CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, July 21, 2014 – 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 June 16, 2014

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, August 18, 2014 at 7:00pm in the City Council Chambers.

2) Reminder: The next Planning Commission Quarterly Workshop is scheduled for TUESDAY, August 19, 2014 at 12 noon in the City Hall Conference Room.

3) Update on City Council Actions
    a. Action on Ordinance #2014-08 with Amendments (SA #1) - MI-14-10 Text Amendment: Revisions to Commercial and Office Zones
    b. Appointments to the Planning Commission for Three (3) Year Terms to Expire June 1, 2017

4) Update on Planning activities

5) Education & Training Opportunities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None Received

NEW DEVELOPMENT APPLICATIONS

1) SB-14-04 Lands of Kalpkish, LLC at 348 N DuPont Highway – Public Hearing and Review of a Minor Subdivision to create two (2) parcels of land from an existing 3.35 acre +/- parcel, on the site currently occupied by Super 8 Motel. The parcel will be subdivided into a 2.55 acre +/- parcel and a 0.80 acre +/- parcel. The property is zoned C-4 (Highway Commercial Zone), located on the southwest side of DuPont Highway northwest of Oak Lane and abutting Silver Lake. The property owner is Kalpkish, LLC, c/o Kishor C. Sheth. Property Address: 348 North DuPont Highway. Tax Parcel: ED-05-068.13-01-79.00-000. Council

District 3. *This application is associated with V-14-06 heard by the Board of Adjustment on May 21, 2014 regarding a variance from the rear and front setback requirements.*

NEW BUSINESS

1) Nomination and Election of Officers (Chairman and Vice-Chairman)

2) Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance,* Article 10 §2.28)

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 July 9 , 2014 at 12 noon

CITY OF DOVER PLANNING COMMISSION
June 16, 2014

The Regular Meeting of the City of Dover Planning Commission was held on Monday June 16, 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, Mr. Ambruso and Colonel Welsh.

Staff members present were Mrs. Townshend, Mrs. Dawn Melson-Williams, Mr. Cook, Mrs. Harvey and Mrs. Mullaney. Also present were Mr. Janaid Kareem, Mr. William Byler Jr., Mr. Rhett Ruggerio and Mr. Mark Redden. Also speaking from the public was Mrs. Trisha Arndt, Mr. Joe Hutter and Mr. Phil McGinnis.

APPROVAL OF AGENDA

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF MAY 19, 2014

Mr. Holt moved to approve the Planning Commission minutes of May 19, 2014, seconded by Ms. Still and the motion was unanimously carried 9-0.

APPROVAL OF THE SPECIAL PLANNING COMMISSION MEETING MINUTES OF JUNE 3, 2014

Dr. Jones moved to approve the Special Planning Commission Meeting minutes of June 3, 2014, seconded by Mr. Holt and the motion was unanimously carried 9-0.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting will be held on Monday, July 21, 2014 at 7:00 PM in the City Hall Council Chambers.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on May 27, 2014 and June 9, 2014.

Mrs. Townshend stated that a Public Workshop would be held on Thursday, June 26, 2014 from 4:00-7:00 PM at the Dover Public Library on the draft Bicycle Plan and Pedestrian Plan. The plans are being developed by the Dover/Kent County MPO in conjunction with the City of Dover.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

2) Pending Development Applications:

A. SB-14-03 Lands of Robert & Kathleen Dunn at 276 Troon Road – Continuation of Review of a Minor Subdivision Plan to create two (2) parcels of land from an existing 26,997 S.F. ± parcel, previously known as Lot 6 of Fox Meadows Subdivision. The parcel will be

subdivided into a 12,803 S.F. ± parcel and a 14,194 SF. ± parcel. The property is zoned R-10 (One Family Residence Zone), located on Troon Road, north of Merion Road, northeast of Maple Dale Golf Course. The property owners are Robert & Kathleen Dunn. Property Address: 276 Troon Road. Tax Parcel: ED-05-067.09-02-06.00-000. Council District 1. *Waiver Requested: Elimination of Sidewalks. A Public Hearing and Review of this application occurred at the May 19, 2014 meeting of the Planning Commission and action was deferred.*

Colonel Welsh stated that there was an Executive Session meeting held with the City Solicitor to discuss the legal issues involved and they received appropriate legal guidance. The Public Hearing was closed at last month's meeting and he will not be opening another Public Hearing tonight.

Mrs. Townshend stated that an members who were not present at the prior meeting where the application was discussed are unable to vote on the application; that would be Mr. Baldwin and Mr. Ambruso.

Mr. Tolbert moved to approval SB-14-03 Lands of Robert & Kathleen Dunn at 276 Troon Road as submitted, seconded by Dr. Jones and the motion carried by roll call vote 7-0 excluding Mr. Baldwin and Mr. Ambruso. Mr. Holden voting yes, as the application meets the requirements of the Zoning Code. Mr. Cregar voting yes, it's in agreement with the Subdivision Regulations of the City of Dover. Mr. Tolbert voting yes, the application meets all of the requirements of the Comprehensive Plan. Mr. Holt voting yes, the application meets all of the requirements. Dr. Jones voting yes, the application is incompliance with zoning regulations. Ms. Still voting yes, the application meets all the requirements of the ordinances. Colonel Welsh voting yes, for reasons previously stated.

NEW BUSINESS

NEW DEVELOPMENT APPLICATIONS

1) C-14-03 Janaid's Hair Salon at 213 West Loockerman Street – Public Hearing and Review of Conditional Use Application to permit a hair salon in an existing two-story building on a 2,235 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 north side of Loockerman Street mid-block between South New Street and South Governors Avenue. The owner of record is Sherrie S. Vaughn, to be conveyed to Janaid Kareem. Property Address: 211-213 West Loockerman Street. Tax Parcel: ED-05-077.09-01-55.00-000. Council District 4.

Representatives: Mr. Janaid Kareem, Janaid's Hair Salon; Mr. William Byler Jr., William Byler Jr. Architect, Inc.

Mrs. Harvey stated that the Conditional Use Plan is to create a hair salon on the first and second floor tenant space of the existing building located at 213 West Loockerman Street. The property is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone) located on the north side of Loockerman Street. The building was built in the 1800's and is listed in the National Register of Historic Places as a contributing resource to the Victorian Dover Historic District. The

building consists of two floors; the first and second floors of the building are currently registered as a vacant building in the provisions of the *Vacant Building Ordinance*. The tenant space located on the west side of the subject tenant space is a vacant building that was previously Simon's Bridal Shop. The adjacent building located to the east side of the proposed site is Zuha Trend Men's Fashion Store. The Tresses Hair Studio is a personal service store located within two hundred fifty (250) feet of the subject site. Due to the proposed location and type of land use as a hair salon, a Conditional Use approval is required by the Planning Commission as noted in Article 3, Section 13.21 of the *Zoning Ordinance* regarding a personal service store located within two hundred fifty (250) feet of another personal service store.

Colonel Welsh asked the applicants if they had an opportunity to review the DAC comments and the recommendations of the Planning Staff. Responding to Colonel Welsh, Mr. Byler stated yes, they have had an opportunity to review all of the DAC comments and recommendations. They are in agreement with each of the comments. They do not have any issues with complying with what's been recommended.

Mr. Byler stated that he thinks they have communicated what their floor plan is going to be and they want to get an approval tonight so that they can move forward with the remaining parts of the project.

Mr. Ambruso stated that based on this gentleman's past performance, he is familiar with his current location. He always seemed to run a nice shop there. He would be supportive of him in this matter.

Dr. Jones stated that she concurs with Mr. Ambruso.

Mr. Holt questioned the hours of operation? Responding to Mr. Holt, Mr. Kareem stated that Monday through Wednesday they typically run 9AM-5PM. Thursday, Friday and Saturday they typically run 8AM-6PM. They open a little earlier for earlier appointments and close a little later of later appointments.

Mr. Tolbert questioned if they planned to have full services on both floors? Responding to Mr. Tolbert, Mr. Kareem questioned what he meant by full services?

Mr. Tolbert stated that there is a styling area with eight locations on the first floor. Responding to Mr. Tolbert, Mr. Kareem stated yes, there will be eight stations on the first floor.

Mr. Tolbert questioned if there would also be a styling area on the second floor? Responding to Mr. Tolbert, Mrs. Kareem stated that there would be another four stations on the second floor.

Mr. Tolbert further questioned if the second floor area was going to open up right away? Responding to Mr. Tolbert, Mr. Kareem stated no, the second floor will be a year down the road. They are going to phase the second floor in but initially they are going to open the first floor with eight stations.

Mr. Tolbert stated that he sees a coffee and a bar located on the first floor. Is that a coffee bar? Responding to Mr. Tolbert, Mr. Kareem stated yes, a coffee bar not a bar.

Mr. Cregar questioned since they are phasing in the second floor, does that interfere with the Conditional Use that the Planning Commission grants and is there any time limit on that once they grant approval for them to be able to work on the second floor? Responding to Mr. Cregar, Mrs. Townshend stated as long as the second phase is done within a year.

Mrs. Townshend questioned if the applicant was looking at longer than one year? Responding to Mrs. Townshend, Mr. Kareem stated no.

Mrs. Townshend stated that a Conditional Use approval is good for one year and can then be extended for one year so it would actually be good for two years.

Mr. Cregar questioned if things didn't work out within one year, the applicant could come back for an extension at the end of that period? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Holden stated that he is pleased to see some activity in this area and he wishes the applicant the best of luck.

Colonel Welsh stated welcome to the street.

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

Dr. Jones moved to approve C-14-03 Janaid's Hair Salon at 213 West Loockerman Street to include DAC comments, seconded by Mr. Holt and the motion was carried by roll call vote 9-0. Mr. Holden voting yes, for reasons already stated, staff comments and that the proposed Conditional Use is in harmony with the location, size and character of the property. Mr. Cregar voting yes, agreeing with the comments stated by Mr. Holden. Mr. Tolbert voting yes, the application is in compliance with rules and requirements of the Planning Commission. Mr. Holt voting yes, as the application is in compliance with the plans of the Planning Commission. Mr. Baldwin voting yes, based on the information provided this evening. Dr. Jones voting yes, based upon compliance with all conditions as well as the comments from DAC. Secondly, she thinks it is wonderful to have this kind of business continue the integrity of the businesses in that area. Ms. Still voting yes, for all the reasons previously stated. Mr. Ambruso voting yes, based on everything previously stated. Colonel Welsh voting yes, he wished the applicant the best of luck.

2) C-14-04 109 East Division Street – Public Hearing and Review of Conditional Use Application to permit professional offices at an existing 1,689 S.F. structure on an 11,340 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 East Division Street between Pennsylvania Avenue and Maple Lane. The owner of record is Leg Hall, LLC c/o Rhett Ruggerio. Property Address: 109 East Division Street. Tax Parcel: ED-05-077.05-02-55.00-000. Council District 3. *Waiver Requested: Elimination of Upright Curbing Requirement.*

Representatives: Mr. Rhett Ruggerio, owner of record

Mr. Cook stated that this application is a Conditional Use Site Development Plan to permit professional offices in an existing 1,689 S.F. structure on an 11,340 S.F. ± parcel at 109 East Division Street. The property is zoned RG-1 (General Residence Zone) and is also subject to the H (Historic District Zone). On May 27, 2014 City Council approved Ordinance # 2014-05 which allows professional offices as a Conditional Use is RG-1 (General Residence Zone) and subject to regulations. Pages 2 and 3 of the DAC Report include the text of that Amendment and those regulations. It is also located on the blue colored sheet that was handed out tonight.

The residential structure was built in 1857 and has had recent improvements to the exterior and landscaping. There is a front door on East Division Street and an entrance on the east side accessible from the rear of the property or from the alley by a gate. A Landscape Plan is required to be submitted before final approval. The Landscape Plan is still being finalized but there has been some landscaping work that has already taken place. The property in its current state meets the tree density requirements and that's outlined in the existing report. An existing landscape feature that the Staff recommends to be retained is a hedgerow along the east property line. The property faces East Division Street. The red outline shown on the plan is the main structure. In the rear, there is a garage. The hedgerow divides the property between an alley which is to the east. Off-street parking is required and proposed off of the rear alley. There is an existing garage via the alley that can be accessed from Pennsylvania Avenue. The garage is capable of housing two (2) vehicles and then there are three (3) parking spaces on the surface adjacent to the garage. Per requirements of the *Zoning Ordinance*, there are screening requirements which are elaborated upon in the DAC Report. There is one waiver being requested by the applicant. That is a request to eliminate some required upright curbing.

As a summary of the staff recommendations for conditions of approval, Staff recommends that the garage be counted as one (1) space realizing that the structure over time may be used for storage. The plan submitted shows two (2) parking spaces for the garage and three (3) on the outside, whereas, there is really a maximum of four (4) parking spaces per the regulations of the Conditional Use. Staff recommends retention of the existing hedgerow that's about five (5) feet tall. It separates the side yard from the alley and also provides screening of the property from the street and adjacent neighbors. Staff also recommends screening in front of the proposed off-street parking spaces. If there were cars there, it's possible that they could be seen from Division Street. This is something that Staff noted particularly from the intersection of Kings Highway and Division Street. Staff recommends review of the Conditional Use after a period of one (1) year, at which time the Commission can then determine if the conditions have been met. The DAC Report includes comments from the Planning Office, the Department of Public Works, the Fire Marshal's Office, DelDOT and the Kent Conservation District Office.

Mr. Ruggerio stated that the only comments he would have is a little bit of history on this issue. He was before the Commission in the Fall and at that time the neighbors were not comfortable with the Rezoning so subsequently they worked with the neighbors and proposed legislation that would allow for a Conditional Use and that's why he is here tonight. There's a number of people to thank; first, the Commission to allow him to work with the neighbors so that they had a comfort level. Secondly, Mrs. Townshend for working with himself and the neighbors through this. Also, the neighbors particularly Mrs. Trish Arndt and the rest of the folks here tonight for some of the conditions that they were comfortable with.

Colonel Welsh questioned if the applicant was in agreement with Planning Commission comments and suggestions for approval as well as the DAC comments? Responding to Colonel Welsh, Mr. Ruggerio stated yes, the only issue is screening issue.

Mrs. Townshend stated that the screening will obviously not have to block access to the parking so it could just be along the edge of the garage. Again, some of it is screened by the garage itself so she thinks it's something that they just work out.

Mr. Ruggerio stated other than that there are no other comments.

Mr. Cregar stated that it seems like this has been a long time coming but as a Commissioner, he appreciates the effort that Mr. Ruggerio has put into it and the patience that he has had working with the community also. This is what planning is about; it's about trying to come together with good development proposals. They were able to work out something that he thinks is positive for the community and for the City as a whole.

Ms. Still questioned the reason for the elimination of the upright curbing? Responding to Ms. Still, Mr. Ruggerio stated that currently there is crush and run rock. One, the slope or the angle of the parking there probably wouldn't support it. Secondly, the commercialization of that area wouldn't fit in character with the neighborhood.

Colonel Welsh opened the public hearing.

Mrs. Trisha Arndt – 11 Pennsylvania Avenue Dover, DE 19901

Mrs. Arndt stated that she did receive notice from the applicant. She wants to take a moment to thank Mr. Ruggerio for working with the neighbors. She certainly appreciates his willingness to adhere to their conditions. She appreciates the City of Dover, especially Mrs. Townshend for helping them through this process. She just wanted to state that she does appreciate the elimination of the upright curbing. Her property shares the alley and she would like to make sure that it does not look commercialized. She would like to make sure that it maintains that residential character. They would definitely appreciate keeping the hedgerow.

Mr. Joe Hutter – 41 Delaware Avenue Dover, DE 19901

Mr. Hutter questioned how long this Conditional Use lasts? Responding to Mr. Hutter, Colonel Welsh stated two (2) years unless the Commission specifies something less.

Mr. Hutter further questioned if at that time the applicant would have to come back and apply again? Responding to Mr. Hutter, Colonel Welsh stated no, he doesn't apply again. The applicant applies for an extension of the Conditional Use.

Mr. Hutter questioned how many times the applicant could reapply for the Conditional Use? Responding to Mr Hutter, Colonel Welsh stated forever, as long as the use is not changed.

Mr. Hutter stated that the place looks beautiful. He agrees with the curbing waiver. None of the neighbors want that curbing either. There are kids that play and walk through that alley which would be not good if someone falls or anything. They did not know about the hedgerow and they think that's fantastic. He was against a lot of this stuff at the beginning of the process but Mr.

Ruggerio has really worked well with the neighbors and has come forward with a plan that's conducive to everything that the neighbors think. The only fear they have is of course not adhering to what he said at the beginning. It is life and things do change as time goes on but as long as the Commission is ready to make the decision to enforce that in writing, they particularly don't have too much of a problem. The other point naturally being is when the property is sold, does that Conditional Use go to the subsequent owner or does that have to be reapplied for by that owner? Responding to Mr. Hutter, Mrs. Townshend stated that it isn't specific to the owner; it's specific to the use so if Mr. Ruggerio sold the property to another office that had the same number of employees, the same everything then it would be allowed to continue. Now if there were violations of the conditions then Staff could bring it back to the Planning Commission to revoke the Conditional Use. One of the conditions could be that it run with the ownership.

Mr. Hutter thinks that would be a good agreement between the property owner and the Commission that it remains with Mr. Ruggerio. Their biggest problem is that they don't want an office of twenty (20) people in a home in a residential area when they already have a school which is their community school. There is a situation where a weed was growing and when people were exiting out Pennsylvania Avenue they could not see down Division Street. No one from the City seems to want to take care of this. Last year, he cut it down and the neighbor that owns it now cuts it down. When they park cars out there, it's very difficult to see cars coming up Route 8.

Mrs. Townshend questioned the location of the weed? Responding to Mrs. Townshend, Mr. Hutter stated the corner of Pennsylvania Avenue and Division Street. It's not there now because the City did a beautiful job of replacing streets and implementing all of the handicapped access. You couldn't even walk around that area. If a person came with a wheelchair, they would never be able to navigate through this area. But that's off subject. He agrees with everything that Mr. Ruggerio has done and if the Commission could please put in writing that the Conditional Use stays with Mr. Ruggerio only.

Colonel Welsh stated that it would be up to the Commission.

Colonel Welsh closed the public hearing.

Mr. Cregar stated that the recommendation is that after one (1) year the Commission is going to review this application to make sure that everything is in place. Once that has been reviewed, they won't have to look at this again until if they wanted impose a condition which was said at the time of sale? Responding to Mr. Cregar, Mrs. Townshend stated yes, unless there were problem. In the past, they have had some Conditional Uses that have been approved where the applicants have not complied with the conditions applied to it and Staff has brought forward to the Commission proceedings for revocation of Conditional Use. It's rare but if there are problems with compliance, that is available. It does not automatically come back to the Commission.

Ms. Still moved to approve C-14-04 109 East Division Street to include all DAC comments, the waiver for the elimination of upright curbing and a further condition that the Conditional Use expire upon the transfer of the property, seconded by Mr. Cregar and the motion carried by roll call vote 9-0. Mr. Holden voting yes, for reasons already stated and following Staff and DAC comments. Also in support of Mr Ruggerio's diligent respectful efforts to appease both residents and the City and also that the use is in harmony with the location. Mr. Cregar voting yes, as per the reasons he

stated previously during the public hearing. Mr. Tolbert voting yes, the application is in compliance with the ordinances and the Comprehensive Plan of the Planning Commission and that it does require the current owner to comply with the Conditional Use requirements. Mr Holt voting yes, for reasons stated that it is in compliance with the Planning Commission plans. Mr. Baldwin voting yes, based on DAC comments and that it meets the City requirements at this time. Dr. Jones voting yes, it's in compliance and also because it's great to see that there has been an amicable resolution to a business plan and the concerns of the residents. She is very much in favor. Ms. Still voting yes, as the application complies with the Conditional Use. She too agrees with the sentiments that it's a good thing that every effort was made to make this a neighborhood friendly business agreement. Mr. Ambruso voting yes, the applicant as conformed to all of the compliances that have been put in front of him. Colonel Welsh voting yes, as well as thanking Mr. Ruggerio for reaching out to the neighbors and working with them. He remembers when the application first came to the Planning Commission; there was a good deal of sentiment against his proposal and it's heartwarming to see that everyone has come together and worked out a good process. It's a win-win for everyone.

3) S-14-12 Jolly Joe's Addition at 1160 White Oak Road - Public Hearing and Review of Site Development Plan to permit construction of a 2,400 S.F. ± addition to an existing 1,927 S.F. ± commercial building and associated site improvements on 22,513 S.F. ± parcel. The property is zoned C-1 (Neighborhood Commercial Zone), located on the southeast side of White Oak Road between Mitscher Road and Spruance Road. The owner of record is Kewal Singh and Harbhinder Kaur. Property Address: 1160 White Oak Road. Tax Parcel: ED-05-068.14-03-054.00-000. Council District 2. *Waivers Requested: Elimination of Opaque Barrier (Fence) Requirement, Elimination of Upright Curbing Requirement.*

Representatives: Mr. Mark Redden, Archeology Architecture & Design Services

Mrs. Melson-Williams stated that this a Site Plan application for the property at 1160 White Oak Road. This is the south side of White Oak Road just west of the intersection with Spruance Road. There is an existing building on the property that consists of 1,927 S.F. This project is a purposed building addition of 2,400 S.F. which will leave the building at a total square footage of 4,327 S.F. That size building requires twenty nine (29) parking spaces. As part of this project, the existing parking lot is expanded to the east and then also wraps around the east side of the proposed building. The property is zoned C-1 (Neighborhood Commercial Zone). With this zoning, there are some limitations on the sizes of the individual tenant spaces and this plan complies with that. It is proposed to be a one story building. From an architectural perspective it has a pitched roof. It has a short roof face that would face White Oak Road and then it slopes significantly to the south. Basically, the building addition will continue the form of the building as it exists today.

As noted, the parking is expanded with this project. It does not require a loading space but will require the addition of two (2) bicycle parking spaces which they will have to identify the location on the plan. With the project, they are also making adjustments to the location and positioning of the dumpster which is along the far west side of the building. This project does have sidewalk along both the street frontage of White Oak Road and Spruance Road. There are some sidewalk improvements at the entrance from White Oak Road and they will also need to make a sidewalk connection from the street frontage sidewalk into the subject property. There is a waiver request in this case for the partial elimination of curbing. The existing parking does not include upright curb and they wish to continue that through the expansion as well. The other waiver request is related to

the Opaque Barrier Requirement. This property adjoins a residential property to its south. That Opaque Barrier Requirement includes an opaque barrier which can be a fence, wall or berm which is what they are seeking relief from. There is also a vegetative component to that barrier which they are providing with a series of evergreen tree plantings between the rear of the building and the residential property. They are seeking a waiver of the solid component because the adjacent residential property already has an existing fence on the residential side. So rather than having fence along fence with the landscaping in between, they are seeking relief from that item.

The Planning Staff provided a number of comments. They are supportive of both of the waiver requests: the one for upright curbing and for the elimination of the opaque barrier fence component, finding that there is already the existing fence on the residential property and that the evergreen screening should also take care of that screening element. Planning Staff did provide several advisory comments to the applicant. The signage for the property will have to be reviewed carefully in that the existing signage on the building appears to be non-conforming and with the expansion of the building, would have to come into conformance with the current Sign Regulations. Also, there are some proposed changes to C-1 (Neighborhood Commercial Zone) in the future that will change some of the requirements for C-1 (Neighborhood Commercial Zone). But she thinks this property can handle those changes if they are adopted. Other agencies also provided comments including the Public Works Department, the Fire Marshal's Office, and DelDOT, in the case of White Oak Road is a state maintained road. They will be working with DelDOT in regards to any kind of changes or work in the right-of-way for their entrance. Comments were also provided from the Kent Conservation District.

Mr. Redden stated that they do accept the list of comments regarding things like signage and the bicycle parking. They intend to comply with the *Zoning Ordinance.* They have to get approval to do this addition but they intend to be right on the line. There is one other reason they are requesting a waiver from the upright curbing. The existing building location is a little close the property line and the fire lane is already on the small side so adding curbing in will then cut even more out of the fire lane. They have talked to the Fire Marshal; they are going to work with them on this issue. He would like to give the Fire Marshal as much room as they can in the fire lane.

Mr. Holden questioned if the sidewalk on the east side of the building ran full along that boundary? Responding to Mr. Holden, Mr. Redden stated that the plan shows sixteen (16) feet of paving for the parking along the side of the building.

Mr. Holden further questioned if there was a sidewalk that runs along that side of the building? Responding to Mr. Holden, Mr. Redden stated no, there is no sidewalk along that side. It is a tight site so there would be no room for a real sidewalk.

Mr. Holden questioned where they were looking to not install upright curbing? Responding to Mr. Holden, Mr. Redden stated that the existing parking lot is not curbed. It's just asphalt laid on the ground with no curb on it. So installing curbing around that would be technically difficult without ripping the whole parking lot up. Since they are not going to be curbing the existing parking lot it would be kind of difficult to do it on the new portion of the parking lot. They also have an issue with getting the fire lane; every inch that he can get for the fire trucks would be greatly appreciated.

Mr. Holden further questioned what the applicant would propose to keep vehicles in the parking lot? Responding to Mr. Holden, Mr. Redden stated that they would be installing bumpers in the parking spaces so that it would not accidental drift into the street.

Mr. Cregar stated that there was a recommendation about any HVAC equipment, about its location and screening and to minimize impact of adjacent properties. Responding to Mr. Cregar, Mr. Redden stated that they do plan to place the condensing units on the rear of the building between the rear of the building and screen so they will not be visible from anywhere.

Mr. Tolbert questioned if he was correct to understand that they are in full compliance with Staff recommendations regarding the waivers? Responding to Mr. Tolbert, Mr. Redden stated yes.

Mr. Holt questioned if the applicant was okay with the requirement of the sign having the possibly to be removed or changed? Responding to Mr. Holt, Mr. Redden stated yes, that came up during the DAC meeting. They are still finalizing where they plan to put the sign. They have to work it in with some of the other changes but it will go on some posts on the ground instead of on the roof.

Mr. Holt stated that the applicant would have to come back to apply for a separate Sign Permit. Responding to Mr. Holt, Colonel Welsh stated that this process would be done administratively.

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

Mr. Tolbert moved to approve S-14-12 Jolly Joe's Addition at 1160 White Oak Road to include the waivers requested along with the recommendations from Staff and the DAC requirements, seconded by Ms. Still and the motion carried by roll call vote 9-0. Mr. Holden voting yes, as the Site Development Plan is incompliance with zoning and other requirements and also DAC staff comments. Mr. Cregar voting yes, in accordance with the comments made by Mr. Holden. Mr. Tolbert voting yes, this application is consistent with the requirements of the Planning Commission, Zoning Ordinance and the Comprehensive Plan as well as the applicant's agreement to work with Staff and DAC requirements and recommendations. Mr. Holt voting yes, the application is incompliance with the plan and the DAC comments and is willing to work with Staff. Mr. Baldwin voting yes, the application meets the requirements. Dr. Jones voting yes, the application is incompliance and the applicant is mindful and plans to adhere to DAC and Staff recommendations. Ms. Still voting yes, based on the comments previously stated. Mr. Ambruso voting yes, based on the comments previously stated. Colonel Welsh voting yes, for reasons previously stated.

4) MI-14-10 Text Amendment: Revisions to Commercial and Office Zones – Public Hearing Review for Recommendation to City Council on Text Amendments to the *Zoning Ordinance,* Article 3 Sections 10-16 and 26 pertaining to District Regulations, Article 4 Sections 4.14 and 4.15 pertaining to Bulk and Parking Regulations, Article 10 Section 2 pertaining to Site Development Plan approval, and Article 12 Definitions. The proposed ordinance revisions are the result of numerous consultations with the business and real estate community to simplify zones, generalize certain use categories, and provide more flexibility in site design. Ordinance #2014-08. *The Parks Recreation and Community Enhancement Committee reviewed the Proposed Text Amendment on April 28 and May 12, 2014. The first Reading of this Proposed Text Amendment was completed by City Council on May 27, 2014. The Proposed Text Amendment is available on the City's*

website www.cityofdover.com under the "Government" heading, link to "Ordinances, Resolutions and Tributes" or you may contact the Planning Office for a copy of the Proposed Text Amendment.

Representatives: None

Mrs. Townshend stated this is a series of amendments to all of the Commercial and Office Zones within the *Zoning Ordinance*, minus the Recreational and Commercial Zone and the Shopping Center Zones. The ordinance came about through a series of meetings. About two years ago, Planning Staff brought forward amendments to the Sign Regulations that were amended in conjunction with the business community. This is the next phase of their working relationship through the Chamber with the real estate and business community. They have been meeting about these zones since the end of 2012. They have gone through all of the Commercial and Office Zones; both the uses and the bulk standards with a fine tooth comb. There have been a number of things that they have tried to do in this review. They are trying to make the categories more general and use specific. One example that she typically uses is currently the C-3 (Service Commercial Zone) allows bowling alleys. That's great but what about laser tag or an indoor batting cage? Something that would be another type of indoor amusement or recreational facility but it's not a bowling alley. They used broader language. Where a lot of zones refer back to others (ex. C-1A (Limited Commercial Zone) refers back to C-1 (Neighborhood Commercial Zone), C-2A (Limited Central Commercial Zone) refers back to C-1A (Limited Commercial Zone) which refers back to C-1 (Neighborhood Commercial Zone), there is a lot of flipping through the Code when trying to figure out what can be done in a certain zone. What they have done is made sure that they capture all of those uses rather than just referring to the other zones so that the *Zoning Ordinance* is easier to read. In doing that, they also tried to make sure that there's a better separation between what can be done in C-1 (Neighborhood Commercial Zone) versus what can be done in C-1A (Limited Commercial Zone), versus what can be done in C-2A (Limited Central Commercial Zone); seeing those as kind of progressive starting from C-1 (Neighborhood Commercial Zone) to C-2A (Limited Central Commercial Zone) which is less than Highway Commercial but a little more intense than C-1 (Neighborhood Commercial Zone) or C-1A (Limited Commercial Zone). They tried to really break out that progression of what's prohibited and what's permitted in each zone so that there is a continuum of zones. Her experience is that there is not a lot of difference between C-1A (Limited Commercial Zone) and C-2A (Limited Central Commercial Zone) right now. It really struck her when they looked at the Comprehensive Plan Amendment proposal by Mr. Ashburn that they couldn't put a zoning classification if someone wanted to do commercial there. There was no zoning classification that would allow some sort of commercial activity and retail activity but also prohibit gas pumps. They fixed this issue where C-1 (Neighborhood Commercial Zone) and C-1A (Limited Commercial Zone) expressly prohibit gas pumps. C-2A (Limited Central Commercial Zone) is how it is now, where someone would be able to get gas pumps as a conditional use similar to the way Wawa and Royal Farms was done.

In terms of the Bulk Standards, they have tried to relax the Bulk Standards to allow property owners and their design staff to come up with a design that works for the site and isnt based on setbacks. They pulled the setbacks back to what was really needed to adequately buffer the property from another property so that is doesn't cause people to design in a building envelope that might not make as much sense as if they had more flexibility on the site.

The next piece was changing the threshold for what comes to Planning Commission versus what can be done administratively. The Commissioners have an amendment (Staff Amendment #1) on their desks. In terms of the changing of the thresholds, she would specifically look at the amendments because Mr. Perza, who is a member of the Parks Recreation and Community Enhancement Committee and a member of City Council, was concerned that the wording in the ordinance as proposed could be confusing. Coming out of the First Reading, they worked to break that out. What is proposed now is new structures of 5,000 square feet or greater would come to the Planning Commission; currently it's 3,000 square feet. Additions to existing structures that constitute 15% or more of the existing floor area and are greater than 5,000 square feet in new floor area would come to the Planning Commission. Impervious cover additions don't change and disturbance adjacent to residential would increase from 1,500 square feet to 2,500 square feet. In terms of additions to existing structures, the example she uses is Proctor and Gamble. They have an 800,000 square foot facility. It gives more flexibility where the proportionality of it is so small at 3,000 square feet or 5,000 square feet they have to come to the Planning Commission. They are referring to 1% of their floor area or less. The idea is that it would come to the Planning Commission when it reaches a proportion of the existing square footage that would be noticed. With any Administrative Site Plan, if there is something that makes staff uncomfortable it can be brought before the Planning Commission; this is already in the Ordinance. The idea is that some of these very large facilities that are doing something minuscule in comparison to what they have there could really go through an administrative process.

The last piece of this Text Amendment is adding some definitions of things that are currently not in the *Zoning Ordinance* (ex. personal service establishments, place of public assembly, restaurant, retail, service establishment, vocational training). They also added definitions for transitional housing and emergency shelters which are not addressed in this ordinance but at some point they do look to bring forward an ordinance under other circumstances that would help to address these because emergency shelter and transitional housing are kind of absent from the *Zoning Ordinance* in terms of how they are supposed to deal with them. They want to make sure that it's clear that those facilities are permitted and in which zones they would be permitted in. That's a different ordinance for a different day but since they were working on definitions they added these definitions.

Removing the words "and outdoor sales areas" from line 33 just acknowledges that they are working in a zone that does not allow retail so they don't need to talk about outdoor sales areas. Line 95: they had taken out the allowance of fuel pumps as a conditional use in the C-1A (Limited Commercial Zone) but they thought that since they were prohibiting other motor vehicle uses they should make it clear that fuel pumps would also be prohibited in that zone. Amendment (item) 3 refers to C-2 (Central Commercial Zone) which is the Downtown zone which again the idea is that fuel pumps shouldn't be right on Loockerman Street in that C-2 (Central Commercial Zone) area. Amendment (item) 4 removed the language where it refers to another zone and adds that language into it. There is also a correction to the definition of retail because the definition that was in there could in theory, prohibit something like a Sam's Club because it says directly to the ultimate consumer or persons without a resale license and at some of the box stores, things are resold. This was just more to clarify retail is where someone is selling to a consumer; it's not a wholesale facility.

The one issue that did come up among the Planning Staff and she wasn't able to figure out how or if they needed to do an amendment, was the issue of parking in the C-1 (Neighborhood Commercial Zone), C-1A (Limited Commercial Zone) and C-2 (Central Commercial Zone). It used to be that there was no parking requirement at all in the C-2 (Central Commercial Zones). In 2007, they added 1/2 space per 300 square feet for new construction. A lot of the discussion in the *Dover Transit Center Neighborhood Plan* talks about not requiring parking as a site by site basis but pushing toward large public parking facilities. The idea is that they should not necessarily require flat surface parking in their Downtown. With the C-1 (Neighborhood Commercial Zones) and C-1A (Limited Commercial Zones), these are Neighborhood Commercial facilities so what they are proposing at this point is taking the parking requirement out. There is language in Article 10 of the *Zoning Ordinance* as it relates to Site Plans that states, "In considering and acting upon Site Development Plans, the public health safety and welfare, the comfort and convenience of the public in general and of residents in the immediate neighborhood in particular shall be taken into consideration. Appropriate conditions and safe guards may be prescribed as may be required that the results of approval may to the maximum extent possible. Further, the expressed intent of this ordinance and accomplishment of the following objectives in particular." She thinks that the discretion is in the *Zoning Ordinance* for the Planning Commission. If a C-1 (Neighborhood Commercial Zone) site came to the Commission to build something new and they knew that there was a parking issue in the area, it could be dealt with based on the language in the Code. For instance, the Grocery Basket is an area that the residential areas could propose and go through the application process for C-1 (Neighborhood Commercial Zone). If there was a neighborhood store like that where the intent is really to get your neighbors to walk to the corner store but there is a parking requirement it could make it out of character with that area. The idea is by eliminating it, it could be dealt with on a case-by-case basis. If there's public testimony that there are concerns or if it's in an area where there is no on-street parking and there is no way that it would work or there is no public parking, it could be added as a condition. From a market standpoint, any business owner is going to want to make sure whether the parking is on their site, on the street or at a lot down the road that people can conveniently access their stores. The idea is that it allows the discretion but doesn't lock them into a parking requirement that could be out of character with the surrounding area.

Mrs. Townshend stated that Mr. Scott Kidner, Mr. Phil McGinnis and Mr. Tom Burns are here this evening. They have worked with her along with Ms. Judy Diego, Mr. Connie Malmberg, Mr. John Paradee, Mr. Keith Kooker and Mr. Bob MacLeish. They have all been very helpful in helping to move this forward and have been reasonable when she has stood her ground on things that she did not think things were necessarily an improvement of the ordinance. She has worked on the amendments to the ordinance very vigorously with these people and she is comfortable, not that they can anticipate all unintended consequences but she thinks that it does set things up to be more streamlined, easier to understand and to allow the property owner and their designer flexibility to do something that works for a site.

Colonel Welsh stated that this is something that he thinks is long overdue. It simplifies the process, streamlines the process and makes it a whole lot easier for the business community to get things done. He commended those who worked on this project for their work as well as the Planning Staff for their hard work in getting this done. Hopefully, this is going to make it easier for everybody including the Planning Commission.

Mr. Holden stated that he agreed with Colonel Welsh's comments. He thinks that these are good changes that are going to help our community.

Mr. Cregar questioned if the change in the square footage would cause any issues for Planning Staff? Responding to Mr. Cregar, Mrs. Townshend stated no. Staff has brought things forward to the Planning Commission before that they thought didn't need to be seen by the Commission.

Mr. Cregar further questioned if the Jolly Joe's application from tonight would have been handled administratively? Responding to Mr. Cregar, Mrs. Townshend stated that it could have been. Under the proposed changes to the C-1 (Neighborhood Commercial Zone), the liquor store wouldn't be permitted but it is legal non-conforming. But yes, something like that would not have to come to the Planning Commission.

Mr. Holt stated that it was long overdue.

Dr. Jones questioned if the Jolly Joe's application was handled by Staff, does that mean there is no public hearing? Responding to Dr. Jones, Mrs. Townshend stated yes, for an Administrative Plan there is no public hearing.

Mr. Holden questioned if the application was handled administratively but the applicant is asking for curb or fencing waivers? Responding to Mr. Holden, Mrs. Townshend stated that the waivers would have to come to the Planning Commission. Staff has seen a few of those applications before where otherwise they wouldn't need to come before the Planning Commission.

Colonel Welsh opened the public hearing.

Mr. Phil McGinnis – 555 East Loockerman Street Dover DE 19901

Mr. McGinnis stated that on behalf of his colleagues present tonight and those who didn't bother to come out this evening he wants to thank everyone for the consideration of these changes. Mrs. Townshend is correct, they being gentlemen they didn't wrestle her to the floor when they felt strongly on issues that they wanted to change. They reached amicable consensus and arm wrestled. Certainly, they approve the changes; they want to be on the record as supporting the changes. It isn't much of a public hearing when there is no public here. He thinks that these changes to these districts sort of move them towards smart growth development. It adds some great changes; they will be the envy of the League of Local Governments with these changes. He whole heartedly asks the Commission to support them unanimously.

Mr. Cregar stated that it seemed like Dr. Jones had some reservation earlier. He questioned if she got answered what she needed answered? Responding to Mr. Cregar, Dr. Jones stated that there was an answer to her questions. Take a project that is going to go into a residential facility or very near residential.

Mrs. Townshend stated that if something is adjacent to residential that threshold is lowered to 2,500 square feet of disturbance. It could be a small building but if they are added parking and the parking area and the building add up to 2,500 square feet that's a pretty low threshold. If it's adjacent to residential, they have a lower threshold to get to Planning Commission for that reason. One thing that it does in the C-2 (Central Commercial Zone), which is the Downtown zone, is that personal

service establishments and offices would no longer be conditional uses. Things like Janaid's, Bee Hive Salon, EZ Pass, Joe Petrosky's request for offices in the Loockerman Exchange would be allowed. The idea of that is that it's really the form over the function. Mr. McGinnis talked about moving towards smart growth. She doesn't think they are ready for a form based code where it's more about the building representation to the street and more on subjective standards. The idea with the form based code is that they are not as worried about what's happening in the buildings as long as they're not incompatible with what the character of the area is. They are looking at how the buildings present themselves. So whether it's an office behind that wall or a salon or restaurant isn't as important as what that wall looks like.

Colonel Welsh closed the public hearing.

Mrs. Townshend stated that the Commission should probably do a separate motion on the amendment (Staff Amendment #1) and then a motion on the ordinance unless they want to do the ordinance with the amendment (Staff Amendment #1).

Colonel Welsh stated to do the amendment (Staff Amendment #1) with the ordinance because it is all part of the package.

Mr. Cregar questioned if they were satisfied with the parking question? Responding to Mr. Cregar, Mrs. Townshend stated that she can live with it. Again, she can't sit here and tell the Commission won't at some point have an unintended consequence but she does believe that there is flexibility in the *Zoning Ordinance* that they can deal with the issue.

Mr. Cregar further questioned if at some point Staff questions something could it come to the Planning Commission for review? Responding to Mr. Cregar, Mrs. Townshend stated yes. Any Administrative Site Plan can be referred to the Planning Commission.

Ms. Still moved to recommend approval to City Council for MI-14-10 Text Amendment: Revisions to Commercial and Office Zones as listed in the agenda and inclusive of Staff Amendment #1, seconded by Mr. Holt and the motion carried by roll call vote 9-0 Mr. Holden voting yes, as per the discussion and due to the fact that these changes are going to help streamline some processes and applications within our community. Mr. Cregar voting yes, this provides us with a better and improved process for these business and institutional office zones. Mr. Tolbert voting yes, this change does facilitate a user friendly approach to their work and it's something that was very much needed. Mr. Holt voting yes, the amendment to the Commercial and Office Zones will help to streamline the operations for the Planning Commission. Mr. Baldwin voting yes, based on the information provided this evening and to help streamline the process. Dr. Jones voting yes, in concurrence with the previous comments supporting the changes. Ms. Still voting yes, in concurrence with all the reasons cited previously. Mr. Ambruso voting yes, based on all the comments previously stated. Colonel Welsh voting yes, for reasons that have been previously stated and once again thanking Mrs. Townshend, Planning Staff, Mr. McGinnis, Mr. Burns and everybody on the business side who participated in this; a win-win for the city and for the business community.

Meeting adjourned at 8:26 PM

Sincerely,

Kristen Mullaney
Secretary

City of Dover

DATA SHEET FOR MINOR SUBDIVISION PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF JUNE 4, 2014

PLANNING COMMISSION MEETING OF JULY 21, 2014

Plan Title:	Lands of Kalpkish LLC at 348 N DuPont Hwy SB-14-04
Plan Type:	Minor Subdivision Plan
Property Location:	Located on the southwest side of DuPont Highway northwest of Oak Lane and abutting Silver Lake.
Tax Parcel Number:	ED-05-068.13-01-79.00-000
Owners:	Kalpkish, LLC c/o Kishore C. Sheth
Site Area:	3.35 acres +/-
Parcels to be created:	Lot 1: 0.80 acres +/- Residual Lot: 2.55 acres +/-
Sewer & Water:	City of Dover
Zoning Classification:	C-4 (Highway Commercial Zone)
Waiver To Be Requested:	Waiver of Sidewalk Requirement

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 4, 2014

CITY OF DOVER PLANNING

APPLICATION: Lands of Kalpkish LLC at 348 N DuPont Hwy

FILE #: SB-14-03 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY

This Minor Subdivision Plan proposes to create two (2) parcels of land ("Lot 1" and "Residual Parcel") from the existing 3.35 acre +/- parcel of land. This request will subdivide the land into two parcels consisting of 0.80 acres +/- and 2.55 acres. The property is zoned C-4 (Highway Commercial Zone). The property is located on the southwest side of DuPont Highway northwest of Oak Lane and abutting Silver Lake. The owner of record is Kalpkish, LLC c/o Kishore C. Sheth. Property Address: 348 N DuPont Hwy. Tax Parcel: ED-05-068.13-01-79.00-000.

Variance Application

This project is associated with variance request V-14-06 to the Board of Adjustment seeking relief from the side yard setback and rear yard setback requirements associated with the location of the new lot line in the proposed minor subdivision.

The variance was approved by the Board of Adjustment at its June 18, 2014 meeting for the reduction of the rear yard setback for "Lot 1" from 10 feet or equal to building height to one (1) foot. For the "Residual Parcel" to be located in the southwest portion of the current property, the Board approved a reduction of the right side yard setback requirement from 25 feet to 10 feet.

Subdivision

This subdivision of land and any future development on the parcels is subject to the requirements found in the City of Dover *Zoning Ordinance*. Article 3 §16 and referenced sections outline the permitted uses for the C-4 (Highway Commercial Zone). The following table highlights some of the design standard requirements for the C-4 (Highway Commercial Zone) district. (NOTE: This chart is not an all-inclusive listing of the code requirements, but is provided as information on development requirements.)

MINIMUM REQUIRED:	C-4 (Highway Commercial Zone)
Lot Area (sq/ft.)	n/a
Lot Width (ft.)	150 ft per building
Lot Depth (ft.)	150
Front yard setback (ft.)	30 ft.
Side yard setback (ft.)	25 ft.
Rear yard setback (ft)	10 ft. or equal to bldg. height
Off Street parking space	1.5 per 300 sq/ft. floor area, or 1 per employee
Maximum Permitted : Building Height: Stories Feet	 4 stories 45 feet
Floor Area Ratio	2.0

Site Considerations

For the Minor Subdivision Plan, the applicant is proposing to create two (2) parcels of land from an existing 3.35 acre +/- parcel, on the site currently occupied by the Super 8 Motel. The parcel would be subdivided into a 0.80 acre +/- parcel ("Lot #1") with frontage on North DuPont Highway, and a 2.55 acre +/- parcel ("Residual Parcel") with frontage on Oak Lane. Two buildings exist on the current lot. A new lot line running in a north-south direction is proposed between the existing building (restaurant, retail, and motel registration) located at the front of the existing lot, and the building located at the rear of the existing lot (motel rooms).

The current entry into the site is from North DuPont Highway, with no access at this time from Oak Lane. Following Subdivision, the applicant proposes the establishment of cross access easements for each parcel to facilitate ingress/egress and parking between the two properties.

Sidewalk

Sidewalks currently exist along the North DuPont Highway frontage, and internal to the site fronting some of the buildings. There currently is no sidewalk on the northwest side of Oak Lane along the proposed "Residual Parcel" frontage.

Zoning Ordinance Article 5 §18 requires the installation of sidewalks along public street frontage of a property whenever such property involves a development proposal which is subject to Planning Commission review and approval.

Floodplain

Portions of the rear property line abut Silver Lake and are located within the Flood Hazard Zone. A small segment of the rear property line lies within Silver Lake itself.

Silver Lake Commission

Pursuant to *Zoning Ordinance* Article 5 §11.251, Subdivision applications for parcels where any boundary of the parcel is abutting Silver Lake are required to go before the Silver Lake Commission prior to appearing before the Planning Commission. The Silver Lake Commission shall provide advisory comments for the Planning Commission on such applications.

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

CITY AND STATE CODE REQUIREMENTS:

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

2) Show existing and proposed cross-access easements on the Subdivision Plan, with Deed references.

3) Show all existing parking areas, sidewalks, and curbing found on the site.

4) Show flood hazard area boundaries on the Subdivision Plan.

5) Refer to the Board of Adjustment action in the notes on the Subdivision Plan.

6) Show setbacks determined by Board of Adjustment action.

7) Show any utility easements.

8) Correct the labeling of Oak Lane.

9) Correct the acreage shown on the labeling of Residual Parcel.

10) A sidewalk is required on Oak Lane. A waiver request must be submitted in writing in advance of the Planning Commission meeting.

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Upon submission of any waiver request staff will provide comment.

ADVISORY COMMENTS TO THE APPLICANT:

The Silver Lake Commission meeting to discuss this application is scheduled for June 11, 2014.

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

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

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MAY 28, 2014

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Lands of Kalpkish, LLC, 348 N. Dupont Hwy.**

FILE #: **SB-14-04**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. Each property shall be served by a single water service line which shall be furnished and installed by the property owner. In the event a property contains multiple principle structures, such as shopping centers or apartment complexes, the property shall be served by a single water main where a water service line may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate water facilities. Easements shall be developed between the two (2) parcels for any water line that crosses proposed properties. The easement agreement shall be between the two (2) subdivided property owners.
3. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. Each property shall be served by a single sanitary sewer lateral which shall be furnished and installed by the property owner. In the event a property contains multiple principle structures, such as shopping centers or apartment complexes, the property shall be served by a single sanitary sewer main where a sanitary sewer lateral may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate wastewater facilities. Easements shall be developed between the two (2) parcels for any sanitary sewer line that crosses proposed properties. The easement agreement shall be between the two (2) subdivided property owners.
3. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.

STORMWATER

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

STREETS

1. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DelDOT is submitted to our office.
2. The current City of Dover standard street section provides for a 3' grass strip between the curb and sidewalk. This standard was administratively revised to meet ADA and FHA compliance with cross slope requirements and to prevent cars from scrapping at driveways. The revised standard utilizes a five feet (5') wide public sidewalk with a five feet (5') wide grass strip behind the curb.

SANITATION / GROUNDS

1. None.

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. Owner must give the City of Dover Electric Department three (3) months notice prior to construction. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: http://www.cityofdover.com/media/documents/2010%20Electric%20Service%20Handbook.pdf

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER / STORMWATER / STREETS / GROUNDS /GENERAL

1. None.

SANITATION

1. The solid waste on this property shall be served by a private contractor.

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: 06/04/14

CITY OF DOVER FIRE MARSHAL

APPLICATION: 348 N DuPont Hwy Lands of Kalpkish

FILE #: SB-14-04 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. The Office of the Fire Marshal has major concerns on access and egress for the rear parcel. At the minimum, cross access agreement will be required.
2. Currently the two parcels/buildings are connected by a covered walkway. It appears that an I-Beam is a part of the covered walkway connecting the two parcels/buildings. Contact the Chief Building Inspector prior to any work being conducted to separate the parcels/buildings.
3. Separate Fire Alarm Systems will be required for each parcel/building per NFPA72.
4. Currently the Fire Alarm System is monitored through an on-site employee. By separating the fire alarm systems, the rear building will need to be monitored per NFPA72. This will include installation of an annunciator panel accessible to the Fire Department.
5. There will need to be separate address numbers for the two parcels/buildings at least 12" in height placed on the street side of the building visible from the street.
6. Currently it appears that all electric services are on the proposed East parcel. This office needs confirmation that the proposed West parcel has a dedicated electric service for the parcel.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. After any application has been approved by the Planning Commission, the applicant has a maximum of thirty (30) days to appeal to the Code Board of Appeals Committee.

2. All comments from this office, approved by the Planning Commission are at the expense of the owner/applicant.

3. The City of Dover uses the 2012 NFPA Life Safety Code, 2009 IBC, latest editions of all other NFPA Codes and the 2012 Delaware State Fire Prevention Regulations.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 28, 2014

DELDOT

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APPLICATION: Lands of Kalpish, LLC at 348 N. Dupont Hwy.
FILE#: SB-14-04 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. Per Section 3.6.5 of the Standards and Regulations for Subdivision Streets and State Highway Access Adopted February 15, 2010, an 80-foot wide right-of-way (40-feet from the inner most edge of the through-lane) is required for a minor arterial. According to the Kent County Classification Maps, KCR 002 (North Dupont Hwy.) is classified as a minor arterial road. If the existing right-of-way does not have the proper width along the frontage of the site, the department will require the right-of-way dedication for public use.

2. Please call-out and show all of the existing and the proposed cross-access easements on the plan. At the southern entrance, a cross-access easement is warranted between Lot #1 and the Lands of Merion LLC. Also at the northern entrance, a cross-access easement should be created between Lot #1 and the residual parcel.

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
June 2014

APPLICATION: *Lands of Kalpish*

FILE #: *SB-14-04*

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:
The Following comments are advisory and apply to the development of a detailed site plan for this project.

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

MEMORANDUM

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

DATE: July 10, 2014

TO: Planning Commission

FROM: Bill Cook
Planning Office

SUBJECT: Silver Lake Commission comments
Minor Subdivision Review
SB-14-04 Lands of Kalpkish LLC at 348 N Dupont Hwy, Dover, DE

At its meeting of June 11, 2014, the Silver Lake Commission discussed application SB-14-04, scheduled to be presented before the Planning Commission on Monday, July 21, 2014.

The following excerpt from the minutes of that meeting summarizes the comments provided by the Silver Lake Commission regarding the application:

SB-14-04 LANDS OF KALPKISH, LLC AT 348 N DUPONT HIGHWAY
"Mrs. Townshend reviewed the site plan presented for the 348 N DuPont Highway parcel. No development is proposed. In the front is a liquor store & restaurant and the back is a hotel. The application pending Board of Adjustment which deferred action, this will go to the Planning Commission in July. The only thing being requested is to strike the lot line dividing the parcels. Owner would like to gain financing to make some improvement to the motel portion. Cross access easement will be needed. Some discussion regarding the improvements, so far it has been just to the structures that exist. The 100 foot buffer will not be impacted at this time. But there is an old building pad that they may choose to use at some time, but I doubt it.

Mr. Edgell motioned the SLC provide the following comments to the Planning Commission: We believe it is important to improve the water quality of Silver Lake, should the applicant wish to expand on the property the Silver Lake Commission would like the opportunity to review those plans as to ensure water buffer requirements are met. With a second this motioned passed with Dean Holden and Ann Marie Townshend abstaining."

RECEIVED
JUL 3 - 2014
CITY OF DOVER
PLANNING & INSPECTIONS

SCOTT ENGINEERING, INC.
Consulting Engineers • Surveyors • Land Planners

July 3, 2014

Mr. Bill Cook
City of Dover
Department of Planning and Inspections
P.O. Box 475
Dover, DE 19903

RE: Planning Commission Application
Lands of Kalpkish LLC
348 N. Dupont Highway
Dover, DE
Tax Map Parcel #ED-05-068.13-01-79.00-000
City of Dover File No. SB-14-04
SEI Project No. M-4101

Dear Mr. Cook:

Enclosed are fifteen (15) sets of revised Minor Subdivision Plan for the above referenced property. We have revised the plans to address the majority of the D.A.C. comments, with the exception of Public Works regarding the separate utilities and the Fire Marshal's office regarding separate fire protection systems. We are in the process of working through those issues. We request that this plan be placed on the Planning Commission agenda of July 21, 2014, for their consideration.

Our client is requesting a waiver of the sidewalk required along Oak Lane. Although this site technically has frontage on Oak Lane, there is no physical access from the site to Oak Lane. There are also no site improvements being proposed as a result of this minor subdivision application. Installing a sidewalk would only provide a small section of sidewalk that would not connect to anything or to the site as there is currently no sidewalk along the westerly and northerly sides of Oak Lane and no sidewalk on this side of Oak Lane that connects to U.S. Route 13. The properties along Oak Lane are predominantly residential and it is unlikely that residents or pedestrian traffic would access this property or its uses from the rear of the property. There is sidewalk; however, along the frontage of this site along U.S. Route 13.

If you have any questions or require additional information please let me know.

Sincerely,

SCOTT ENGINEERING, INC.

Gregory R. Scott, P.E.

Encl.

22 Old Rudnick Lane • Suite 2 • Dover, Delaware 19901 • Tel.: 302-736-3058 • Fax: 302-736-3059
info@scottengineering.com • www.scottengineering.com

Appointment of the Architectural Review Oversight Subcommittee of Planning Commission

As part of the Annual Meeting of the Planning Commission, one of the responsibilities of the Planning Commission is to appoint the Architectural Review Oversight Subcommittee. The following excerpt from the *Zoning Ordinance* is provided.

Appendix B: Zoning Ordinance, Article 10 Section 2. Site development plan approval.

2.28 Consideration shall be given to the physical orientation and architectural characteristics of proposed buildings, the relationship of proposed buildings to existing buildings and to other proposed buildings, and their contributions to the overall image of the immediate vicinity by considering the building and architectural design guidelines as set forth in article 5, section 19. Design characteristics of proposed buildings and building additions shall not detract or devalue existing buildings in the immediate vicinity.

(A) If the planning commission determines that the proposed physical orientation and architectural characteristics of the proposed buildings do not meet the intent and objectives of this section, then the planning commission shall refer the proposal to the architectural review oversight subcommittee for review and comment.

(B) The subcommittee shall meet and review the proposal with the applicant, and return its comments to the planning commission by the next regularly scheduled meeting.

(C) The architectural review oversight subcommittee shall be appointed by the commission at its annual meeting, and membership shall consist of two planning commission members, and two design professionals with experience in construction, and the mayor or the mayor's designee. Two alternate design professionals with experience in construction shall also be appointed.

As of the Annual Meeting of the Planning Commission on July 15, 2013 and the Regular Meeting of the Planning Commission on September 16, 2013, the following individuals are currently appointed to the Architectural Review Oversight Subcommittee of Planning Commission.

- Kathleen Still, Planning Commission member
- Dean Holden, Planning Commission member

- Ms. Sarah Keifer, Director of Planning Services for Kent County, Design Professional
- Dr. R.G. Chandler, Director of Architecture at DelTech Community College, Design Professional

- Mayor or Mayor’s designee

- Alternates (Design Professionals): None appointed

As part of the Annual Meeting of the Planning Commission shall appoint the membership of the Architectural Review Oversight Subcommittee. This is an opportunity to consider individuals to serve on this subcommittee.