CITY OF DOVER PLANNING COMMISSION
AGENDA
Tuesday, January 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 December 15, 2014

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for TUESDAY, February 17, 2015 at 7:00pm in the City Council Chambers.

2) Reminder: The next Planning Commission Quarterly Workshop is scheduled for WEDNESDAY, February 18, 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: None

NEW DEVELOPMENT APPLICATIONS

1) C-15-01 Professional Office at 15 Kings Highway NE – Public Hearing and Review of a Conditional Use Site Plan Application to permit professional offices at an existing 3250 S.F. +/- structure on a 25,920 S.F. +/- parcel. The property is zoned RG-1 (General Residence Zone) and subject to the H (Historic District Zone). Planned interior renovations will convert the use from residential to office. The property is located at the north side of Kings Highway on the segment designated S.R. 8 at the corner of Kent Avenue. The owner of record is Philip W. Coombe and equitable owner Marengo Ventures, LLC c/o Scott and Rebecca Kidner. Property Address: 15 Kings Highway NE. Tax Parcel: ED-05-077.05-02-50.00-000. Council District 3.

2) C-15-02 Walk in the Light Church at 149 South Governors Avenue – Public Hearing and Review of a Conditional Use Plan Application to permit a place of public assembly (place of

worship) in an existing commercial structure on a 3,795 S.F. +/- parcel. The property is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the east side of Governors Avenue between West Loockerman Street and Minor Street. The owner of record is D & S Investment Co., LLP. Property Address: 149 South Governors Avenue. Tax Parcel: ED-05-077.09-02-03.00-000. Council District 2.

NEW BUSINESS

1) S-15-01 Lands of at 598 North DuPont Highway: Waiver Request – Review and Consideration of a Waiver Request for the Elimination of Upright Curbing as associated with the Administrative Site Plan for the site improvements to include 683 SF +/- of new impervious surface for parking. The property is zoned C-1A (Limited Commercial Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) and it is adjacent to Silver Lake. The site is located on the west side of DuPont Highway south of Lepore Road. Property Owner: Faithwork, LLC. Property Address: 598 North DuPont Highway. Tax Parcel: ED05-068.09-01-18.00-000. Council District 3.

2) S-14-01 NBR Properties at 850 New Burton Road: Plan Revision – Information on Revision of the Site Development Plan approved by the Planning Commission on February 18, 2014 for the construction of a 20,000 S.F. office building with the associated site improvements on a 1.671 acre parcel. The property is zoned C-1A (Limited Commercial Zone). The property is located southwest of the intersection of New Burton Road/Queen Street and West Street. The owner of record is NBR Properties, LLC. Property Address: 850 New Burton Road. Tax Parcel: ED-05-76.00-01-23.00-000. Council District 2. *Final Site Plan approval was granted on November 24, 2014 and construction has commenced under Building Permit#14-1435.*

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 January 9, 2015 at 12 noon

CITY OF DOVER PLANNING COMMISSION
December 15, 2014

The Regular Meeting of the City of Dover Planning Commission was held on Monday, December 15, 2014 at 7:00 PM with Chairman Colonel Welsh presiding. Members present were Mr. Holden, Mr. Cregar, Mr. Tolbert, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Still, and Colonel Welsh. Mr. Ambruso was absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Mr. Cook and Mrs. Mullaney. Also present were Mr. Edward Centofante and Mr. Tolano Anderson.

APPROVAL OF AGENDA

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF NOVEMBER 17, 2014

Mr. Tolbert moved to approve the Planning Commission minutes of November 17, 2014, seconded by Ms. Still and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

APPROVAL OF THE PLANNING COMMISSION QUARTERLY WORKSHOP MEETING MINUTES OF NOVEMBER 18, 2014

Ms. Still moved to approve the Planning Commission Quarterly Workshop minutes of November 18, 2014, seconded by Mr. Baldwin and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission meeting will be held on Tuesday, January 20, 2015 at 7:00 PM in the City Hall Council Chambers.

Mrs. Melson-Williams stated that included in tonight's packet is the schedule of meeting dates and deadlines for 2015.

Mrs. Melson-Williams provided an update on the regular City Council and Utility Committee meetings held on September 22, 2014, October 13, 2014, October 27, 2014 and November 10, 2014.

Mrs. Melson-Williams stated that they are awaiting the outcome of the Downtown Development District Application. Those designations will come in January 2015.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW DEVELOPMENT APPLICATIONS

1) Z-14-04 Lands of Faithwork, LLC – Public Hearing and Review for Recommendation of a Rezoning Application for three parcels of 15,505 S.F. ±, 9.515 S.F. ±, and 8,276 S.F. ±. The properties are zoned C-PO (Commercial and Professional Office Zone) and are subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is IO (Institutional and Office Zone) and to be subject to the COZ-1 (Corridor Overlay Zone). The properties are located near the northeast corner of Forest Street and Saulsbury Road. The owner of record is Faithwork, LLC. Property Addresses and Tax Parcels: (Parcel A) 21 Saulsbury Road, ED-05-076.07-01-38.00-000, (Parcel B) 27 Saulsbury Road, ED-05-076.07-01-39.00-000 and (Parcel C) 983 Forest Street ED-05-076.07-01-36.00-000. Council District 4.

Representatives: Mr. Edward Centofante, Psychotherapeutic Services; Mr. Tolano Anderson, Faithwork, LLC

Mrs. Townshend stated that this application is for rezoning of three (3) parcels: two (2) on Saulsbury Road and one (1) on Forest Street. The addresses are 21 and 27 Saulsbury Road and 983 Forest Street. This is located at the northeast corner of Forest Street and Saulsbury Road. There are two (2) parcels that on the corner between the Saulsbury Road pieces and the Forest Street piece. Those two (2) parcels are the Subway Restaurant. The parcel identified as Parcel A is 21 Saulsbury Road. That is the largest of the parcels. It was formerly a doctor's office; currently, there is no active Business License. The other two (2) parcels are active residences with Rental Permits. The properties are currently subject to the COZ-1 (Corridor Overlay Zone) and if the rezoning is approved, they would continue to be subject to the COZ-1 (Corridor Overlay Zone).

Staff reviewed the application in accordance with the *Comprehensive Plan* and the surrounding land-uses. The IO (Institutional and Office Zone) zoning classification is consistent with the commercial land-use classification so it is consistent with the *Comprehensive Plan.* On Page 3 of the DAC Report, after the summary of uses for the IO (Institutional and Office Zone), they included the table that summarizes the bulk standards. The bulk standards that are highlighted are those in which at least some of the properties do not comply with. In the Staff recommendation, they point out the non-conformities that would be created by the rezoning. Parcels A & B when put together would create a continuous block of IO (Institutional and Office Zone) that would meet the requirements of the bulk standards. Parcel C being a stand-alone property that's only fifty (50) feet wide would not meet the requirements because it isn't in that block. What the Commissioners have in terms of Staff recommendation is a recommendation in favor of rezoning 21 and 27 Saulsbury Road but not in favor of rezoning Parcel 3 located at 983 Forest Street because it would create non-conformities as it relates to the bulk standards and would create a stand-alone property that doesn't conform to the *Zoning Ordinance* and would be a spot zoning.

This application is subject to Public Hearing. The Planning Commission is making a recommendation to City Council and ultimately City Council will take the recommendation and make the final decision.

Mr. Centofante stated that he works as the Director of Programs in the state of Delaware as Psychotherapeutic Services Inc. His organization has presented here before but this is his first time. They are working with the Department of Prevention Behavioral Health Services to open up a

residential program for at risk children from ages 12-17. This is a population that is underserved here as well as in southern Delaware and DPBH is looking to rectify that. They are one of three companies that were awarded this contract and they are basically "the guys" for the Dover area. They have identified these three (3) sites as where they would like to put their campus. Parcel A was formerly a doctor's office and has a large parking lot in the back so it serves as a central campus. In this project, they are calling it Journeys. He wanted to emphasis beyond the population that they will be serving and how that helps the City of Dover as well as Delaware. They are also going to be bringing approximately forty (40) jobs into the City. They are good paying jobs; at a minimum of $13.50 per hour for a DCA and obviously the professionals making a lot more. This is not going to interfere with the residential atmosphere here; these are children who will be living here for extended periods of time. It's not going to interfere from a traffic perspective because they are all together. People will be moving back and forth inside the campus. Teaching services will be provided on the campus. They don't feel like there will be any logistical considerations that would make this a problem.

In order to make this project work, they do need all three (3) parcels. They do respect that this may create a non-conformity in respect to Parcel C because of the technical definition of how parcels are adjacent but he would like to emphasize that from a geographic perspective, these three (3) sites are all together. They are all flush against each other and they are all part of what they would like to become the same campus environment. They hope that the Commissioners consider this when making their decision.

Mr. Holden questioned if a Parcel Consolidation would be a potential path? If this was all one parcel, would that make it a conforming parcel? With that potential path, what would be the timeline? Responding to Mr. Holden, Mrs. Townshend stated that it would make it an awkwardly shaped conforming parcel, but yes it would. That fifty (50) foot wide parcel would be part of that larger piece.

Mr. Holden questioned what the timeline would be if the applicant chose to go that route? Responding to Mr. Holden, Mrs. Townshend stated that a Parcel Consolidation doesn't take very long. It just gets circulated through the agencies to make sure that everything is correct. She is thinking it would only take a couple months.

Mr. Cregar stated that beyond this being just a residential group, really it's a residential treatment facility. Will they be using the existing buildings on-site? Responding to Mr. Cregar, Mr. Centofante stated yes, they will be using the existing buildings. They are actually very well purposed for what they would like to provide.

Mr. Cregar questioned how many children would be on-site at any given time? Responding to Mr. Cregar, Mr. Centofante stated eight (8). For Parcels A & C, there will be eight (8) with an additional two (2), which is just wiggle room for the State. If they need to give the additional two (2) children, it will be for Parcel B.

Mr. Cregar further questioned the recreational area? Responding to Mr. Cregar, Mr. Centofante stated that they are excited about the recreational area plan. They are going to be using the existing large parking lot. They will be converting part of that into a basketball court. There is plenty of yard

space to do other activities. There is also a recreation center right around the corner. There are plenty of great opportunities for the children.

Mr. Cregar questioned if because this is an RTC (Residential Treatment Center) Program, is it in a locked facility? Responding to Mr. Cregar, Mr. Centofante stated that it will not be secured. It will be staffed but not secured.

Mr. Tolbert questioned if they had any other facilities in the Dover area that provide these services? Responding to Mr. Tolbert, Mr. Centofante stated no, not in City limits.

Mr. Tolbert further questioned if there were any other facilities in the area? Responding to Mr. Tolbert, Mr. Centofante stated yes, in the geographical area but he did not come prepared with their exact name. He thinks that there is one other location in Central Delaware.

Mr. Cregar questioned if Dover Behavioral Health would be an in-patient location? Responding to Mr. Cregar, Mr. Centofante stated yes, that might be one.

Mr. Holt questioned how these children are selected? Are they sentenced to this home? Responding to Mr. Holt, Mr. Centofante stated that they are at-risk students that are going for a variety of reasons. It could be mental health; it could be a variety of things. They just can't be with their families for about a six (6) month period. It will be more productive for them to be in an environment like this.

Mr. Holt questioned if it's more of a structured environment so that they won't be so much at risk? Responding to Mr. Holt, Mr. Centofante stated yes, they are hoping to get them productive, get them out of the system and keep them out.

Mr. Cregar questioned if they would be providing intensive mental health services? Responding to Mr. Cregar, Mr. Centofante stated yes, there will be a doctor on staff, therapist, case managers, etc.

Mr. Baldwin questioned if approval for recommendation to City Council meant approval for permit or would they have to come back with the permit? Responding to Mr. Baldwin, Mrs. Townshend stated yes, they would have to come back for the permit approval. They would not come back to the Planning Commission; it would be an Administrative Review.

Dr. Jones questioned what will be the length of stay for the residents? Responding to Dr. Jones, Mr. Centofante stated that the old model was around 9-12 months for this type of service. Studies have shown that most gains were made in the first six (6) months. They are aiming with DPBH to provide a six (6) month stay for these children. They will be maintaining education services while they are in the program; the State is providing them with a very generous education package plus providing a teacher. They will be providing a teacher's aide.

Dr. Jones further questioned if they would be providing a teacher's aide with a teacher? Responding to Dr. Jones, Mr. Centofante stated yes, they would be providing a teacher's aide, the State will be providing the teacher.

Dr. Jones questioned if all of the identified educational needs being met within the residence? Responding to Dr. Jones, Mr. Centofante stated yes. He knows that the Department of Education is involved in this project with DPBH so they've got the curriculum set. The State is giving the teacher and the software; they are setting up the classroom environment. There may be some physical education needs that they will need to provide but based on the actual reading, writing and arithmetic, the State will be providing it.

Dr. Jones further questioned if there will be any cooperative relationship with the Capital School District? They are talking about 12-17 year olds and she doesn't understand how a teacher and a teacher's aide can meet those needs. Responding to Dr. Jones, Mr. Centofante stated that originally that was considered an option, to tie in with the school in the local district but they decided that was going to be too difficult. His organization was not part of those meetings and discussions so this is what was decided on.

Colonel Welsh opened a public hearing.

Mr. Tolano Anderson – Faithworks, LLC at 630 W Division Street Dover DE 19904

Mr. Anderson stated that he is the property owner. Just for information purposes, the three (3) properties in question are one (1) of ten (10) properties that Faithworks, LLC owns on this block. Faithworks, LLC has been involved in a lot of projects; things that they thought were beneficial to the community. When this opportunity was presented to them, they jumped at it and have been accommodating PSI up to this point. He knows that the State had to approve the site because they had to accommodate them for their inspections. They have a lot of checklists and criteria that they have to go through to make sure that something is suitable for them. One of the things for this particular site is that it does require because of their space requirements all three (3) parcels. He understands the Planning Department's concern over the bulk standard requirement; however, from his perspective it's kind of a technicality. They need 10,000 square feet but the property is 8,276 square feet. He understands these concerns; however, he hopes that the Planning Commission has enough discretion within its authority to help them move forward and not get caught with a technicality. Parcel C is absolutely critical to this whole project. As far as a Minor Lot Line Adjustment and it taking a couple of months to re-organize and create these as all one parcel, the timeline would actually kill the project, to have to push it out that far. The State's timeline is very precise so he would hope that there could be another solution. The Minor Lot Line Adjustment would certainly be a good idea to consider and they would not be opposed to in the future but in terms of stalling the project at this point, would be a show stopper.

The other thing that he wanted to put an emphasis on is that there is no one here tonight who is opposed to this project. Besides the fact that Faithworks, LLC owns most of the block, there's no opposition to this. He thinks it's actually a good fit; it's a mix of residential and business. As it stands right now with the size of these yards and the size of that parking lot and all of the requirements from the State walk-through, although the bulk standards are kind of an issue this is actually ideal for this project and he thinks it's beneficial for the community. Faithworks, LLC is certainly in favor of the application, he thinks it's a benefit across the board.

Colonel Welsh closed the public hearing.

Mr. Cregar stated that they are talking about mostly Kent and Sussex County children, they would probably stay with their original school districts and the teacher would work with the school districts for their education? Wouldn't most of these have these have IEPs? Responding to Mr. Cregar, Mr. Centofante stated that was true. He wants to say that the State was planning for the kids to also come from outside of Kent and Sussex County but obviously Kent and Sussex Counties would be the primary domain but if there is overflow from southern or northern some of those kids could come to this location also.

Mr. Cregar questioned stated that this application goes to City Council in January 2015; could they not be working on a lot consolidation while the public hearing process is taking place? Could that be part of the motion or can they not condition a rezoning? Responding to Mr. Cregar, Mrs. Townshend stated that they can't condition a rezoning application but it could be something that could be part of their recommendation to Council, that progress in that arena would help when it gets to Council to know where they stand with that.

Mrs. Townshend stated that Colonel Welsh asked what it accomplishes by consolidating. The main thing that it accomplishes is that if that one parcel is zoned IO (Institutional and Office Zone) and sold off on its own, there's very little that can go there. Outside of the structure that is there now, there's very little that they could do with that property in the IO (Institutional and Office Zone). That's really the only downside of not doing it. It creates challenges and they could end up in front of the Board of Adjustment later because someone is trying to do something when it doesn't fit. When a rezoning is approved, it's approved for all of the uses in that zone it's not for one specific use.

Colonel Welsh stated that to him it would just tidy it up but he doesn't know if operationally it makes a difference, particularly if it's going to put the project at risk. Can the Commissioners bless it without a consolidation? Responding to Colonel Welsh, Mrs. Townshend stated they can. They would be acknowledging that it would create non-conformities that could create challenges for that one parcel in the future if it were under separate ownership and trying to do something on its own.

Colonel Welsh questioned if this was something that they could approve tonight with the stipulation that the applicant continues working towards a lot consolidation? Responding to Colonel Welsh, Mrs. Townshend stated that they can't condition a rezoning on it but they can make the recommendation that be a consideration when it gets to Council. If the Commission makes that recommendation and the applicant starts that process and then they get to Council on January 12, 2015, Council will see that they are trying to address that issue. It may not be complete at that point but it's underway.

Colonel Welsh questioned if that would be an obstacle for Council to approve it? Responding to Colonel Welsh, Mrs. Townshend stated no.

Mr. Cregar stated that in talking about the timeline for the State. What is the timetable for an open door? Responding to Mr. Cregar, Mr. Centofante stated that they have already by this process, been pushed a little bit past where DPBH would like them to be. He thinks that the saving grace for that is that their sibling organizations that are doing similar projects are running into some of the same stuff. If they could by that January 12, 2015 meeting have a definitive answer, that would allow them to finalize with Child Care Licensing and hopefully get started on February 1, 2015.

Mrs. Townshend stated that because they are doing a change of use and it needs review from the Building Inspector and the Fire Marshal and there could be requirements. They will need to provide a floor plan and architectural plans. If they are looking for a February 1st start date, they should be working on that information.

Mr. Centofante stated that the two (2) options that he has heard tonight would be either merging the parcels together and the other is approving it as is and accepting the risk that Mr. Anderson obviously wouldn't later on sell that individual parcel. They definitely would prefer the second option.

Mr. Holden stated that talking about the parcel consolidation; it would potentially make this a conforming rezoning if it was consolidated. What would that do in terms of what could be done on what is currently Parcel C? Responding to Mr. Holden, Mrs. Townshend stated that currently the IO (Institutional and Office Zone) residences are not a permitted use so this would be an intuitional use. All of these properties are fine as long as it's this use but they could not go back to a residential use if this use were to cease without a subsequent rezoning.

Mr. Holden questioned if Mr. Anderson understands that? Responding to Mr. Holden, Mr. Anderson stated yes.

Dr. Jones questioned if they were applying for a Child Care License? Responding to Dr. Jones, Mr. Centofante stated yes.

Dr. Jones questioned where the children were coming from? Are these the 12-17 year olds? Responding to Dr. Jones, Mr. Centofante stated that Child Care Licensing is the organization that they are working with.

Dr. Jones further questioned if they had received a grant? Responding to Dr. Jones, Mr. Centofante was unsure of that information.

Mrs. Townshend stated that Mr. Centofante has a contract with the State.

Dr. Jones questioned what is the period of the contract? Responding to Dr. Jones, Mr. Centofante stated that the contract is for five (5) years. They have been providing services throughout the State for over twenty (20) years now.

Dr. Jones further questioned if after five (5) years they would have to re-apply? Responding to Dr. Jones, Mr. Centofante stated that after five (5) years, if the State would like to continue and they would like to continue they would keep going. There is no automatic renewal.

Mrs. Townshend stated that the issue with Parcel C is under the IO (Institutional and Office Zone) the uses are things like churches, schools, offices, or institutional uses. There's really not the room on the site to accommodate that type of use. If it was turned into an office there probably wouldn't be sufficient parking. It's those types of things that make it difficult to do something in the IO (Institutional and Office Zone) other than what the applicant is asking for connected with this specific application. That's the challenge that's created by individually rezoning the parcels.

Mr. Anderson stated that if there was any other use for that parcel it really wouldn't meet the need of any other use other than what they are actually planning at this time. It's a two (2) bedroom house, it's relatively small, there is no finished basement and it's a really basic house on a relatively small parcel. In conjunction with the contiguous parcels it works really well for this but if someone wanted to do anything else that's authorized or allowed in that zone, it wouldn't meet the requirements. It just does not have enough space as far as he can see for reasonable use. Secondarily, it has taken them eleven (11) years to accumulate these parcels and Faithworks LLC has no intention in the future of ever selling or parting with them or separating them. There whole point was to consolidate them; it's taken over a decade to do so. As far as picturing it as a separate parcel for separate use in the future, at least while he is breathing that is not going to happen. Finally, can the Planning Commission actually recommend approval to City Council of this application even though it would create non-conformity? Is there anything keeping that from happening and if it does happen other than the fact that it could be used for something else in the future, what does it really hurt? Responding to Mr. Anderson, Mrs. Townshend stated that the Planning Commission can make whatever recommendation that they see fit. Ultimately, City Council has the final decision.

Colonel Welsh stated that he was trying to make this point earlier. It's non-conforming for IO (Institutional and Office Zone). If the Commission overlooks that and recommends approval of the application and worst case sometime down the road the owner decides to split the property up. There is no reason that they can't apply for a rezoning again and it would become CPO (Commercial and Professional Zone). He doesn't see the purpose in going through bringing it up to conformity when there's always a way out. What are they gaining?

Mr. Anderson questioned if Colonel Welsh was saying that as far as making the recommendation and even with City Council approving the recommendation from Planning Commission, basically means no harm no foul?

Colonel Welsh stated that he was saying what is being gained by delaying anything?

Mr. Holden stated that there's not a strong driver to consolidate it; it doesn't resolve any issue.

Colonel Welsh stated that he thinks the common sense thing to do is approve it as applied for. If something happens ten (10) years down the road and the owner wants to put a gas station at this location then they would come back and request a rezoning.

Mr. Anderson stated that they met with the Fire Marshal and the Building Inspector on-site and went through all of their requirements as they went through the property. They know that there are additional requirements coming once they get through this process. What they did not anticipate at the beginning of this process is that a rezoning would be required. They knew that there would be changes necessary by the Fire Marshal and the Building Inspector. They didn't actually realize until after that meeting that they were going to have to rezone the property. That's what threw them behind the State's timeline. They didn't realize this process was going to take place.

Mr. Cregar stated that he was still struggling with this individual lot that's being considered as IO (Institutional and Office Zone) on its own. He is worried that in five (5) years when the State

decides that they don't want this service anymore, we are stuck with an IO (Institutional and Office Zone) piece of ground that the Planning Commission said would be okay and it's not. That's why he is saying that it needs to be a part of the same property because it's going to be used as that property. In regards to the State's time table, that's not the Commission's fault. He thinks that the properties need to be consolidated. It's going to be used for that particular use and he feels comfortable saying that it needs to be part of the same property if they are going to make that piece IO (Institutional and Office Zone).

Colonel Welsh questioned if they close doors in five (5) years, what's to keep Mr. Anderson from coming back in and asking for a rezoning to change it to CPO (Commercial and Professional Zone)? Responding to Colonel Welsh, Mr. Cregar stated nothing.

Mr. Holden stated that in order to subdivide a consolidated parcel, it would be a separate and potentially more challenging process. Responding to Mr. Holden, Mrs. Townshend stated that they wouldn't be able to re-subdivide a non-conforming parcel. If it's all one parcel and that use goes away, they would not be able to break off Parcel C.

Mr. Holden stated that he hears Mr. Cregar's concern that it's not conforming but he also views the risk there for the property owner. He is going to limit his potential use of the parcel by rezoning it and he thinks that the owner acknowledges that risk or those pitfalls that might come in the future if that occurred versus the Commission creating a situation that the City might then have a potential use come in that they and the neighbors might not want or have expected because of the Commission's action. He is more inclined in this case to recommend approval than have that issue occur in the future.

Colonel Welsh stated that perhaps a compromise could be that the Commission approves it with the understanding that they are going to try to bring it into conforming standards for IO (Institutional and Office Zone). As Mr. Holden stated, the owner's hands would be tied if the properties were joined together for the future. They would have to rezone the whole property.

Mr. Holden moved to recommend approval to City Council for Z-14-04 Lands of Faithworks, LLC, cognizant of the non-conforming area to include all three (3) parcels be zoned IO (Institutional and Office Zone) and subject to COZ-1 (Corridor Overlay Zone) as requested by the applicant, seconded by Ms. Still and the motion carried by roll call vote 7-1. Mr. Holden voting yes, cognizant of staff comments and the fact that there was no public opposition and he feels that it's a needed service in this area. Mr. Cregar voting no, for previously stated reasons. Mr. Tolbert voting yes, with the understanding regarding the non-conforming use of the area for the reasons previously stated. Also, the services are needed in Dover. Mr. Holt voting yes, for reasons stated by Staff. Mr. Baldwin voting yes, realizing that they are creating a non-conforming area but the parking fits for that area. Dr. Jones voting yes, due to the fact that there is no public opposition and certainly services are very much needed. Ms. Still voting yes, for the reasons previously stated as far as the non-conforming parcel and the fact that there's no objection from any of the neighbors. She agrees that it's a great use of the property. Colonel Welsh voting yes, for reasons previously stated and his previous comments even though it's non-conforming.

Meeting adjourned at 7:54 PM

Sincerely,

Kristen Mullaney
Secretary

City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF January 7, 2015

PLANNING COMMISSION MEETING OF January 20, 2015

Plan Title:	Professional Offices at 15 Kings Highway NE (C-15-01)
Plan Type:	Conditional Use Site Plan
Applicants:	Marengo Ventures, LLC c/o Scott and Rebecca Kidner
Location:	North side of Kings Highway on the segment designated S.R. 8 at the corner of Kent Avenue
Address:	15 Kings Highway NE
Tax Parcel:	ED-05-077.05-02-50.00-000
Site Area:	25,920 S.F. +/-, (0.59 acres)
Zoning:	RG-1 (General Residence Zone) H (Historic District Zone)
Present Use:	Residence
Proposed Use:	Professional Offices
Building Area:	3,250 S.F.
Off Street Parking:	Existing – at least 3 parking spaces Proposed – no change
Sanitary Facilities:	City of Dover
Water Supply:	City of Dover

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

APPLICATION: Professional Offices at 15 Kings Highway NE

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

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

PLAN SUMMARY

This is a Conditional Use Site Plan to permit professional offices at an existing 3,250 S.F. structure on a 25,920 S.F. +/- parcel. The property is zoned RG-1 (General Residence Zone) and subject to the H (Historic District Zone), and is located at the north side of the segment of Route 8 between Maple Lane and Kent Avenue. The site includes a house, detached garage, and existing paved areas for parking, sidewalks, and driveway. The owner of record is Philip W. Coombe. Property Address: 15 Kings Highway NE. Tax Parcel: ED-05-077.05-02-50.00-000.

CONDITIONAL USE

The *Zoning Ordinance* allows professional offices as a conditional use, subject to regulations, in the General Residence Zones (RG-1 and RG-2). The regulations for professional uses as a conditional use are as follows (*Zoning Ordinance*, Article 3, §2.4d):

Article 3. District Regulations

Section 2. General Residence Zones (RG-1 and RG-2)

2.4 [Conditional Uses.] Conditional uses permitted upon the approval of the planning commission in accordance with the procedures and general conditions set forth in article 10, section 1 of this ordinance (d) Professional offices may be permitted on Governors Avenue between Water Street and Mary Street, and on Route 8, subject to the following restrictions:

i. The office operations shall be conducted in such a manner as to maintain the residential character of the surrounding neighborhood, and no changes or improvements shall be made to the premises which might preclude utilization of the premises for residential purposes in the future.
ii. There shall be no other professional office located in the same zoning district within 250 feet of the premises.
iii. No display of products or goods shall be visible from the street.
iv. There shall be no exterior effects such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.
v. A minimum of two (2) off-street parking spaces shall be required.
vi. No more than four (4) off-street parking spaces shall be permitted. Furthermore, all off-street spaces shall be visually screened from adjacent residential uses, to the greatest extent possible, by employing a landscape screen no less than six and one half (6½) feet high, which landscape screen shall be properly maintained throughout the duration of the professional office use on the subject premises.

vii. Signage shall be limited to one (1) sign, not to exceed six (6) square feet in area. No sign may be illuminated.
viii. The hours of operation shall not commence prior to 6:00 a.m. and shall cease no later than 8:00 p.m., with no more than four (4) employees engaged in the operations upon the premises at any given time.
ix. The Planning Commission shall have the authority to impose such additional conditions and restrictions as may be necessary or appropriate to protect the general health, safety, and welfare of the residents of surrounding properties.

With Conditional Use Applications, the Planning Commission reviews the proposed project to determine whether or not the intended use is appropriate in type and scale for the immediate neighborhood. The Commission must also consider whether or not the proposed use will have an adverse impact on the future orderly development of the surrounding area. The following are sections of the *Zoning Ordinance* which relate to the role of the Commission in reviewing Conditional Use applications:

Article 10. Planning Commission

Section 1. Approval of conditional uses.

On application and after public notice and hearing, the commission may authorize the issuance by the city planner of permits for any of the conditional uses for which this ordinance requires, in the district in which such use is proposed to be located. In approving any such use, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular:

1.1 *Accessibility for emergency response.* That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;
1.2 *Harmony of location, size and character.* That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;
1.3 *Residential zones.* That, in addition to the above, in the case of any use located in, or adjacent to, a residential zone:
1.31 The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and
1.32 The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of landscaping, and other improvements on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

The Planning Commission may set conditions of approval for the Conditional Use during the review process. They also have the ability to require periodic renewal of a Conditional Use Permit and also can consider revocation of a Conditional Use Permit.

PROJECT SUMMARY

The applicant proposes using the existing residential structure as Professional Offices. This location at 15 Kings Highway NE is over 250 feet from a previously approved Professional Office at 109 East Division Street (Application C-14-04).

BUILDING ARCHITECTURE

The existing residential structure is located with the City's Historic District Zone. The building is believed to have been constructed in 1915 according to Kent County records. The exterior is not one definitive "textbook" style and has a mix of structural and decorative elements that are associated with various styles and periods. Such details include Ionic columns, use of wood shingles on the exterior walls, exposed rafter tails in the roof structure, divided windows, and a front porch that wraps around to the left side where it has been enclosed. It is likely to have been altered and remodeled many times over the years; however, there are no recent records of building permits.

A brick garage with notable architectural details is located in the northwest corner of the property. It has a double-width door that faces the house. The garage can be accessed from the driveway either from Kings Highway NE or from the alley. The garage is non-conforming as to the required five (5) foot setback from the rear property line for accessory structures. This condition is common among older properties in the City.

The property is among those included in the National Register of Historic Places "Victorian Dover Historic District" and is referenced on page 84 of the nomination form (K-396.442). This inclusion may make the property eligible for certain federal or state tax credits related to exterior renovation work to the structure.

SITE CONSIDERATIONS AND LANDSCAPING

The parcel is larger than most of the surrounding parcels that are occupied by residences. There are large trees on the property, both evergreen and deciduous. The back yard has a patio adjoining the structure, and trees and shrubs of various sizes. There is a small pond in the northeast corner of the property.

A shrub row approximately seven (7) feet tall encloses the backyard and runs along the northern property line adjacent to the alley and along the back half of the east property line adjacent to Kent Avenue.

The Elizabeth W. Murphey School is adjacent to the property and has facilities located across Kent Avenue and Route 8 from the property. Buildings associated with the school are visible from the rear yard and can be seen in photographs provided with this report. The residence at 11 Kings Highway NE is located west of the property and the side yard between that property and the subject property is relatively open.

Trees and Landscaping

Per *Zoning Ordinance*, Article 5, §16.6, a tree planting and preservation plan is required. A total of nine (9) trees are required on the site based on the minimum tree density requirement of one (1) tree per 3,000 S.F. of lot area.

A landscape plan has not been provided and staff has not verified satisfaction of the tree

requirement. The applicant has provided comments verbally and via email regarding the landscape and has indicated that other than cleanup and trimming few landscape alterations are planned. The final landscape plan submitted with the Conditional Use Site Plan must show existing trees and planned tree plantings. Screening of parking is required and discussed later in this report, and must likewise be demonstrated on a landscape plan before Final Plan approval.

Entrances and Access

The front door of the property faces Kings Highway NE (Route 8) and is located approximately 30 feet back from the public sidewalk. Vehicle access onto the property is via a private drive from Route 8 located on the west side of the property, as well as via the rear alley which connects Kent Avenue and Maple Lane.

The applicant proposes a ramp on the west side of the building which would provide ADA accessibility to the structure. This ramp would lead to the front porch where entry would be via the front door.

Sidewalks

A front sidewalk on the property leads from the front door to the public sidewalk on Kings Highway/Route 8. There is also a public sidewalk along Kent Avenue. There is a traffic light at Kent Avenue with marked crosswalks and pedestrian signals to allow crossing Kent Avenue and Route 8.

Trash

The Department of Public Works has provided comment that trash and recycling pickup for the property shall continue using the issued containers if trash volumes continue at existing levels. Changes to volume in the future may cause the Department to revisit the issue. Pickup for this property occurs via the alley.

Signage

No signage is shown in the proposed plan. Any signage must be approved through a separate sign approval and permitting process. Per the regulations of the *Zoning Ordinance* related to conditional uses in RG-1 and RG-2 districts, signage is limited to six (6) square feet in area and if illuminated must be externally illuminated. Signage would also be subject to review and approval under the provisions of the *Design Standards and Guidelines for the City of Dover Historic District Zone.*

PARKING SUMMARY

The parking requirement for professional offices as a conditional use in a General Residence Zone is a minimum of two (2) off-street parking spaces, with a maximum of four (4) off-street parking spaces.

The provided Site Plan shows a total of three (3) parking spaces. Two (2) parking spaces are located in the existing asphalt area adjacent to the garage (labeled spaces #2 and #3). These spaces have parking bumpers. In accordance with past practice for Conditional Use Site Plan projects under review in General Residence Zone districts that have garages, staff counts the garage as one (1) parking space, labeled #1 on the submitted plan. Space #3 is proposed as the handicapped accessible parking space. The parking and drive areas do not have curbing. No additional parking is proposed.

On-street parking is plentiful and available in front of the site along Route 8, and along Kent Avenue, both subject to time limitations.

The existing driveway can accommodate additional parking and such use is permitted. The applicant is reminded that parking on grass surfaces is prohibited.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one (1) bicycle parking space (1) for every twenty motor vehicle parking spaces. For this site one (1) bicycle parking space is required.

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 final Site Plan must be updated with changes recommended in this report, and any approvals including any waivers granted by the Planning Commission.

2) Submission of a landscape plan with required tree plantings is required. Label existing trees and show location of proposed/required trees. Include species data and caliper size using labels, notes, and an accompanying table. Per *Zoning Ordinance*, Article 5, §16.8 the landscape plan must be prepared by a design professional, with the name and contact information provided on the plan.

3) Parking must be screened from adjacent residential uses. Include screening detail for with the landscape plan. Show existing landscaping to provide screening and any proposed additional landscape plantings for screening.

4) Per the *Zoning Ordinance* one (1) bicycle parking space is required. See recommendations that follow.

5) Plan Sheet Revisions:
   a) Show a direct path from the ADA parking space to the building entrance/ramp.
   b) Show the location of trash receptacles on the property.
   c) Provide a Site Data Column or reference to equivalent column or table if it is located off the plan sheet. The following Site Data will need to be provided on a Final Plan:
      i) Floor Area Ratio for site.
      ii) Lot Coverage Ratio for site.
      iii) Any changes recommended or approvals including information on any waivers granted by the Planning Commission.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Staff recommends that the existing paved drive and parking areas be accepted as an existing condition, finding a parking area without a curb more consistent with objectives for preserving the residential character of the property.

2) Staff recommends that the hedgerows along the north and east side property lines be retained and maintained at their present height (or greater) for the duration of the conditional use. If any hedges are damaged or die, they should be replaced with like or similar plant material. The hedgerows should be maintained so as to allow clear pedestrian passage and not encroach into the sidewalk right-of-way along Kent Avenue.

3) Staff recommends that the screening requirement for the parking spaces be satisfied using a combination of mixed vegetation and hedgerows at strategic places in the west side yard to screen the view of the parking from the residence at 11 Kings Highway NE and from the street. Specific recommendations would include additions to the hedges shown on/near the property line as shown in Photo 4 in the attached photo set, and the area forward of the parking bumpers as shown in Photo 4 and Photo 5.

4) Staff recommends that the requirement for bicycle parking be satisfied using a single "Inverted-U" or post type design to be located within view of the primary entrance or adjacent to vehicle parking area. Staff encourages creative solutions consistent with the property location in the Historic District Zone and can provide input before Final Plan approval.

5) Staff recommends review of the Conditional Use Permit after a period of one (1) year. The Planning Commission can then determine if the conditions prescribed have been met and if further periodic review is warranted.

ADVISORY COMMENTS TO THE APPLICANT:

1) The Planning Commission will act upon waiver requests 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) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.

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

4) In the event, that major changes and revisions to the Conditional Use Site Plan occur in the finalization of the Site Plan contact the Planning Office. Examples include expansion of the building, relocation of site components, 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.

5) For any building renovations to establish the office use the requirements of the building code or fire code must be complied with. Consult with the Chief Building Inspector and City of Dover Fire Marshal for these requirements. The resolution of these items may impact the site design including such items as building access, fire protection needs, etc.

6) 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.

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

8) The applicant shall be aware that Conditional Use 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.

9) Exterior renovations to the building are subject to Architectural Review Certification as the property is located within the Historic District. This may include review by the Historic District Commission.

10) The change of the building use from residential to professional offices will require an Administrative Building Permit to track the implementation of the Conditional Use Site Plan and review for issuance of a Certificate of Occupancy.

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

DATA SHEET FOR CONDITIONAL USE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF January 7, 2015

PLANNING COMMISSION MEETING OF January 20, 2015

Plan Title:	Walk In The Light Church 149 South Governors Avenue C-15-02
Plan Type:	Conditional Use Plan
Property Location:	East side of South Governors Avenue between West Loockerman Street and Minor Street
Property Address:	149 South Governors Avenue
Tax Parcel:	ED-05-077.09-02-03.00-000
Owner:	D & S Investment Co., LLP
Lessee:	Walk in the Light Church
Present Use:	Vacant Tenant Space
Proposed Use:	Place of Public Assembly
Sewer & Water:	City of Dover
Zoning Classification:	C-2 (Central Commercial Zone) H (Historic District Zone)

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER PLANNING

APPLICATION: Walk In The Light Church at 149 South Governors Avenue

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

CONTACT PERSON: Tracey Harvey PHONE #: (302) 736-7196

PLAN SUMMARY:

This Conditional Use Plan Review is to permit a church in the existing commercial building in a vacant tenant space located at 149 South Governors Avenue. The property is zoned C-2 (Central Commercial Zone) and is subject to the H (Historic District Zone). The property is located on the east side of South Governors Avenue between West Loockerman Street and Minor Street. The owner of record is D & S Investment Co., LLP. The property address is 149 South Governors Avenue. Tax Parcel: ED-05-077.09-02-03.00-000.

This tenant space was most recently utilized for a retail establishment. The proposal, (see attached letter) for use of the space as a church would be a change of use. A church is classified as a "place of public assembly" as defined by the *Zoning Ordinance.*

> **Place of Public Assembly**: Establishments where the principal use is for the gathering of persons for activities such as civic, social, or religious functions, including but not limited to night clubs, theaters, civic halls, and places of worship.

Within the C-2 (Central Commercial Zone) zoning district, this type of use as a place of public assembly requires Conditional Use approval by the Planning Commission as noted in Article 3 §13.2(b) of the *Zoning Ordinance*.

> Article 3 Section 13.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:
>
> (a) Parking lots and parking structures as a principal use.
> (b) Places of public assembly.
> (c) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:
> (1) An area fully concealed from any street and equal to not more than 20 percent of the area devoted to retail sales shall be so used;

(2) Electrical power not to exceed a total of five rated horsepower, and steam pressure not in excess of 60 pounds of pressure per square inch shall be used exclusively;
(3) Not more than four employees are engaged in such production or processing.

This Conditional Use is subject to the requirements of Article 10 §1 further discussed below. With Conditional Use applications, the Planning Commission reviews the proposed project to determine whether or not the intended use is appropriate in type and scale for the immediate neighborhood. The Commission must also consider whether or not the proposed use will have an adverse impact on the future orderly development of the surrounding area. The Planning Commission may prescribe appropriate conditions and safeguards to the use if determined to be necessary. The following sections of the *Zoning Ordinanc*e which relate to the role of the Commission in reviewing Conditional Use applications are particularly relevant when reviewing this application:

Article 10 Section 1
1.1 *Accessibility for emergency response.* That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;

1.2 *Harmony of location, size and character.* That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

For uses seeking Conditional Use approval that proposes to occupy an existing structure, Article 10 §1.8 outlines the submission requirements. This project does not proposed any building additions or changes in impervious surface coverage; therefore it does not require approval of a site development plan by the Planning Commission. The submission requirements only consist of documenting the existing conditions of the building and lot and providing information on the proposed use (description of use, designated location, parking and circulation).

Site Considerations
The church (place of public assembly) will occupy an existing vacant tenant space in the existing building. There is a second tenant space within the building that houses a service establishment. The application submission consists of a building floorplan. The allowable occupant load (i.e. number of seats) will be established per the Building Code and Fire Code regulations. With this Downtown location, the building almost fully occupies the extent of the property parcel.

Sidewalk
There is an existing sidewalk along South Governors Avenue at the building's front.

Parking
The C-2 zoning district does not have an off-street parking requirement. The specific use as a church (place of public assembly/place of worship) is typically subject to a parking requirement based on floor area or seat count (one parking space per 200 S.F. of floor area but not less than one parking space per four seats). However, in this instance it meets the exception of Article 6 §3.1(a)ii making the use subject to the C-2 parking requirements rather than *Zoning Ordinance,* Article 6 Section 3.1 Schedule of Requirement for parking for specific uses. Staff notes that

there is on street parking available in the area. There are also several municipal parking lots located within the immediate area.

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) **In accordance with *Zoning Ordinance*, Article 10 §1.8 information on the proposed use must be submitted. Please provide a written description of the proposed use. Please provide this description to the Planning Office by Thursday, January 8, 2015.**

2) The Site Data column and plan drawing will need to be updated prior to Final Approval with the following:
   a) Any changes recommended or approvals by the Planning Commission.
   b) Add a location diagram to designate the location of the subject site (parcel) in relation to adjacent streets and properties. Include zoning of adjacent properties.
   c) Add north arrow.
   d) Note that the building occupies the extent of the property and that no parking is provided on the subject property.
   e) The number of seats will need to be added to the Plan. The occupancy of the tenant space must comply with the provided occupant load established by the Office of the Fire Marshal.
   f) In the data column (back of sheet):
      i) Add the subject property address.
      ii) Correct listing of tax parcel number: ED-05-077.09-02-03.00-000.

3) The property must be adequately served for trash collection and recycling. Note method of trash collection and location of Dumpster. Staff notes property currently utilizes the community dumpster arrangement located in the municipal parking lot which services multiple businesses lacking onsite locations for dumpster.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) None

ADVISORY COMMENTS TO THE APPLICANT:

1) Following Planning Commission approval of the Conditional Use 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.

2) The applicant shall be aware that the Conditional Use 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.

3) The applicant shall be aware that the Conditional Use 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. An Administrative Building Permit (#14-1617) has been filed for review of this change of use in order to achieve a Certificate of Occupancy for the use of the tenant space as a "place of public assembly."

4) The applicant shall be aware that the Conditional Use Plan approval does not represent a Public Occupancy Permit. A separate application process is required for issuance of a Public Occupancy Permit from the City of Dover.

5) Due to the properties location in the H (Historic District), any exterior renovations to the building are subject to Architectural Review Certification. This may include review by the Historic District Commission.

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.

From: Walk In The Light Church
149 South Governors Avenue
Dover DE. 19904:

TO: The City of Dover Planning Commission and Development Advisory Committee

We the members of Walk In The Light Church recognize ourselves as the body of Christian believers according to the God's scriptural plan for the local assembly; in order that we may worship God as a united body, exercising all our inalienable rights and privileges granted to a religious body by the Constitution of the United States of America.

Where as the members of the Body are enjoined to assemble themselves together for worship, fellowship, instruction in the Word of God and for the exercise of those spiritual gifts and offices set forth in the New Testament;

Our purpose is to propagate the Christian Faith by spreading the Gospel of Jesus Christ as revealed through the Holy Scriptures by all means of communication, whether visual, verbal, or written. We will provide preaching, teaching, and fostering growth of the Christian Faith.

The following are our weekly scheduled times of assembly:

Sundays:
Sunday School - 9:45am
Sunday Morning Worship Service -11:00 am

Wednesday Night Prayer & Bible Study - 7:00 pm

The following unscheduled times of assembly will occur periodically and be scheduled with at least on months advance notice:

Sunday afternoon Worship Service - 4:00 pm

Friday Night Worship Service - 7:00 pm

Emmanuel F. Davis
Pastor,
Walk In The Light Church

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: DECEMBER 31, 2014

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **WALK IN THE LIGHT CHURCH @ 149 SOUTH GOVERNORS AVENUE**

FILE #: **C-15-02**

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. 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/Public-Documents-4017/.
2. The roadway and curbing must be in.
3. The right-of-way must be within 6" of final grade.
4. The property corners must be staked.
5. Owner is responsible for locating all water, sewer, and storm sewer lines.
6. Owner is responsible for installing all conduits and equipment pads per the City of Dover Engineering Department specifications.
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 / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. Our office has no objection to the conditional use.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service / main to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of electric, water and sewer services and meters will be assessed at that time. (Please note that each water meter registered with the City of Dover must have a separate service line.) Should the existing water and sanitary sewer services no longer be required based upon the proposed use, they must be properly abandoned at the mains in accordance with all City of Dover Department of Public Works standards and specifications.
2. Any redevelopment shall adhere to the City of Dover Water/Wastewater Handbook, the Specifications, Standards & Procedures for City of Dover Public Works requirements, and the City of Dover's Electric Service Handbook.
3. Please note that renovations projects must ensure that the water and wastewater service is brought up to current requirements. This may include relocating the water meter outside or changing service line sizes. Please ensure you schedule a meeting with the Department of Public Works during the planning phase for this site.

SANITATION

1. The City of Dover will continue to provide the current level of trash service to 149 South Governors Avenue. If additional trash service is required, the owner shall secure a private company to take over the sanitation service.

STORMWATER / STREETS / GROUNDS

1. None

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: January 7th, 2015; REVISED

CITY OF DOVER FIRE MARSHAL

APPLICATION: Walk in the Light Church located at 149 S. Governors Ave

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

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

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

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

CITY AND STATE CODE REQUIREMENTS:

N/A

ADDITIONAL REQUIREMENTS TO OBTAIN APPROVAL:

1. No objections from this office; A walk through / inspection has occurred and this property is in compliance with this office. Please note the following items were added as a result of the 01/07/15 DAC Applicant Meeting;
   - The occupant load for the property is 80.
   - The floor plan needs to have verbiage advising the occupant load is 80.
   - The floor plan should show seating that reflects the occupant load amount; 80 seats.
   - This office is not requiring a shunt trip switch as discussed; however when amplified music is introduced at the property this will be required as discussed.

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 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.**

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
January 2015

APPLICATION: Walk in the Light Church

FILE #: C-15-02

REVIEWING AGENCY: *Kent Conservation District*

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

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

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. The Kent Conservation District has no objection to the conditional use approval of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

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

From: Walk In The Light Church
149 South Governors Avenue
Dover DE. 19904:

TO: The City of Dover Planning Commission and Development Advisory Committee

We the members of Walk In The Light Church recognize ourselves as the body of Christian believers according to the God's scriptural plan for the local assembly; in order that we may worship God as a united body, exercising all our inalienable rights and privileges granted to a religious body by the Constitution of the United States of America.

Where as the members of the Body are enjoined to assemble themselves together for worship, fellowship, instruction in the Word of God and for the exercise of those spiritual gifts and offices set forth in the New Testament;

Our purpose is to propagate the Christian Faith by spreading the Gospel of Jesus Christ as revealed through the Holy Scriptures by all means of communication, whether visual, verbal, or written. We will provide preaching, teaching, and fostering growth of the Christian Faith.

The following are our weekly scheduled times of assembly:

Sundays:
Sunday School - 9:45am
Sunday Morning Worship Service -11:00 am

Wednesday Night Prayer & Bible Study - 7:00 pm

The following unscheduled times of assembly will occur periodically and be scheduled with at least on months advance notice:

Sunday afternoon Worship Service - 4:00 pm

Friday Night Worship Service - 7:00 pm

Emmanuel F. Davis
Pastor,
Walk In The Light Church

MEMORANDUM

Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903
Phone: (302) 736-7196 Fax (302) 736-4217

DATE: January 8, 2015

TO: Planning Commission

FROM: Planning Office

SUBJECT: Request for Elimination of Upright Curbing
Administrative Site Plan
S-15-01 Office at 598 North DuPont Highway

Attached is a Waiver Request for the Elimination of Upright Curbing at 598 North DuPont Highway. The use of the existing single family house is proposed to become a commercial use. The change of use/redevelopment of the site is currently under review as Administrative Site Plan S-15-01; see description below. Building Permits have been filed for interior improvements and signage.

> S-15-01 Office at 598 North DuPont Highway – Review of the Administrative Site Plan for renovations of a 1,800 S.F. building and associated site improvements to include 683 S.F. of additional paved surface for parking. The project is located at 598 North DuPont Highway, on the southbound side of the highway between Lepore Road and Garden Lane. The property is zoned C-1A (Limited Commercial Zone) and is subject to the SWPOZ (Source Water Protection Overlay Zone: Tier 3 Excellent Recharge Area) and is adjacent to Silver Lake. The owner of the property is Faithwork, LLC. Address: 598 North DuPont Highway. Tax Parcel: ED-05-068.09-01-18.00-000. Council District 3.

Site Considerations

The C-1A district has no parking requirement. The applicant is proposing site improvements that include additional paved areas totaling 683 S.F. to be added to an existing paved area encompassing 1,106 square feet currently utilized primarily for the entrance drive, parking, and sidewalk. The new paved area is to be utilized as parking and maneuvering space, with a small section to be used for purposes of the ADA ramp for access to the building. While the site is within the SWPOZ (Source Water Protection Overlay Zone: Tier 3 Excellent Recharge Area), the impervious area limitations do not apply since the Administrative Site Plan is not subject to Planning Commission review. *Zoning Ordinance* Article 5 §11.222 requires that all buildings, structures, and impervious surfaces be set back at least 100 feet from Silver Lake. Part of the existing structure is within this setback area; however, all planned site work is outside of it. Additionally, while the property is adjacent to Silver Lake, review by the Silver Lake Commission is not required per Article 5 §11.251 because the Administrative Site Plan is not subject to Planning Commission review.

MEMORANDUM

Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903
Phone: (302) 736-7196 Fax (302) 736-4217

DATE: January 9, 2015

TO: Planning Commission

FROM: Planning Office

SUBJECT: Information on Plan Revision
Site Plan S-14-01 for NBR Properties at 850 New Burton Road, Dover

The Final Site Plan Approval was granted on November 24, 2014 for the Site Plan S-14-01 for the NBR Properties office building project at 850 New Burton Road. The Site Plan conformed to the conditions of approval set forth by the City of Dover Planning Commission on February 18, 2014 and confirmed with the conditions outlined in the Development Advisory Committee Report dated January 8, 2014.

The project involves construction of a 20,000 S.F. office building with the associated site improvements. The project received the following waivers from the Planning Commission: waiver to allow for the partial elimination of curbing and waiver to eliminate the loading space requirement. Construction activity on the property has commenced with the demolition of the vacant buildings (Demolition Permit #14-594) and site preparation activities for new building construction (Building Permit #14-1435).

This Memorandum is to inform the Planning Commission of a Plan Revisions for Site Plan S-14-01. The developer has submitted plans for review showing the elimination of the front access drive between the building and New Burton Road. This drive was previously planned related to a potential tenant's needs; however, with the selection of tenants this drive is unnecessary. The one-way access drive connecting the two parking lot areas on the ends of the building will be eliminated. In its place a sidewalk adjacent to the building will be implemented to serve the door on this east building elevation and the connecting sidewalk from the street frontage sidewalk will be extended. With this revision, two additional parking spaces will be added and bump-outs to assist with maneuvering will be added at the end of the parking lot drive aisles. The tree and shrub landscape plantings remain as originally proposed across the property frontage.

The Planning Office intends to grant approval of the Plan Revision under the provisions of *Zoning Ordinance,* Article 10 §2.43(H). This Amendment to the Site Plan is not deemed to be a substantial amendment and thus can be handled administratively. The Revision is presented to the Planning Commission for informational purposes.

Attachments: S-14-01 Final Site Plan Sheet L101
Revised S-14-01 Site Plan: Revised Site Plan sheets C-201 and L101