in the SC-2 (Community Shopping Center) as outlined in *Zoning Ordinance* Article 3 §17.32.

Parking regulations under the provisions of Article 6 §3.1 for "Eating and Drinking Places" require at least one (1) parking space for each four (4) seats, plus one (1) space for every three (3) bar seats. Article 6 §3.1(a.i) states that the parking requirements of Article 6 shall prevail over the minimum parking requirements of Article 3.

Zoning Ordinance Article 6 §3.11 states that "the maximum number of parking spaces shall not exceed 25 percent over the number of parking spaces required by the code."

Table 1 shows a summary of the required minimum parking spaces, maximum permitted parking spaces, and requested parking spaces for the site under the proposed development scenario for the restaurant.

Table 1
Off-Street Parking Calculations
747 North DuPont Highway (V-15-04)

		Parking Spaces
Required by Restaurant Seat Count (Article 6)		
Number of Seats	400	
Minimum Required Parking		100
Maximum Parking Permitted		125
Requested by Applicant		
Total		170

Exceptional Practical Difficulties Tests

Zoning Ordinance Article 9 §2 dictates the specific powers and duties of the Board of Adjustment with regard to granting variances. Specifically the Board must determine:

2.1 Variance **–** The board shall have the authority to authorize variances from provisions of the Zoning Ordinance that are not contrary to public interest where the board determines that a literal interpretation of the Zoning Ordinance would result in undue hardship or exceptional practical difficulties to the applicant. In granting variances, the board shall determine that the spirit of the Zoning Ordinance is observed and substantial justice is done.

2.11 Area Variance. A variance shall be considered an area variance if it relates to bulk standards, signage regulations, and other provisions of the Zoning Ordinance that address lot layout, buffers, and dimensions. In considering a request for an area variance, the board shall evaluate the following criteria and document them in their findings of fact:

(a) the nature of the zone in which the property lies;
(b) the character of the immediate vicinity and the contained uses therein;
(c) whether, if the restriction upon the applicant**'**s property were removed, such removal would seriously affect neighboring properties and uses; and
(d) whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the Zoning Ordinance.

Review of Application

As part of the application, the applicant was asked to summarize how the requested variance relates to the criteria. The applicant's response is provided below along with a staff assessment of the application in accordance with the required criteria.

1. The nature of the zone in which the property lies.

   Applicant Responses:
   "The property lies in C4 Commercial."

   Staff Response:
   The property is zoned SC-2 (Community Shopping Center). The requested variance is consistent with the nature of the zone in which the property lies, as well as the zoning and character of surrounding properties. Uses found in SC-2 districts along DuPont Highway and elsewhere in the City typically have generous parking. In addition to multi-tenant buildings, single-use restaurants are often found on "pad-sites" within or adjacent to parcels zoned SC-2.

   In the pre-application meeting staff may have incorrectly identified the property as C-4 (Highway Commercial Zone). However in terms of the parking requirements and proposed use, there is no significant difference between SC-2 and C-4 in how it applies to this application.

2. The character of the immediate vicinity and the contained uses therein.

Applicant Responses:
"Site sits next to Pizza Hut, local Diner and is located in front of Dover Downs Speedway."

Staff Response:
Other freestanding restaurants are found to the north and south along North DuPont Highway. These establishments have their own parking and are one-story commercial structures such as that proposed. Dover International Speedway is located slightly north across Leipsic Road. Parts of adjacent properties are also open areas used for vehicle and/or RV parking for race events.

The requested variance does not change the character of the immediate vicinity at the present time. The subject site currently consists of vacant paved areas and former buildings have been demolished in anticipation of redevelopment.

3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses.

Applicant Responses:
"Would not be effect neighboring properties."

Staff Response:
The subject property is large and likely has sufficient space to allow for the requested parking for the proposed restaurant use. A variance to allow additional parking would not impact adjacent properties, and would reduce the likelihood of visitors of the subject property seeking parking on adjacent properties. Since the site has been vacant for some time, new investment may be perceived as positive by neighboring properties.

At this time no Site Plan has been submitted for review. As more detailed plans become available, staff with work with the applicant to ensure code compliance in terms of drainage, landscaping, circulation, and other site development criteria.

4. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the Zoning Ordinance.

Applicant Responses:
"Based on data provided within this package, will show examples why the amount of parks in order to be successful at Golden Corral is needed. If we are not able to get approved for a variance to increase parking, we will not be able to develop and build in Dover, Delaware."

Staff Response:
The applicant has indicated that 170 spaces is the minimum number of spaces needed to make the proposed restaurant feasible. Based on past experience, staff has noted that *Zoning Ordinance* requirements for restaurant parking are sometimes insufficient compared to restaurant industry and practical requirements. As presented in Exhibit 2, local and regional requirements for restaurant parking are typically more generous and would allow more parking than if the same establishments were located in Dover.

Zoning Ordinance Article 6 §3.11 imposes a cap on parking so the maximum number of spaces provided cannot exceed 25% over the minimum code requirement. Information submitted by the applicant indicates that such a maximum is not a feature of many jurisdictions in Delaware.

Variance Recommendations:
Staff recommends approval of the variance for the increase in parking by 45 spaces, from the minimum 100 spaces required (125 maximum permitted) to allow a total of 170 spaces, inclusive of required handicapped parking spaces and subject to other site design requirements of the *Zoning Ordinance* for reasons as follows:

- The proposed variance would not be out of character for the zone and the surrounding uses.
- The parking proposed by the applicant is reasonable considering the demands of the business and similar businesses, and the applicant has provided evidence that the regulation creates an exceptional practical difficulty.
- Staff has had similar discussions with other restaurant chains and plans to propose changes to the parking regulations as they apply to restaurants.

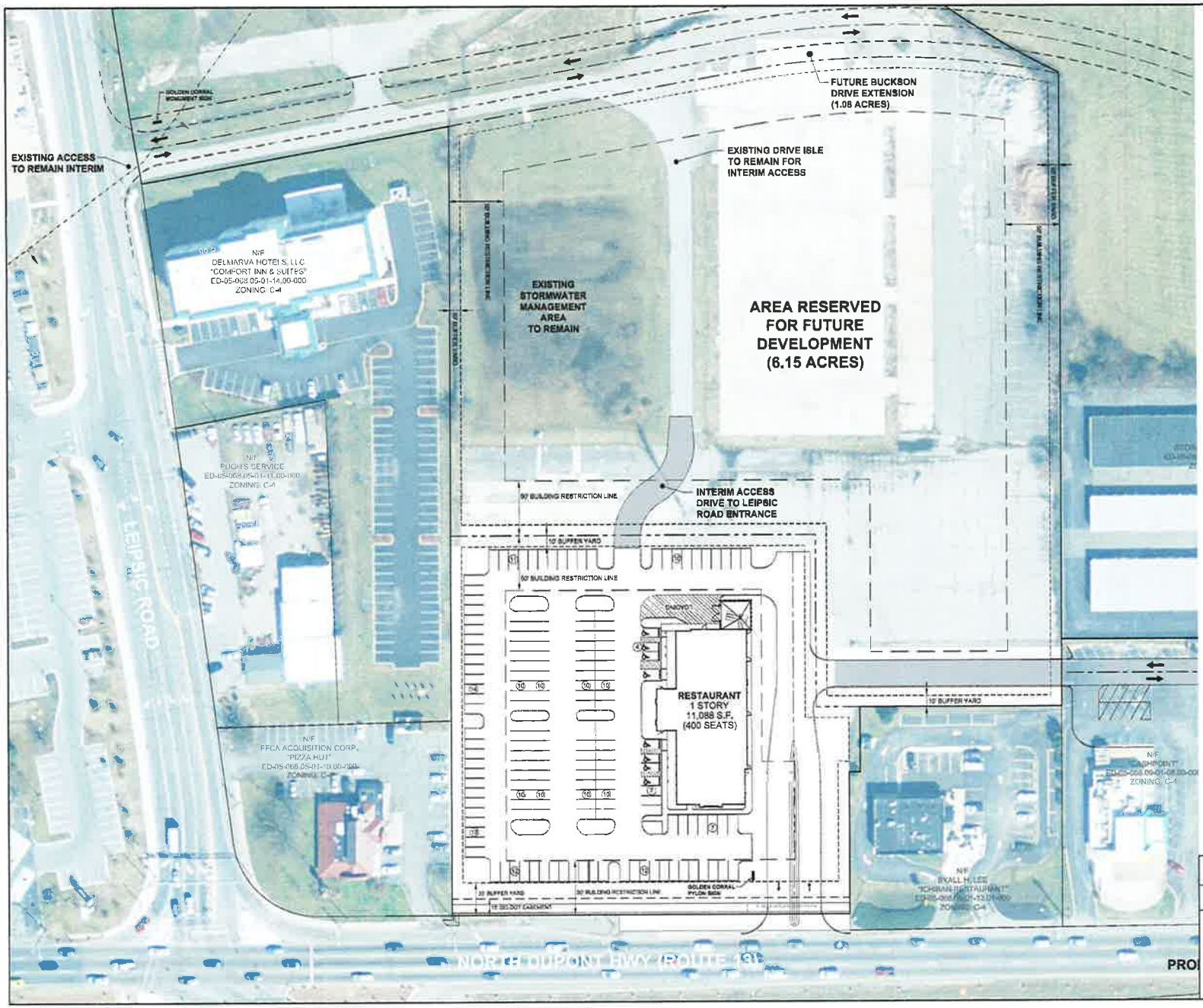
Exhibit 1-1

BOARD OF ADJUSTMENT APPLICATION QUESTIONS (DOVER, DELAWARE)

1. The nature of the zone in which the property lies.
   The property lies in C4 Commercial.
2. The character of the immediate vicinity and the contained uses they are in
   Site sits next to Pizza Hut, local Diner and is located in front of Dover Downs Speedway
3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses.
   Would not be effect neighboring properties
4. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is permitted uses under improvements in the character of that use of the property that is permitted used under the provisions of the zoning ordinance.
   Based on data provided within this package, will show examples why the amount of parks in order to be successful at Golden Corral is needed. If we are not able to get approved for a variance to increase parking, we will not be able to develop and build in Dover, Delaware.

Note: These are the 4 questions to be included with our application for the Board of Adjustment

Larry Weiland
Director of Real Estate
Golden Corral Corporation
Cell 317-407-0992
Fax 800-590-8039
VM 919-881-4484 x4276
lweiland@goldencorral.net



SITE DATA

1.	TOTAL SITE AREA	25.08 ACRES
	RIGHT OF WAY DEDICATION	0.07 ACRES
	PROPOSED DEVELOPMENT	2.81 ACRES
	REMAINING LANDS	22.20 ACRES
2.	EXISTING ZONING	BC-2
3.	PROPOSED USE	11,088 S.F. (400 SEAT) RESTAURANT
4.	TAX MAP NUMBER	2-05-068.05-10-13.00-000
5.	ZONING REQUIREMENTS	
	FRONT YARD SETBACK	30'
	SIDE YARD SETBACK	25'
	REAR YARD SETBACK	25'
	BUFFER YARD	30' ROUTE 13 H.C.O.Z. / 10' MINIMUM ALL SIDES
	LANDSCAPED AREA	10% OF SITE AREA
	MINIMUM LOT WIDTH	150'
	MINIMUM LOT DEPTH	150'

PARKING REQUIREMENTS

CITY OF DOVER PARKING REQUIREMENTS
(RESTAURANT) 400 SEATS @ 1 SPACE / 4 SEATS = 100 SPACES
MAXIMUM PARKING ALLOWED 170 X 125% = 125 SPACES

PARKING PROVIDED TOTAL = 170 SPACES (5 SPACES RESERVED FOR HANDICAPPED)
LOADING SPACES PROVIDED = 1 SPACES

THIS PLAN DOES NOT REPRESENT A FIELD SURVEY BY KARINS AND ASSOCIATES. ITS SOLE PURPOSE IS TO GRAPHICALLY DEPICT THE POSSIBLE USE OF THIS SITE FOR FUTURE DEVELOPMENT AND IT IS TO BE USED SOLELY BY OUR CLIENT. THE PROPERTY AS SHOWN IS DERIVED FROM EXISTING SOURCES (TAX MAPS, HIGHWAY PLANS, AERIAL PHOTOS AND OTHER PLANS). THE PROPERTY LINES, AREAS AND EXISTING FEATURES, AS SHOWN, MAY VARY FROM THEIR ACTUAL LOCATIONS WHICH WILL BE DETERMINED WHEN A BOUNDARY AND TOPOGRAPHIC FIELD SURVEY IS PERFORMED. THE LOCATION OF BUILDING, PARKING AND OTHER PROPOSED INFORMATION DEPICTED ON THIS PLAN MAY VARY WITH THE SURVEY. THEREFORE, IN ACCEPTING THIS PLAN, THE CLIENT, HIS SUCCESSORS AND ASSIGNS ACCEPTS ANY AND ALL RESPONSIBILITIES FOR ITS USE ACKNOWLEDGES THAT THE DATA DEPICTED HEREIN IS NOT TO BE RELIED UPON FOR ANY PROPERTY ACQUISITION, BANK LOAN OR ANY OTHER PURPOSE WITHOUT THE EXPRESS WRITTEN CONSENT OF KARINS AND FURTHER, THE CLIENT AGREES TO INDEMNIFY AND HOLD HARMLESS KARINS AND ITS EMPLOYEES FROM ANY AND ALL CLAIMS WHICH MAY ARISE FROM THE USE OF THIS PLAN.

PROPOSED IMPROVEMENTS SHOWN ON THIS PLAN ARE SUBJECT TO REGULATORY AGENCY APPROVAL. NO GUARANTEE OF REGULATORY APPROVAL OF THE PROPOSED IMPROVEMENTS IS EXPRESSED OR IMPLIED BY THIS PLAN.

CONCEPT PLAN FOR RESTAURANT AT CAPITAL MARKETPLACE

SITUATED IN: CITY OF DOVER, KENT COUNTY, DELAWARE

Karins and Associates
ENGINEERS • PLANNERS • SURVEYORS
17 POLLY DRUMMOND CENTER • SUITE 201
NEWARK, DELAWARE 19711
PHONE: (302) 368-2800 FAX: (302) 368-2679
www.karinsengineering.com

PREPARED FOR: Capital Marketplace, LLC

SURVEY BY:		SCALE: 1" = 40'
DESIGNED BY:	J.L.	
DRAWN BY:	J.L.	DATE: 11-10-2014
CHECKED BY:		DRAWING NO: 2014 • P14

Exhibit 1-2

Block diagram: site is red arrow

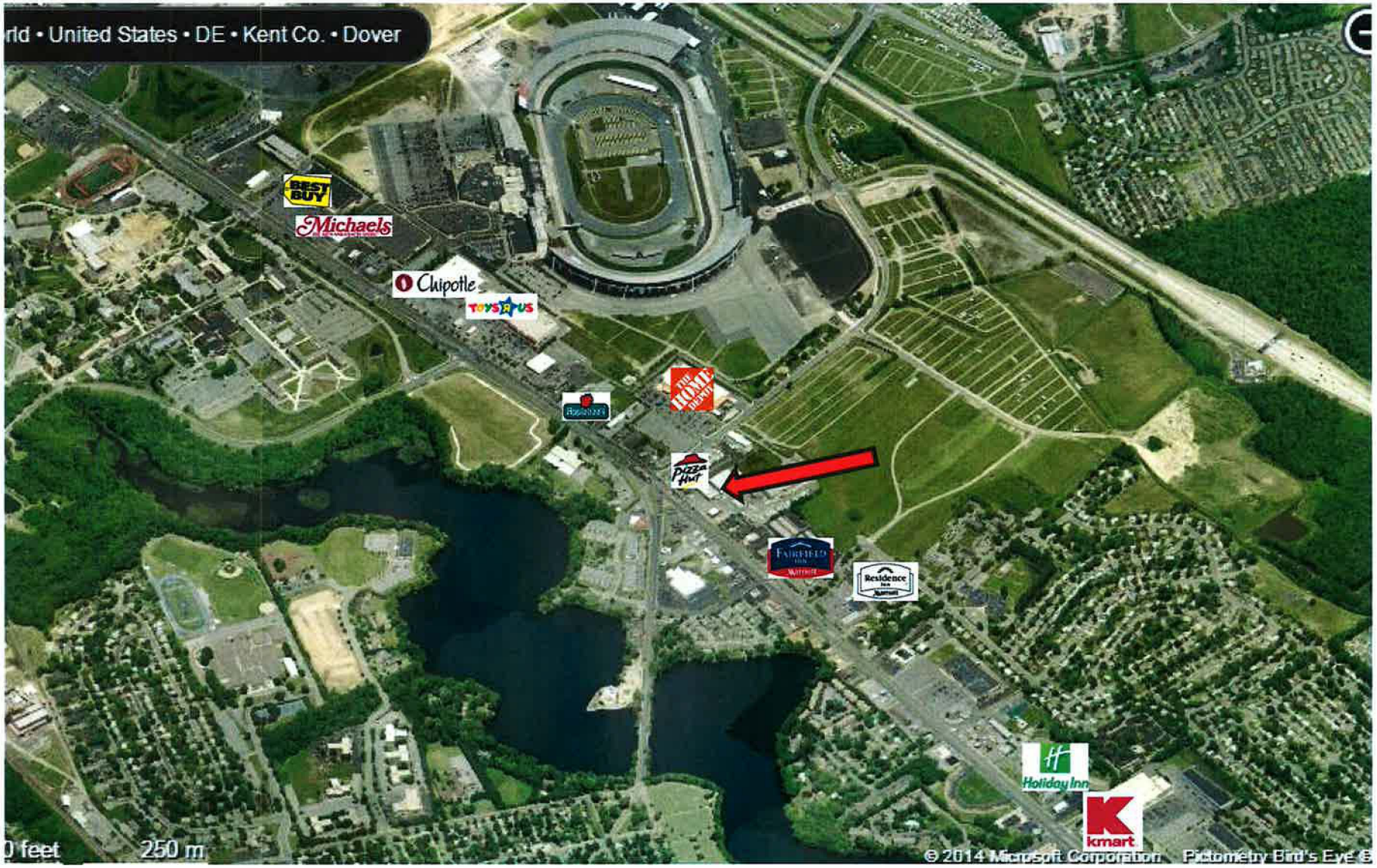


Exhibit 1-3

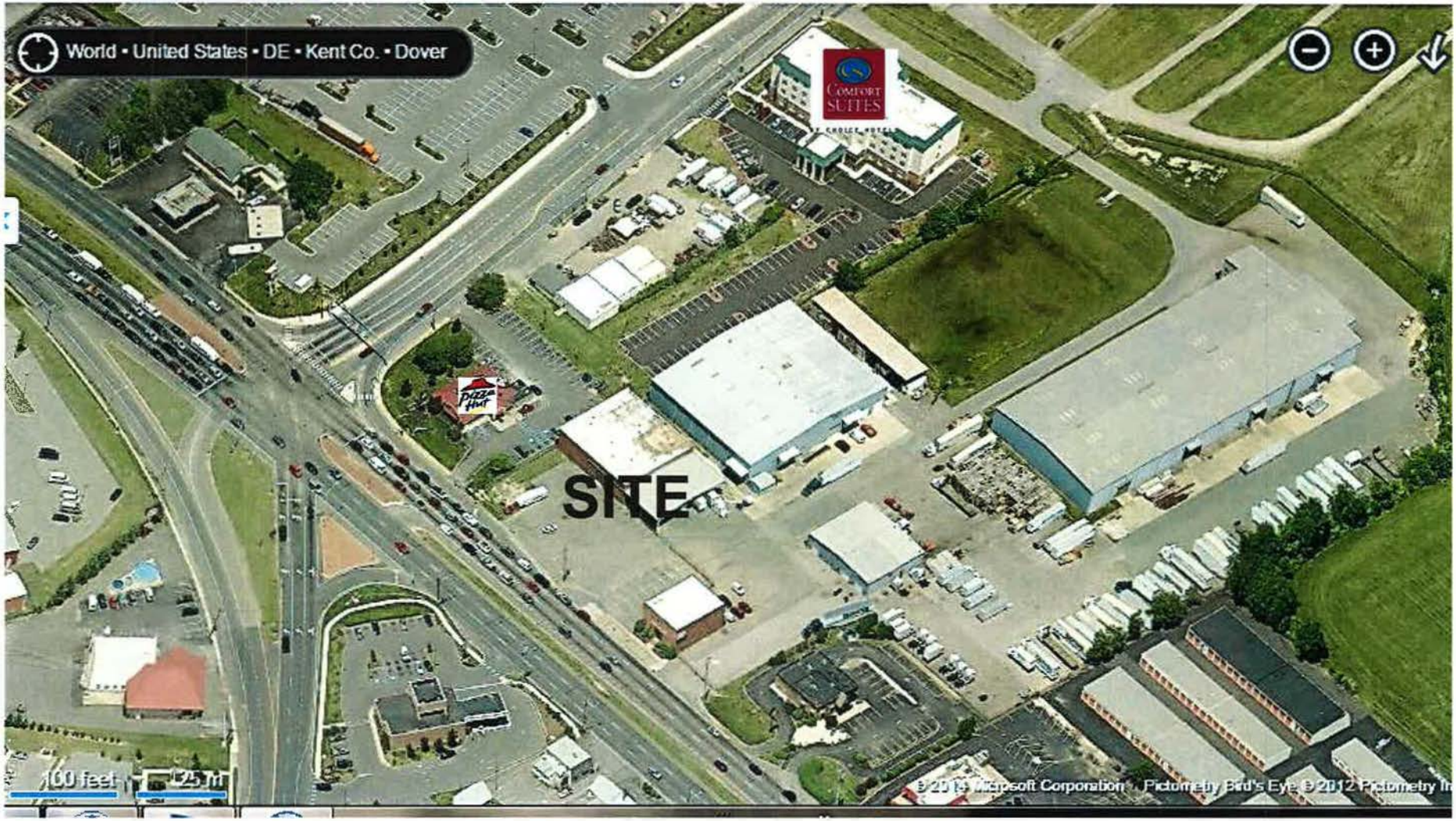
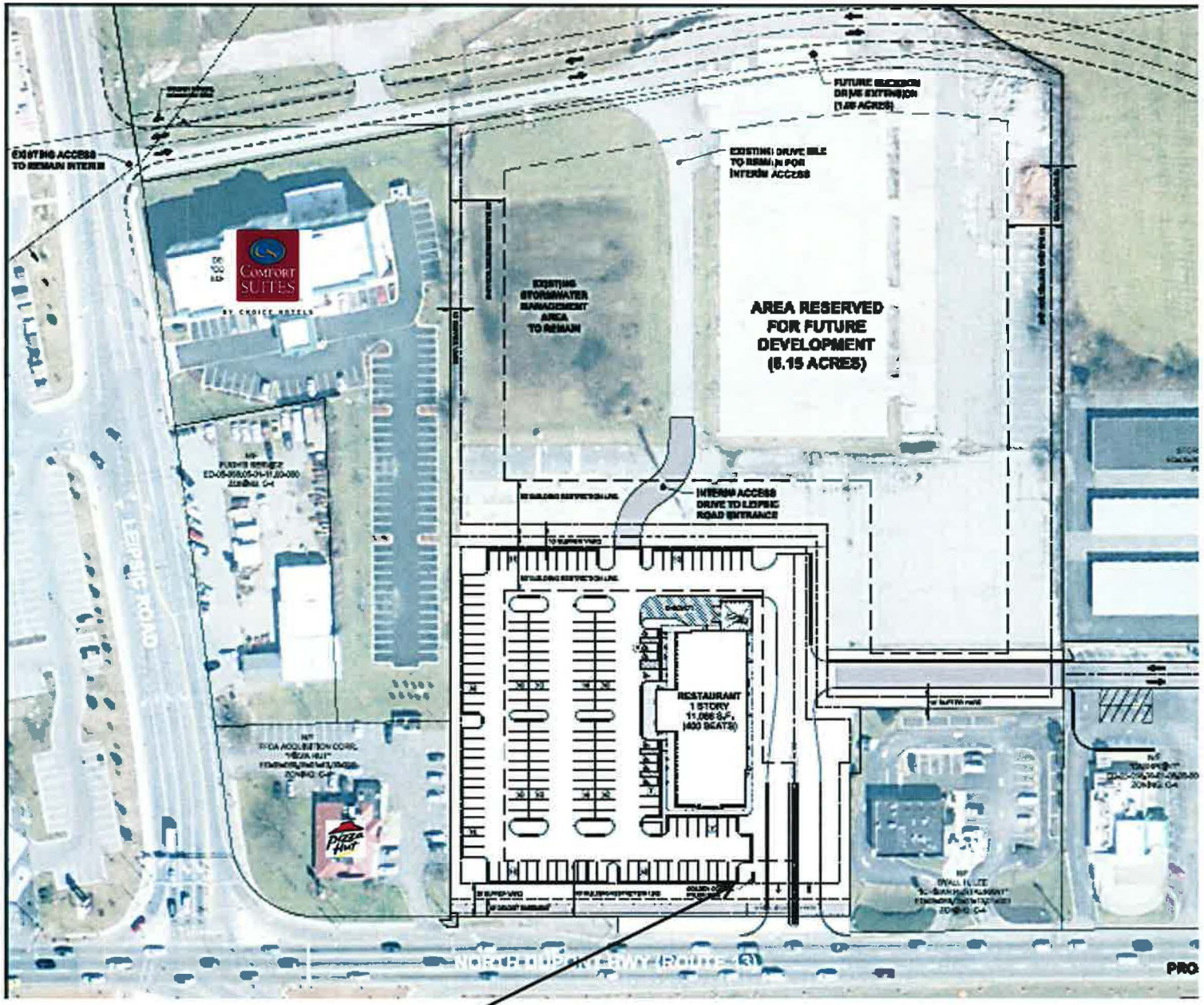

World • United States • DE • Kent Co. • Dover
COMFORT SUITES
Pizza Hut
SITE
100 feet
25 m
© 2014 Microsoft Corporation Pictometry Bird's Eye © 2012 Pictometry

Exhibit 1-4



sign

Exhibit 1-5

southbound

site



Exhibit 1-6

site



Exhibit 1-7

northbound

site



Exhibit 1-8

PARKING ANALYSIS

Variance application for Golden Corral at Capital Marketplace

Restaurant Name	Municipality	Total S.F.	Total # of Seats	Parking Required Per Code	Parking Provided	Parking Required Per City of Dover	Max Allowable Per City of Dover
Applebees	Town of Camden	4,844	164	1/100 S.F. + Emp.	98 Spaces*	1 per 4 Seats = 41 Spaces	125% = 52 Spaces
	Camden Town Center			70 Spaces			
Cheddars	Town of Camden	8,100	294	1/100 S.F. + Emp.	178 Spaces*	1 per 4 Seats = 74 Spaces	125% = 93 Spaces
	Camden Station			101 Spaces			
Texas Road House	Town of Camden	7,135	250**	1/100 S.F. + Emp.	105 Spaces*	1 per 4 Seats = 63 Spaces	125% = 79 Spaces
	Camden Town Center			94 Spaces			
Red Robin	New Castle County	7,500	257	9/1000 S.F.	106 Spaces*	1 per 4 Seats = 65 Spaces	125% = 82 Spaces
	Christiana Town Center			68 Spaces			
Olive Garden	New Castle County	7,400	230	9/1000 S.F.	100 Spaces*	1 per 4 Seats = 58 Spaces	125% = 73 Spaces
	Centerpoint Plaza			67 Spaces			
Red Lobster	New Castle County	7,100	235	9/1000 S.F.	119 Spaces*	1 per 4 Seats = 59 Spaces	125% = 74 Spaces
	Centerpoint Plaza			64 Spaces			
Where Pigs Fly	City of Dover	2,900±	100**	N/A	36 Spaces*	1 per 4 Seats = 25 Spaces	125% = 32 Spaces
	Route 13						
TGI Friday's	City of Dover	5,500	185**		40 Spaces*	1 per 4 Seats = 47 Spaces	125% = 58 Spaces
	Route 13						
Olive Garden	City of Dover	7,400	230		125 Spaces	1 per 4 Seats = 58 Spaces	125% = 73 Spaces
	Route 13						
The Green Turtle	City of Dover	8,800±	300**		150 Spaces	1 per 4 Seats = 75 Spaces	125% = 94 Spaces
	Route 13						

N/A - Not Applicable, within the City of Dover

*** - Overflow parking is available in adjacent retail area.**

**** - Seat count is approximate based on comparison with similar uses.**

Exhibit 2-1

REQUIREMENTS FOR PARKING		
LOCATION / MUNICIPALITY	**PARKING REQUIREMENT**	**LIMITATION ON PROVIDED PARKING**
New Castle County	9 Spaces per 1000 S.F. of gross floor area. (Plus parking for 1/4 of the area of outdoor seating).	NO
Kent County	1 Space per each 3 seats or 1 space per each 100 s.f. of floor area, whichever is greater.	NO
City of Newark	1 Space per 3 seats plus one space per employee on the shift of greatest employment.	NO
Delaware City	1 Space per 3 seats plus one space per 2 employees on the shift of greatest employment.	NO
Town of Smyrna	8 Spaces per 1000 square feet of gross floor area.	NO
Town of Middletown	1 Space per 3 seats plus one space per employee on the shift of greatest employment.	NO
Town of Camden	8 Spaces per 1000 square feet of gross floor area plus 1 space per each employee.	NO
City of Dover	1 Space per 4 seats	YES
		125% of Required

Exhibit 2-2

1/16/2015

Exhibit 3-1

GOLDEN CORRAL PROTOTYPE RESTAURANTS CRITERIA October 2014

		GC11M.10.2 (Oct. 2014)
Size of Restaurants		
Exterior Info	Total Square Footage (including Walk-ins) s.f.	11,097
	Width (Including Projections)	166'-0"
	Depth (Including Projections)	90' - 7"
	Height to top of Chimney (A.F.F.) / Entry	27' -0" / 29'-4"

Seating & Table Count			
Interior Info	Tables and/or Booths (T.O.=Tables only / B.T.=Tables & Booths)	Tables only	Tables / Booths
	Total Number of Tables (*Includes Booths)	110	88/22
	Total Number of Seats (with and without booths)	400	400
	Linear feet of Food Bars	143'-9"	
	Number of Wells on Hot Bar (H=hot C=cold)	H - 28-1/2	Ice Pans - 2
	Number of Wells on Hot Bar per guest	0.07	
	Dining Area Sq Ft	3944	
	Dining Area Sq Ft per guest	9.86	
	Queuing Sq Ft	305	
	Kitchen Sq Ft	3653	
	Circulation Sq Ft	2109	
	Serving Sq Ft	522	
	Office Sq Ft	88	
	Restroom Sq Ft	476	

Site Requirements		
Site	Minimum number of parks	170
	Minimum area of Lot	1.80 - 3.21 Acres

Utilities Required		
Utilities	Water Lines (Water / Fireline / Irrigation)	2" / 6" / 1"
	Daily Water Usage (domestic) *gallons*	10,500
	# of Plumbing fixtures (toilets, urinals & lavs)	7, 3 & 5
	Sewer (size / min slope)	6" / 1%
	Grease Trap - gallons / #	2,000 / 1
	Number of Drain systems	2
	Number of Water Heaters	5
	Electrical (connect load / demand load) KVA	609 / 391
	Number of Electrical Panels/Size	(1)1200A/(5)400A /(2)225A
	RTU tonnage/# of RTU's	83/8
	Number of Exhaust Fans / Make up air fans	8/2
	Number of unit heaters	3
	Gas total demand MBH	3,750 MBH
	Telephone Lines (Regular or DSL)	4
	Size of Compactor area (Out to Out dimensions)	26'-2" x 31'-6"

Construction Cost		
Cost	Construction Cost of building without O/P as of 2012	$1,259,933.65
	Construction Cost per square foot without O/P	$113.54
	Equipment estimate (MAXIMUM MODEL)	$767,294.00

Exhibit 3-2

Store ID Number:	Store Address:	City	State	Number of Parking Spaces
726	1185 Center Pointe Parkway	Birmingham	AL	172
2612	201 Oxford Exchange Blvd	Oxford	AL	174
712	1801 S. Waldron Ave	Fort Smith	AR	178
711	5001 Warden	North Little Rock	AR	174
2465	3550 Stockton Hill Rd	Kingman	AZ	180
943	5001 Ming Ave	Bakersfield	CA	214
2597	17635 Castleton	City Of Industry	CA	267
2593	3737 Mchenry	Modesto	CA	183
926	4940 Watt Ave	North Highlands	CA	203
793	11090 E Mississippi Ave	Aurora	CO	196
2571	6077 W Irlo Bronson	Celebration	FL	175
2608	1555 Grand Hwy	Clermont	FL	176
600	11470 San Jose Blvd	Jacksonville	FL	177
607	582 Blanding Blvd	Orange Park	FL	178
2570	11731 East Colonial	Orlando	FL	192
578	105 East 23rd St	Panama City	FL	184
734	1630 N Monroe St	Tallahassee	FL	207
766	6942 Hillsborough Ave	Tampa	FL	177
811	11801 56th St	Temple Terrace	FL	186
587	227 Bobby Jones Expressway	Augusta	GA	185
815	1505 Manchester Expressway	Columbus	GA	180
829	1350 Ga Hwy 138	Conyers	GA	180
2585	2025 Market Place Dr	Cumming	GA	223
847	2155 Riverside Prkwy	Lawrenceville	GA	172
2483	1765 Jonesboro Rd	Mcdonough	GA	173
803	3888 Stone Mountain Hwy	Snellville	GA	182
651	1545 Associates Dr	Dubuque	IA	170
2538	1455 Dilleys Rd	Gurnee	IL	195
2581	3525 North University	Peoria	IL	203
2559	3360 Green Mountain Crossing	Shiloh	IL	203
2589	1038 Le June Dr	Springfield	IL	178
680	4747 Lima Rd	Fort Wayne	IN	197
2633	135 E. Douglas Road	Mishawaka	IN	200
2541	915 Eagle Ridge	Schererville	IN	172
2576	11006 E Kellogg	Wichita	KS	178
887	4770 Houston Rd	Florence	KY	210
2515	100 Ikebanna Pike	Georgetown	KY	186
866	5252 S Sherwood Forest Dr	Baton Rouge	LA	173
735	5621 Spectrum Dr	Frederick	MD	171
795	6701 Chesapeake Center Drive	Glen Burnie	MD	192
2476	301 East Naylor Mill Rd	Salisbury	MD	205
678	2800 Crain Hwy	Waldorf	MD	180
2637	4200 Miller Rd	Flint	MI	214

Exhibit 3-3

Store ID Number:	Store Address:	City	State	Number of Parking Spaces
2553	1788 Sternberg	Muskegon	MI	188
2615	3461 Alpine Dr	Walker	MI	172
715	3551 Sheperd Of The Hills	Branson	MO	179
937	1910 E Valley View	Independence	MO	187
2624	1301 Bramblett	O'Fallon	MO	175
706	2020 E Primrose Place	Springfield	MO	226
2611	6110 South Lindbergh	St Louis	MO	194
2551	200 Anna Dr Extension	Mccomb	MS	210
2437	1624 Market Place Dr	Great Falls	MT	185
2454	1070 East Dixie	Asheboro	NC	170
589	1540 Hwy 29 North	Concord	NC	193
546	3800 Roxboro	Durham	NC	172
702	4404 Landview Dr	Greensboro	NC	171
2623	504 SW Greenville Blvd	Greenville	NC	183
586	1053 Lenoir Ryne Blvd	Hickory	NC	181
2602	4928 Kahn Dr	Lumberton	NC	173
2609	11025 E. Independence	Matthews	NC	216
935	6129 Glenwood Ave	Raleigh	NC	173
950	3551 Grenelle Street	Raleigh	NC	181
942	3424 Capital Blvd	Raleigh	NC	233
2626	1917 Hwy 421	Wilkesboro	NC	177
2474	180 Hanes Mall Circle	Winston Salem	NC	200
948	3420 North 14th	Bismarck	ND	182
949	4491 23rd	Fargo	ND	183
2592	6006 North 72nd	Omaha	NE	174
936	5207 San Mateo Blvd Ne	Albuquerque	NM	188
759	7800 Transit Rd	Amherst	NY	183
760	1901 Central Ave	Colonie	NY	188
2635	450 JeffersonRd	Rochester	NY	184
921	320 Boardman Poland Rd	Boardman	OH	195
853	470 Kolb Dr	Fairfield	OH	176
972	2005 Stringtown Rd	Grove City	OH	171
966	5730 Opportunity	Toledo	OH	202
729	4750 E Main	Whitehall	OH	222
2438	1586 Brandywine Blvd	Zanesville	OH	171
550	S617 Air Depot Blvd	Midwest City	OK	214
585	123 N Interstate Dr	Norman	OK	182
677	8144 East 21st St	Tulsa	OK	186
905	7500 Peach St	Erie	PA	203
2521	3546 Clemson Blvd	Anderson	SC	178
2599	4968 Centre Point Dr	Charleston	SC	174
2561	106 Southern Center Way	Easley	SC	228
976	465 East Interstate 20	Arlington	TX	191
934	12509 North Lamar	Austin	TX	170

Exhibit 3-4

Store ID Number:	Store Address:	City	State	Number of Parking Spaces
592	4610 Garth Road	Baytown	TX	178
923	2190 I-10 South	Beaumont	TX	201
545	2912 Boca Chica Blvd	Brownsville	TX	179
938	5901 S Padre Island	Corpus Christi	TX	197
581	11917 East NW Hwy	Dallas	TX	201
573	9039 Dyer St	El paso	TX	184
947	1420 Eastgate	Garland	TX	208
945	14010 I-10	Houston	TX	205
974	3574 Hwy 6	Houston	TX	220
908	1801 South Main St	Keller	TX	181
713	5930 San Bernardo Ave	Laredo	TX	190
719	5117 Sw Loop 289	Lubbock	TX	206
930	1301 East Jackson Rd	Mcallen	TX	187
944	20170 North Frwy	Spring	TX	219
548	3812 Kemp Blvd	Wichita Falls	TX	178
748	1185 Seminole Trail	Charlottesville	VA	265
721	101 Volvo Parkway	Chesapeake	VA	174
764	2501 Conduit Rd	Colonial Heights	VA	184
772	1123 W Mercury Blvd	Hampton	VA	192
894	4005 Wards Rd	Lynchburg	VA	178
2462	10801 Bulloch Dr	Manassas	VA	170
890	6103 N Military Hwy	Norfolk	VA	195
705	1436 Kempsville Rd	Virginia Beach	VA	196
717	1525 GENERAL BOOTH BLVD.	Virginia Beach	VA	208
800	218 Bypass Rd	Williamsburg	VA	180
2510	1673 Arcadian Ave	Waukesha	WI	186
867	412 New Goff Mountain Rd	Cross Lanes	WV	182

Exhibit 4-1

OLIVE GARDEN
Site Selection Criteria

Building Criteria

Building Square Footage	7,500 – 8,500
Land/Parking needs	Land to accommodate our prototype building and 125 – 145 parking spaces (may include legal cross parking
Location	Prime regional focal point
Building Height	22' (with architectural features up to 28' depending on location)

Ownership

Prefer to own our real estate but will consider ground leases.

Typical Lease Terms (If purchase not available)

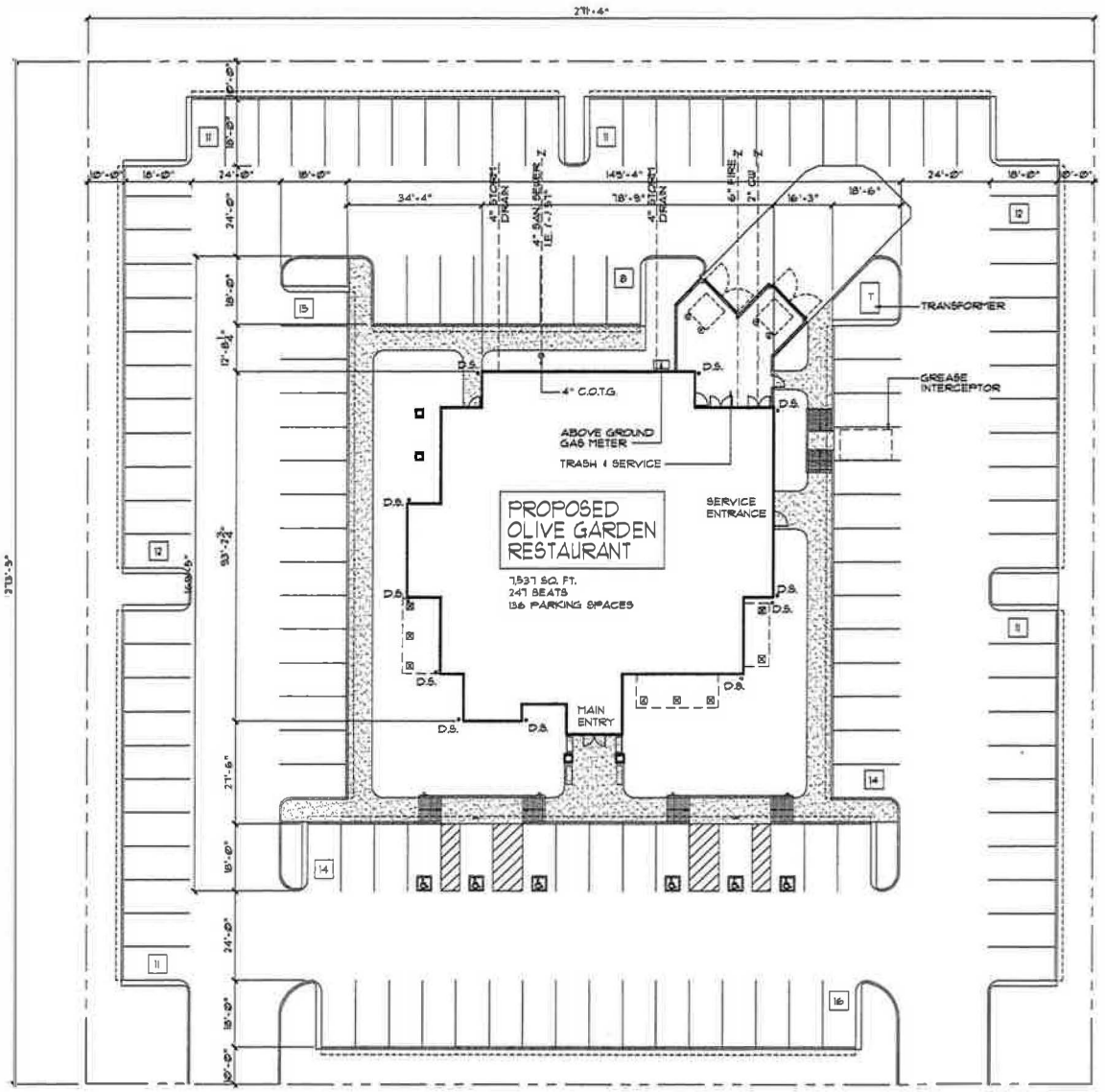
Base Rent	Negotiable
CAM	Negotiable – Cap and audit rights required
Tax	Pro-rata
Insurance	Pro-rata
% Rent	None
Initial Term	10 years
Renewal Options	Four 5-year options

Demographic Requirements

Population	Trade areas with 100,000 people exclusive to the restaurant
Area of Focus	Prime regional location for the trade area

Comments

- End-cap/building lease will be considered on a case-by-case basis with emphasis on parking, visibility, access and our ability to use prototypical Olive Garden exterior branding and signage.
- Darden Restaurants, the parent company of Olive Garden, has designed several restaurants nationwide that have earned LEED certification. Going forward all of our restaurants will have sustainable elements, although all will not be LEED certified. Some of the sustainable design elements include recycled building materials, enlarged windows to increase natural light, low-water landscaping and energy-efficient equipment. These enhancements are part of the Sustainable Restaurant Design initiative launched by Darden Restaurants.



TYP. SITE PLAN-7500WD-R

GRAPHIC SCALE

30 0 10 20 30 40

(IN FEET) 1 inch = 30 ft.

APR 2011

UTILITY REQUIREMENTS:

Sanitary:

Feeder 6 inch up and out in at 1/8" per foot fall minimum. If the sanitary sewer point of connection is deep enough to lay 1/4" per foot fall, then 4 inch will work.
2000 - 10,000 gallons per day.
Usage base upon experience.

Water:

Domestic 2 inch line, 1-1/2 inch meter (90 GPM)
Irrigation 2 inch line, 1 inch meter (90 GPM)
Sprinkler 6 inch line, 4 inch meter
Usage based on minimum pressure of 45 PSI at tap

Gas:

Total requirement - 2.6 to 3.5 M.B.H. (million BTU per hour) this supports: water heater, make-up air, heat and cool, building heat, future expansion factor

Electric:

315 KW connected with estimated demand of 250 KW
Service voltage - 120/208, 3 phase, 4 wire, 60 cycle
Service size - 1,200 amps
Pad mounted transformer, serving only the Premises, with underground primary

Grease Trap:

Minimum 1,500 gallon capacity or greater if required by code

Stormwater:

Sufficient capacity to accept our on site storm water
All roof drainage to be connected directly to underground storm system

Site Lighting:

Metal Halide fixtures, 2 FC minimum over the entire site area

LEGEND

2" WATER
4" GAS
6"-8" SANITARY SEWER
4" GREASE WASTE
6" FIRE LINE

Exhibit 4-2

Exhibit 4-3

RED LOBSTER
Site Selection Criteria

Building Criteria

Building Square Footage	5,880
Land needs	1.75 acres
Location	Prime regional focal point
Parking requirements	125 spaces depending on available common parking
Building Height	26 feet

Typical Lease Terms

Base Rent	Negotiable
CAM	Negotiable – Cap and audit rights required
Tax	Pro-rata
Insurance	Pro-rata
% Rent	None
Initial Term	10 years
Renewal Options	Four 5-year options

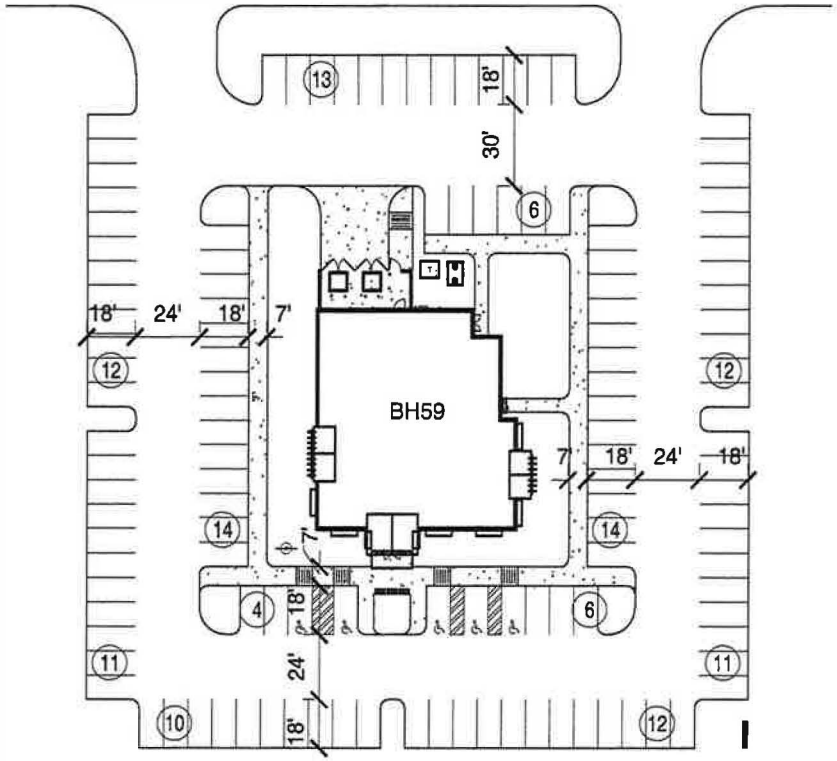
Demographic Requirements

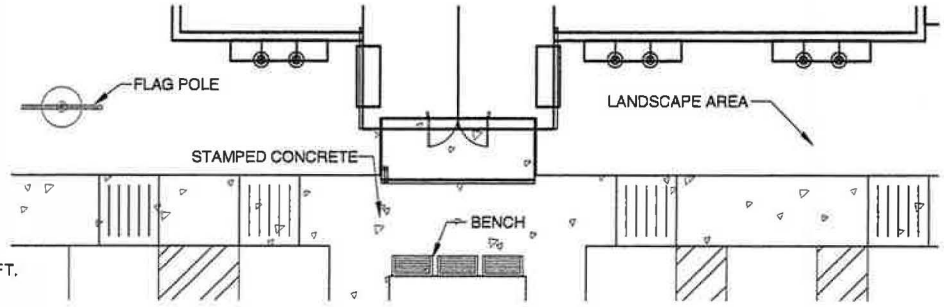
Population	Trade areas with a minimum of 125,000 people
Traffic Count	30,000 A.D.T.
Area of Focus	Prime regional locations, lifestyle and power centers

Comments

We prefer to own our real estate but will consider ground leases.

Last Updated: Feb 2012





SITE DEVELOPMENT INFORMATION:

ASSUMED SITE LAYOUT DATA:

TOTAL SITE AREA:	1.61 ACRES
MINIMUM DRIVE AISLE WIDTH:	24'
STANDARD PARKING STALL:	9' x 18'
TYPICAL SETBACKS:	
- PARKING:	10' FRONT & REAR, 5' SIDES
- BUILDING:	50' MIN.

PARKING DATA:
120 PARKING SPACES + 5 ACCESSIBLE PARKING SPACES PER ADAAG
- 125 PARKING SPACES TOTAL ON-SITE

BUILDING DATA:
AREA: 5,880 SQ.FT.

DP3 ARCHITECTS
211 E. Broad Street
Greenville, SC 29601
P 864.232.8200
F 864.232.7587
www.DP3architects.com

BH59 Prototype

RED LOBSTER
FRESH FISH · LIVE LOBSTER

Exhibit 4-4

Exhibit 4-5

LONGHORN
Site Selection Criteria

Building Criteria

Building Square Footage	6,242
Land needs	1.38+ acres
Location	Prime regional focal point
Parking requirements	127+ spaces
Building Height	23' 1"

Typical Lease Terms

Base Rent	Negotiable
CAM	Negotiable – Cap and audit rights required
Tax	Pro-rata
Insurance	Pro-rata
% Rent	None
Initial Term	10 years
Renewal Options	Four 5-year options

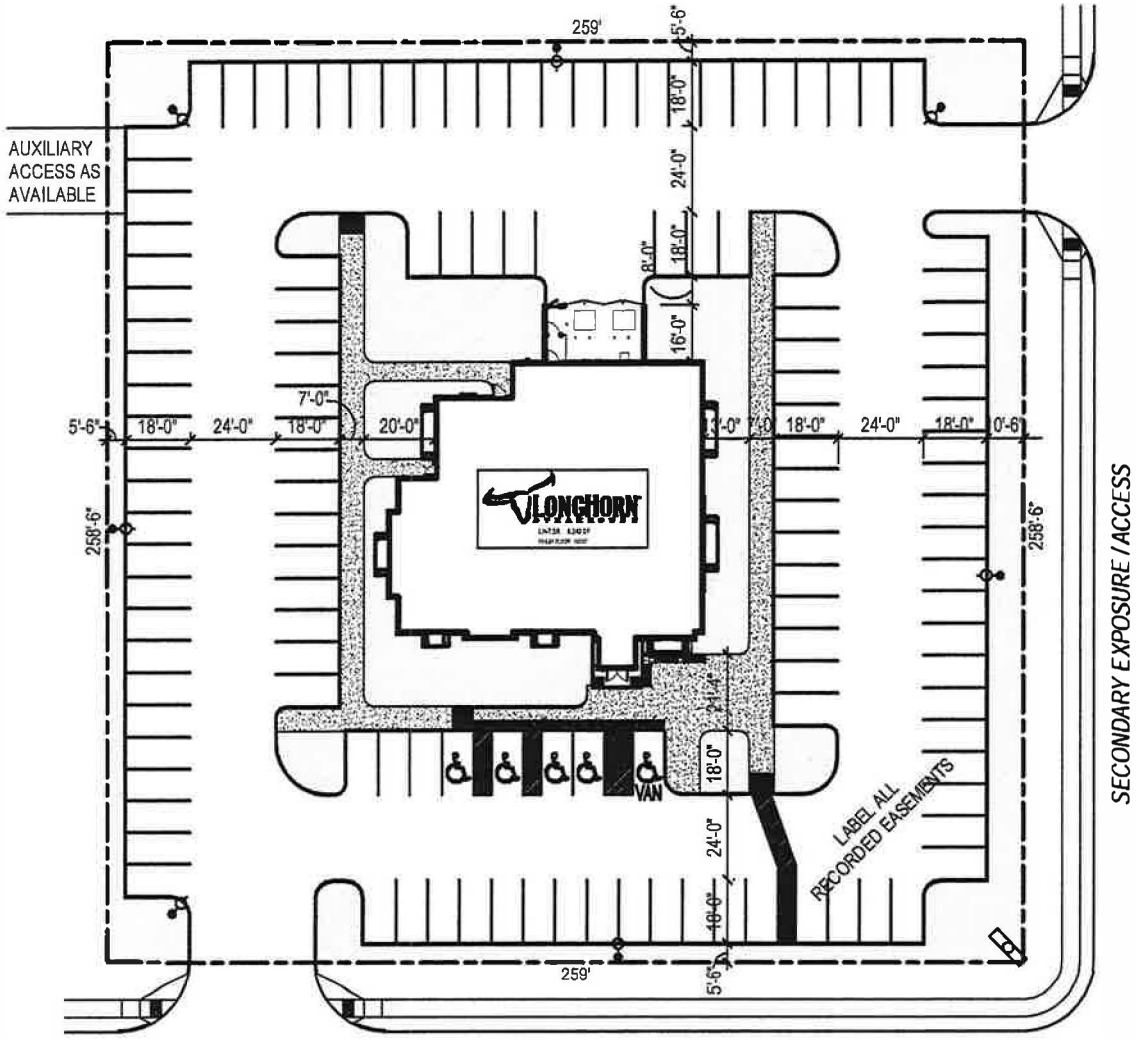
Demographic Requirements

Population	Trade areas with a minimum of 75,000 people within a 15 minute drive time.
Traffic Count	30,000 A.D.T
Area of Focus	Prime regional locations that minimize impact to existing locations

Comments

We prefer to own our real estate but will consider ground leases.

Last Updated: Dec 2010



SITE DATA

LAYOUT PREFERNCES

- PARKING TARGET >= 127 TOTAL SPACES
- TOTAL SITE AREA ± 1.42 ACRES
- 5 ACCESSIBLE SPACES (VERIFY CODE)
- 6'X18' STANDARD STALL SIZE (VERIFY CODE)
- DUMPSTER APPROACH 25' MINIMUM
- 62' TRUCK
- STANDARD REFUSE TRUCK
- CURB AND GUTTER PREFERRED
- 5' RADIUS ON CURB PREFERRED

GRADING PREFERENCES

- 5% MAXIMUM SLOPE
- 1% MINIMUM SLOPE
- 2% DESIGN SLOPE
- 1.5% MAXIMUM IN ACCESSIBLE AREA
- DO NOT EXCEED 8% GRADE DIFFERENTIAL
- APPROACH DRIVE MAXIMUM 10%

SIDEWALKS

- 7' ADJACENT TO PARKING STALLS
- 5' GENERAL CIRCULATIONS
- LONGHORN DETAIL - CURB AND GUTTER
- DOWELED INTO WALK AT PAD

PERIMETER

SITE LIGHTING PREFERENCES

- 2.0 FOOTCANDLE TARGET AVERAGE
- EXCELINE VERTILYTE
- POLE = SECURITY LIGHTING RST-2570-EG-AB
- ROUND TAPER STEEL POLE
- RSB/RCS-320MH (DARK BRONZE) W/ 320W PULSE START METAL HALIDE
- MOUNTING HEIGHT - 27'6" ABOVE FINISH GRADE
- 25' POLE (DARK BRONZE, 2'-6" BASE, SQUARE STRAIGHT STEEL

GROUND LIGHT

- PAD PERIMETER = KICHLER LIGHTING S15752AZT LOW VOLTAGE L.E.D.
- FRONT WALL = KICHLER LIGHTING S15752AZT LOW VOLTAGE L.E.D.

SITE AMENITIES

- BOLTED DOWN EXTERIOR PATIO FURNITURE

SITE SIGN

- SHOW BASE SIZE ON SITE PLAN TYPICAL 9'X5'
- NOTE GENERAL CONTRACTOR TO INSTALL FOUNDATION

F R C H

Design Worldwide

311 Elm Street Suite 600
Cincinnati, OH 45202
513 241 3000
www.frch.com

LONGHORN STEAKHOUSE

LH-7.5 PROTOTYPE - RIGHT
12.03.10
SITE PLAN

Exhibit 4-6

Exhibit 4-7

BAHAMA BREEZE
SITE SELECTION CRITERIA

Building Criteria	Square Footage	7,000
	Seating	Approx. 220 inside; 70 outside
	Land Needs	1.9 acres
	Location	Prime retail focal point
	Parking Requirements	140-160 spaces
	Building Height	25 ft.
Typical Lease Terms	Base Rent	Negotiable
	CAM	Negotiable (Cap and audit rights required)
	Tax	Pro-rata
	Insurance	Pro-rata
	% Rent	None
	Initial Term	10 years
	Renewal Options	Four 5-year options
Demographic Requirements	Population	Trade areas with a minimum of 600,000 people
	Traffic Count	30,000 A.D.T.
	Area of Focus	Prime regional trade areas

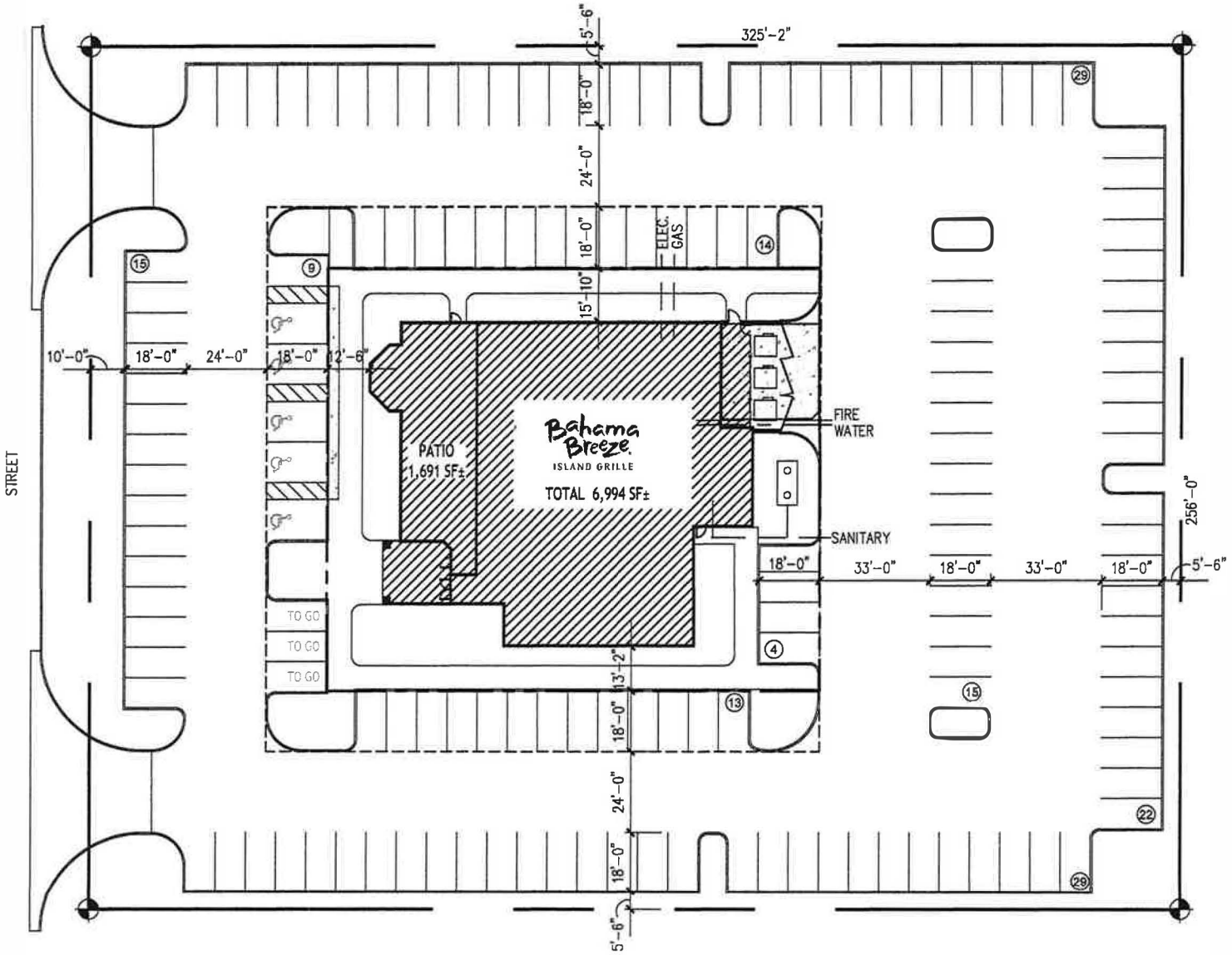
Other Demographic/ Considerations

- Bahama Breeze guest demographics:
  - Youthful: Over index with guests ages 21-30; target guest is 25-49
  - Diverse: Over index with African American and Hispanic guests
  - Educated: 80% are college graduates
  - Female: 59% are female
  - Affluent: 60% have $80K+ household income
- Bahama Breeze guest psychographics:
  - Escape: Like to eat out and do so frequently. They enjoy being part of the social scene, whether seeing a movie or attending a concert or live event.
  - Variety: Enjoy all that life has to offer. They like trying new things and enjoy active, energetic lifestyles. They are internet and social media savvy.
  - Our guests are drawn from up and down the casual dining spectrum. They enjoy Bahama Breeze as a trade up for a special occasion from TGIFriday's or BJ's Brewhouse. Alternatively, they enjoy a relaxed, comfortable evening out as a change of pace from brands like Cheesecake Factory, P.F. Chang's, and Bonefish Grill.

Comments

We prefer to own rather than lease our real estate, but will consider ground leases.

BAHAMA BREEZE
SITE PLAN



SITE REQUIREMENTS	
TOTAL LAND AREA	83,248 SQUARE FEET
PARKING	150 SPACES
CURB-IN	18,376 SQUARE FEET
OUTSIDE OF PARKING-IN	26,595 SQUARE FEET
BUILDING DATA	
BUILDING	6,994 SQUARE FEET
PATIO	1,691 SQUARE FEET
ENTRY	376 SQUARE FEET
TOTAL	9,061 SQUARE FEET
UTILITY REQUIREMENTS	
WATER	2"
GAS	3"
SEWER	6"
FIRE	6"
ELECTRICAL	1200 AMPS

Exhibit 4-8